

# **MUNICIPAL CODE**

## **A Code of the General Ordinances of the city of Clinton, Arkansas**

### **Date of Incorporation**

**August 15, 1879**

Prepared with  
assistance of the

#### **ARKANSAS MUNICIPAL LEAGUE**

P.O. Box 38

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North Little Rock, Arkansas 72115

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## **Clinton Municipal Officials**

<b>Mayor</b>	<b>Richard McCormac</b>	
<b>Recorder/Treasurer</b>	<b>Dena Malone</b>	
<b>City Attorney</b>	<b>Chad J. Brown</b>	
<b>City Judge</b>	<b>Div. 1 David Reynolds Div. 2 Chris Carnahan</b>	
<b>Court Clerk</b>	<b>Annette Jacobs</b>	
<b>Police Chief</b>	<b>John Willoughby</b>	
<b>Fire Chief</b>	<b>D. L. Webb</b>	
<b>Water &amp; Sewer Manager</b>	<b>William Hinchey</b>	
<b>Street Superintendent</b>	<b>Charles Wilson</b>	
<b>Aldermen</b>	<b>Gayla Bradley</b>	<b>Tim Barnes</b>
	<b>Shon Hastings</b>	<b>Jason Lynch</b>
	<b>Jeff Pistole</b>	<b>Sammy Ward</b>

**ORDINANCE NO. 2019-01**

**AN ORDINANCE ADOPTING AND ENACTING A NEW MUNICIPAL CODE OF ORDINANCES OF THE CITY OF CLINTON, 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 AND PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE**

**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Clinton, Arkansas:

**Section 1.** That the Code of Ordinances is hereby adopted and enacted as the "Clinton 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 January 1, 2019 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 21<sup>st</sup> day of March, 2019. All ordinances of a general and permanent nature not included in such code are hereby repealed from and after the 1<sup>st</sup> day of January, 2019, except as herein provided. No resolution of the city, not specifically mentioned, is hereby repealed.

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

- 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 therefor;
- H. Any ordinance dedicating or accepting any subdivision plat; or
- I. Any ordinance enacted after January 1, 2019.

**Section 4.** That whenever in such code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefor, the violation of any such provision of such code shall be punishable as provided by 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 Clinton 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 is 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 Recorder/Treasurer preserved in loose-leaf form or in such other form as the City Council may

consider most expedient. It shall be the express duty of the Recorder/Treasurer or someone authorized by the Recorder/Treasurer to insert in their designated places all amendments or ordinances which indicate the intention of the City Council to make the same a part of such code when the same have been printed or reprinted in page form, and to extract from such code all provisions which may be from time to time repealed by the City Council. These copies of such code shall be available for all persons desiring to examine the same.

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

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

PASSED: March 21, 2019



APPROVED:

Richard W. McCormac  
Mayor

ATTEST:

Dena R. Malone, CMC, CAMC  
Recorder/Treasurer

## *P R E F A C E*

The Clinton Municipal Code is a codification of the general ordinances of the City of Clinton, 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 Clinton.

ARKANSAS MUNICIPAL LEAGUE  
CODE SERVICE

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# **TITLE 1**

## **GENERAL PROVISIONS**

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## **CHAPTER 1.04**

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

#### **Sections:**

- 1.04.01 How code designated and cited

1.04.01 How code designated and cited. The ordinances embraced in the following chapters and sections shall constitute and be designated "Clinton 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 Clinton, 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 Clinton, Arkansas.

**COUNTY.** The words "the county" or "this county" shall mean the County of Van Buren, 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 Clinton, 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 Clinton, 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 Clinton, 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 Clinton, 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**

**CHAPTER 1.24**

**AMENDMENTS TO CODE**

**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 Clinton 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 Clinton Municipal Code is here-by 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 Clinton, 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 therefor 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 Notice of hearing
- 1.36.03 City Council calls election
- 1.36.04 Upon defeat of ordinance

1.36.01 Filing date All referendum petitions under Amendment No. 7 to the constitution of the State of Arkansas must be filed with the Recorder/Treasurer within thirty (30) days after passage of such ordinance. (Ord. No. 109, Sec. 1.)

1.36.02 Notice of hearing That 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 Clinton, Arkansas, and by posting in five (5) public places in the City of Clinton, Arkansas 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 Van Buren County within thirty (30) days to review its action. (Ord. No. 109, Sec. 2.)

1.36.03 City Council calls election That is the Council finds that such petition is signed by the requisite number of qualified petitioners, it shall order a special election to determine by a vote of the qualified electors whether the ordinance or resolution shall stand or be revoked, and fix a date which shall be not less than ten (10) days after the date of the action of the Council calling the election. The Mayor shall 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 Clinton, Arkansas and by posting in five (5) public places in the City of Clinton 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. 109, Sec. 3.)

1.36.04 Upon defeat of ordinance. If any ordinance referred to the people is defeated at the polls, the City Council of the City of Clinton, 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 City and Ward Boundaries
- 2.12 Social Security Coverage
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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
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- 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.)

## TITLE 3

### FISCAL AFFAIRS

#### Chapters:

- 3.04 Purchases
- 3.08 Local Option Sales Tax
- 3.12 Real Property Tax - General Operations
- 3.16 Remittance of Bond Forfeiture Funds to Van Buren County Jail  
Revenue Bond Fund
- 3.20 Temporary Levy for Purchase of Fire Truck
- 3.24 Council Doing Business with City
- 3.28 Inventory of Assets
- 3.32 Advertising and Promotion Tax/Commission

#### CHAPTER 3.04

#### PURCHASES

#### Sections:

- 3.04.01 \$10,000.00 or under
- 3.04.02 Over \$10,000.00
- 3.04.03 Approval of payments
- 3.04.04 Sale or exchange of supplies, materials or equipment valued at less than  
\$10,000.00
- 3.04.05 Expenditures and Encumbrance of City Funds
- 3.04.06 Online auctions authorized

3.03.01 \$10,000.00 or under The Mayor or his duly authorized representative shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials and other things requisite for public purposes for the City of Clinton, Arkansas, and to make all necessary contracts for work or labor to be done, or material or other necessary things to be furnished for the benefit of the city where the amount of the expenditure for any purpose or contract does not exceed the sum of Ten Thousand Dollars (\$10,000.00).

3.04.02 Over \$10,000.00 Where the amount of expenditure for any purchase or contract exceeds the sum of Ten Thousand Dollars (\$10,000.00), the Mayor or his duly authorized representative shall invite competitive bids thereon by legal advertisement in any local newspaper. Bids received pursuant to said advertisement shall be opened and read on the date set for receiving said bids, in the presence of the Mayor, or his duly authorized representative. The contract shall be awarded to the lowest responsible bidder; provided, however, the Mayor, or his duly authorized representative, may reject any and all bids received.

3.04.03 Approval of payments. The Mayor or his duly authorized representative may approve for payment out of any funds previously appropriated for that purpose, or disapprove any bills, debts or liabilities asserted as claims against the city, when funds on hand are adequate to pay such bills, debts or liabilities. That the payment or disapproval of any bills, debts or liabilities not covered by a previous appropriation shall require confirmation of the governing body.

3.04.04 Sale or exchange of supplies, materials or equipment valued at less than \$10,000.00 That the Mayor or his duly authorized representative may sell or exchange any municipal supplies, materials or equipment without competitive bidding if such supplies, materials or equipment have a value of less than Ten Thousand Dollars (\$10,000.00). That no supplies, materials or equipment shall be sold without receiving competitive bids therefor if the value thereof exceeds the sum of Ten Thousand Dollars (\$10,000.00); provided, however, if the Mayor shall certify in writing to the governing body that, in his opinion, the fair market value of such item or lot (to be disposed of in one unit) is less than Ten Thousand Dollars (\$10,000.00). the same may be sold by the Mayor without competitive bidding.  
STATE LAW REFERENCE: A.C.A. 14-58-303.

3.04.05 Expenditures and Encumbrance of City Funds No person or city employ may encumber, pledge, appropriate, spend or commit to spend any city funds that were not included in the Clinton City Budget as adopted or amended by the Clinton City Council unless said proposed expenditure or encumbrance is specifically approved by the Clinton City Council. (Ord. No. 2007-08, Sec. 1.)

The provision in Section 1 above shall not apply to the authority given to the Mayor in the City Budget to expend funds up to a limit set by the City Council in the Clinton City Budget. Additionally, said provision shall not apply to the expenditure of funds by the Mayor for an emergency expense that threatens the health, safety or welfare of the citizens of the City of Clinton provided the Mayor declares such an emergency to exist and submits the expenditures to the City Council for review as soon as practical after the emergency has been dealt with. (Ord. No. 2007-08, Sec. 2.)

3.04.06 Online auctions authorized

- A. That the Mayor is hereby given authority and is authorized to subscribe to the most advantageous on-line auction available for the offering and sale of surplus City owned items of personal property. The Mayor is further authorized to offer such items for sale and execute any and all documents and instruments necessary to accomplish same. (Ord. No. 2008-11, Sec. 1.)
- B. That the Mayor is hereby given authority and is authorized to appoint not less than two members of the Clinton City Council to participate with him in setting a reserve on items to be offered for sale by on-line auction. This ordinance does not preclude setting a reserve at zero (0). (Ord. No. 2008-14, Sec. 1.)

**CHAPTER 3.08****LOCAL OPTION SALES TAX**Sections:

3.08.01	Authority for tax
3.08.02	“Single Transaction” defined
3.08.03	Ordinance shall not take effect until voted
3.08.04	Election called
3.08.05	Question form on ballot
3.08.06	Election - how conducted
3.08.07	Proclamation of results
3.08.08	Copies sent to County and to State
3.08.09	Mayor and Clerk - responsibilities

3.08.01 Authority for tax Under the authority of the Authorizing Legislation, there is hereby levied for the purpose of improving municipal services, a one percent (1%) tax on the gross receipts from the sale at retail within the city of all items which are subject o the Arkansas Gross Receipts Tax Act of 1941, as amended (A.C.A. 26-52-101, et seq.), and the imposition of

a new excise (or use) tax on the storage, use 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 percent (1%) of the sale price of the property or, in the case of leases or rentals, of the lease or rental price (collectively, the "Sales and Use Tax"). The Sales and Use Tax shall be levied and collected only to a maximum tax of \$25 for each single transaction. (Ord. No. 96-235, Sec. 1.)

3.08.02 "Single Transaction" defined "Single Transaction" is defined according to the nature of the goods purchased as follows:

- A. When two or more devices in which, upon which or by which any person or property is, or may be, transported or drawn, including but not limited to, on-road vehicles, whether required to be licensed or not, off-road vehicles, farm vehicles, airplanes, water vessels, motor vehicles, or non-motorized vehicles, and mobile homes are sold to a person by a seller, each individual unit, whether part of a "fleet" sale or not, shall be treated as a single transaction for the purpose of this ordinance, and rebate of the city-wide sales and use tax be made for the excess over Twenty-Five Dollars (\$25.00) paid on each individual unit; provided this provision shall not apply to motor vehicles handled under Section 3 (j) Act 802 of 1983.
- B. The charges for utility services, which are subject to the taxes levied under this ordinance, and which are furnished on a continuous service basis, whether such services are paid daily, weekly, monthly or annually, for the purpose of the rebate provisions of this ordinance, shall be computed in daily increments, and each such daily charge increment shall be considered to be a single transaction for the purposes of this ordinance.
- C. For sales of building materials and supplies to contractors builders or other persons, a single transaction for the purpose of this ordinance shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which aggregate sales (or use) tax figure has been reported and remitted to the State.
- D. When two or more items of major household appliances; commercial appliances; major equipment and machinery are sold, each individual unit shall be treated as a single transaction for the purpose of this ordinance.
- E. For groceries, drug items, dry goods and other tangible personal property and/or services not otherwise expressly covered in this section, a single transaction shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales tax figure has been reported and remitted to the State. (Ord. No. 96-235, Sec. 2.)

3.08.03 Ordinance shall not take effect until voted That this Ordinance shall not take effect until an election is held on the question of levying the Sales and Use Tax at which a

majority of the electors voting on the question shall have approved the levy of the Sales and Use Tax. (Ord. No. 96-235, Sec. 3.)

3.08.04 Election called That here be, and there is hereby called, a special election to be hold on September 24, 1996, at which election there shall be submitted to the electors of the City the question of the levy of the Sales and Use Tax. (Ord. No. 96-236, Sec. 1.)

3.08.05 Question form on ballot That the question of levying the Sales and Use Tax shall be placed on the ballot for the election in substantially the following form:

Vote on measure by placing an “X” in the square opposite the measure either for or against:

FOR adoption of a new 1% local sales and use tax within the City of Clinton, Arkansas

.....9

AGAINST adoption of a new 1% local sales and use tax within the City of Clinton, Arkansas

.....9

3.08.06 Election - how conducted That the election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for municipal elections unless otherwise provided in Title 26, Chapter 75, Subchapter 2 of the Arkansas Code of 1987 Annotated (the “Authorizing Legislation”) and only qualified voters of the City shall have the right to vote at the election. (Ord. No. 96- 236, Sec. 3.)

3.08.07 Proclamation of results That the results of the election shall be proclaimed by the Mayor, and his Proclamation shall be published one time in a newspaper published in the City and having a general circulation therein, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within thirty days after the date of publication. (Ord. No. 96-236, Sec. 4.)

3.08.08 Copies sent to County and to State That a copy of this Ordinance shall be given to the Van Buren County Board of Election Commissioners so that the necessary election officials and supplies may be provided. A certified copy of this ordinance shall also be provided to the Commissioner of Revenues of the State of Arkansas as soon as practical. (Ord. No. 96-236, Sec. 5.)

3.08.09 Mayor and Clerk - responsibilities That the Mayor and City Recorder, for and on behalf of the City, be, and they are hereby authorized and directed to do any and all things necessary to call and hold the special election as herein provided and, if the levy of the Sales and Use Tax is approved by the electors, to cause the Sales and Use Tax to be collected in accordance

with the Authorizing Legislation, and to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance. (Ord. No. 96-236, Sec. 6.)

## CHAPTER 3.12

### REAL PROPERTY TAX - GENERAL OPERATIONS

Section:

3.12.01 Tax levied

3.12.01 Tax levied The City of Clinton, Arkansas hereby levies and assesses a 2.9 mill real property tax on real property in Van Buren County as prescribed by law, for the year 2016, which tax shall be collected by Van Buren County, Arkansas. (Ord. No. 2016-09, Sec. 1).

## CHAPTER 3.16

### REMITTANCE OF BOND FORFEITURE FUNDS TO

### VAN BUREN COUNTY JAIL REVENUE BOND FUND

Sections:

3.16.01 City Clerk authorized and directed to transfer funds  
 3.16.02 Remittance - how long  
 3.16.03 City reserves right to review records and reports of Jail Fund

3.16.01 City Clerk authorized and directed to transfer funds The City Clerk of the city of Clinton is authorized and directed to transfer one-half of all bonds posted and forfeited in Clinton Municipal Court as a result of arrests and tickets in the city of Clinton to the Van Buren County Treasurer for deposit in the Van Buren County Jail Revenue Bond Fund Maintained in a bank selected by the City and County Jail Board. The City Clerk may request the Municipal Court Clerk to remit said funds directly to the County Treasurer on behalf of the City. The remaining one-half portions of said funds shall be retained by the city of Clinton. (Ord. No. 95-227, Sec. 1.)

3.16.02 Remittance - how long The remittance of one-half of the forfeited bonds shall continue to be deposited in said Van Buren County Jail Revenue Bond Fund so long as principal, premiums, interest, or fees are obligated to be paid regarding the issuance of revenue bonds for jail

purposes. The funds remitted to said revenue bond fund as described herein are subject to the provisions of A.C.A. 12-41-715 as amended and may not be used for any other purpose by Van Buren County. (Ord. No. 95- 227, Sec. 2.)

3.16.03 City reserves right to review records and reports of Jail fund The City reserves the right to review records and reports regarding the use and operation of the Van Buren County Jail Revenue Bond Fund or any subsequent accounts for the purposes described hereinabove known by any name, and further, may amend, repeal or modify this Ordinance as circumstances warrant including, but not limited to, the creation of additional municipal court systems in Van Buren County and the availability of other jail facilities or arrangements, and the needs and obligations of the City budget. (Ord. No. 95-227, Sec. 3.)

## CHAPTER 3.20

### TEMPORARY LEVY FOR PURCHASE OF FIRE TRUCK

Sections:

- 3.20.01 Levy created
- 3.20.02 Funds - how deposited
- 3.20.03 How collected
- 3.20.04 Customer list - those not billed by city water and sewer department
- 3.20.05 Unpaid bills
- 3.20.06 Cessation of levy

3.20.01 Levy created There is hereby temporarily levied a fifty cent charge per month on each household within the City of Clinton for the sole purpose of purchasing a fire truck for the Clinton Volunteer Fire Department. (Ord. No. 93-207, Sec. 1.)

3.20.02 Funds - how deposited The funds derived from said charge shall be deposited into a secure, separate, exclusive interest bearing account until such time as accumulated funds and interest are sufficient to purchase a suitable fire truck which satisfies all pertinent state and local requirements and regulations. (Ord. No. 93-207, Sec. 2.)

3.20.03 How collected The fifty cent charge shall be collected by the City as follows:

- A. For businesses, households and apartments connected to City water supply. The charge will be added to the present fire protection charge on each customer's monthly water and sewer bill. It shall be paid in the same manner as said bill is presently paid.



- B. For businesses, households and apartments located within the city but not connected to a city water supply. They shall be charged once each year by separate bill. The charge shall be eighteen dollars per year including a \$1.00 separate charge that shall be included on said bill for the fire protection fund. (Ord. No. 93-207, Sec. 3.)

3.20.04 Customer list - those not billed by city water and sewer department The city shall compile and maintain a list forthwith of all those persons who are heads of households, or single and who reside within Clinton and who are not billed customers of the city water and sewer department. Those who appear on said list shall be billed on a regular basis as stated in Paragraph 3(b). (Ord. No. 93-207, Sec. 4.)

3.20.05 Unpaid bills Should any bill or charge as described hereinabove remain unpaid past a stated due date, the city may utilize any means of collecting said debt available under state law and as set out in any city ordinances including but not limited to those provisions pertaining to the collection of debts arising from delinquent water and sewer bills.

3.20.06 Cessation of levy The fifty cent charge described herein is intended to be a temporary charge. Therefore, at the time collected funds are sufficient to purchase a fire truck and equipment necessary for its operation, the provisions of this ordinance shall be null and void and the charge of the prescribed herein shall terminate. (Ord. No. 93-207, Sec. 6.)

## **CHAPTER 3.24**

### **COUNCIL DOING BUSINESS WITH CITY**

#### Sections:

- 3.24.01 Authorization
- 3.24.02 Scope of authority

3.24.01 Authorization Whereas the limited number of businesses providing certain goods and services within a practicable distance of the City and the use by the City of such providers would otherwise present a conflict or potential conflict of interest, this Ordinance is established to acknowledge and waive the utilization of those providers for City business. (Ord. No. 2016-10, Sec. 1.)

3.24.02 Scope of authority Those businesses which are the subject of this ordinance are:

- a. Jason Lynch, Elite Kreationz;
- b. Darrin (D. L.) Webb, Webb Family Auction;
- c. Toney Parish, Joe Lee Chevrolet and Justin's Towing and Recovery;
- d. Mayor Richard McCormac, Lonnie Treece Construction;
- e. Johnny Moore, S & P Insurance Partners;
- f. Nina Baker and John Willoughby, White River Insurance;
- g. Phil Graham, Bonds Septic and Portable Toilets, LLC; (Ord. No. 2016-10, Sec. 2.)

## **CHAPTER 3.28**

### **INVENTORY OF ASSETS**

Sections:

- 3.28.01 Inventory list
- 3.28.02 Identifying labels
- 3.28.03 Reporting purchases
- 3.28.04 Removal from list
- 3.28.05 Review

3.28.01 Inventory list The Head of each Department of the City of Clinton shall create an itemized list of all personal property owned or used by said department which has a value of \$1000.00 or more. The initial inventory list created by this section shall be delivered to the City Clerk by August 1, 2007. (Ord. No. 2007-06, Sec. 1.)

3.28.02 Identifying labels The City Clerk shall maintain a Master Inventory list and shall assign a number or tag or other identifying label to each item. (Ord. No. 2007-06, Sec. 2.)

3.28.03 Reporting purchases Any time a Department purchases or acquires any item of personal property that has a value of \$ 1000.00 or more, the Department Head shall report said acquisition to the City Clerk for inclusion on the City's Master Inventory list and the assignment of a number, tag or other identifying label by the City Clerk. (Ord. No. 2007-06, Sec. 3.)

3.28.04 Removal from list Any time a Department determines that an item of personal property valued at \$ 1000.00 or more is no longer needed by the Department or is no longer in the possession of the Department due to sale, trade-in, destruction, theft or for any other reason, said fact shall be reported to the Mayor and the City Clerk for removal of the property from the Master Inventory List and for the sale or disposal of said property if necessary. (Ord. No. 2007-06, Sec. 4.) Any time a Department determines that an item of personal property valued at \$ 1000.00 or more is no longer needed by the Department or is no longer in the possession of the Department due to sale, trade-in, destruction, theft or for any other reason, said fact shall be reported to the Mayor and the City Clerk for removal of the property from the Master Inventory List and for the sale or disposal of said property if necessary. (Ord. No. 2007-06, Sec. 4.)

3.28.05 Review Each Department Head shall review the Master Inventory List each December, beginning in December, 2007, to determine if the Master Inventory List accurately lists all items of personal property owned or controlled by the Department which have a value of \$ 1000.00 or more. Any discrepancies shall be reported to the City Clerk who shall modify and amend the Master Inventory List. (Ord. No. 2007-06, Sec. 5.)

## CHAPTER 3.32

### ADVERTISING AND PROMOTION TAX/COMMISSION

Sections:

- 3.32.01 Commission Created
- 3.32.02 Tax Levied
- 3.32.03 Applications of ordinances and construction with other laws
- 3.32.04 Definitions
- 3.32.05 Administration and Regulations
- 3.32.06 Permits
- 3.32.07 Application for Permit
- 3.32.08 Permits not assignable. display required and expiration
- 3.32.09 Discontinuance of business- unpaid taxes.
- 3.32.10 Revocation or suspension- Renewal

- 3.32.11 Preparation of returns- Payments of A&P Tax
- 3.32.12 Discount for prompt payment.
- 3.32.13 Additional penalties and tax
- 3.32.14 Examination and investigations
- 3.32.15 Time limitations for assessments, collection, refunds and prosecution
- 3.32.16 Notice requirements.
- 3.32.17 Assessment and collection of taxed generally.
- 3.32.18 Proposed assessments.
- 3.32.19 Taxpayer relief
- 3.32.20 Hearing on proposed assessments.
- 3.32.21 Judicial Relief
- 3.32.22 Issuance of certificate of indebtedness and exception.
- 3.32.23 Injunction Proceedings
- 3.32.24 Settlement or compromise of liability controversies
- 3.32.25 Release of Property from Lien
- 3.32.26 Violations
- 3.32.27 Criminal Penalties

#### 3.32.01 Commission Created

1. Creation of Clinton Advertising and Promotion Commission There is hereby created a seven (7) member commission to be known as the Clinton Advertising and Promotion Commission. (Ord. No. 2008-02, Sec. 1.)
2. Appointment of Commission Members The Mayor shall be authorized, with the approval of the City Council, to identify and appoint each initial member of the commission for the terms described herein. (Ord. No. 2008-02, Sec. 2.)
3. Director There is hereby created the position of Director and such additional employee positions as the City Council may from time-to-time deem necessary. The Director shall be appointed by the Mayor in accordance with A.C.A. Section 14-42-110(Appointment and removal of department heads), and shall serve as an ex-official member of the Clinton Advertising and Promotion Commission and its permanent Chairperson. (Ord. No. 2008-02, Sec. 3.)
4. Residency An individual shall be eligible for appointment and service on the Commission if she or he resides in Van Buren County, Arkansas and operates a business within the City limits of Clinton, Arkansas. (Ord. No. 2016-06, Sec. 3.)

#### 3.32.02 Tax Levied

1. There is hereby levied a three percent (2%) gross receipts or gross proceeds tax on hotels, motels and short-term rental accommodations for sleeping, meeting, or party room facilities for profit located with the City of Clinton. (Ord. No. 2016-04, Sec. 1.)

2. This Ordinance does not include the rental or lease of accommodations identified in Section 1 that are for periods of thirty (30) days or more. (Ord. No. 2008-06, Sec. 2.)
3. The Advertising and Promotion Commission created pursuant to Ordinance No.2008-02 Is hereby authorized and directed to promulgate such rules and regulations and procedures as are deemed necessary to carry out its duties and responsibilities under this Ordinance and as may be required by state law. Provided, however, that all any such rules, regulations, or procedures must be approved by the Clinton City Council. (Ord. No. 2008-06, Sec. 3.)

3.32.03 Applications of ordinances and construction with other laws The provisions of this ordinance shall be cumulative to the Arkansas Gross Receipts Acts of 1941, A.C.A. §26-52-101 et. seq. and the Arkansas Tax Procedure Act, §26-18- 101, et. seq., the provisions of which so far as is practicable, shall be deemed incorporated herein as applicable with respect to the enforcement and collection of the A&P Tax. (Ord. No. 2008-10, Sec. 2).

3.32.04 Definitions The following word, and phrases, except where the context clearly indicates the application of different meaning, when used in this ordinance shall have the following meanings:

- a) "A&P Tax" means the gross receipts tax levied by the City pursuant to Act 185 of 1965 and as subsequently amended.
- b) "Assessment" means a tax is assessed when it is recorded as the liability of a taxpayer on the Commission's records. The assessment becomes a first assessment following the decision of the Commission or a hearing officer, if the assessment is protested.
- c) "Business Agent" means the designated agent of the Commission in charge of its books, accounts, and financial affairs and is authorized to act on behalf of the Commission in the performance of its duties.
- d) "Business Entity" means a corporation, associated partnership, joint venture, limited liability company, limited liability partnership trust or other legal business entity.
- e) "Commission" means the City Advertising and Promotion Commission of Clinton, Arkansas and any representative designated by the Commission to perform any function hereunder.
- f) "Commission Offices" means the address and offices designated by the Commission as its official place of business.
- g) "City" means the City of Clinton, Arkansas.

- h) "Delinquency date" means the A&P Tax is delinquent and subject to penalty on the first day of the month following the month it was due.
- i) "Due date" means the A&P Tax is due and payable on the first day of each calendar month following the month the tax is imposed on gross receipts.
- j) "Discount Date" means the date by which early payment of the A&P tax would allow to the taxpayer a discount, spelled out by provisions herein, off the full remittance of the tax for the month.
- k) "Person" means any natural person, firm, corporation or other Business Entity.
- l) "Taxpayer" means any person liable to remit the A&P Tax.
- m) "Short term" means rental accommodations of thirty days or less. (Ord. No. 2008-10, Sec.3).

3.32.05 Administration and Regulations The administration of this ordinance is vested in the Commission and the Commission shall promulgate rules and regulations and prescribe all forms as are necessary or required for the enforcement and collection of the A&P tax. (Ord. No. 2008-10, Sec. 4).

#### 3.32.06 Permits

- a) It shall be unlawful for any person to transact in the City a business which is subject to the A&P tax prior to the issuance and receipt of an A&P Tax Permit from the Commission.
- b) A separate A&P tax permit must be obtained from the Commission for each location where at the person conducts a business which is subject to the A&P tax.
- c) An A&P Tax Permit shall have no stated terms. (Ord. No. 2008-10, Sec. 5).

3.32.07 Application for Permit Any person transacting in the City a business which is subject to the A&P tax shall file with the Commission an application for an A&P Tax Permit to conduct that business, the form and contents of which applications shall be as prescribed by the Commission from time to time. (Ord. No. 2008-10, Sec. 6).

#### 3.32.08 Permits not assignable. display required and expiration

- a) The A&P tax permit shall not be assignable and shall be valid only for the person in whose name it is issued and for the location thereon designated.
- b) The A&P tax permit shall at all times be conspicuously displayed at the location thereon assigned.
- c) The A&P tax permit shall expire at the time of cessation of the business of the taxpayer at the location designated thereon.
- d) It shall be unlawful for any person subject to the A&P tax to transact business within the City when their A&P tax permit is expired. (Ord. No. 2008-10, Sec. 7).

#### 3.32.09 Discontinuance of business- unpaid taxes.

- a) (1) Any taxpayer operating under an A&P tax permit, upon discontinuance of the business at the location thereon, shall return the A&P tax permit to the Commission for cancellation together with remittance of any unpaid and accrued A&P taxes.
- (1) Failure to surrender the A&P Tax Permit and pay any and all accrued A&P Taxes shall be sufficient cause for the Commission to refuse the issuance of and A&P Tax Permit in the future to the Taxpayer.
- (2) In the case of the sale of any business which is subject to the A&P Tax, the A&P Tax shall be deemed to be due and payable at the time of the sale of fixtures and equipment incident to the business and shall constitute a lien against the said fixtures and equipment in the hands of the purchaser of the business until all A&P taxes have been paid. (Ord. No. 2008-10, Sec. 8).

#### 3.32.10 Revocation or suspension- Renewal

- a) Whenever a person to whom an A&P Tax Permit has been issued fails to comply with any provision of this ordinance, including any rule or regulation prescribed by the Commission from time to time, the Commission shall give notice to the person of an intention to revoke the A&P Permit.
- b) (1) The person may, within (10) consecutive days after receipt of the Notice of Intent to Revoke the A&P Tax Permit, apply to the Commission for a hearing.
- (2) The hearing shall be conducted at a time and place to be designated by the Commission before such person as is designated by the Commission to conduct such hearing

and the Taxpayer shall be entitled to introduce testimony and be represented by counsel, and the designated representative of the Commission shall determine at the hearing whether the taxpayer A&P Tax Permit should be revoked.

(3) Failure of the person to appear at the hearing shall be grounds for Commission, acting through its designated representative, to revoke the Taxpayers A&P Tax Permit.

c) The person shall be entitled, within thirty (30) consecutive days from the date of the revocation of the Taxpayer's A&P Tax Permit, to appeal to the Circuit Court of Van Buren County, Arkansas.

d) It shall be unlawful any person subject to the A&P Tax to transact business within the City when their A&P is revoked or suspended.

e) Any revoked or suspended permit may be renewed upon the filing of proper returns and the payment of all A&P taxes due or removal of any other cause of revocation or suspension. (Ord. No. 2008-10, Sec. 9).

#### 3.32.11 Preparation of returns- Payments of A&P Tax

a) The A&P Tax shall be due and payable as the first day of each calendar month by the person liable for the payment of the A&P Tax (taxpayer) and shall be deemed delinquent if not paid on the first day of the next calendar month.

b) It shall be the duty of the taxpayers on or before the Discount Date or twentieth day of each calendar month to deliver to the Commission, upon forms prescribed and furnished by the Commission, returns under oath showing the total combined gross receipts or gross proceeds which are subject to the A&P tax for the preceding calendar month and the amount of tax due. The tax due shall be remitted with the return.

c) If not paid on or before the Discount Date or the twentieth {20th} day of the calendar month, the full amount of the A&P tax shall be due from that date; provided, however, no penalty for delinquency shall be assessed if payment thereof is made on or before the Delinquency Date or the first day of the calendar month next following. (Ord. No. 2008-10, Sec. 10).

#### 3.32.12 Discount for prompt payment.

a) If the return is delivered on or before the Discount Date or the twentieth (20th) day of the calendar month following the month the tax is imposed on gross receipts, the taxpayer may



remit therewith to the Commission Ninety-eight percent (98%) of the A&P Tax due on or before the Discount Date. A return is "delivered" on the date it is postmarked if it is delivered by the U.S. Postal Service.

b) Failure of the taxpayer to remit the A&P tax on or before the Discount Date shall cause the taxpayer to forfeit his claim to the discount and the taxpayer must remit to the Commission one hundred percent (100%) of the amount of the A&P tax due, plus any penalty and interest accrued thereon. (Ord. No. 2008-10, Sec. 11).

3.32.13 Additional penalties and tax If the taxpayer fails to comply with certain provisions of this ordinance, then the following penalties and additions to the tax shall be applicable:

a) In the case of the taxpayer's failure to file the A&P tax return and pay the tax due on or before the delinquency date, determined with regard to any extension of time for filing thereof, unless it is shown that the failure is due to reasonable cause and not to willfully neglect, there shall be added to the amount required to be shown as tax on A&P tax return five percent (5%) of the A&P tax if the failure is not more than (1) one month past the delinquency date, with an additional five percent (5%) for each additional month or fraction thereof during which the failure continues, not to exceed thirty-five percent (35%) in the aggregate.

b) In addition to any penalty assessed hereunder, simple interest on any paid or unpaid A&P tax shall be assessed at the rate of ten percent (10%) per annum from the Delinquency Date. (Ord. No. 2008-10, Sec. 12).

3.32.14 Examination and investigations

a) In the administration of this ordinance, the Commission or its designated representatives, for the purpose of determining the accuracy of a return or fixing any liability hereunder, may make an examination or investigation of the place of business, the tangible personal property, equipment, facilities, and the books, records, papers, vouchers, accounts, and documents of any Taxpayer or other person. Every taxpayer or other person and his agents and employees shall exhibit to the Commission or its designated representative these places and items and facilitate any examination or investigation.

b) No taxpayer shall be subjected to unnecessary examination or investigations and only one (1) inspection of Taxpayer's book of accounts shall be made for each taxable year unless the Taxpayer requests otherwise or unless the Commission, after investigation, notifies the Taxpayer in writing that an additional inspection is necessary or otherwise justified.

c) (1) When conducting investigation or an audit of any Taxpayer, the Commission or its designated representative may, in its discretion, examine the records and files of any person, except where privileged by law any other business, institution, financial institution, the record of any state agency, agency of the United States Government or agency of any other state where permitted by agreement or reciprocity.

(2) The Commission or its designated representative may compel production of these records by summons. A summons may be served directly by the Commission or its designated representatives.

d) In the administration of this Ordinance, the Commission, its Director, or its designated representatives may:

(1) Administer oaths, conduct hearings, and compel by summons the attendance of witness testimony, and the production of any books, records, papers, or other data of any person or Taxpayer, or;

(A) Examine under oath any person regarding the business of any taxpayer concerning any matter incident to the administration of this ordinance.

(B) The fees of witnesses required by the Commission, Its Executive Director, or its designated representatives to attend any hearing shall be the same as those allowed to the witness appearing before circuit courts of this state. The fees shall be paid in the manner provided for the payment of other expenses incident to the administration hereof.

e) (1) The investigation may extend to any person that the Commission or its designated representatives determines has access to information which may be relevant to the examination or investigation.

(2) When any summons requiring the production of records as described in subsection (c) of this section is served on a third- party record keeper, written notice of the summons shall be mailed to the Taxpayer that his records are being summoned, at least fourteen (14) days prior to the date fixed in the summons as the day for the examination of the records.

(3) Notice to the taxpayers required by this section is sufficient if it is mailed by certified mail to the last address of record with the Commission.

f) (1) When the Commission or its designated representatives have the power to issue a summons for its own investigative or auditing purposes, then the Commission shall honor any reasonable request by the taxpayer to issue a summons on the jurisdiction in Van Buren County, Arkansas for an order compelling the production of the summoned records.

(2) Failure to comply with the order of the court for the production of records may be punished by the court as for contempt.

g) (1) The cost of producing records of a third party required by a summons shall be borne by the Taxpayer if he requests the summons to be issued.

(2) If the Commission or its designated representatives initiate the summons for third-party records, the Commission shall bear the reasonable cost of producing the records. The Commission or its designated representatives may later assess the cost against any delinquent or deficient taxpayer as determined by the records.

### 3.32.15 Time limitations for assessments, collection, refunds and prosecution

a) Except as otherwise provided in this Ordinance, no assessment of the A&P Tax shall be made after the expiration of three (3) years from the date the return was required to be filed or the date the return was filed, whichever period expired later. The Commission shall not begin court proceedings after the expiration of the three- year period unless there has been a previous assessment for the collection on the tax.

b) Upon written agreement of the Commission and the Taxpayer, the time within which the Commission may make a final assessment, as provided herein, may be extended to a date mutually agreed upon in the written agreement.

c) Where, before the expiration of the time prescribed for the assessment of the tax or of the extensions thereof, both the Commission and the Taxpayer have consented in writing to an assessment after that time, the A&P Tax may be assessed at any time prior to the expiration of the time agreed upon.

d) In the case of a fraudulent return or failure to file a report or return required hereunder, the Commission may compute, determine, and assess the estimated amount of A&P Tax due from any information in its possession or may begin an action in court for the collection of the tax without assessment, at any time

e) Whenever a taxpayer requests an extension of time for filing any return required hereunder, the limitation of time for assessing any tax shall be extended for a like period.

f) Where the assessment of the A&P Tax has been made within the period limitation properly applicable thereto, the A&P Tax may be collected by levy or proceedings in court, but only if the levy is made or the proceeding is begun within ten (10) years after the date of the assessment of the tax.

g) No person shall be prosecuted, tried, or punished for any of the various criminal offenses arising under the provisions of this Ordinance unless the indictment of the Taxpayer is instituted within six (6) years after the commission of the offense.

#### 3.32.16 Notice requirements.

a) (1) The Commission shall give a Taxpayer notice of any assessment, demand, decision or hearing before the Commission or its designated representative which directly involves that Taxpayer.

(2) All notice required to be given by the Commission to a Taxpayer shall be either served by personal service or sent by mail to the taxpayer's last address on record with the Commission. If this mail is returned unclaimed or refused, then proper notice shall have been served and given, and the Commission may take any action permitted by this Ordinance or otherwise bylaw.

(3) All notices of final assessment hereunder shall be sent by certified mail, return receipt requested.

b) The Taxpayer, when giving notice to the Commission shall give notice either by mail or by personal service on the Commission. The notice the Taxpayer gives shall be effective when postmarked or, in the case of personal service, when so served.

c) The Commission and any Taxpayer may, by written agreement, provide for any other reasonable means of giving notice.

d) All notice shall be in writing. (Ord. No. 2008-10, Sec. 15).

#### 3.32.17 Assessment and collection of taxed generally.

a) (1) The Commission or its designated representatives are authorized and required to make the inquiries, determinations, and assessments of the A&P Tax, including interest, additions to taxes, and assessable penalties imposed hereby.

- (2) The assessment shall be made by recording the liability of the Taxpayer in the offices of the Commission in accordance with rules or regulation prescribed by the Commission.
- (3) Upon request of the Taxpayer, the Commission shall furnish the Taxpayer a copy of the record of the assessment.
- b) (1) The Commission shall collect all A&P taxes imposed by law.
- (2) As soon as practicable after the making of assessment of the A&P Tax, the Commission shall give notice to each person liable for the unpaid tax, stating the amount and demanding payments within ten (10) days.
- (3) Upon receipt of notice and demand from the Commission, the person liable for the tax shall pay the stated amount including any interest, additions to tax, and assessable penalties at the place and time stated in the notice and demand. (Ord. No. 2008-10, Sec. 16).

#### 3.32.18 Proposed assessments.

- a) (1) If any Taxpayer fails to file any return as required hereunder, the Commission from any information in its possession or obtainable by it, may determine the correct amount of tax for the taxable period. If a return has been filed, the Commission or its designated representative shall examine the return and make any audit or investigation that is considered necessary.
- (2) When no return has been filed and the Commission determined that there is an A&P tax due for the taxable period or when a return has been filed and the Commission determines that the A&P tax disclosed by the return is less than the tax disclosed by its examination, the Commission shall propose the assessment of additional tax plus penalties, as the case may be, and shall give notice of the proposed assessment to the Taxpayer. The notice shall explain the basis of the proposed assessment and shall state the final assessment, as provided hereby. The Taxpayer does not have to protest the proposed assessment to later be entitled to exercise the right to seek a judicial review of the assessment.
- b) Any demand for additional payment of the A&P Tax which is made as the result of a verification of a mathematical error on the return shall not be deemed to be a proposed assessment under the provision of this section and shall not be subject to the hearing or appeal provisions of this Section. (Ord. No. 2008-10, Sec. 17).

### 3.32.19 Taxpayer relief

- a) Any Taxpayer who wishes to seek administrative relief from any proposed assessment of taxes or proposed notice of disallowance of a claim for refund by the Commission shall follow the procedure provided by this section.
- b) (1) A Taxpayer may at his option either request the Commission to consider his request for relief solely upon written documents furnished by the taxpayer or upon the written documents and any evidence produced by the taxpayer at a hearing.
- (2) A Taxpayer who requests the Commission to render its decision based on written documents is not entitled by law to any other administrative hearing prior to the Commission's rendering of its decision and, if necessary, the issuing of a final assessment and demand for payment or issuing of a certificate of indebtedness.
- c) Within thirty (30) days after service of notice of the proposed assessment, the Taxpayer may file with the Commission a written protest under oath, signed by himself or his authorized agent, setting forth the taxpayer's reasons for opposing the proposed assessment.
- d) The Commission may, in its discretion extend the time for filing a protest for any period of time not to exceed an additional ninety-day period. (Ord. No. 2008-10, Sec. 18).

### 3.32.20 Hearing on proposed assessments.

- a) (1) The Commission's or its designated representative shall serve as a hearing officer to review all written protests submitted by taxpayers, hold all hearings, and make written findings as to the applicability of proposed assessments.
- (2) Decisions of the hearing officer shall be final unless revised by the Commission.
- (3) The hearing on written and oral protests and determinations made by the hearing officer shall not be subject to the provisions of the Arkansas Administrative Procedure Act, §25-15-201 et seq.
- b) The actual hearing of the written protest shall be held in the Commission's Offices or other location set forth in the notice thereof to the Taxpayer.
- c) (1) The hearing officer shall set the time and place for bearing on the written protest; and shall give the taxpayer reasonable notice thereof.

(2) At the hearing the taxpayer may be represented by an authorized representative and may present evidence in support of his position.

(3) After the hearing the officer shall render his decision in writing and shall serve copies upon both the Taxpayer and the Commission.

(A) If the proposed assessment is sustained, in whole or part of the taxpayer may request in writing, within fifteen (15) days of the mailing of the decision, that the Commission revise the decision of the hearing officer.

(B) If the Commission refuses to make a revision or if the Taxpayer does not make a request for revision, then a final assessment shall be made upon the determination of the hearing officer or the Commission.

(C) A Taxpayer may seek relief from the final decision of the hearing officer or the Commission on a final assessment of a tax deficiency by following the procedure set forth in Section 21.d).

d) (1) In addition to the hearing procedures set out subsections (a)-(c) of this section, the Commission may hold administrative hearings by telephone, video conference, or other electronic means if the Commission or the hearing officer determines that conducting the hearing in such a manner:

- Is in the best interest of the Taxpayer and the Commission;
- Is agreed by both parties;
- Is not fiscally unsound or administratively burdensome; and
- Is in compliance with state law.

(2) The Commission is authorized to contract with third parties for all services necessary to conduct hearings by telephone, video, or other electronic means.

(3) Any person who enters into a contract with the Commission to provide services necessary to conduct hearings by telephone, video, or other electronic means shall be subject to the laws of the State of Arkansas. (Ord. No. 2008-10, Sec. 19).

### 3.32.21 Judicial Relief

a) Within thirty (30) days after the issuance and service on the taxpayer of the notice and demand for payment of a deficiency in tax established by (1) an audit determination that is

not protested by the taxpayer, or (2) a final determination of the hearing officer or the Commission; taxpayer may seek judicial relief from the final determination by either:

(1) Within one (1) year of the date of the final assessment, paying the amount of the A&P tax due, including any interest or penalties, for any taxable period or periods covered by the final assessment and filing suit to recover that amount within one (1) year of the date of payment. The Commission may proceed with collection activities including the filing of a certificate of indebtedness as authorized hereunder, within thirty (30) days of the issuance of the final assessment for any assessed but unpaid A&P Taxes, penalties, or interest owed by the taxpayer for other taxable periods covered by the final assessment, while the suit for refund is being persuaded by taxpayer for other taxable periods covered by the final assessment; or;

(2) Within thirty (30) days of the issuance and service on the taxpayer of the notice and demand for payments, filing with the Commission on a bond in double the amount of the tax deficiency due, and by filing suit within (30) days thereafter to stay the effect of the Commission's determination;

- The bond shall be subject to the condition that the taxpayer shall file suit within "thirty" (30) days after filing of the bond, shall faithfully and diligently prosecute the suit to a final determination, and shall pay any deficiency found by the court to be due and any court cost assessed against him.
- A taxpayer's failure to file suit, diligently prosecute the suit, or pay any tax deficiency and court costs, as required by subsection (a) of this section, shall result in the forfeiture of the bond in the amount of the assessment and assessed court costs.

b) Jurisdiction for a suit to contest a determination of the Commission under this section shall be in the Circuit Court of Van Buren County, where the matter shall be tried de novo.

c) The method provided in this section shall be the sole alternative methods for seeking relief from a written decision of the Commission or hearing officer establishing a deficiency in the A&P Tax. No injunction shall issue to stay proceedings for assessment or collection of any A&P Taxes.

d) In any court proceedings under this section the prevailing party may be awarded a judgment for court costs. (Ord. No. 2008-10, Sec. 20).

### 3.32.22 Issuance of certificate of indebtedness and exception.

a) (1) (A) If a Taxpayer does not timely and properly pursue his remedies seeking relief from a decision of the Commission or hearing officer and a final assessment is made



against the Taxpayer, or if the Taxpayer fails to pay the deficiency assessed upon notice and demand, then the Commission through its authorized representative shall, as soon as practicable thereafter, issue to the circuit clerk of any county of the state in which the Taxpayer's business is located a certificate of indebtedness certifying that the person named therein is indebted to the Commission for the amount of the tax established by the Commission as due.

(B) If a Taxpayer has a delinquent A&P Tax liability to the Commission of less than one thousand (\$1,000), the Commission or its hearing officer may enter into an agreement with the Taxpayer to allow the Taxpayer to pay the delinquency in installments. The Commission or its hearing office may choose not to issue a certificate of indebtedness during the period of the installment agreement if he determines that it is in the best interest of the Commission.

(3) The circuit clerk shall enter immediately upon the circuit court judgment docket:

- The name of the delinquent taxpayer;
- The amount certified as being due
- The name of the tax; and,
- The date of entry upon the judgment docket.

(4) (A) The entry of the certificate of indebtedness shall have the same force and affect the entry of a judgment rendered by the circuit court. This entry shall constitute the Commission lien upon the title of any real and personal property of the taxpayers in the county where the certificate of indebtedness is recorded.

(B) This lien is in addition to any other lien existing in favor of the Commission to secure payment of taxes, applicable interest, penalties, and costs. The lien is superior to other liens of any type or character attaching to the property after the date of entry of the certificate of indebtedness on the judgment docket. This lien is superior to all claims of unsecured creditors.

(C) The certificate of indebtedness is authorized by this subsection shall continue in force for ten (10) years after the date of recording of the certificate, and not afterward.

b) (1) After entry of the certificate, the circuit clerk shall issue a writ of execution directed to the Commission, authorizing the Commission to levy upon and against all real and personal property of the Taxpayer.

(2) The Commission shall have all remedies and may take all proceedings for the collection of the tax which may be taken for the recovery of a judgment at law.

(3) The writ shall be issued, served, and executed in the same manner as provided for in the issuance and service of executions rendered by the circuit courts of this state, except the Commission shall act in the place of the county sheriffs.

(4) The Commission shall have this authority for all liens either presently filed or filed after the passage of this ordinance.

c) (1) Nothing in this chapter shall preclude the Commission from resorting to any other means provided by law for collecting delinquent taxes.

(2) The issuance of a certificate of indebtedness, entry by the Clerk and levy of execution as provided in this section shall not constitute an election of remedies with respect to the collection of the tax.

(3) The taxes, fees, interest, and penalties imposed or levied hereby may be collected in the same way as a personal debt of the Taxpayer.

(4) The Commission may sue to the same effect and extent as for the enforcement of a right or action for debt.

(5) All provisional remedies available in these actions are available to the Commission in the enforcement of the payment of the A&P Tax.

d) (1) In addition to the remedies provided in subsections (b) and (c) of this section the Commission may direct the circuit clerk to issue a writ of execution directed to the sheriff of any county/ authorizing the sheriff to levy upon and against all real and personal property of the Taxpayer. The writ shall be issued, served and executed in the same manner as provided for in the issuance and service of executions rendered by the circuit courts of this state.

(2) The circuit clerk and sheriffs shall be entitled to receive the same fees provided by law in these matters. These fees shall be collected from the Taxpayer by either the Commission or the sheriff in addition to the tax, penalties, and interest included in the certificate of indebtedness. If the sheriff is unable, after diligent effort to collect the tax, interest, penalties, and costs, the Commission may pay such fees as are properly shown to be due to the clerk and sheriff.

e) The Commission may contract with persons inside or outside the state to help the Commission collect delinquencies of resident or nonresident Taxpayer. (Ord. No. 2008-10, Sec. 21).

3.32.23 Injunction Proceedings When a return required hereunder has not been filed or does not furnish all the information required by the Commission or when the A&P Taxes imposed by law have not been paid or when any required license or permit has not been secured, the Commission may institute any necessary action or proceeding in a court of competent jurisdiction in Van Buren County to enjoin the person or taxpayers from continuing operations until the report or return has been filed, required licenses or permits secured, or taxes paid as required. The injunction shall be issued without a bond being required from the Commission.

3.32.24 Settlement or compromise of liability controversies

a) The Commission may enter into an agreement to compound, settle, or compromise any controversy relating to the A&P Tax when:

- The controversy is over the amount of tax due; or
- The inability to pay results from the insolvency of the Taxpayer.

b) The Commission may waive or remit the interest or penalty, or any portion thereof, ordinarily accruing because of a Taxpayer's failure to pay the A&P Tax within the statutory period allowed for its payment:

- If the Taxpayer's failure to pay the tax is satisfactorily explained to the Commission; or
- If the failure results from a mistake by the Taxpayer of either the law or the facts subjecting him to such tax; or
- If the inability to pay the interest or penalty results from the insolvency or bankruptcy of the Taxpayer.

c) In settling or compromising any controversy relating to the liability of a person for the A&P Tax for any taxable period, the Commission is authorized to enter into a written closing agreement concerning the liability. When the closing agreement is signed by the Commission, it shall be final and conclusive, and except upon a showing of fraud or misrepresentation of a material fact, no additional assessment or collection shall be made by the Commission, and the Taxpayer shall not institute any judicial proceeding to recover such liabilities as agreed to in the closing agreement.

d) The Commission shall promulgate rules and regulations establishing guidelines for determining whether a proposed offer of compromise is adequate and acceptable to resolve a tax dispute. (Ord. No. 2008-10, Sec. 23).

### 3.32.25 Release of Property from Lien

- a) Upon written application by any person, the Commission may release any property from the lien imposed by an assessment, order, judgment, or certificate of indebtedness obtained by or from any levy made by it if:
- Either full payment is made to the Commission of the sum it considers adequate consideration for the release; or
  - Adequate security deposit is made with the Commission to secure the payment of the debt evidenced by the lien.
- b) When the Commission determines that its assessment certificate of indebtedness or judgment is clouding the title of property because of error in the description of properties or similarity in names, the Commission may issue a release without the payment of any consideration.
- c) The Commission's release shall be given under its seal and filed in the office of the circuit clerk in the county in which the lien is filed, or it shall be recorded in any office which conveyances or real estate may be recorded. (Ord. No. 2008-10, Sec. 24).

3.32.26 Violations Any person subject to the A&P Tax who is transacting business within the City without a valid A&P Tax Permit shall be guilty of a violation which shall be punishable up to a five hundred dollars (\$500) fine. Each day a person transacts business within the City without a valid A&P permit shall constitute a separate violation. (Ord. No. 2008-10, Sec. 25).

33227 Criminal Penalties Sanctions for any taxpayer who willfully attempts to evade or defeat the payment of the A&P Tax or who assist any Taxpayer to evade or defeat the payment, or otherwise fails to file a report, fails to pay the tax, or makes a false or fraudulent report, return, statement, claim, application or other instrument required by the Commission in connection with the A&P Tax or makes a false answer to any question from the Commission or its designed representative concerning the A&P Tax, neglects to answer a subpoena to appear and answer questions about records for the A&P Tax, or who acts or fails to act in conformance with the provision of the Arkansas Tax Procedure Act as that Act applies to the A&P Tax, shall be subject to penalties set forth in Ark. Code Ann. §26-18-101 to 105: 26-10-201 to 212 (Michie Repl. 1997 and Supp. 1999), as they exist on the date of the passage of this ordinance, or as they may be amended by the General Assembly and are in effect on the date of any such violation. (Ord. No. 2008-10, Sec. 26).

## TITLE 4

### BUSINESS LICENSES AND REGULATIONS

#### Chapters:

- 4.04 Electric Franchise
- 4.08 Gas Franchise
- 4.12 Telephone Franchise
- 4.13 Ambulance Franchise
- 4.16 Tax on Private Clubs
- 4.20 Storage, Transportation and Sale of Liquor, Beer and Wine
- 4.24 Hawkers, Peddlers and Itinerant Merchants/Auctioneers
- 4.28 Circuses, Vaudeville and Other
- 4.32 Oil, Natural Gas And Mineral Drilling And Exploration
- 4.36 Occupational Licenses

#### CHAPTER 4.04

#### ELECTRIC FRANCHISE

#### Sections:

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

4.04.01 Electric franchise granted to Arkansas Power and Light Company. The city of Clinton, Arkansas, (hereinafter called Grantor) hereby grants to the Arkansas Power and Light Company, its successors and assigns (hereinafter called Grantee), the exclusive right, privilege and authority within the present and all future expansion of the corporate limits of the city of Clinton, Arkansas, (1) to sell, furnish, transmit and distribute electric power and energy to Grantor and to all inhabitants and consumers within said limits, and (2) to construct, maintain, operate and extend a system for such purposes and to enter on, under and upon and use any and all of the streets, alleys, avenues, bridges and other public grounds and ways belonging to, or

under the control of Grantor, for the purpose of erecting, maintaining, repairing, replacing and operating poles, wires, anchors, stubs, transformers, substations, cables, conduits and other related facilities, appliances and apparatus which are necessary for, or useful in, the furnishing, sale, transmission or distribution of said electric service (hereinafter called facilities).

4.04.02 Rights and responsibilities of grantor and grantee.

A. General Rights and Obligations. Grantee shall, and does by acceptance hereof, agree to provide to the city and its inhabitants adequate and reasonable electric service as a public utility and the facilities necessary to provide such service. Grantor, in recognition of the large and continuing investment necessary for Grantee to perform its obligations hereunder, and the need and duty to promptly construct its facilities, as defined above, required to serve customers, in all areas and zones of the city, consents to the construction of such facilities as defined in Section 4.04.01 in all such areas and zones, and Grantor agrees to protect by ordinance, regulation and otherwise. to the fullest extent permitted by law, and except as otherwise limited herein, the grants of rights and privileges to Grantee set forth in Section 4.04.01 from interference with, or duplication by, other persons, firms or corporations seeking to engage in the sale or distribution of electric energy.

B. Standards and Right-of-Ways. All facilities of Grantee which may be located on public ways, places and public property, as authorized herein, shall be located so as to not unreasonably obstruct public use and travel. All of Grantee's facilities shall be constructed, operated and maintained in accordance with standards at least equivalent to the standards prescribed by the National Electrical Safety Code. Grantee, its successors and assigns, shall replace and repair, at its own expense, all excavations, holes or other damage caused or done by it to public streets, ways, places and public property in the construction, operation and maintenance of its facilities.

C. Removal of Hazards; Clearing of Right-of-Ways. The Grantee, its successors and assigns, is hereby given the right to trim, cut or remove trees, shrubbery or growth on or in public ways, places and public property which interfere or offer hazards to the operation of Grantee's facilities used or useful for the rendition of electric service; further, Grantee is hereby given the right, authority and permission to trim, cut and remove portions of trees, shrubbery or growth growing on private property but overhanging or encroaching on public ways, places and public property which interfere or offer hazards to the construction, operation and maintenance of Grantee's facilities.

4.04.03 Termination procedure. The rights, privileges and authority hereby granted shall exist and continue from the date of passage of this ordinance, and thereafter, until termination in accordance with provisions of Section 44 of Act 324 of the 1935 Acts of the State of Arkansas, as presently enacted or hereinafter amended.

4.04.04 Rates. The rates which are to be charged by Grantee for electric service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from time to time, be amended by Grantee in accordance with law or by any regulatory authority having jurisdiction thereof.

4.04.05 City not liable for negligence of grantee. In the construction, operation, and maintenance of its facilities, said Grantee shall use reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the said Grantor from damage, injury, loss or expense caused by the negligence of the Grantee or its agents, servants, or employees, in constructing, operating and maintaining said facilities or in repaving or repairing any streets, avenues, alleys, bridges or other public grounds.

4.04.06 Standard of care for facilities. The Grantee shall endeavor at all times to keep its facilities in a reasonable state of repair and to conform to such practices and install such appliances and equipment as may be in keeping with the customary usage and practice in cities of similar size in this state during the time this franchise shall remain in force.

4.04.07 Franchise tax. During the life of this franchise, the Grantee shall pay to Grantor each year a franchise tax in an amount equal to: Four and twenty-five hundredths percent (4.25%) of the preceding calendar year's gross residential and commercial electric revenues as paid to the Grantee by residential and commercial customers located within the corporate limits of the City of Clinton, Arkansas. Payments shall be made by the Grantee to the Grantor in approximately equal quarterly installments. Residential and commercial electric revenues are those revenues so classified pursuant to Grantee's uniform classification standards. Grantor shall have the right to examine and verify, from the records of the Grantee, any data relating to the gross revenues of Grantee from customers on which said franchise tax is due. In the event of a controversy, between the Grantor and Grantee as to the amount of gross revenues received by Grantee in the City of Clinton, Arkansas, upon which said tax is due, such controversy shall be referred to the Arkansas Public Service Commission, or such successor regulatory agency which may have jurisdiction over the Grantee, for final determination, and the decision of said Commission shall be binding upon both parties hereto.

It is expressly agreed and understood by the Grantor and Grantee that the aforesaid payment shall constitute and be considered as complete payment and discharge by the Grantee, its successors and assigns, of all licenses, fees, charges, impositions or taxes of any kind (other than automobile license fees, special millage taxes, general ad valorem taxes and other general taxes applicable to all citizens and taxpayers) which are now or might in the future be imposed by the Grantor under authority conferred upon the Grantor by law. In the event such other tax or taxes are imposed by Grantor, the obligation of the Grantee set forth in Section 4.04.07 hereof, to pay the city the sum of four and twenty-five hundredths percent (4.25%) annually of the gross residential and commercial electrical revenues shall immediately terminate.

4.04.08 Street lighting. Electric service furnished the Grantor for street lighting and other purposes shall be paid for by the Grantor in accordance with the applicable rate schedules of the Grantee now on file and/or as they may in the future be filed by the Grantee and approved by the Arkansas Public Service Commission or other regulatory authority having jurisdiction. The Grantee shall have the privilege of crediting any amount due Grantor with any unpaid balances due said Grantee for electric service rendered to said Grantor.

4.04.09 Private generation facilities allowed. Nothing herein shall be construed to prohibit any person, firm or corporation from owning and operating facilities for generating, distributing, or furnishing electric energy for his or its own use or for the use of his or its tenants, all of which facilities and use are wholly on the same premises owned by such person, firm or corporation.

## **CHAPTER 4.08**

### **GAS FRANCHISE**

#### Sections:

- 4.08.01 Gas franchise granted to Arkansas Louisiana Gas Company
- 4.08.02 Rights and responsibilities of Gas Company and city
- 4.08.03 Franchise tax
- 4.08.04 Construction of chapter

4.08.01 Gas franchise granted to Arkansas Louisiana Gas Company. The Arkansas Louisiana Gas Company (hereinafter referred to as the "Gas Company") is duly authorized by franchise ordinance heretofore enacted to operate a gas distribution system and appurtenances thereto, used in, or incident to the rendition of gas service to Clinton, Arkansas, and the inhabitants thereof residing in the city.

4.08.02 Rights and responsibilities of Gas Company and city. The Gas Company is now occupying and shall continue to occupy the streets and alleys of the City of Clinton, Arkansas, for the purpose of operating, maintaining and extending its gas service to the city and the inhabitants and consumers residing in the city, and shall continue to supply to the city and consumers therein gas service.

4.08.03 Franchise tax. The amount of occupation, license or franchise tax to be paid by the Gas Company for the year 1996 and subsequent years, until changed by ordinance, shall be determined and computed as follows.



4.08.04 Construction of chapter. This chapter shall not be construed to alter or change the terms or conditions of the present franchise under which the Gas Company is operating.

Nothing in this chapter shall be construed to alter or change the present rate schedule under which the Gas Company is now operating, except by order of the Arkansas Public Service Commission or other legally constituted bodies.

## **CHAPTER 4.12**

### **TELEPHONE FRANCHISE**

#### **Sections:**

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

4.12.01 Authority granted for operation of telephone system. The Southwestern Bell Telephone Company, its successors and assigns (hereinafter referred to as "Telephone Company") shall continue to operate its telephone system and all business incidental to or connected with the conducting of a telephone business and system in the City of Clinton, Arkansas, (hereinafter referred to as "city"). The plant construction and appurtenances used in or incident to the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said city shall remain as now constructed, subject to such changes as may be considered necessary by the city in the exercise of its inherent powers and by the Telephone Company in the conduct of its business, and said Telephone Company shall continue to exercise its rights to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances as the business and purpose for which it is or may be incorporated may from time to time require, along, across, on, over, through, above and under all the public streets, avenues, alleys, and the public grounds and places within the limits of said city as the same from time to time may be established.

4.12.02 Tax imposed upon Southwestern Bell Telephone Company. Beginning in 1984, the Telephone Company shall pay to the city for the period January 1, 1984 through December 31, 1984, inclusive and thereafter for like periods an amount equal to four percent (4%) of the access line billing within the corporate limits during the preceding year. Payments shall be in equal quarterly installments on or before the last day of March, June, September and December of each year.

4.12.03 Tax shall be in lieu of other charges. The annual payment herein required shall be in lieu of all other licenses, charges, fees or impositions (other than the usual general or special ad valorem taxes) which may be imposed by the city under authority conferred by law. The Telephone Company shall have the privilege of crediting such sums with any unpaid balance due said Company for telephone services rendered or facilities furnished to said city.

4.12.04 Temporary moving of lines. The Telephone Company on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.

4.12.05 Permission to trim trees. Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said city so as to prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Company, all the said trimming to be done under the supervision and direction of any city official to whom said duties have been or may be delegated.

4.12.06 Ordinance does not require or permit electric light or power wire attachments. Nothing contained in this chapter shall be construed to require or permit any electric light or power wire attachments by the city or for the city. If light or power attachments are desired by the city or for the city, then a separate non-contingent agreement shall be a prerequisite to such attachments.

4.12.07 Exclusive privileges not given. Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges, nor shall it affect any prior or existing right of the Telephone Company to maintain a telephone system within the city.

## CHAPTER 4.13

### AMBULANCE FRANCHISE

Sections:

4.13.01	Franchise declared
4.13.02	Definitions
4.13.03	Franchise Required
4.13.04	Exclusive Franchise
4.13.05	Application for a franchise
4.13.06	Terms of franchise
4.13.07	Owner, operator required
4.13.08	Services required
4.13.09	Residency
4.13.10	Criteria
4.13.11	Transferring a permit
4.13.12	Insurance required
4.13.13	Franchise fee
4.13.14	Compliance
4.13.15	Revocation
4.13.16	Extension
4.13.17	Equipment Listed
4.13.18	Contagious or Infectious Disease
4.13.19	Written Policies
4.13.20	Violations
4.13.21	Applicability
4.13.22	Other Requirements
4.13.23	Future changes

4.13.01 Franchise declared That from and after the effective date of this ordinance the business of transporting persons within the coverage area as defined below by motor ambulance, whether by the providing of emergency medical services or the providing of medical transfer services including the operation of a motor ambulance, be and the same is hereby declared to be an essential, vital and necessary public utility service subject to regulations and franchising by the City of Clinton (hereinafter sometimes referred to as “the franchisor”). After said date, any permit, license, privilege or certification heretofore granted or suffered to allow by any person, firm or corporation, whether non-profit or any business for profit to operate an EMS/ambulance service within said coverage area shall and hereby is permanently revoked and the ownership and operation thereof shall be unlawful unless all such persons, firms or corporations shall first comply with the provisions of this ordinance as hereinafter set forth and the Arkansas Municipal Ambulance Licensing Act, Sections 14-266-101 to 110. This ordinance does not apply within the areas of Fairfield Bay, Scotland and Chimes and is not intended to affect or interfere with the ambulance services presently in operation within and for the areas of Fairfield Bay, Scotland, or

Chimes unless the governing bodies of such areas request services from the franchisee herein created as provided for under A.C.A. § 14-266-105(4), or pursuant to an emergency plan or mutual aid agreement with the new franchisee as herein created and approved by franchisor. (Ord. No. 2009-05, Sec. 1.).

4.13.02 Definitions The following words and phrases as used in this ordinance shall, for the purposes of this ordinance, have the following meaning:

- (a) "Ambulance" means any motor vehicle that is constructed or equipped for and intended to be used for the transportation of a person because of a medical reason including but not limited to an injury, illness, disability, or other medically related reason.
- (b) "Ambulance Business" means any for profit or non-profit business entity or person engaged in the business of the transportation of persons for medical reasons .
- (c) "Operation", an operation means the receiving, picking up or embarking from within the coverage area of any sick or injured person, or for other reason indicating the need to obtain emergency or non-emergency medical treatment, or upon conclusion of such care, for transportation or conveyance to any point wherever located including any and all residential domiciles, or health care, or living facilities.
- (d) "Person" means individuals either male or female, partnerships(s), firms, corporations (whether for profit or non-profit) and associations of every kind, and their agents, servants or employees.
- (e) "Ambulance operator" shall mean any person or board who, as owner, agent, or otherwise, furnishes or operates, advertises or otherwise professes to be engaged in the business of furnishing or operating ambulances in providing the ancillary and necessary emergency medical services or medical transfer services.
- (f) "Coverage area" shall mean all of that area within the city limits of the City of Clinton. This "coverage area" may be expanded to include other area(s) upon request of the governing body of the requesting area(s).
- (g) "Originating" means the geographical point of patient contact for that service. Such contact may be by any means of communication from any location where the call seeks a contact or patient pick-up that is within the coverage area. Thus, any communication from any location that requires EMS/ambulance and/or emergency and/ nonemergency medial service to proceed to or from any point within the coverage area to make patient contact originates from within that coverage area. At all times the coverage area shall at a minimum be all that area within the city limits of the City of Clinton .
- (h) The phrase "not-for-hire on a fee-for-service basis transportation" shall mean and refer solely to ambulance services wholly owned by a licensed medical facility, which provides services only to the population of that facility. (Ord. No. 2009-09, Sec. 2.)

4.13.03 Franchise Required No person engage in the ambulance business within the City of Clinton without first obtaining a franchise s required under this ordinance, or pursuant to an agreement as provided in Section 26 below. A franchise to operate an exclusive ambulance business shall issue for a period not to exceed five (5) years. Renewal of any franchise granted hereunder, upon expiration or termination for any reason, shall require conformance with specifications as are promulgated by the franchisor and the requirements of this ordinance and state law applicable to EMS/Ambulance and emergency and non-emergency medical. No person, firm or business entity of any kind may offer or provide EMS/ambulance or emergency or non-emergency medical services of any kind that originates within the coverage area without having first obtained a franchise as herein provided, or pursuant to Section 26, below. (Ord. No. 2009-09, Sec. 3.)

14.13.04 Exclusive Franchise The City Council may grant an exclusive franchise for the privilege of using the streets, alleys, public ways and public grounds of City of Clinton and any extended area(s) for the purposes of operating an ambulance business for the cities' inhabitants and all other persons within coverage area, which said franchise shall require that said ambulance service, including emergency ambulance service, must be maintained continuously during all hours. (Ord. No. 2009-05, Sec.4).

14.13.05 Application for a franchise Said franchise shall be granted only upon written application therefor filed with the City Clerk of the City of Clinton, and the Van Buren County Judge. And, further, shall only be granted after the City Council of the City of Clinton, Arkansas, shall determine that the applicant has met or exceeded the specifications for eligibility of award of the exclusive franchise. To determine such public convenience and necessity, the City Council and the County Judge may hold such hearings and in such manner as they deem necessary. (Ord. No. 2009-05, Sec. 5).

14.13.06 Terms of franchise Said franchise may be granted upon such terms as said Clinton City Council, and if applicable in concert with the Van Buren County Judge, shall determine and such terms shall be included as part of any franchise granted hereunder. (Ord. No. 2009-05, Sec. 6).

14.13.07 Owner, operator required No franchise shall be granted to any person who is not the actual bona fide owner, or bona fide operator, thereof and who is not fully responsible for the operations of said business. (Ord. No. 2009-05, Sec. 7).

14.13.08 Services required No franchise shall be granted to any person who does not provide: bona fide advanced life support (ALS) or paramedic service licensed by the Arkansas Department of Health as part of all of its ambulance business on a 24/7 basis, and further, all emergency transportation shall be performed with a certified paramedic present or as otherwise called for by appropriate medical protocol. Further, as appropriate and based on medical protocols, all non-emergency transportation as provided by either an ALS ambulance,

intermediate ambulance or Basic ambulance with either a paramedic, EMT- Intermediate, or EMT-Basic present respectively. (Ord. No. 2009-05, Sec. 8).

14.13.09 Residency No franchise shall be granted to any person whose ambulance operation that is not located within the City of Clinton, Arkansas, or at a location approved by the Clinton City Council including crew quarters and appropriate facilities for ambulances, medical supplies, and medical equipment. (Ord. No. 2009-05, Sec. 9).

14.13.10 Criteria In granting a franchise the City Council shall consider as the utmost criteria the quality of services to be provided to the citizens to be served. Included in the consideration of quality shall be the quality of the equipment, the level of service to be given, response time standards, the training and education of staff, the systems in place for quality review and improvement of patient care, the level of involvement of the Medical Director, the quality and number of certified paramedics and any other necessary personnel to be provided, the overall staffing to be provided, the personnel practices in effect, the preparedness and participation in disaster or mass casualty response and evidence of quality so that accredited ambulance businesses shall be given a preference. (Ord. No. 2009-05, Sec. 10).

14.13.11 Transferring a permit No permit issued under the terms of this ordinance shall be sold, transferred, assigned, leased or otherwise disposed of without the written approval of the franchisor. (Ord. No. 2009-05, Sec. 11).

14.13.12 Insurance required Before the Clinton City Council shall grant any franchise hereunder, the owner or operator of said business applying for same; shall deposit with the City Clerk and, if applicable the Van Buren County Clerk, and keep in effect at all times, policies insurance issued by licensed and responsible insurance company or companies duly authorized to transact such business in the State of Arkansas, providing professional liability insurance, workers compensation insurance, comprehensive general liability and motor vehicle insurance. The said insurance shall provide coverage for its employees, agents, motor vehicle operators and any and all persons acting under the control and direction of said franchisee against liability up to and including One Million Dollars (\$1,000,000.00) for personal injuries or death as to one occurrence and up to and including Two Million Dollars (\$2,000,000.00) on account of any accident resulting in personal injuries or death on more than one occurrence. The franchisee shall provide certificates of coverage that identifies the franchisor as additional named insured. (Ord. No. 2009-05, Sec. 12).

14.13.13 Franchise fee The person issued a franchise hereunder shall pay to the City of Clinton, Arkansas, and to the governing body or bodies of any extended areas, an annual license or permit fee of One Hundred Dollars (\$100.00) per year, which shall be paid at the time of the granting of said franchise or extension of services to cover administrative costs. This fee shall be due on the same date of each following year during the term of said franchise, provided, however, that no franchise shall be terminated for failure to pay a fee unless the franchisor issues

notice of a failure to pay not less than ten (10) days in advance of termination. (Ord. No. 2009-05, Sec. 13).

14.13.14 Compliance Any person desiring to obtain a franchise to operate an EMS/ambulance and emergency and non-emergency medical service business shall make application therefor, in a form that clearly demonstrates compliance with all sections of the required specifications, and of this ordinance. Each application shall be accompanied by a certificate of insurance or copies of the policies of insurance required by this ordinance. (Ord. No. 2009-05, Sec. 14).

14.13.15 Revocation A franchise may be revoked by the City Council upon the following grounds:

- (a) The franchise holder knowingly and after written notice from the city failed to operate a business in accordance with the provisions of this ordinance and/or any and all applicable state or federal laws, regulations, requirements, or accreditation standards applicable to the emergency medical services or ambulance business or operation including the lack of certified paramedics as required herein.
- (b) The franchise holder shall abandon its operations of the ambulance business for a period of one (1) or more days. Acts of God, labor disputes, and other acts beyond the control of the franchise holder which cause abandonment or limitation of service shall not be considered abandonment with the meaning of this section in which case the backup emergency plan provided by the franchise holder shall be implemented.
- (c) The franchise holder has failed to render satisfactory service or has engaged in unlawful or inappropriate conduct.
- (d) The franchise holder fails to comply with any provisions of the franchise ordinance. The City Council or its designee shall hold a hearing after ten (10) days notice to the franchise holder before any suspension or revocation shall become effective. (Ord. No. 2009-05, Sec. 15).

14.13.16 Extension The ambulance business holding the franchise shall, before such franchise is issued, extend a written guarantee to the City of Clinton, Arkansas of uninterrupted ambulance service, except that by giving ninety(90) days notice to the city, such franchisee shall be authorized to discontinue its own, or the service of any subordinate service appointed pursuant to Section 26 below, service without penalty. (Ord. No. 2009-05, Sec. 16).

14.13.17 Equipment Listed Upon making application for a franchise, each ambulance operator shall submit a list of equipment to be carried in each ambulance. This list shall be subject to approval of the franchisor and the State of Arkansas at the time that the applicant's license is before the franchisor for consideration. The list shall be subject to review and approval annually and at the time of the renewal of the franchise and shall be filed with the offices of the franchisor's clerk. Each ambulance operated by the franchisee must be continually equipped and

staffed according to the bidding specifications and the regulations and requirements of the Arkansas Department of Health. (Ord. No. 2009-05, Sec. 17).

14.13.18 Contagious or Infectious Disease An ambulance carrying a patient affected with contagious or infectious disease and the services therefore shall operate in accordance with the Federal OSHA requirements, Arkansas Department of Health, and Center for Disease Control standards in handling patients with contagious and infectious diseases. In all such cases a report shall also be made to the franchisor so that appropriate steps may be taken for public health purposes. (Ord. No. 2009-05, Sec. 18).

14.13.19 Written Policies The ambulance business or operations shall also have and maintain a written set of policies and procedures which will include personnel, operational and medical policies and procedures, and such other requirements as may be required by law, rule or regulation. A copy of this or these manuals shall be made available for inspection upon request by the franchisor or its authorized representative. The ambulance business or operation shall thereafter operate in accordance with its policies and procedures manual or manuals. (Ord. No. 2009-05, Sec. 19).

14.13.20 Violations Any person who shall fail to comply with any provision of this ordinance, or who shall violate any of the provisions of this ordinance, or who shall assist, aid, abet or facilitate any other person to violate any provision of this ordinance shall be guilty of misdemeanor and/or a violation, and upon conviction shall be fined not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (1,000.00) per offense. (Ord. No. 2009-05, Sec. 20).

14.13.21 Applicability The provisions of this ordinance shall not apply to any person engaged in rendering an ambulance business for the transport of persons or patients in or through the coverage area so long as this transportation originates from a location outside of the coverage area. (Ord. No. 2009-09, Sec. 21).

14.13.22 Other Requirements The standards, rules, regulations, and requirements established by the State of Arkansas concerning emergency medical services, emergency medical technicians, paramedics, emergency and non-emergency ambulances, and ambulance companies as set forth by the Arkansas Department of Health Office of Emergency Medical Services and Trauma Systems are hereby incorporated with this ordinance by reference. These standards, rules, regulations and requirements established by the State of Arkansas are the minimum standards that are acceptable and no substandard element will be acceptable and will be cause for termination of the right to operate anywhere within the coverage area or the City of Clinton. (Ord. No. 2009-05, Sec. 22).



4.13.23 Future changes The Clinton City Council may change the coverage area to expand the EMS/Ambulance and emergency and nonemergency service based upon the approval of the governing body of that expanded area. Within sixty (60) days of an approved change in the coverage area, the franchisee shall present to the Mayor of the City of Clinton and to the governing bodies of the expanded area a written plan for the following:

- A. Creation of a system or plan to obtain support services from other identified EMS/Ambulance and emergency and non-emergency medical services entities to assure adequate and continuous coverage during emergencies, disasters, large public events and other urgent needs.
- B. All such plans, mutual aid agreements or other forms of contracts shall be with properly licensed and certified EMS/Ambulance services.
- C. Upon approval of the emergency back up plans and proposed contracts presented by the franchisee, all rights, privileges and benefits granted to the franchisee shall be extended to the backup entities selected by the franchisee but only to the extent and for the duration of the emergency or need for such services. All such plans, agreements, and contract services shall serve at the pleasure of the franchisee. (Ord. No. 2009-09, Sec. 26.)

## **CHAPTER 4.16**

### **TAX ON PRIVATE CLUBS**

Sections:

4.16.01 City tax levied

4.16.01 City tax levied All private clubs within the City of Clinton, Arkansas, serving alcoholic beverages shall pay to the city a supplemental tax equal to the amount paid to the state. Proceeds from this tax shall be deposited into the City's general fund.

STATE LAW REFERENCE: A.C.A. 3-9-223.

## CHAPTER 4.20

### STORAGE, TRANSPORTATION AND

### SALE OF LIQUOR, BEER AND WINE

#### Sections:

- 4.20.01 Misdemeanor and fine
- 4.20.02 Possession of liquor
- 4.20.03 Transportation of liquor

4.20.01 Misdemeanor and fine Any person or persons who shall sell, barter, give or exchange any intoxicating liquor in any form shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$50.00 nor more than \$500.00 or imprisoned for not exceeding six months or both, so fined and imprisoned in the discretion of the court or jury. (Ord. No. 37, Sec. 1.)

4.20.02 Possession of liquor It shall be unlawful for any person to buy, bargain, sell, loan, own, have in possession or knowingly transport illicitly distilled liquor or intoxicating liquors of any kind upon which the Arkansas Excise Tax has not been paid and it shall be unlawful for any person to buy, bargain, sell, loan, have in possession or knowingly transport an illicit distillery for the unlawful manufacture of spirituous, vinous, malt or intoxicating liquors. Any person who shall violate this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$50.00 nor more than \$500.00 or imprisoned for not exceeding six months or both, so fined and imprisoned in the discretion of the court and jury. (Ord. No. 37, Sec. 2.)

4.20.03 Transportation of liquor It shall be unlawful for any person to ship or transport or cause to be shipped or transported or to accept or conveyance into or through the city of Clinton, any spirituous, vinous or malt liquors or beverages in any quantity or amounts in excess of one gallon in toto: At any time any person who shall violate any of this provision of this ordinance or of Acts 205 and 206 and or 423 of Acts of Arkansas, 1947 edition, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$50.00 nor more than \$1,000.00 or be confined in the county jail not less than six months nor more than one year or both the fine and imprisonment. (Ord. No. 37, Sec. 3.)

## CHAPTER 4.24

### TEMPORARY OR TRANSIENT MERCHANTS

Sections:

4.24.01	Definitions
4.24.02	Exemptions
4.24.03	Enforcement
4.24.04	Registration required
4.24.05	Penalties
4.24.06	Application
4.24.07	Fees
4.24.08	Issuance and terms of registration
4.24.09	Permit fees
4.24.10	Yard Sales
4.24.11	Mobile Food Venders

4.24.01 Definitions

**Person:** Any individual, corporation, partnership, association or other entity.

**Temporary or transient business:** Any business conducted for the sale or offer for sale of goods, or merchandise which is carried on in any building, structure, motor vehicle, railroad car, or real estate for a period of less than six (6) months in each year without written evidence of a right to occupy the premises on which a person is conducting business;

**Transient Merchant:** Any person, firm, corporation, partnership or other entity which engages in, does or transacts any temporary or transient business in the city limits of the City of Clinton, either in one locality or in traveling too place to place in the city, offering for sale or selling goods, wares, merchandise or services. (Ord. No. 2009-11, Sec. 1).

4.24.02 Exemptions The provisions in this Ordinance shall not apply to:

- a) Sales at wholesale to retail merchants by commercial travelers or selling agents in the usual course of business;
- b) Wholesale trade shows or conventions;
- c) Sales of goods, wares, or merchandise by sample catalogue or brochure for future delivery;
- d) Fairs and convention center activities conducted primarily for amusement or religious organization;
- e) Any general sale, fair, auction, or bazaar sponsored by any church or religious organization;
- f) Any event, festival, farmer's market, fair, general sale, auction, or bazaar sponsored by City of Clinton or Van Buren County.

- g) Garage sales held on the premises devoted to residential use;
- h) Sales of agricultural products, except nursery products and foliage plants;
- i) Sales made by a seller at residential premises pursuant to an invitation issued by the owner or legal occupant of the premises;
- j) School-sponsored bazaars and sales, concessions at school athlete and other events, and sales of paraphernalia used in the celebration of any nationally recognized holiday or used in connection with any public school, university, or college-related activities, flea markets, retail fireworks establishments, gun shows, sales by charitable organizations, and expositions sponsored by government entities or by nonprofit trade associations.
- k) A transient merchant not otherwise exempted from the provisions of this subchapter shall not be relieved or exempted from the provisions of this subchapter by reason of associating himself temporarily with any local dealer, auctioneer, trader, contractor, or merchant or by conducting such temporary or transient business in connection with or in the name of any local dealer, auctioneer, trader, contractor, or merchant. (Ord. No. 2009-11, Sec. 2).

4.24.03 Enforcement It shall be the duty of the Clinton Police Department, Zoning Official, and the City Attorney to enforce the provisions of this Ordinance. (Ord. No. 2009-11, Sec. 3).

4.24.04 Registration required It is unlawful for any transient merchant to transact business in the City of Clinton, Arkansas, unless the merchant and the owners of any goods, wares, or merchandise to be offered for sale or sold, if such are not owned by the merchant, shall have first secured a registration and shall have otherwise complied with the requirements of this ordinance. (Ord. No. 2009-11, Sec. 4).

4.24.05 Penalties Any person or entity that transacts a transient business as defined in as amended A.C.A 17-49-103, without first having obtained a registration in accordance with the provisions of the subchapter, or who knowingly advertises, offers for sale, or sells any goods, wares, merchandise, or services in violation of the provisions of this subchapter, shall be guilty of a violation of the provisions of this subchapter, shall be guilty of violation and subject to a fine of up to \$500.00. (Ord. No. 2009-11, Sec. 5).

4.24.06 Application

- a) Any transient merchant desiring to transact business in the City of Clinton shall make application for and obtain a registration.
- b) The application for registration shall be filed with the City Clerk.
- c) The application for registration shall included the following information:
  - 1) The name and permanent address of the transient merchant making application and, if the applicant is a firm or corporation, the name and address of the members of the firm or the officers of the corporation, as the case may be;
  - 2) If the applicant is a corporation, there shall be stated on the application form the date of incorporation, the state of incorporation and, if the applicant is a

- 3) corporation formed in a state other than the State of Arkansas, the date on which the corporation qualified to transact business as a foreign corporation in the State of Arkansas;
  - 4) A statement showing the kind of business proposed to be conducted, the length of time for which the applicant desires to transact such business, and the location of the proposed place of business;
  - 5) The name and permanent address of the transient merchant's registered agent or office;
  - 6) Proof that the applicant has acquired all other required city, county, and state permits and licenses; and
  - 7) There shall be attached to the application a receipt or statement showing that any personal property taxes due on goods, wares or merchandise to be offered for sale have been paid;
- d) The City Clerk shall design and cause to be printed appropriate forms for applications for registration for the registration certificates to be issued to applicants under this subchapter. (Ord. No. 2009-11, Sec. 6).

#### 4.24.07 Fees

- a) The application for a transient merchant license shall be accompanied by a fee of Fifty Dollars (\$50.00) and by a cash bond or a surety bond issued by a corporate surety authorized to do business in the State of Arkansas, in the amount of Two Thousand dollars (\$2000.00) or five percent (5%) of the wholesale value of any goods, wares, merchandise, or services to be offered for sale, whichever sum is lesser.
- b) The surety bond shall be in favor of the City of Clinton and shall assure the payment by the applicant of all taxes that may be due from the applicant to the city, the payment of any fines that may be assessed against the applicant or its agents or employees for violation of the provisions of this subchapter, and for satisfaction of all judgments that may be rendered against the transient merchant or its agents or employees in any cause of action commenced by any purchaser of goods, wares, merchandise, or services within one (1) year from the date of sale by the transient merchant.
- c) The bonds shall be maintained so long as the transient merchant conducts business in the City of Clinton, Arkansas and for a period of one (1) year after the termination of business. The bonds shall be released only when the transient merchant furnishes satisfactory proof to the City Clerk that it has satisfied all claims of purchasers of goods, wares, merchandise, or services from the merchant and that all city sales taxes and other taxes have been paid.
- d) Bond requirements may be waived by Mayor at his discretion if determined product sold does not need to be bonded. (Ord. No. 2009-11, Sec. 7).

4.24.08 Issuance and terms of registration A transient business registration shall be issued hereunder only when all requirements of this subchapter have been met. The registration shall:

- 1) Not be transferable;
- 2) Be valid only for a period of thirty (30) days; and
- 3) Be valid only for the business stated in the application.

A license so issued shall be valid for only one (1) person, unless the person shall be a member of a partnership or employee of a firm or corporation obtaining the license.  
(Ord. No. 2009-11, Sec. 8).

4.24.09 Permit fees All vendors that are determined by the Mayor or his designee not to be a Transient Merchant or not exempt by Section 2 of this ordinance, must purchase a permit in the amount of twenty-five dollars (\$25.00), said permit must be displayed at vendor's stand at all times. Permit is for three days and the vendor must relocate after three days. All vendors that operate within the City of Clinton during the Archey Fork Festival, Chuckwagon races, or any other special event, but are outside the designated area of said event, must purchase a permit from the City of Clinton in the amount of one hundred dollars (\$100.00). This permit will be good for 14 days from date of issue and must be displayed at the vendor's stand at all times. All vendors must display sign at least 2'x2' with their name and address listed, also must state if they are the producers of the product or are-seller. (Ord. No. 2009-11, Sec. 9).

4.24.10 Yard Sales Continuous yard sales or garages sales are not allowed in any Zoning District within the City of Clinton, any sales event of this type shall not exceed three days in duration and only once in any given month, said sales events shall not exceed four each year. All indoor garage sales or flea markets that extend beyond this time limit shall follow licensing requirements of Local Business Licensing within the City of Clinton. (Ord. No. 2009-11, Sec. 10).

4.24.11 Mobile Food Vendors To operate within Clinton, Arkansas mobile food vendors shall:

- A. Be required to have a current registration with the City of Clinton.
- B. To obtain a registration, the Mobile Food Vendor shall present to the City Zoning Official:
  1. Current License by the Arkansas Department of Health.
  2. Written Permission from the property/business owner to operate their food business at that location.
  3. Current Sales Tax Permit.
- C. Mobile Food Vendors must, at all times, comply with all applicable state and local statutes and codes, including, without limitation, those regulating signage, setback, health, and safety.
- D. Except as elsewhere permitted by Ordinance 2009-11, no mobile food vendor shall operate on city property.
- E. Pay a registration fee of \$100.00 (One Hundred Dollars) for each 12 month period of registration. (Ord. No. 2014-04, Sec. 1).

## CHAPTER 4.28

### CIRCUSES, VAUDEVILLE AND OTHER SHOWS

Sections:

- 4.28.01 Shows - privilege
- 4.28.02 Police chief to collect fees
- 4.28.03 Application for permit
- 4.28.04 Circus, fair or carnival - application
- 4.28.05 Application - what must be stated
- 4.28.06 Recorder shall have printed suitable forms
- 4.28.07 License fee/bond face value
- 4.28.08 Bond - provisions
- 4.28.09 Licenses non-transferable
- 4.28.10 Penalty
- 4.28.11 Exemptions

4.28.01 Shows - privilege The operation of any moving picture show, vaudeville or any other type of show for the public's amusement and charging an admission fee for the admittance of the public thereto within the city of Clinton, Arkansas, is hereby declared to be a privilege and for the right of any person, firm, or corporation to exercise such business there is hereby levied a privilege tax in the sum of \$36.00 for the operation of the said show as described herein for a period of one year; \$5.00 to \$50.00 for the period of one week or \$5.00 to \$25.00 for the period of one week. \$5.00 to \$25.00 for a day showing, the amount of the tax being assessed in accordance with the time specified in the application. (Ord. No. 16, Sec. 1.)

4.28.02 Police chief to collect fees The Police Chief of Clinton, Arkansas, is hereby authorized by this ordinance to collect all fees hereinbefore mentioned and remit same to the duly elected city treasurer which shall be held by him subject to withdrawal in the manner provided by law. (Ord. No. 16, Sec. 2.)

4.28.03 Application for permit Before any person, firm or corporation shall engage in the operation of a moving picture show, vaudeville or other form of amusement in the city of Clinton, an application shall be made to the city recorder for a permit. Said application shall contain a statement of the name of applicant and the duration for which the license is sought. Upon compliance with above provisions said license shall be issued by the city recorder. Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof may be fined in any sum not less than \$5.00 nor more than \$50.00. (Ord. No. 16, Sec. 3.)

4.28.04 Circus, fair or carnival - application It shall be unlawful for the owner of any transient carnival, fair or circus to transact business within the city of Clinton unless said owner shall have first secured a license and posted a bond prior to the operation of said business as set out hereafter. (Ord. No. 94-222, Sec. 1.)

4.28.05 Application - what must be stated Any owner of said transient carnival, fair or circus shall make application for and obtain a license in the city prior to conducting business. Said application shall include the name and permanent address of the owner making said application and if the owner is a firm or corporation, the name and address of the members of the firm or officers of the corporation; if the owner is a corporation the application shall include the date of incorporation, the state of incorporation and, if said corporation is formed in a state other than Arkansas, the date on which the corporation qualified to transact business within the state of Arkansas; the length of time for which the applicant desires to transact business and the location of the proposed place of business; the name and permanent address of the owner's registered agent or office; and proof that the applicant has acquired all applicable county and state permits. (Ord. No. 94-111, Sec. 2.)

4.28.06 Recorder shall have printed suitable forms The City Recorder shall design and cause to be printed appropriate forms for applications for licenses and for license certificates to be issued hereunder. (Ord. No. 94-222, Sec. 3.)

4.28.07 License fee/bond face value Each application shall be accompanied by a license fee of \$25.00 and by a cash bond or surety bond issued by a corporate surety authorized to do business in this State in an amount of \$2,500.00. (Ord. No. 94-222, Sec. 4.)

4.28.08 Bond - provisions The bond shall be in the favor of the city of Clinton and shall assure the payment of any fines that may be assessed against the owner or its agents or employees for violation of this ordinance, for satisfaction of any judgments that may be rendered against the owner or its agents or employees in any cause of action commenced by any customer of the transient carnival, fair or circus or purchaser of its goods or wares or commenced by any landowner on which the carnival, fair or circus is located within one year of the date of the conclusion of business. Said bonds shall be maintained so long as the transient carnival, fair or circus conducts business within the city and for a period of one year after the termination of its business. Said bonds shall be released only upon satisfactory proof to the City Clerk that all claims have been paid. (Ord. No. 94-222, Sec. 5.)

4.28.09 Licenses non-transferable Any license described hereunder shall not be transferable; they shall be valid only within the city limits; they shall be valid only for a period of ninety days; and they shall be valid only for the business stated on the application. (Ord. No. 94-222, Sec. 6.)

4.28.10 Penalty Any owner found to be in violation of this ordinance shall be guilty of a violation and assessed a fine not to exceed \$500.00. The penalty prescribed herein shall be in



addition to any other penalties prescribed by law for any criminal offenses committed by the licensee. (Ord. No. 94-222, Sec. 7.)

4.28.11 Exemptions The provisions herein do not apply to any carnival, fair or circus that operates or does business on the property known as the Van Buren County Fairgrounds. (Ord. No. 94-222, Sec. 8.)

**CHAPTER 4.32**

**OIL, NATURAL GAS AND MINERAL DRILLING AND EXPLORATION**

Sections:

- 4.32.01 Title
- 4.32.02 Definitions
- 4.32.03 Permits Required
- 4.32.04 Permit Application And Filing Fee; Notice Of Application
- 4.32.05 Permits; Issuance Or Refusal To Issue
- 4.32.06 Well Setbacks
- 4.32.07 Bond And Insurance
- 4.32.08 Permit Termination
- 4.32.09 Amended Permits
- 4.32.10 Use Of Streets And Alleys
- 4.32.11 Streets And Alleys; Obstructions
- 4.32.12 Private Roads And Drill Sites
- 4.32.13 Operations, Practices And Standards
- 4.32.14 Cleanliness And Sanitation
- 4.32.15 Fences Required; Locking Gates; Waiver
- 4.32.16 Fire Prevention
- 4.32.17 Flow Lines And Gathering Lines
- 4.32.18 Reports
- 4.32.19 Violations
- 4.32.20 Penalty
- 4.32.21 Fees Required
- 4.32.22 Other Noise Regulations

4.32.01. Title This ordinance may be cited as the Clinton Oil and Natural Gas Drilling Ordinance. (Ord. No. 2007-16, Sec. 1.)

4.32.02. Definitions

(a). For the purposes of this Ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONMENT** - The discontinued use of any permitted site under this Ordinance including the plugging of the well and the restoration of the well site.

**BUILDING**- Any structure used or intended for supporting or sheltering any activity, use or occupancy. The term "Building" includes any portion of the structure.

**CITY**- The City of Clinton, Arkansas.

**CITY OFFICIAL** - The Clinton Zoning Official or ether person as designated by the Mayor.

**DRILLING** - Digging or boring a new well for the purpose of exploring for, developing or producing petroleum, gas or other hydrocarbons, or for the purpose of injecting gas, water or other fluid or substance into the earth.

**DRILL SITE** - All of the land area used in the drilling or other related operations and/or natural gas or mineral exploration, specifically including, but not limited to, rig locations, portable or permanent structures, steel slush pits, storage areas for pipe or other material, and areas for parking and maneuvering of vehicles, except roadways used for ingress or egress to the drill site.

**OPERATION SITE**- The area used for development, production, and all operational activities associated with oil or gas after drilling activities are complete.

**PERMITTEE** -The person or entity to whom is issued a permit or certificate for oil, gas or mineral exploration or drilling, operating and producing of a well under this Ordinance, and his or her or its heirs, legal representatives, successors and assigns.

**PERSON** - Any natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator and a fiduciary or representative of any kind.

**PROPERTY OWNER**- The named owner of real property as reflected by the most recent Deed recorded in the Circuit Clerk's office.

**PROTECTED USE** -A residence, commercial building, religious institution, public building, hospital building, school, public park or an approved preliminary or final platted residential subdivision.

**RIGHT-OF-WAY**- All public rights of way or streets or other public property with the city limits.

**STREET**- Any street, highway, sidewalk, alley, avenue, recessed parking area, or other public right of way, including the entire right of way.

WELL - Any hole or holes, bore or bores, including multiple horizontal bores, to any sand, horizon, formation, strata or depth for the purpose of producing any oil, gas, liquid hydrocarbon, brine water, sulphur water, mineral or for the use as an inspection well for secondary recovery, or any of them.

(b) All technical or oil and natural gas industry words or phrases used herein and not specifically defined shall have that meaning customarily attributable there by prudent operators in the oil and gas industry. (Ord. No. 2007-16, Sec. 2.)

#### 4.32.03. Permits Required

- (a) A person wishing to engage in and operate in oil, mineral or natural gas production activities shall apply for and obtain a permit under this Ordinance. It shall be unlawful and an offense for any person acting either for himself or herself or acting as agent, employee, independent contractor, or servant for any person to knowingly drill any well or to conduct any mineral exploration or to install any water and/or gas repressurizing or injection facility within the city limits of Clinton without a permit having first been issued by the authority of the City official. A permit shall not be required for seismic surveys unless such surveys will be conducted on city owned property.
- (b) A permit shall not constitute authority for the re-entering and drilling of an abandoned well. A Permittee shall obtain a new permit if he is re-entering and drilling an abandoned well.
- (c) When a permit has been issued for the drilling, re-drilling, deepening, re-entering, activating or converting of a well, such permit shall constitute sufficient authority for drilling, operation, production, gathering of production, maintenance, repair, reworking, testing, plugging and abandonment of the well, and any other activity associated with the mineral exploration at the site of such well. Unless prohibited by this Ordinance such permit shall constitute sufficient authority for the construction and use of all facilities reasonably necessary or convenient in connection therewith, agent and contractors and any provision of any Zoning Ordinance of the City of Clinton to the contrary notwithstanding.
- (d) Any person who intends to re-work a permitted well using a drilling rig, to fracture stimulate, a permitted well after initial completion or to conduct seismic surveys or other exploration activities shall give written notice to the Zoning Official no less than ten (10) days prior to the start of such activities. The notice shall identify where the activities will be conducted and must describe the activities in detail, including whether explosive charges will be used, the duration of the activities and the time the activities will be conducted. If requested by the Zoning Official the person conducting the activities shall post a sign on the property giving the public notice of the activities, including the name, address and twenty four hour phone number of the person conducting activities.
- (e) No additional permit or filing fees shall be required for:

- (1) Any wells, existing, previously permitted or approved by the City of Clinton on the date this Ordinance is adopted.
  - (2) Any wells on which drilling has commenced on the date this Ordinance is adopted.
- (f) By acceptance of any permit issued pursuant to this Ordinance, the Permittee expressly stipulates and agrees to be bound by and comply with the provisions of this Ordinance. The terms of this Ordinance shall be deemed to be incorporated in any permit issued pursuant to this Ordinance with the same force and effect as if this Ordinance was set forth in the permit. (Ord. No. 2007-16, Sec. 3.)

#### 4.32.04. Permit Application And Filing Fee; Notice Of Application

- (a) A Special Use Permit shall be required for every site on which there will be an application for a permit to drill a well, reenter and drill to a deeper formation, install a water and/or gas repressurizing or injection facility, or to conduct any mineral exploration shall be in writing on a form prescribed by the City Official, signed by the applicant or some person authorized to act on his behalf, and filed with the City Official together with the onetime fee required for inspections of commercial or industrial site preparations
- (b) Oil and natural gas drilling operations are designated to require a Special Use permit due to the potential harmful effects such use can cause to nearby streets and property and because the requirements needed to eliminate those harmful effects vary from site to site. Thus the Clinton Zoning Official, or other official designated by the Mayor, will review the overall compatibility of the planned use with surrounding property as well as such specific items such as street standards, traffic patterns, compliance with any adopted fire prevention code of the City of Clinton, amount of dust or spillage created by the operation, traffic control and any other specific issue to make sure no harmful effects occur to nearby property or existing public property. However, nothing in this Ordinance shall be interpreted and/or applied so as to effectively prevent or eliminate oil and/ natural gas drilling within the city.
- (c) A separate application for a Special use Permit shall be required for each well and water and/or gas repressurizing or injection facility. The application shall include full information, including the following:
  - (1) The date of the application.
  - (2) A map showing the proposed transportation route and road for equipment, chemicals or waste products used or produced by the oil or gas operation.
  - (3) The proposed well name and the certified 911 address.
  - (4) The name and address of the Permittee and if the Permittee is a corporation or other business entity, the state of incorporation and the agent for service of process and if the Permittee is a partnership, the names and addresses of the general partners.

- (5) The names and addresses of all property owners within four hundred (400) feet of the property that will contain the proposed drill site and evidence that said property owners have been given written notice by certified mail, return receipt requested of the intent to seek a Special Use Permit for the proposed property.
- (6) A site plan and survey of the proposed operation showing the location of all improvements and all equipment, including the location of the proposed well(s) and other facilities, including, but not limited to, tanks, pipelines, compressors, separators, storage sheds, fencing and any access roads.
- (7) The name and address of the person designated to receive any notices and the name and address of any person with supervisory and/or emergency authority over all oil and gas operations on site and a twenty four (24) hour phone number.
- (8) A description of the public utilities and water source required during drilling and operation.
- (9) A copy of all permits necessary for the drilling of the well that are issued by the State of Arkansas or any of its agencies and the federal government or any of its agencies.
- (10) Evidence of insurance and security requirements under this Ordinance.
- (11) A statement under oath by the applicant that the information submitted with the application is, to the best of his knowledge and belief, true and correct.
- (12) The location of all security fencing around the site (if applicable) and a description of the proposed special use, including the description of any construction of temporary structures to be used on the property. (Ord. No. 2007-16, Sec. 4.)

#### 4.32.05. Permits; Issuance Or Refusal To Issue

- (a) The City Official within ten (10) business days after the application for a permit to drill a well or a permit to install water and/or gas repressurizing or injection facilities or conduct any mineral exploration shall determine whether or not the application complies in all respects with the provisions of this Ordinance, then the City Official shall issue a permit for the drilling of the well or the installation of the facilities applied for.
- (b) If the Zoning Official determines that a Permit should be denied for reasons other than lack of a required distance setback as set forth in this Ordinance, the Zoning Official shall notify the Applicant in writing of such denial stating the reasons for the denial. Within thirty (30) days of the date of the written decision of the Zoning Official to deny the permit, the Applicant may: 1) cure those conditions that caused the denial and resubmit the application to the Zoning Official for approval and issuance of the permit without any additional fees; or 2) file an appeal to the City Council for inclusion on the next regularly scheduled City Council meeting.
- (c) If, however, the City Official determines that all of the provisions of this Ordinance have been complied with by the applicant but that the proposed drill site is not the required distance from occupied residences, commercial structures or public buildings as required

- above, or that the drill site is crossed by a public street or road, then the City Official shall issue the permit if the applicant provides written approval from all property owners with structures that will be nearer than the required set back distance described in this Ordinance.
- (d) If any issue is appealed to the City Council the Council shall review the application, the issue in question and any other related material and information. The City Council shall consider the following in deciding whether or not to issue a permit or grant a waiver of a condition required in this Ordinance:
- (1) Whether the requested waiver or permit is reasonable under the circumstances and conditions prevailing in the area considering the particular location and the character of the improvements located there.
  - (2) Whether the drilling of such wells will interfere with the orderly growth and development of the City.
  - (3) Whether the operations proposed are consistent with the health, safety and welfare of the public when and if conducted in accordance with the permit conditions to be imposed.
  - (4) Whether there is access for City fire personnel and firefighting equipment and or police personnel as may be needed.
- (e) If, following the public hearing, the City Council finds that exceptional circumstances exist, it may grant a requested waiver or permit application upon such terms and conditions as it determines to be necessary to protect the public health and safety.
- (f) The decision of the Council shall be final and in making its decision, it shall, in addition to other considerations, have the power and authority to refuse any permit to drill any well at any particular location within the city, when by reason of such particular location and the character and nature of the improvements already erected on or adjacent to the particular location in question for residences, commercial activities, schools, hospitals, parks, civic purposes, public health or safety reasons or any of them where the drilling of such wells at such particular location would be injurious to the health or safety of the inhabitants in the immediate area of the city or to a substantial number of such inhabitants or would not promote orderly growth and development of the city.
- (g) Each permit shall:
- (1) By reference have incorporated therein all of the provisions of this Ordinance with the same force and effect as if they were copied verbatim in the permit.
  - (2) Specify the surface location of the proposed drill site.
  - (3) Contain and specify such other terms and provisions as may be necessary to accomplish the purposes of this Ordinance.
  - (4) Contain and specify that no actual operations shall be commenced until the Permittee has complied with the bond and insurance provisions of this Ordinance.

- (5) Require that the Permittee promptly restore to its former condition any public property damaged by the oil or gas operation. (Ord. No. 2007-16, Sec. 5.)

4.32.06. Well Setbacks

- (a) It shall be unlawful to drill any well, the center of which, at the surface of the ground, is located: (1) Within two hundred (200) feet of any Protected Use whether currently existing or for which a building permit has been issued prior to the date of the application for a permit under this Ordinance.
- (b) The distances referred to in Section (a) above shall be calculated from the well bore, in a straight line, without regard to intervening structures or objects to the closest exterior point of any object or boundary listed in Section (a). (Ord. No. 2007-16, Sec. 6.)

4.32.07. Bond And Insurance A bond or irrevocable letter of credit shall be filed with the City Official in the amount of one hundred thousand dollars (\$100,000.00) along with the permit application for the initial well or facility applied for by an operator. An additional bond or letter of credit shall be required for every application for a tenth operating additional well or facility. To be clear the bond or irrevocable letter of credit shall apply to up to nine operating wells or facilities of each and every kind. The bond shall be executed by the operator as principal and a corporate surety authorized by the Arkansas Insurance Department to conduct business within the State of Arkansas, as surety and with the bond in favor of the City of Clinton conditioned that the Permittee will comply with all of the terms, conditions, and requirements of this Ordinance and any permit issued hereunder, and further conditioned that the Permittee will repair any damages to city streets, as determined by the Street Department, caused by the equipment and vehicles used by the Permittee in going to and from the drill site with such repairs to be in compliance with specifications therefore prepared and provided to the Permittee by the Street Department. (Ord. No. 2007-16, Sec. 7.)

4.32.08. Permit Termination In the event of a failure of a Permittee to comply with any provision of this chapter, the City Official shall issue in writing to the Permittee a notice of the nature of the noncompliance and providing a reasonable time, not to exceed seven (7) days in which to regain compliance. After the lapse of such time, if compliance has not been made, the City Official may suspend the permit for a period of time or cancel the permit as he deems proper. (Ord. No. 2007-16, Sec. 8.)

4.32.09. Amended Permits

- (a) A Permittee may submit an application to the Zoning Official to amend an existing permit to commence drilling from a new drill site that is not shown on the permit, to relocate a drill site or operation site that is shown on the existing permit, or to otherwise amend the existing permit.
- (b) Applications for Amended Permits shall be in writing, signed by the Permittee, and shall include the following:

- a. A description of the proposed amendments;
  - b. Changes to the information in the original application;
  - c. Such additional information as may be reasonably required by the Zoning Official to demonstrate compliance with the existing permit or to prevent imminent destruction of property or injury to persons.
- (c) If the activities proposed by the amendment are not materially different from the activities covered by the existing permit and if the proposed activities are in conformance with the applicable permit then the Zoning Official shall approve the amendment within ten (10) business days of it being filed.
  - (d) If the activities proposed by the amendment are materially different from the activities covered by the existing permit and if the proposed activities are in conformance with the applicable permit then the Zoning Official shall approve the amendment within ten (10) days of it being filed. If, however, the activities proposed by the amendment are materially different from the activities covered by the existing permit and, in the opinion of the Zoning Official, might create a risk of imminent destruction of property or injury to persons that was not associated with the activities covered by the existing permit or that was otherwise not taken into consideration by the existing permit, the Zoning Official may require the amendment be processed as a new application but without payment of any additional fees that may have been required.
  - (e) The failure of the Zoning Official to review and issue an amended permit within the time limits specified herein shall not cause the application for an amended permit to be deemed approved.
  - (f) The decision of the Zoning Official to deny an amendment to a permit shall be forwarded to the Permittee in writing within ten (10) days after the decision, including an explanation of the basis for denial. The Permittee may appeal such decision to the City Council. (Ord. No. 2007-16, Sec. 9.)

#### 4.32.10. Use Of Streets And Alleys

- (a) No Permittee shall make any excavations for any purpose or construct any lines or pipes on, under or through the streets or alleys or other lands of the City of Clinton without an express easement agreement or right of way license from the City, at a price to be agreed upon, and then only in strict compliance with this Ordinance or any other Ordinance of the City and the repairs to any such excavation to be made according to specifications set by the Clinton Street Department.
- (b) The Permittee shall, at Permittee's expense, repair any damages to roads, streets, highways or other city property caused by the use of heavy vehicles and equipment for any activity associated with the preparation, drilling, production and operation of any well permitted under this Ordinance. (Ord. No. 2007-16, Sec. 10.)

#### 4.32.11. Streets And Alleys; Obstructions No well shall be drilled and no permit shall be



issued for any well to be drilled at any location which is within any of the streets or alleys of the City and/or streets or alleys shown on the master plan of the City, and no street or alley shall be blocked or encumbered or closed in any drilling or production operation or for any mineral or natural gas exploration except by written permission of the Police Chief, and then only temporarily. (Ord. No. 2007-16, Sec. 11.)

#### 4.32.12. Private Roads And Drill Sites

- (a) Prior to the commencement of any drilling operations, all private roads used for access to the drill site and the operation site must be at least ten (10) feet wide, have an overhead clearance of fourteen (14) feet and be surfaced and maintained so as to prevent dust and mud and to allow access for firefighting equipment or other emergency vehicles.
- (b) The requirements of Section (a) above may be altered at the discretion of the Zoning Official in consultation with the Fire Chief after consideration of all circumstances including, but not limited to, the following: 1) distances from streets and highways; 2) distances from nearby property owners whose surface rights are not leased by this operation; 3) the purposes for which the property of such owners is or may be used; 4) topographical features; 5) soil conditions; 6) exposure to wind. (Ord. No. 2007-16, Sec. 12.)

#### 4.32.13. Operations, Practices And Standards

- (a) Drilling operations must be conducted in such a manner that percolating or ground water will not be adversely affected.
- (b) All oil drilling and production operations shall be conducted in such a manner as to minimize, so far as practicable, dust, noise, vibration or noxious odors, and shall be in accordance with the best accepted practices incident to drilling for the production of oil, gas and other hydrocarbon substances.
- (c) There shall not be a Central Point Compressor Station (from multiple wells) located in the City of Clinton without the approval of such a station by the City Council.
- (d) Except in cases of emergency, no materials, equipment, tools or pipe used for drilling or production operations shall be delivered to or removed from the site except between the hours of 7:00a.m. to 8:00p.m. on any day. On drillstem tests, only one trip will be allowed at night between 8:00 p.m. and 7:00 a.m. unless an emergency exists.
- (e) Firefighting apparatus and supplies as approved by the Fire Chief shall be maintained on the drilling site at all times during drilling and production operations.
- (f) All production equipment used shall be so constructed and operated so that noise, vibration, dust, odor or other harmful or annoying substances or effect will be minimized by the operations carried on at any drill site or from anything incident thereto, to the injury or annoyance of persons living in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements in methods of production shall be adopted as they, from time to time, become available if capable of reducing factors of nuisance or annoyance.

- (g) The well site, drill site, tank site, tank battery site, pump station site or compressor site shall not be used for the storage of pipe, equipment or material except during the drilling or servicing of the well and the production facilities allowed on the site.
- (h) No refinery, dehydrating or absorption plant of any kind shall be constructed, established or maintained on the premises at any time. This shall not be deemed to exclude a simple gas separation process.
- (i) All electric lines to production facilities shall be located in a manner compatible to those already installed in the surrounding area or subdivision.
- (j) No lights located on any drill or operation site shall be directed in such a manner that they shine directly on public roads, adjacent property or property in the general vicinity of the drill or operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads and adjacent dwellings and buildings within four hundred (400) feet.
- (k) Exhaust from any internal combustion engine, stationary or mounted on wheels, used in connection with the drilling of any well or for use on any production equipment shall not be discharged into the open air unless it is equipped with an exhaust muffler, or mufflers or an exhaust muffler box constructed of non combustible materials sufficient to suppress noise and prevent the escape of noxious gases, fumes or ignited carbon or soot.
- (l) Signs
  - (1) A sign shall be immediately and prominently displayed at the gate of the temporary and permanent fencing erected pursuant to this Ordinance. Such sign shall be of a durable material, maintained in a good condition and have a surface area of not less than two (2) square feet nor more than five (5) square feet and shall be lettered with the following:
    - (A) Well name and number
    - (B) Name of Permittee and the telephone numbers of the person responsible for the well who may be contacted in case of an emergency and 911 address of the well.
  - (2) Permanent weatherproof signs reading "DANGER NO SMOKING ALLOWED" shall be posted immediately upon completion of the well site fencing at the entrance of each well site.
- (m) Each well must have a shutoff valve to terminate the well's production. The Fire Department shall have access to the well site to provide fire protection in an emergency.
- (n) The Permittee shall provide the Zoning official with forty-eight (48) hours advance notice of the start of drilling and/or fracturing operations. (Ord. No. 2007-16, Sec. 13.)

#### 4.32.14. Cleanliness And Sanitation

- (a) The premises shall be kept in a clean and sanitary condition. The Permittee shall prevent any mud, waste water, oil, slush or other waste matter from flowing into the alleys, streets, lots or other property within the city limits.
- (b) All permittee premises shall be kept clear of high grass, weeds and combustible trash within a radius of one hundred (100) feet around any oil tank, tanks, or producing wells. All waste shall be disposed of in such a manner as to comply with the air and water pollution control regulations of Arkansas, the United States and the City of Clinton. (Ord. No. 2007-16, Sec. 14.)

#### 4.32.15. Fences Required; Locking Gates; Waiver

- (a) Fences shall not be required on drill sites during initial drilling, completion or re-working operations as long as 24 hour on-site supervision is provided. A secured entrance gate shall be required. All gates are to be kept locked when the Permittee or its employees are not within the enclosure.
- (b) Within thirty (30) days after production has been established, all operation sites shall be completely enclosed by a permanent chain link fence, masonry wall or other fencing material.
- (c) All chain link fences or masonry walls shall be equipped with at least one (1) gate wide enough to allow access for fire or emergency vehicles. The gate shall meet the following specifications:
  - (1) The gates shall be of chain link construction that meets the applicable specifications, or of other approved material that, for safety reasons, shall be at least as secure as a chain link fence;
  - (2) The gates shall be provided with a combination catch and locking device for a padlock, or an electric lock, and shall be kept locked except when being used for access to the site;
  - (3) The Permittee shall provide the Fire Chief with a means of access the well site in the event of an emergency.
- (d) The Permittee shall maintain all walls, fencing and gates in good condition at all times. Gates must be kept securely locked when the Permittee or its employees are not within the enclosure.
- (e) The requirements for a fence or wall may be modified or waived by the City Council after consideration of all of the circumstances including, but not limited to, the nature of the surrounding land uses and the potential impact of the well site on such surrounding land uses if the fence or wall is not required. (Ord. No. 2007-16, Sec. 15.)

#### 4.32.16. Fire Prevention

- (a) Any Permittee engaged in the drilling or operation of an oil and/or natural gas well or the operation of any facility used in conjunction with the production of oil and/or natural gas within the city limits shall take reasonable precautions to prevent any gas from escaping into the air, and shall not burn or flare any gas from a torch or any similar means within the city limits provided, however, that gas may be burned for a limited time when necessary to complete any oil and/or natural gas, so long as same does not constitute a fire hazard to the property of others within the vicinity of such oil and/or natural gas well.
- (b) Water must be available at the site (within one thousand five hundred (1500) feet) by either fire hydrant or hoses that connect to fire department connections. This requirement may be waived by the City Council upon application and a showing that such requirement is not essential for fire suppression or extinguishment at the site.
- (c) If blasting is required then all such blasting shall be done by federally licensed technicians during daylight hours and in the presence of the fire department. (Ord. No. 2007-16, Sec. 16.)

#### 4.32.17. Flow Lines And Gathering Lines

- (a) Each Permittee shall place an identifying sign at each point where a flow line or gas gathering line or line carrying H<sub>2</sub>S gas crosses any public street, road or alley and it shall be unlawful and an offense for any person to remove, destroy or deface any such sign.
- (b) The location of any such lines, if not specified in the permit, must be specifically approved by the Director of the Street Department.
- (c) All pipelines within the city limits other than those belonging to the city for its utility services and other than those belonging to natural gas, electric telephone and other utility providers that are designed or utilized to transport oil, natural gas or water in conjunction with the production and transportation of oil and/or gas or for repressurizing operations shall be installed with a minimum of twenty-four (24) inches of cover or backfill unless a lesser cover or specify a greater cover or backfill is authorized by the Director of the Street Department
- (d) The requirements for construction in public right of ways must conform to any and all applicable Ordinances of the City of Clinton.
- (e) The digging up, breaking, excavating, tunneling, undermining, breaking up or damaging of any street as herein defined, or leaving upon any street any earth or other material or obstruction, shall not be permitted unless such persons shall first have obtained written permission from the Director of the Street Department, provided however, emergency repairs may be made without such permission when in the good faith opinion of the Permittee the delay required to obtain the written permission would involve a hazard to persons or property. (Ord. No. 2007-16, Sec. 17.)

#### 4.32.18 Reports

- (a) The Permittee shall notify the Zoning Official of any changes to the name, address and phone number of the Permittee or the person designated to receive notices from the City within five (5) business days after the change occurs:
- (b) The Permittee shall notify the Zoning Official of any change to the name, address, and twenty-four hour phone number of the person(s) with supervisory authority over drilling or operations activities within one (1) business day. (Ord. No. 2007-16, Sec. 18.)

4.32.19 Violations It shall be unlawful and an offense for any person to violate or fail to comply with any provision herein. (Ord. No. 2007-16, Sec. 19.)

4.32.20 Penalty Any person who violates any provision of this Ordinance or any provision of a permit issued hereunder shall be guilty of a violation and shall, upon conviction thereof, be fined in any sum not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00). The violation of each separate provision of this Ordinance and of any permit issued hereunder shall be considered a separate offense, and each day's violation of each separate provision thereof shall be considered a separate offense. (Ord. No. 2007-16, Sec. 20.)

#### 4.32.21 Fees Required

1. Ordinance 2007-16 is amended only to the extent that this Ordinance provides for a permit fee of One Thousand (\$1000.00) Dollars for each oil, natural gas or mineral well drilled within the city limits, whether from an existing pad or otherwise and whether or not a well has been drilled from such pad. This permit fee is in addition to any other permit fee which may have been charged previously. This ordinance shall not affect any other fee provisions as to site preparation fees. (Ord. No. 2013-02, Sec. 2.)
2. Each wellhead compressor within the city limits shall be permitted and the fee for same is Two Hundred and Fifty (\$250.00) Dollars. (Ord. No. 2013-02, Sec. 3.)

#### 4.32.22 Other Noise Regulations

1. For noise pollution control and/or unsightly appearance, the City of Clinton can require each wellhead compressor to be enclosed on all four sides by a sound barrier with insulated walls. Height of wall is to be determined by conditions on each well site. (Ord. No. 2013-02, Sec. 4.)
2. No wellhead or equipment of any kind shall be situated nearer than Two Hundred (200) feet from a Protected Use Area. (Ord. No. 2013-02, Sec. 5.)

ALL DRILLING AND OPERATIONS SHALL COMPLY WITH THE FOLLOWING REGULATIONS:

3. No well shall be drilled, redrilled or any equipment operated at any location within the City of Clinton in such a manner so as to create any noise which causes the exterior noise level when measured at any Protected Use Area within 200 feet of wellhead or equipment, or at a point of location of 200 feet on any property surrounding the well pad, whichever is closer to the receiver/receptor, that exceeds the Ambient Noise Level by more than five (5) decibels during daytime hours and more than three (3) decibels during nighttime hours.
4. The operator shall be responsible for establishing and reporting to the City of Clinton the pre- drilling Ambient Noise Level prior to the issuance of a gas well permit. Once the drilling is complete, the Operator shall be required to establish a new Ambient Noise Level prior to the installation of any new noise generation equipment. (Ord. No. 2013-02, Sec. 6.)
5. Only wellhead compressor type RED RIVER COMPRESSOR (MODEL# CB5712GH) WEATHER BEATER GHOST PACKAGE OR EQUIVALENT in noise control, decibel level, and appearance are allowed within the City of Clinton. (Ord. No. 2013-02, Sec. 7.)
6. Acoustical blankets, sound walls, mufflers, or other alternative methods as approved by the City may be used to ensure compliance. All soundproofing shall comply with accepted industry standards and shall be subject to approval by the City of Clinton Code Enforcement. (Ord. No. 2013-02, Sec. 8.)

## CHAPTER 4.36

### OCCUPATIONAL LICENSES

#### Sections:

4.36.01	License Required
4.36.02	Liability
4.36.03	Each Business
4.36.04	Application
4.36.05	Fees
4.36.06	Terms Of License
4.36.07	Zoning Regulations
4.36.08	Change Of Location
4.36.09	Transferring
4.36.10	Nuisance
4.36.11	Inspection
4.36.12	Posting
4.36.13	Schedule
4.36.14	Penalty

4.36.01 License Required A license shall be required of any person, firm, individual or corporation who shall in a brick and mortar setting or as a transient business, engage in, carry on, or follow any trade, business, profession, vocation or calling, within the corporate limits of the City of Clinton. (Ord. No. 2017-02, Sec. 1).

4.36.02 Liability Any person, partnership, corporation or other entity shall be subject to the requirements of this chapter if by himself or through an agent, employee or partner, he holds himself forth as being engaged in a business or occupation; or solicits patronage therefore, actively or passively; or performs or attempts to perform any part of such business or occupation in the city. (Ord. No. 2017-02, Sec. 2).

4.36.03 Each Business Any person, partnership, corporation or other entity having more than one place of business within the city shall obtain a license for each place of business. For the purpose of construing this chapter, more than one place of business shall mean any business operations conducted within two (2) or more separate buildings or upon two (2) or more separate tracts of real estate. (Ord. No. 2017-02, Sec. 3).

4.36.04 Application Applications for all licenses required by this chapter shall be made in writing to the City Clerk. Each application shall state the name of the applicant, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain a copy of state sales tax permit, health department permit if applicable, and any such additional information as may be needed for the proper guidance of the city officials in issuing the license applied for. Each license issued shall bear the signature of the City Clerk and/or Mayor. All applications required hereunder shall be kept and filed by the City Clerk. (Ord. No. 2017-02, Sec. 4).

4.36.05 Fees All fees and charges for licenses shall be paid at the time application therefore is made to the City Clerk. All license fees shall become part of the city general fund under the economic development line item. (Ord. No. 2017-02, Sec. 5).

4.36.06 Terms Of License All licenses shall be for an indefinite term or for such terms as may be set in the future by appropriate city ordinance. All licenses are to be renewed on an annual basis according to terms put forth in this ordinance. (Ord. No. 2017-02, Sec. 6).

4.36.07 Zoning Regulations No license shall be issued for the conduct of any business, if the premises and building to be used for the purpose do not fully comply with the requirements of the city. No such license shall be issued for the conduct of any business or performance of any act, which would involve a violation of the zoning ordinances of the city. Inspection by City Code Official is required prior to issuing of any license or opening of the location for business. A certificate of occupancy is required and will be issued if building and location are in compliance. (Ord. No. 2017-02, Sec. 7).

4.36.08 Change Of Location The location of any licensed business or occupation, or of any permitted act, may be changed, provided, ten (10) days of notice therefore given to the City Clerk, in the absence of any provision to the contrary; provided, that the building, zoning, and other ordinances of the city are complied with. All requirements of this ordinance must be followed for the new location. (Ord. No. 2017-02, Sec. 8).

4.36.09 Transferring A license issued under this chapter shall not be transferable. (Ord. No. 2017-02, Sec. 9).

4.36.10 Nuisance No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact; nor in violation of any ordinance of this city or state law. (Ord. No. 2017-02, Sec. 10).

4.36.11. Inspection Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance, are reasonably necessary to secure compliance with any ordinance provision or to detect violation thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto, for the purpose of making the inspection, any officer or employee of the city who is authorized or directed to make such inspections at any reasonable time admission is requested. Before opening of any new business inspections by the City Code Official is required and the issuing of a Certificate of Occupancy must be issued prior to the opening of any new business. (Ord. No. 2017-02, Sec. 11).

4.36.12 Posting It shall be the duty of any person conducting a licensed business in the city to keep his license posted in a prominent place on the premises used for such business at all times. The holder of a license shall show the license to any officer or agent of the city upon request. (Ord. No. 2017-02, Sec. 12).

4.36.13 Schedule Any person, partnership, corporation, limited liability company and any other business entity who shall engage in, carry on or operate a trade, business, profession or vocation of any kind within the corporate limits of the City of Clinton shall pay a license fee of \$25.00 and for each year thereafter, may pay an annual voluntary renewal fee of \$25.00. The Clinton City Council may designate a portion of the monies derived from license fees to be used to promote the City of Clinton to attract new businesses. Each person shall procure said occupational license and pay the fee required within (30) days of the date of January 1st of each year or in the event of a person entering into business at any time after this date, said person shall procure the license and pay the fee required before the business is commenced. The same fee of \$25.00 will be required regardless of the date the business begins thru out the year. (Ord. No. 2017-02, Sec. 13).

4.36.14 Penalty Any person engaged in business without first having procured a license therefore as provided herein, and paid the requisite fee (\$25.00) therefore as provided herein, shall pay a penalty of twice the amount of such license fee due plus the cost of collection, and each day of operation of such business without payment and procurement of said license shall constitute a separate and distinct offense. This penalty will be assessed if business does not comply with ordinance within (30) days of the 1st of each calendar year, or within (30) days of beginning a new business within the city. Citations for failure to comply with this Ordinance may be issued by the Code Enforcement Officer or the City Police. (Ord. No. 2015-07, Sec. 14).



## **TITLE 5**

### **HEALTH AND SANITATION**

#### **Chapters:**

- 5.04 Maintenance of Real Property
- 5.05 Yard Waste Removal
- 5.08 Septic Tanks
- 5.12 Littering
- 5.16 Solid Waste Collection
- 5.20 Condemnation Proceedings

#### **CHAPTER 5.04**

##### **MAINTENANCE OF REAL PROPERTY**

#### **Sections**

- 5.04.01 Unlawful states declared
- 5.04.02 Violations and Definitions
- 5.04.03 Notice Required
- 5.04.04 Methods of Notice
- 5.04.05 Public Hearing
- 5.04.06 Enforcement
- 5.04.07 Liens
- 5.04.08 Habitation

5.04.01 Unlawful states declared It shall be unlawful for any person, firm, corporation, partnership, company, limited liability company or other business entity of any form, having ownership, supervision or control of any lot, tract, parcel of land or portion thereof within the city limits of Clinton, Arkansas, whether as owner, occupant or tenant, to suffer or permit the following:

- a) Grass, weeds, or other plant or plants that are not cultivated, to grow to a height greater than ten (10) inches on an average on an individual lot, tract, or parcel, or to grow in rank profusion upon the premises. This provision shall not apply to any land used for agricultural purposes or left in a natural condition and used for recreational purposes such as hunting.
- b) Rubbish, brush, trash, dead trees, scrap, building materials or any other unsightly or unsanitary matter of whatever nature to accumulate or be present upon any lot, tract, or parcel of land.

- c) Grass, weeds or any plant that is not cultivated , to grow in rank profusion, or otherwise, in, along, upon, or across the abutting sidewalk or parkway, to a height of more than ten (10) inches on the average . This provision shall not apply to any land used for agricultural purposes or left in a natural condition and used for recreational purposes such as hunting.
- d) The storage of a junk and/or abandoned automobile, RV, camper or other item that was designed or built to be moved under its own power or towed or pushed by such a vehicle , for a period not to exceed thirty (30) days, unless it is connection with an automotive sales or repair business enterprise which operates with any and all appropriate licenses and is located in an area zoned for such business . The term "abandoned automobile" means any motor vehicle, of any type, or any part thereof that is in a state of disrepair and incapable of being moved under its own power or does not have a current license plate.
- e) The open storage of iceboxes, refrigerators, freezers or any other appliance or furniture for a period not to exceed thirty (30) days unless it is in connection with an appliance or furniture sales or repair business enterprise which operates with any and all appropriate licenses and is located in an area zoned for such business. During the period of any outdoor storage, for any reason, all doors, latches and locks are to be removed or made inoperable to insure the safety of all citizens.
- f) The use of any stream, water flow or drainage way for the purpose of throwing or placing stumps, brush, litter, rubbish or any other liquid or solid material in or along the banks of any such stream, water flow or drainage way unless specifically permitted by any appropriate environmental agency.
- g) The accumulation of stagnant pools of water, or allow any form of vessel that might accumulate water in which mosquitoes or other insects might breed.
- h) The property, including all adjacent rights-of-ways and alleys, to be used for illegal dumping of any solid or liquid, household or commercial, industrial, construction or demolition waste, including but not limited to: garbage, trash, furniture, tin or aluminum cans, bottles, rubbish, refuse, lumber, whether dumped, thrown, burned, spilled or abandoned unless specifically permitted by any appropriate environmental agency.
- i) Trees, shrubs, bushes or any other plant impeding the flow of pedestrian traffic on any sidewalk and/or public right-of-way or impeding the flow of vehicular traffic on any street, road, highway, avenue, boulevard or other type of roadway.
- j) The scattering, throwing or placing or allowing the scattering, throwing or placing in any yards or on any porches of residences any advertising pieces, packages or envelopes containing any substance, drug sample or other article that would be injurious to small children if accidentally partaken by them.

- k) The burning of any substance that creates noxious fumes or odors or creates smoke that is so intense that it impedes the view of passing motorists or infiltrates any occupiable structure to such an extent that it constitutes a health or safety hazard for any occupants therein.
- l) Any act or condition constituting a nuisance under Arkansas state law or common law. (Ord. No. 2005-13, Sec. 1.)

5.04.02 Violations and Definitions It shall be a violation of this Ordinance for any owner, as defined in this Ordinance, to permit, allow to remain, fail to take action to demolish and/or remove or correct, or fail to board and secure any dangerous, dilapidated, substandard, or unsafe building or structure as directed by the City.

a) Definitions:

- 1) Dangerous means, with reference to a building or structure, that it:
  - A) Is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public regardless of whether or not the cause of the condition is from fire, storm or any kind of disuse or abandonment.
  - B) Lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupant or of the public.
  - C) Is a dilapidated building or structure.
  - D) Is a substandard building or structure.
  - E) Is an unsafe building or structure.
- 2) Dilapidated building or structure means a building, structure, dwelling, dwelling unit, multiple dwelling, apartment, apartment house including among others, a garage, shed, and similar accessory structures, which by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, is unsafe, unsanitary or which constitutes a fire hazard, or is otherwise dangerous to human life and are no longer adequate for the purposes for which they were originally intended.
- 3) Owner means the holder of the title in fee simple and any person in whose name tax bills on property are submitted. Owner also means any person who, alone or jointly or severally with others has legal title to, or care and control of, any building or structure with or without actual possession thereof or has charge, care or control of any building or structure as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possessions, assignee of rents, lessee, or other person in control of a building or structure.

- 4) Substandard dwelling or structure means a dwelling unit, multiple dwelling, apartment, apartment house or any other space used or intended to be used as a habitable living space in any building or structure, which is dangerous as defined above or constitutes a health or safety risk to the occupants or to the public.
- 5) Unsafe building or structure means a building or structure including, but not limited to, all dwellings, apartment houses, rooming houses or buildings or structures used as such, which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment. (Ord. No. 2005-13, Sec. 2.)

5.04.03 Notice Required Whenever the Clinton Zoning Official, or other city employee designated by the Mayor or by subsequent Ordinance, determines that there are reasonable grounds to believe that there has been a violation of any provisions of Section 1 or 2 he or she shall give Notice of such alleged violation to the person responsible therefore, whether such person is the owner, occupier or tenant of the property in question, and that such alleged violation(s) shall constitute a nuisance. Reasonable grounds may be either actual notice or viewing by the City Official or based upon investigation of a complaint from citizens. In either event such Notice shall:

- a) Be in writing.
- b) Include a statement of the reasons why the Notice is being issued, and the subsection, or subsections, of Section 1 or 2 that are alleged to be in violation.
- c) Allow a maximum of thirty (30) days for performance by the owner, occupier or tenant of any remedial act required by the Notice. In the case of a violation of Section 2, state the time within which the building or structure occupants must be vacated, if appropriate, and advise the recipient of the Notice that all necessary permits must be procured and work commenced within thirty (30) days and continued to satisfactory completion within such time as is necessary to complete the necessary repairs or renovations in a timely manner. In this regard the owner of the property shall provide the City with a repair or renovation work plan and timetable. The Notice shall state that the owner shall board and secure the structure and maintain such boarding and security at all times until the structure is brought into compliance with this Ordinance or is demolished. In the case of a violation of Section 2, the Notice shall also state that if the repairs, reconstruction, alteration, removal or demolition are not completed with the time stated within the Notice then the City may demolish the structure, or otherwise abate the nuisance, after declaring the property to be a nuisance.

- d) Order the correction and abatement of the violation(s) and state, that if such alleged violation(s) are not corrected within the stated time as set forth in the Notice, shall present to the Clinton City Council a Resolution declaring the property in question to be a nuisance, and authorizing the City of Clinton to take any and all actions permitted by this Ordinance or state law to abate the nuisance.
- e) Provide the date of the Clinton City Council meeting wherein such Resolution shall be considered by the City Council provided, however, that the date of said City Council meeting shall be at least seven (7) days from the date of the Notice.
- f) The provisions of this Section shall not, in any way, be construed to limit or override the authority of the Clinton Police Department to enforce any other ordinances or state laws regarding illegal or improper burning of any objects in any manner allowed by law. (Ord. No. 2005-13, Sec. 3.)

5.04.04 Methods of Notice The owner, occupier or tenant of the property that is responsible for the violation(s) of Section 1 or 2 shall be notified by one (1) or more of the following methods:

- a) By delivery of the Notice to the owner, occupier or tenant as may be the case, personally.
- b) By leaving the Notice at the usual place, abode, residence or business of the owner, occupier or tenant that is the responsible party, with a person of suitable age and discretion, but in no event anyone under the age of fourteen (14).
- c) By depositing the Notice in the United States Postal System, addressed to the owner, occupier or tenant as the case may be, at his or her last known address, by certified mail, return receipt requested, postage prepaid.
- d) By posting and keeping posted for a period of not less than twenty four (24) hours, a copy of the Notice in a conspicuous place on the property or premises alleged to be in violation. (Ord. No. 2005-13, Sec. 3.)

5.04.05 Public Hearing If presented with a Resolution as described in Section 4 d), the City Council shall, prior to voting on said Resolution, conduct a public hearing and allow the presentation of evidence, documents, photos or other items by city officials and by the owner, occupier or tenant alleged to be in violation of this Ordinance. Upon the conclusion of the public hearing the City Council may take whatever action it deems prudent in regards to passage or defeat of the Resolution including the addition of conditions if desired. (Ord. No. 2005-13, Sec. 4.)

5.04.06 Enforcement If a Resolution is passed declaring a lot, tract, parcel of land or portion thereof to be a nuisance, the City shall have, and may use any or all of, the following options to enforce said Resolution:

- a) The City may take whatever steps are necessary to correct, remove, abate or eliminate the condition causing the nuisance and charge the cost thereof to the responsible party whether said party is the owner, occupier or tenant. The City of Clinton shall have a lien against said property for the costs incurred by the City to correct, remove, abate or eliminate the condition causing the nuisance. In the case of a violation of Section 3 the City may secure or demolish and remove the structure at its discretion and as provided in the Resolution.
- 1) The lien may be enforced and collected in either of the following manners:
    - A) Within eighteen months after the work has been done, by an action in Circuit Court.
    - B) The amount of the lien may be determined at a hearing before the City Council after thirty (30) days notice by certified mail to the owner, occupier or tenant as the case may be, if the name(s), and address(es) are known. If the name(s) and address(es) are not known then the hearing shall be held after publication of a Notice of such hearing in a newspaper having a bona fide circulation in Van Buren County for one (1) insertion per week for four (4) consecutive weeks. The amounts due the City as determined at the hearing, including all costs incurred by the City relevant to nuisance and any notices, plus ten (10) per cent penalty shall be certified by the City Council to the Van Buren County tax collector to be placed on the tax books as a penalty to be collected in the manner and with the priority of delinquent real or personal property taxes, and the amount so collected, less three (3) per cent thereof for the Collector's Office when so collected shall be paid to the City.
- b) The City Attorney may charge an owner, occupier or tenant as the case may be with a violation of this Ordinance in District Court and pursue a conviction thereof. Any person found guilty and convicted of violating this Ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed two hundred and fifty dollars (\$250.00) for each day that the same is unlawfully continued.
- 1) If a violation of this Ordinance is also a misdemeanor under state law, the penalty for the violation shall be as prescribed by state law.
  - 2) The imposition of a penalty does not prevent the revocation or suspension of a license, permit or franchise if applicable.

- c) If the violation(s) of this Ordinance that are continuous with respect to time are a public nuisance then the City of Clinton may seek to obtain judicial relief in the form of a Declaration of a Nuisance and injunctive relief necessary to abate it.
- d) Nothing in this Ordinance shall be construed to limit the ability of the City from seeking equitable relief in Circuit Court whether or not other options are exercised or to limit the ability of the City from exercising any of its options while seeking equitable relief in Circuit Court. (Ord. No. 2005-13, Sec. 6.)
- e) As to any property upon which the City of Clinton, Arkansas has a lien pursuant to this ordinance, no building permit shall be granted as to such property nor shall any city services be provided to it until such lien has been satisfied. (Ord. No. 2011-06, Sec. 1.)

5.04.07 Liens In the event that removal of a nuisance produces any marketable scrap and/or building materials, the same shall be sold, upon reasonable advertisement and notice in a newspaper having a general circulation within Van Buren County, at a public sale to the highest bidder. All proceeds shall be applied first to the costs of the notice and sale, if any, then to the lien created in 5.04.07 a) with the City filing any required Satisfaction, or Partial Satisfaction, of Lien. The remaining balance, if any, shall be deposited into the city's General Fund or other accounts as the City Council may designate. (Ord. No. 2005-13, Sec. 7.)

5.04.08 Habitation Any building or structure that has been ordered to be vacated under this Ordinance shall be vacated within thirty (30) days after Notice to do so has been given to the owner, occupant or tenant thereof and no such building or structure that has been ordered vacated shall be used for human habitation until approved by the Zoning official. The Zoning official shall place a placard or other Notice on the property stating that the property is unfit for human habitation and occupancy thereof is prohibited until further notice. The Zoning official shall remove the placard upon the completion of the repairs, reconstruction or demolition of the property. (Ord. No. 2005-13, Sec. 8.)

**CHAPTER 5.05**

**YARD WASTE REMOVAL**

Sections:

5.05.01	Yard Waste Removal
5.05.02	Yard Waste Restrictions
5.05.03	Expansion of Services
5.05.04	Violations

5.05.01 Yard Waste Removal The City will conduct yard waste removal the week of the last Monday in each month. A resident in need of this service shall contact City Hall by 4:00 p.m. on the preceding Friday. The resident's address will be placed on a list and the City will attempt to pick up all yard waste on the list during the pickup week. (Ord. No. 2018-06, Sec. 1)

5.05.02 Yard Waste Restrictions

- a. Leaves shall be bagged and placed together near the street, or piled near a driveway accessible by the City's equipment, but not in any drainage ditch. Leaves shall be free of limbs.
- b. Grass clippings shall be bagged and placed near the street.
- c. Limbs or small trees must be 6" or smaller in diameter and cut to 6' or shorter in length.
- d. Monthly yard waste shall not exceed 54 cubic feet in volume (3'x6'x3') per residential address.
- e. Yard waste shall only consist of organic material and no lumber may be included. (Ord. No. 2018-06, Sec. 2)

5.05.03 Expansion of Services The Mayor may, in his or her own discretion, expand yard waste removal services following major storm events. (Ord. No. 2018-06, Sec. 3)

5.05.04 Violations Knowingly placing yard waste or other material into City drainage ditches is a violation subject to a fine of up to \$100.00 per occurrence. (Ord. No. 2018-06, Sec. 4)



**CHAPTER 5.08**

**SEPTIC TANKS**

Sections:

- 5.08.01 Water Superintendent shall be inspector
- 5.08.02 Overflows unlawful

5.08.01 Water superintendent shall be inspector. The Water Superintendent shall be the inspector, and shall regulate the erection, building and maintenance of all septic tanks now in use or to be put in use in the city and it shall be the duty of any person intending to build or erect a septic tank within the city limits to first make application to the Water Department Superintendent. It shall be the duty of the inspector to see that such septic tank shall be in conformity with the recommendations of the State Board of Health.

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

**CHAPTER 5.16**

**SOLID WASTE COLLECTION**

Sections:

- 5.16.01 Service schedule
- 5.16.02 Rate schedule
- 5.16.03 Method of collection
- 5.16.04 Curb side pickups
- 5.16.05 Agreement reached with R.L. Sprott
- 5.16.06 Sprott landfill to be used solely
- 5.16.07 Penalty
- 5.16.08 City Council shall approve all rate schedules
- 5.16.09 “Waste” defined
- 5.16.10 Effective date
- 5.16.11 Inorganic debris

5.16.01 Service schedule Solid waste in the city shall be collected as follows:

- A. Residential sections shall be serviced with pick-up once each week;
- B. Business and commercial districts shall be serviced once each week or as conditions warrant.

5.16.02 Rate schedule The following rates shall be collected for the services rendered:

- A. Residential Sections \_\_\_\_\_per month
- B. Business and Commercial Sections \_\_\_\_\_ per month depending upon volume

5.16.03 Method of collection. The bills for solid waste collection by the city shall be rendered monthly with the monthly bills for water service.

5.16.04 Curb side pickups. Property owners shall use the curb side of front yard for pickups in residential sections unless there are alleys of sufficient width to allow the city equipment to pick up the solid waste at the rear of the property.

5.16.05 Agreement reached with R.L. Sprott R.L. Sprott shall provide a sanitary landfill for use of the City of Clinton and the inhabitants thereof. The landfill shall comply with all statutes of the State of Arkansas and regulations of the State of Arkansas Department of Ecology and Pollution control. R.L. Sprott shall be solely responsible for complying with all pertinent statutes and regulations. (Ord. No. 134 of 1984, Sec. 1.)

5.16.06 Sprott landfill to be used solely The City of Clinton, all inhabitants of the City and all trash collectors collecting within the City shall use the R.L. Sprott Sanitary Landfill, solely and exclusively. No trash generated within, found within, or collected within the City of Clinton may be deposited at any site except the Sanitary Landfill of R.L Sprott. (Ord. No. 134 of 1984, Sec. 2.)

5.16.07 Penalty Depositing any trash in violation of Section 2 hereof shall be a misdemeanor punishable by a fine not exceeding \$1,000.00. (Ord. No. 134 of 1984, Sec. 3.)

5.16.08 City Council shall approve all rate schedules The City Council of the city of Clinton shall approve all rate schedules charged by R.L. Sprott at his Sanitary Landfill. all other aspects of operation of the landfill shall be under the exclusive control of R.L. Sprott. The City agrees to subsidize R.L. Sprott in the amount \$2,388.24 for the first year of operation after final approval of the Landfill is gained and the Landfill commences operation. The City further agrees to subsidize Mr. Sprott for the succeeding two years under the following formula: Total subsidy for the County and City shall be Twenty Five Thousand (\$25,000.00) Dollars. The City shall pay that amount calculated by dividing the number of inhabitants of the city of Clinton by the total number of inhabitants of the County and multiplying by \$25,000.00.

The City agrees that absent failure of R.L. Sprott to comply with this Ordinance or the Rules and Regulations of the Department of Ecology and Pollution control, this Ordinance shall remain in effect for a period of at least three years following the date the Landfill commences operation. The City further agrees to approve rates that will permit R.L. Sprott to obtain a reasonable return upon his investment in obtaining and operating the landfill. (Ord. No. 134 of 1984, Sec. 4.)

5.16.09 "Waste" defined When used in this Ordinance, wastes means all putrescible and non-putrescible waste in solid or semi-solid form including, but not limited to garbage, rubbish, street refuse, process waste, and all other solid and semi-solid waste materials resulting from

industrial, commercial, and community and residential activities. Waste generated by the Banquet Food's Processing Plant shall not be included in the definition of wastes herein. (Ord. No. 134 of 1984, Sec. 5.)

5.16.10 Effective date This Ordinance shall be effective thirty days after publication as required by Arkansas Law except Paragraphs 1,2, and 3 shall become effective upon the date the Landfill is placed in actual operation. (Ord. No. 134 of 1984, Sec. 6.)

5.16.11 Inorganic debris The city hereby prohibits the disposal, storage, or abandonment of all inorganic debris of any kind on city property. Nothing in this ordinance shall prohibit the disposal of organic materials on city property.

“Organic materials” are plant or tree waste which has not been manufactured or refined. (Ord. No. 01-03, Sec. 1.)

## **CHAPTER 5.20**

### **CONDEMNATION PROCEEDINGS**

Sections:

5.20.01	Nuisances prohibited
5.20.02	Condemnation
5.20.03	Notice Required
5.20.04	Description of structure
5.20.05	Mailing or posting notice
5.20.06	Abatement
5.20.07	Auction
5.20.08	Use of proceeds
5.20.09	Lien
5.20.10	Fines
5.20.11	Judicial declaration

5.20.01 Nuisances prohibited 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 Clinton, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by Resolution of the City Council. Ord. No. 2013-08, Sec. 1.)

5.20.02 Condemnation That any such house, building and/or structure which is found and declared to be a nuisance by Resolution of the City Council will be condemned to insure the removal thereof as herein provided. Ord. No. 2013-08, Sec. 2.)

5.20.03 Notice Required

- (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 their whereabouts 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 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 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) of residence or business. Ord. No. 2013-08, Sec. 3.)

5.20.04 Description of structure 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. 2013-08, Sec. 4.)

5.20.05 Mailing or posting 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 at 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. 2013-08, Sec. 5.)

5.20.06 Abatement If the house, building and/or structure constituting a nuisance has not been torn down or removed, or said nuisance otherwise abated within thirty (30) days after posting the true copy of the Resolution at a conspicuous place on said house, building and/or structure constituting the nuisance, it will be torn down and/or removed by the Mayor or his/her designee Inspector or his duly-designated representative. Ord. No. 2013-08, Sec. 6.)

5.20.07 Auction The Mayor or any other person or persons designated by him/her to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure, or any saleable materials thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the City, to insure its removal and the abatement of the nuisance. Ord. No. 2013-08, Sec. 7.)

5.20.08 Use of proceeds All 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 thereof, 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. 2013-08, Sec. 8.)

5.20.09 Lien If the City has any net costs in removal of any house, building or structure, the City shall have a lien on the property as provided by A.C.A. 14-54-904. Ord. No. 2013-08, Sec. 9.)

5.20.10 Fines A fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Thousand Dollars (\$1000.00) 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 continuing offense punishable by a fine up to Five Hundred Dollars (\$500.00) per day; provided the notice as herein provided in 5.20.5 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. 2013-08, Sec. 10.)

5.20.11 Judicial declaration 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 Circuit 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 up to One Thousand Dollars (\$1000.00) 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 continuing offense punishable by a fine up to Five Hundred Dollars (\$500.00) per day. (Ord. No. 2013-08, Sec. 11.)

## 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 Licensing
- 6.04.03 Rabies vaccination required
- 6.04.04 Restraint
- 6.04.05 Animal care
- 6.04.06 Animal waste
- 6.04.07 Excessive noise
- 6.04.08 Impoundment
- 6.04.09 Reclaiming impounded animals
- 6.04.10 Relinquishment of unwanted animals
- 6.04.11 Enforcement authority
- 6.04.12 Penalties for violations
- 6.04.13 Interference
- 6.04.14 Determination of vicious animal; appeal procedure
- 6.04.15 Penalties
- 6.04.16 Barking of dogs; cleanliness of kennels
- 6.04.17 Unlawful to allow pets to get into garbage
- 6.04.18 Killing of animal which has killed
- 6.04.19 Violations; punishment

6.04.01 Definitions As used in this ordinance the following terms have the following meanings:

**Abandon:** an act of any person, partnership, firm or corporation owning, in possession of, harboring or having custody of an animal who knowingly refuses to provide care for the animal.



**Altered Animal:** a neutered male or spayed female – an animal incapable of reproduction.

**Animal:** any description of vertebrate, excluding homo sapiens.

**Animal-at-Large:**

1. Any animal shall be considered an “animal-at-large” when it is not under the physical control of the animal’s owner or harborer, or his authorized representative, by leash, cord, chain, fence, or enclosure of sufficient strength or construction to control the animal, or by other effective means of restraint or control; or
2. An animal intruding upon the property of another person or upon public property and not under the physical control referred to herein shall be deemed “running at large. An animal within an automobile or other vehicle shall not be deemed “running at large” if the animal is physically confined to the vehicle. An animal shall not be considered “at large” when on the premises of the owner or harborer thereof.

**Animal Control Authority:** the city of Clinton or any group, agency or society designated by the city.

**Animal Shelter:** any facility operated by a humane society, or municipal agency or its authorized agents, for the purpose of impounding animals under the authority of this ordinance or state law, for care, confinement, return to owner, adoption, or euthanasia.

**Cat:** a domestic feline of either sex.

**Cruelty to Animals:** except as authorized by law, it shall be considered “cruelty-to-animals” when a person, acting knowingly:

1. Abandons any animal.
2. Subjects any animal to cruel treatment.
3. Subjects any animal in his custody to cruel neglect; or
4. Kills or injures any animal belonging to another without privilege or consent of the owner.

**Dog:** a domestic canine of either sex.

**Enclosure:** a fence or structure establishing an area suitable to confine an animal and prevent the animal from escaping.

**Exotic Animal:** an animal that is not indigenous (occurring naturally, native) to Arkansas.

**Harbor:** to keep or care for an animal; to provide food, shelter or premises to which the animal returns for a period of three (3) days or more.

**Humane Officer or Animal Control Officer:** a person designated by Van Buren County, state of Arkansas, city of Clinton or other municipal government, or a humane society as a law enforcement officer who is qualified to perform animal related duties under the laws of this state, and this ordinance.

**License:** A metal or plastic tag and certificate issued by the city of Clinton or its designated agent.

**Licensing Authority:** the city or its designated agent.

**Muzzle:** when required by this ordinance, a muzzle shall be to appropriate material with sufficient strength to restrain the animal from biting and no such muzzle employed shall be made from any material or maintained on the animal in any manner so as to cut or injure the animal.

**Owner:** any person, firm, partnership or corporation owning, possessing, keeping or harboring one or more animals.

**Pet:** any animal kept for pleasure; an animal or a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

**Public Nuisance:** any animal or animals that:

1. Unreasonably annoys humans or endangers the life or health of other animal or persons;
2. Substantially interferes with the right of citizens, other than owners, to the enjoyment of life and property; or
3. Is repeatedly found at large; or
4. Damages the property of anyone other than its owner; or
5. Molests or intimidates pedestrians or passersby; or
6. Chases vehicles; or

7. Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, growling, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or
8. Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity of the premises where the animal is kept or harbored; or
9. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; or
10. Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained; or
11. Is vicious; or attacks other domestic animals; or has been found by the Animal Control Officer, after notice to its owner and an opportunity for a hearing, to be a “public nuisance animal” by virtue of being a menace to property or the public health, welfare, or safety; or interferes with refuse collection or spreads trash from refuse containers or molests meter readers or other service providers.

**Restraint:** when any animal is secured by a leash, cord, or otherwise under the control of a responsible person and obedient to the person’s commands, or with the real property limits of its owner or harborer. Dogs in back of open vehicles shall be restrained so as not to be a threat to passersby.

**Vicious Animal:**

1. Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation or which because temperament, conditioning, or training has a known propensity to attack, bite, or injure human beings or domesticated animals.
2. Any animal owned or harbored, or in part, for the purpose of animal fighting. Notwithstanding the above definition, no animal shall be declared vicious if the person was tormenting, abusing, or assaulting the animal or the person was committing or attempting to commit a crime. No animal shall be declared vicious if the animal was protecting or defending its young from attack or assault. (Ord. No. 00-287, Sec. 1.)

6.04.02 Licensing

- A. All dogs and cats over the age of six months must be licensed annually with the city. Cost of registration on neutered animals is \$5.00 and fertile animals is \$15.00
- B. Licenses are to be obtained at Clinton City Hall, upon presentation of proof of rabies vaccination, whether or not animal is neutered, and proper fee. A written statement from a veterinarian will be accepted as proof of being neutered and/or rabies vaccination.
- C. Any resident owning, keeping harboring, or having custody of any dog or cat over six (6) months of age within this must be in compliance with the state regulations.
- D. Dogs and cats must wear identification tags on collars with the owner's name, address, and phone number at all times, when off the premises of the owners or harborers.
- E. Persons who fail to comply with state law and city ordinance, in the time period specified in this section, will be subjected to a fine of \$25.00 for the first offense, \$100.00 for second offense. (Ord. No. 00-287, Sec. 2.)

6.04.03 Rabies vaccination required

- A. All dogs, cats, or other pets in the city, which are subject to rabies, shall be vaccinated annually against rabies, by an accredited veterinarian. A metal tag indicating the veterinarian's name, phone number and year of vaccination evidencing such vaccination shall be attached to the harness or collar of every dog in the city and shall be attached to every cat in the city by a reasonably humane method.

Any person who shall keep any dog or cat subject to rabies in the city without first having such pet vaccinated for rabies at least once a year shall be guilty of a misdemeanor. Each day may be considered a separate offense.

- B. Any animal shall be immediately released by the owner or harborer for quarantine confinement at the Animal Control Shelter of the city or any within an enclosure approved by the Animal Control Officer for a period of ten (10) Days. When any animal which has bitten, scratched or otherwise attacked a person, the person or anyone having knowledge of such incident shall immediately notify the Animal Control Officer.

The animal shall be quarantined at the expense of the owner, or if the animal is euthanized and its head taken to the State Health Department for pathological examination, the owner shall be responsible for the cost of euthanasia, transportation of the head and disposal of the body of the animal. (Ord. No. 00-287, Sec. 3.)

6.04.04 Restraint All animals shall be kept under restraint. (Ord. No. 00-287, Sec. 4.)

6.04.05 Animal care

- A. No owner or harbinger shall fail to provide his animals with sufficient wholesome, and nutritious food, potable water, in sufficient quantities, proper air and shelter that provides protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment. No dog or cat may be kept on flooring of wire grid.
- B. All animals must be provided with appropriate shelter and a non-injurious, safe environment. Shelter and enclosures, whether temporary or permanent, must be constructed so that they are of an appropriate size, strength, and material that allows the animal to stand, stretch, turn around and lie down freely. The shelters, enclosures and fenced areas for animals must be free of hazards such as trash, sharp edges, projecting nails, broken, or splintered wood, metal, or glass shards, machinery, loose wires, or other material that may cause injury. (Ord. No. 00-287, Sec. 5.)

6.04.06 Animal waste

- A. The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, or private property.
- B. It shall be unlawful for any person keeping or harboring any animal to fail to keep the premises where such animal is kept from offensive odors
- C. It shall be unlawful for any person keeping or harboring any animal to fail to keep the premises where such animal is kept from offensive odors to the extent that such odors are disturbing to any person residing within a responsible proximity of said premises; and it shall be unlawful to allow the premises where any animal is kept to become unclean and a threat to the animal or the public health by failing to diligently and systematically remove all excreta and other waste material from the premises. (Ord. No. 00-287, Sec. 6.)

6.04.07 Excessive noise It shall be unlawful for any person to keep on his premises or under his control, any animal which by loud and frequent barking, howling, or other noise shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such animal is kept.

6.04.08 Impoundment

- A. Any animal at large or other wise in violation of the provisions of this ordinance may be impounded in an animal shelter in a humane manner. If after five days the animal has not been reclaimed by its owner or harborer in accordance with the provisions of this ordinance, such animal shall become the absolute property of the Animal Control Authority which may convey ownership of such animal to any responsible person on such conditions as the Animal Control Authority may prescribe, or the Animal Control Authority may humanely destroy such animal.
- B. The Animal Control Authority shall make a reasonable effort to notify the owner of any animal impounded in an animal shelter that the animal has been impounded, of the manner by which the animal may be reclaimed, and that the animal may be destroyed or become the property of the animal authority as provided herein.
- C. Prior to the destruction of a dog or cat at large which carries its owner's address and which is impounded in the animal shelter, the Animal Control Authority shall give the owner five (5) days notice of the proposed destruction by certified letter, return receipt requested. The five (5) days shall begin after the receipt of signed return receipt.
- D. Notwithstanding any provision of this ordinance to the contrary, the Animal Control Authority may refuse to release any animal impounded in the animal shelter for rabies or contagious disease quarantine or for use as evidence in a criminal prosecution, for such time as the Animal Control Authority may determine.
- E. Notwithstanding any provision of this ordinance to the contrary, the Animal Control Authority may humanely destroy any animal impounded in the animal shelter upon the written opinion of a licensed veterinarian that the destruction of the animal is necessary to prevent disease or injury to other animals or to humans, or when the Animal Control Authority reasonably believes the animal has sustained an injury or disease which may result in maiming, prolonged and severe suffering or death. (Ord. No. 00-287, Sec. 8.)

6.04.09 Reclaiming impounded animals

- A. The owner or harborer of an animal impounded in an animal shelter may reclaim the animal upon presenting evidence, satisfactory to the animal control authority, of compliance with all provisions of this ordinance and upon payment of fees and charges as hereinafter provided, credited to the account of the Animal Control Authority and shall not be in lieu of any fine or penalty otherwise provided by law.
- B. The owner or harborer of an animal impounded in the animal shelter shall be liable for the foregoing fees and charges, notwithstanding the destruction or adoption of the animal. (Ord. No. 00-287, Sec. 9.)

6.04.10 Relinquishment of unwanted animals If an owner of an unwanted animal is unable to find a suitable home or dispose of his animal through legal channels, ownership of the animal may be relinquished to the Animal Control Authority at the discretion of the Animal Control Authority. Said animals will then be subject to the rules of the Animal Control Authority and may be adopted or destroyed, as they deem proper. (Ord. No. 00-287, Sec. 10.)

6.04.11 Enforcement authority Any person designated by the city shall enforce the provisions of this ordinance. They are hereby authorized to issue a citation to any person for violation of any provision of this ordinance. (Ord. No. 00-287, Sec. 11.)

6.04.12 Penalties for violations

- A. Any person who commits the offense of cruelty to animals shall be deemed guilty of a class A misdemeanor and shall be subject to fines and penalties as prescribed in A.C.A. 5-4-401 (up to one year imprisonment and \$1,000.00 fine).
- B. Any person violating any other provision of this ordinance except Section 5, shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00), (unless otherwise specified for failure to license or renew) nor more than One Hundred Dollars (\$100.00). If such violation be continued, each day's violation shall be a separate offense (except, for failure to license or renew).
- C. Any person convicted of dropping cats or dogs off within the city of Clinton shall be fined Five Hundred Dollars (\$500.00). (Ord. No. 00-287, Sec. 12.)

6.04.13 Interference No person shall interfere with, hinder or molest the Animal Control Authority in the performance of its duty or seek to release any animal in the control of the Animal Control Authority, except as herein provided. (Ord. No. 00-287, Sec. 13.)

#### 6.04.14 Determination of vicious animal; appeal procedure

**Animal Control Authority:** The city of Clinton or any group, agency or society designated by the city shall be responsible for determining whether an animal is vicious, dangerous, or potentially dangerous and upon such a determination said office shall notify the owner of such determined classification.

**Confinement:** An enclosure in which a vicious, dangerous, or potentially dangerous dog or animal is kept must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, embedded posts shall secure the ground beneath the gate and concrete bottom in which case the sides can only be secured to concrete.

**At Large, Leash, Muzzle, Identification and Drop-Offs:** The owner of a vicious or dangerous animal shall not permit the animal to go unconfined unless the animal is securely muzzled and restrained by a chain or leash, while under the physical restraint of a person capable of restraining said animal, or kept in an adequate enclosure. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

**Signs:** The owner of a vicious, dangerous, or potentially dangerous animal shall display in a prominent place on his other premises a clearly visible warning sign indicating that there is a vicious, dangerous, or potentially dangerous animal on the premises. A similar sign is required to be posted on each side of the pen, enclosure or kennel of the animal.

**Animal Fighting or Attack Training:** No person, shall possess, harbor, or maintain care or custody of any dog, or other animal for the purpose of animal fighting. Nor shall any person train, torment, badger, bait or use any animal for the purpose of causing or encouraging the animal to attack human beings, domestic animals, or livestock. This does not include accredited animal training programs for police use.

**Exceptions:** A vicious animal shall not be considered owned or kept in Clinton, Arkansas, if said animal is only brought into the city to a licensed doctor of Veterinary Medicine located in Clinton for the purpose of veterinary care, as is necessary for the completion of said veterinary care, provided however, that said animal, at all times shall be subject to all applicable restrictions by virtue of said animal being defined as a vicious animal in section one.

6.04.155 Penalties Violations shall constitute a misdemeanor and may be punished as follows:

For violation of Section 14 the penalty shall be a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than ten days or a sentence of both such fine and imprisonment, provided, however, that the owner of a vicious animal shall first be notified that



the office of the city of Clinton has determined that such animal is vicious. The owner may appeal said determination within ten days (10) thereof to the Clinton Municipal Court, although said appeal shall not stay the implementation of said determination.

For purposes of this section, each day that a violation shall be considered a separated offense, and if a separate citation is issued for each offense, each such separate offense may be punished separately. (Ord. No. 00-287, Sec. 14.)

6.04.16 Barking of dogs; cleanliness of kennels It shall be unlawful for any owner to keep on premises or allow to run at large any dog which by loud and frequent barking and howling shall disturb the peace and quiet of neighbors. All owners must diligently and systematically remove excessive animal waste from their premises and from the property of others (including city right-of-way) where such deposits are made. It shall be unlawful for any owner to allow their dogs to chase cars, pedestrians and bicyclists. (Ord. No. 89-185, Sec. 5.)

6.04.17 Unlawful to allow pets to get into garbage It shall be unlawful for any owner to allow their pets to get into and disturb any owner’s garbage or any other resident’s garbage. (Ord. No. 89-185, Sec. 7.)

6.04.18 Killing of animal which has killed Any person knowing that any dog has killed or is about to catch, injure, or kill any domesticated animal shall have the right to kill the dog, without in any way being liable to the owner of the dog in any court of this state. (Ord. No. 89-185, Sec. 8.)

6.04.19 Violations; punishment Any person violating or aiding in or abetting the violations of any provision of this ordinance, or who removes a tag from a dog or cat for purposes of destroying or concealing its identity, is guilty of a misdemeanor and for a first offense shall be fined not less than \$25.00 nor more than \$50.00; for a second offense shall be fined not less than \$50.00 nor more than \$100.00; and for a third or subsequent offense shall be fined not less than \$100.00 nor more than \$200.00; with each day that the unlawful conduct continues constituting a separate and individual offense. (Ord. No. 89-185, Sec. 9.)

**CHAPTER 6.08**

**OTHER ANIMALS AND FOWL**

Sections:

- 6.08.01 Horses and cows
- 6.08.02 Hogs, goats and sheep
- 6.08.03 Diseased animals

- 6.08.04 Releasing animals
- 6.08.05 Fowl
- 6.08.06 Cruelty to animals

6.08.01 Horses and cows.

- A. It shall be unlawful for any person to keep, maintain or permit to run at large within the corporate limits of the city, any cows, and/or horses except as provided in this chapter. The violation of this section is hereby declared to be a misdemeanor. It shall be the duty of the proper law enforcement official to enforce the provisions hereof.
- B. The keeping of horses or cows within the corporate limits of the city is permitted where they are maintained on an enclosed pasture containing one (1) acre for each animal.
- C. 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 proper law enforcement official. Should any of the enclosures become harbors for breeding flies, mosquitoes and rats, or should they become unsanitary, obnoxious, unhealthful and of discomforting to any of the citizens of the city because of conditions created by keeping of said animals, the proper law enforcement official, 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.

6.08.02 Hogs, goats and sheep. It shall be unlawful for any person to keep any hogs, goats or sheep within the city or to permit any such animals to run at large within the city, except when in transit, they may be kept for a period not to exceed twenty-four (24) hours in an established stockyard.

STATE LAW REFERENCE - See A.C.A. 14-54-1101

6.08.03 Diseased animals No person shall be allowed to transport into this city any animal affected with a contagious disease.

6.08.04 Releasing animals. It shall be unlawful for any person to knowingly release any animal in any public place within the corporate limits of the city.

6.08.05 Fowl It shall be unlawful for any person owning or having control of any chickens, turkeys or other fowl to allow the same to run at large within the city.

6.08.06 Cruelty to animals. If any person shall drive, overload, torture, torment, deprive of necessary sustenance or cruelly beat or needlessly mutilate or kill any animal, he shall be guilty of a misdemeanor



## TITLE 7

### PUBLIC PEACE, SAFETY AND MORALS

#### Chapters:

- 7.04 State Criminal and Misdemeanant Statutes and Penalties
- 7.08 Curfew and Juvenile Curfew
- 7.12 Loitering
- 7.16 Prohibited Weapons
- 7.20 Claims Against City
- 7.24 Storage and Handling of Volatile Combustibles
- 7.28 Outside Fire Service
- 7.32 Liquor Traffic and Control
- 7.36 Sale or Shooting of Fireworks
- 7.40 Other Specified Prohibited Acts (Halloween)
- 7.44 Yard Sales
- 7.48 Fireworks
- 7.52. Theft of Services (Water)

#### 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 Recorder/Treasurer'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**

### **CURFEW**

#### **Sections:**

7.08.01	Civil emergencies
7.08.02	Congregating during state of emergency
7.08.03	Penalty
7.08.04	Juvenile curfew - definitions
7.08.05	Juvenile curfew - provisions
7.08.06	Juvenile curfew - exceptions
7.08.07	Juvenile curfew - parental responsibility
7.08.08	Juvenile curfew - enforcement and custody
7.08.09	Juvenile curfew - penalties
7.08.10	Juvenile curfew - dates of operation

7.08.01 Civil emergencies The Mayor, any time a condition has arisen or is imminent which in his judgment constitutes a civil disturbance, riot, insurrection or time of local disaster, may declare a state of emergency and impose a curfew for such time and for such areas as he deems necessary to meet such emergency. Provided, however, such curfew shall not extend for over a period of forty-eight (48) hours unless extended by a majority vote of the members of the governing body.

7.08.02 Congregating during state of emergency No person shall congregate, operate any business or be upon the streets or other public ways, unless on official business for the city or state, in any area or areas designated by the Mayor as curfew areas in the city during the time of any declared emergency.

7.08.03 Penalty Any person violating any of the provisions of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and may be punished by a fine not to exceed Five Hundred (\$500.00) Dollars or confinement in jail for not more than one (1) year, or both.

#### 7.08.04 Juvenile curfew – definitions

- A. Juvenile or Minor is any person under the age of eighteen (18) or, any person seventeen (17) years of age or less.

- B. Parent is any person having custody of a juvenile (i) as a natural or adoptive parent, (ii) a legal guardian, (iii) as a person who stands in loco parentis, (iv) as a person to whom legal custody has been given by order of a court of competent jurisdiction.
- C. Remain means to play, drive around, loiter, stay unnecessarily, visit, get together, stand or sit around, including but not limited to, the congregating of groups totaling three or more persons in which any juvenile involved would not be engaged in mere passage to or from home, school, employment, or an emergency. (Ord. No. 96-237, Sec. 1.)

7.08.05 Curfew for juveniles - provisions It shall be unlawful for any person under the age eighteen (18) years to remain on the sidewalks, streets, highways, alleys, parking lots, parks, yards, shopping centers, playgrounds, public buildings, and similar areas in the City of Clinton between the hours of 11:00 o'clock p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, and 6:00 o'clock a.m. of the next succeeding day, and between the hours of 12:00 o'clock a.m. on Friday and Saturday nights and 6:00 o'clock a.m. of the next succeeding day. (Ord. No. 96-237, Sec. 2.)

7.08.06 Juvenile curfew - exceptions: In the following exceptional cases a juvenile remaining out during nocturnal hours as described in Section 2 herein for minors shall not 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 and who is not the parent, but who is authorized by the parent of such juvenile to take said parent's place in accompanying said juvenile for a designated period of time and purpose within a specified area;
- C. When exercising First Amendment rights protected by the United States or Arkansas Constitutions, by first delivering to the person designated by the Clinton Chief of Police to receive such information at the City Hall, a written request signed by both the requesting juvenile and a parent of the juvenile with their home address, telephone number, and a statement of the purpose of such request including the date and time for the planned activity, which request may then be approved by signature of the Chief of Police or his designee;
- D. In case of reasonable necessity for a juvenile to remain out past the curfew described herein, but only after delivery to the person designated by the Clinton Chief of Police to receive such information at the Police Department, a written request signed by both the requesting juvenile and a parent of the juvenile with their home address, telephone number, and a statement of the purpose of such request including the date and time for the planned activity, which request may then be approved by signature of the Chief of Police;
- E. When returning home within one (1) hour after a school, church, city sponsored,

or voluntary association activity encouraging responsible conduct on the part of juveniles involved in such activities;

- F. When engaging in the duties of bona fide employment or traveling directly without delay or detour from home to the place of employment, or from the place of employment to home.
- G. When the juvenile is in a motor vehicle for the purpose of travel from, to, or through Clinton on a trip.(Ord. No. 96-237, Sec. 3.)

7.08.07 Juvenile curfew - parental responsibility: It shall be unlawful for any parent of a juvenile to allow or permit said juvenile to remain out during the periods of curfew as described in Section 2 herein, except for those limited purposes described in Section 3 herein. It shall be no defense that a parent was indifferent to the activities, conduct, or whereabouts of such juvenile. (Ord. No. 96-237, Sec. 4.)

7.08.08 Juvenile curfew - enforcement and custody:

- A. Each member of the Clinton Police force while on duty is authorized to detain any such juvenile willfully violating the provisions of Section 2 herein until the parent of the juvenile shall take him or her into custody. If the parent cannot be located or fails to take charge of the juvenile, the juvenile shall be released in accordance with Arkansas and federal law. The detaining officer shall immediately upon taking custody of the juvenile communicate with the juvenile's parent.
- B. If a police officer reasonably believes that a juvenile is in violation of this ordinance, the officer shall notify the juvenile that he or she is in violation of the ordinance, detain the juvenile, and shall require the juvenile to provide his or her name, address and telephone number and how to contact his or her parent. 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. 96-237, Sec. 5.)

7.08.09 Juvenile curfew - penalties:

- A. Any parent, guardian or other person having the legal care and custody of any juvenile, and/or any juvenile violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than (\$10.00) Ten Dollars nor more than (\$25.00) Twenty Five - Dollars for the first offense, or be imprisoned in the County jail for a term of not less than one (1) day nor more than thirty (30) days, or both so fined and imprisoned, and for any subsequent conviction such parent and/or juvenile shall be fined not less than (\$25.00) Twenty Five Dollars and not more than (\$150.00)One Hundred Fifty Dollars, or be imprisoned in the county jail for a term of not less than one (1) day nor more than thirty (30)days, or both so fined and imprisoned.



- B. Any juvenile who violates any provision of this Ordinance three (3) or more times shall be reported by the Chief of Police to appropriate juvenile authorities as a juvenile in need of supervision and refer the matter to the Van Buren County Deputy Prosecuting Attorney for further action. (Ord. No. 96-237, Sec. 6.)

7.08.10 Juvenile curfew - dates of operation: In order to allow implementation of administrative procedures and to afford reasonable time for notice and warning to the public, this Ordinance shall be enforced as follows:

- A. Prior to September 5, 1996, minors in violation hereof shall be advised of the provisions of this Ordinance, and shall be directed to return home or shall be escorted home; however, first offenses shall not be counted as violations and a warning shall be given to the juvenile and parent. However, all subsequent offenses shall count as violations.
- B. Subsequent to September 5, 1996, all provisions of this Ordinance shall be fully enforced as provided herein. (Ord. No. 96-237, Sec. 7.)

## 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.

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 A(1) 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.

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).

## **CHAPTER 7.16**

### **PROHIBITED WEAPONS**

**Sections:**

7.16.01 Unlawful to carry, exchange

7.16.01 Unlawful to carry, exchange. It shall be unlawful for any person to carry any knife, the blade of which is over three (3) inches in length, or to carry any instrument commonly called a crabapple switch, dirk, dagger, pick or any other dangerous or deadly weapon within the city, and it shall further be unlawful for any firm or corporation to sell, barter, exchange or otherwise dispose of such knives, crabapple switches, dirks, daggers or picks, or instruments to be used for a weapon within the corporate limits of the city.

## **CHAPTER 7.20**

### **CLAIMS AGAINST CITY**

**Sections:**

7.20.01 Liability coverage

7.20.02 Settlement of claims

7.20.01 Liability coverage. The city shall carry liability coverage on all its motor vehicles in the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act.  
STATE LAW REFERENCE - See A.C.A. 21-9-303

7.20.02 Settlement of claims All persons having claims against the city may file them with the Recorder/Treasurer. The Recorder/Treasurer shall present them to the Council. The Council may grant a hearing for the claimant and may authorize a settlement.

STATE LAW REFERENCE - See A.C.A. 21-9-302

## 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

7.24.02 Volatiles never to be allowed to pass into drainage system. In no instance shall gasoline, naphtha, benzine 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. Self-closing metal cans shall be used for all oily waste or waste oils.

7.24.03 Penalty. Any person who shall violate or fail to comply with any of the provisions of this chapter, or who shall violate or fail to comply with any order or regulation, shall upon conviction, be punished by a fine not exceeding One Hundred Dollars (\$100.00). The imposition of one (1) penalty for violation of this chapter shall not excuse the violation or permit it to continue: and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and each day that any prohibited condition is maintained shall constitute a separate offense. The application of said penalty shall not be held to prevent the enforced removal of any prohibited condition as provided by this chapter.

## CHAPTER 7.28

### OUTSIDE FIRE SERVICE

Sections:

7.28.01	Authority to dispatch
7.28.02	Restrictions
7.28.03	Cost of aid without mutual aid agreement
7.28.04	Mutual aid agreement
7.28.05	Payment of money collected

7.28.01 Authority to dispatch No Fire Department apparatus shall be taken beyond the corporate limits of the city to assist at any fire or for any other purpose, except by order of the Mayor or Fire Chief or such other person as they may designate, and subject to the restrictions and conditions hereinafter set forth

7.28.02 Restrictions. The Mayor or Fire Chief or such other person as they may designate, is authorized, in his discretion, to aid in the extinguishing of fires in another city, (or town), public institutions, corporation or other properties within a reasonable distance from the city or on property immediately adjacent to the city in which there is a possibility of fire spreading within the corporate limits, under the following conditions:

- A. A request from a city or incorporated town for assistance must come only from the Mayor, Fire Chief or such other person as may be designated by mutual agreement;
- B. Calls may be responded to only by such apparatus which, in the judgment of the Mayor or Fire Chief or such other person as they may designate, can be safely sent without unduly impairing the fire protection within the city, and when highways and weather conditions are favorable;
- C. The city, incorporated town, public institution, corporation, or individual requesting assistance must pay the charge for apparatus and service hereinafter provided unless there exists a mutual aid agreement;
- D. The city, incorporated town, public institution, corporation or individual must compensate the city for any loss or damage to such apparatus while answering such call, and be responsible to the members of the Fire Department of the city for any injuries suffered or incurred by them while responding to such calls and while working at such fire. unless otherwise covered by insurance.

STATE LAW REFERENCE - See A.C.A. 14-53-102

7.28.03 Cost of aid without mutual aid agreement. Unless there exists a mutual aid agreement, every municipality, institution, corporation or individual requesting and receiving services of the Fire Department of the city, shall pay for such services and the use of apparatus as follows:

Pumper - \$50.00 within 2 miles of station: \$5.00 additional for each mile or fraction thereof.

Each person, city, firm or corporation receiving services of the Fire Department, unless there exists a mutual aid agreement, shall pay to the city for each fire driver a sum representing Three Dollars (\$3.00) per hour or part thereof from the time the apparatus leaves the fire house until it returns thereto, and as to each fireman helping at the fire, a sum representing Three Dollars (\$3.00) per hour or part thereof, from the time he reports until the time his services end. The payments herein stipulated shall be made to the Recorder/Treasurer within fifteen (15) days after demand.

7.28.04 Mutual aid agreement. The Mayor and Chief of the Fire Department are hereby authorized to enter into mutual aid agreements with other municipalities, firms, corporations or individuals for the rendering of fire services, subject to the following conditions:

- A. That the parties with whom such mutual aid agreements are entered into shall agree to indemnify the city against any or all loss, cost and damage which it may suffer or sustain by reason of damage to any apparatus arising from any cause whatsoever while such apparatus is going to or from the scene of the fire or while at the scene of the fire. The duty to indemnify shall be performed within fifteen (15) days after demand.
- B. As to each fire driver injured while driving to or from the fire, or while at the scene of the fire, and as to each fireman helping at the fire, injured between the time he reports to the foreman of his company and the time his services end, the person entering into such mutual aid agreements shall pay within fifteen (15) days after demand to the city a sum sufficient to cover the medical and hospital expenses by such injured driver or fireman.

7.28.05 Payment of money collected. Money collected under the terms of Sections 7.28.03 and 7.28.04 of this chapter shall be paid to the general fund of the city.

STATE LAW REFERENCE: A.C.A. 25-20-101 through 104; also 14-284-122.

## CHAPTER 7.32

### LIQUOR TRAFFIC AND CONTROL

#### Sections:

- 7.32.01 Sale, barter, gift or exchange prohibited
- 7.32.02 Illicitly distilled liquors - buying, selling, bargaining, loaning, possession or transporting prohibited
- 7.32.03 Amounts in excess of one gallon - provisions

7.32.01 Sale, barter, gift or exchange prohibited That any person or persons who shall sell, barter, give or exchange any intoxicating liquor in any form shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$50.00 nor more than \$500.00 or imprisoned for not exceeding six months or both, so fined and imprisoned in the discretion of the court or jury. (Ord. No. 37, Sec. 1.)

7.32.02 Illicitly distilled liquors - buying, selling, bargaining, loaning, possession or transporting prohibited It shall be unlawful for any person to buy, bargain, sell, loan, own, have in possession or knowingly transport illicitly distilled liquor or intoxicating liquors of any kind upon which the Arkansas Excise Tax has not been paid and it shall be unlawful for any person to buy, bargain, sell, loan, have in possession or knowingly transport an illicit distillery for the unlawful manufacture of spirituous, vinous, malt or intoxicating liquors. Any person who shall violate this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$50.00 nor more than \$500.00 or imprisoned for not exceeding six months or both, so fined and imprisoned in the discretion of the court and jury. (Ord. No. 37, Sec. 2.)

7.32.03 Amounts in excess of one gallon - provisions It shall be unlawful for any person to ship or transport or cause to be shipped or transported or to accept or conveyance into or through the city of Clinton, any spirituous, vinous or malt liquors or beverages in any quantity or amounts in excess of one gallon in toto: At any time any person who shall violate any of this provision of this ordinance or of Acts 205 and 206 and or 423 of Acts of Arkansas, 1947 edition, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$50.00 nor more than \$1,000.00 or be confined in the County Jail not less than six months nor more than one year or both the fine and imprisonment. (Ord. No. 37, Sec. 3.)

STATE LAW REFERENCE- A.C.A. 3-3-311 through 315

## CHAPTER 7.36

### SALE OR SHOOTING OF FIREWORKS

Sections:

7.36.01	Authority
7.36.02	Definitions
7.36.03	Public displays excepted
7.36.04	Violation of ordinance - penalties
7.36.05	License required - penalty
7.36.06	License - application and issuance
7.36.07	Administration of this Chapter

7.36.01 Authority The sale and use of fireworks within the city limits of Clinton, Arkansas, is hereby authorized subject to the limitations and requirements set forth herein. (Ord. No. 02-04, Sec. 1.)

7.36.02 Definitions

**Distributor** means any person engaged in the business of making sales of fireworks at wholesale in this state to any person engaged in the business of making sales of fireworks either as a jobber or a retailer or both;

**I.C.C. Class C common fireworks** means all articles of fireworks as defined in A.C.A. 20-22-708 now or as it may be amended by the General Assembly;

**Importer** means any person who imports, brings in, or causes to be brought in any fireworks from outside the geographical limits of the state of Arkansas into this state;

**Jobber** means any person engaged in the business of making sales of fireworks at wholesale to any other person engaged in the business of making sales at retail. The word "Wholesaler" shall have the same meaning as "jobber;"

**Manufacturer** means any person engaged in the making or construction of fireworks who ships or causes to be shipped or transports or causes to be transported, any items or fireworks into the state of Arkansas;

**Permit** means the written authority of the Clinton Fire Chief issued under the authority of this ordinance to a distributor, jobber, manufacturer, importer or retailer for a fee as described in this ordinance;

**Person** means any corporation, association, co-partnership or one (1) or more individuals;



**Retailer** means any person engaged in the business of making sales of fireworks at retail to consumers or to persons other than a distributor or jobber;

**Sale** means barter, exchange, gift or offer therefore, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee;

**Special fireworks** means all articles of fireworks that are classified as Class B explosives in the regulations of the Interstate commerce commission and shall include all articles other than those classified as Class C but shall not include such dangerous items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs, torpedoes and fireworks containing more than fifty (50) milligrams of explosive powder. (Ord. No. 02-04, Sec. 2.)

7.36.03 Public displays excepted

- A. Nothing in this subchapter shall be construed as applying to the shipping, sale, possession and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the Clinton Fire Chief. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use within the state shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of the Interstate Commerce Commission as Class B special fireworks and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes.
- B.
1. Public displays shall be performed only under the competent supervision and after the persons or organizations making the displays shall have applied for and received a permit for the displays issued by the Clinton Fire Chief.
  2. Applications for permits for public displays shall be made in writing at least two (2) days in advance of the proposed display and the application shall show that the proposed display is to be so located and supervised that it shall not be hazardous to life, limb or property.
- C.
1. Permits issued shall be limited to the time specified therein and shall not transferable.

- 2. Only licensed distributors who are licensed importers or who purchase from licensed importers may possess special fireworks for resale to holders of a permit for a public fireworks display. (Ord. No. 02-04, Sec. 3.)

7.36.04 Violation of ordinance - penalties Any person violating any of the provisions of this ordinance except those in Section 5, shall be guilty of a violation and upon conviction shall be punished by a fine of \$200.00 for the first offense, \$300.00 for the second offense and \$500.00 for each subsequent offense within a twelve (12) month period. (Ord. No. 02-04, Sec. 4.)

7.36.05 License required - penalty

- A. No person shall do any act for which a permit is required by this ordinance unless he holds the proper state and city licenses and permits.
- B. Whoever violates subsection (A) of this section shall be guilty of a violation and upon conviction shall be punished by a fine of \$500.00 for each occurrence or if the violations are continuous in nature so that it is an ongoing offense, the fine shall be \$250.00 per day for each day or part of a day the violation occurs. (Ord. No. 02-04, Sec. 4.)

7.36.06 License - application and issuance

- A. An applicant, in order to engage in the sale of fireworks as a manufacturer, importer, distributor, jobber or retailer, must submit to the City Clerk, on a form provided by the Clerk, setting forth such facts and information as the Fire Chief may determine to be necessary and proper, considering the requirements of public health, safety and welfare together with such information required by the City Clerk pursuant to Section 6(b) of this Ordinance and other information necessary to identify all persons and entities operating fireworks locations of any type within the City of Clinton pursuant to this Ordinance. The applicant shall take the forms completed by the City Clerk to the Clinton Fire Chief for issuance of a permit. The license shall be valid for one (1) year from the date of issuance and may be reviewed each year. Upon submission of the application, and prior to the issuance of the permit, the applicant shall pay to the City Clerk a fee as follows:
 

Manufacturer	\$500.00
Importer	\$300.00
Distributor	\$250.00
Jobber	\$150.00
Retailer	\$100.00 (Ord. No. 2005-15, Sec. 1.)
- B. Any person wishing to obtain a retail permit must provide the City Clerk with a copy of their sales tax number together with a copy of their DFA sales tax form

showing they are collecting sales taxes for both Van Buren County and the City of Clinton and shall collect all applicable sales taxes on sales made within the city limits of Clinton, Arkansas. Additionally, the applicant shall provide to the City Clerk proof that he or she is either the owner of the property on which the retail establishment is to be located or has the permission of the owner of the property to locate a retail fireworks sales operation on the property. Proof may be provided by either tendering a copy of the lease to the City Clerk or by providing a statement signed by the property owner authorizing the location of the fireworks operation on the property.

- C. All funds collected under this ordinance, including fees and penalties, shall be deposited in the City Treasury to be used for the enforcement of this ordinance by the police department or for any equipment or costs expended by the fire department in the extinguishment of firework related fires.
- D. the City clerk shall assign a license number to each license issued. This number shall be affixed by the person to whom such license is issued to all invoices issued or used by each manufacturer, importer, distributor or jobber.
- E.
  - 1. No permit or license provided for in this subchapter shall be transferable, nor shall a person be permitted to operate under a permit or license issued to any other person.
  - 2. No permit or license shall be issued to a person under the age of twenty-one (21) years.
  - 3.
    - a. Each retailer and holder of a license under the provisions of this subchapter shall keep an accurate record of each shipment received.
    - b. Each distributor, importer, jobber or wholesaler shall keep a record of each shipment received and each sale, delivery or outshipment of fireworks.
    - c. The records shall be clear, legible and accurate, showing the name and address of the seller or purchaser, item and quantity received or sold.
    - d. The records are to be kept at each place of business and shall be subject to examination by the director or his agents who shall have the authority at any time to require any manufacturer, importer, distributor, wholesaler, jobber or retailer to produce records for the current year and the immediately preceding full license year.
    - e. The City Clerk may refuse to renew a permit if the applicant has been cited for three (3) or more violations of this ordinance in a twelve (12) month period. (Ord. No. 02-04, Sec. 6.)

7.36.07 Permissible fireworks

- A. The permissible fireworks consist of those defined in Interstate Commerce Commission regulations described as Class C fireworks only and shall include the following:
1. Roman Candles, with no handle or spike affixed thereto, not exceeding ten (10) balls spaced uniformly in the tube, total pyrotechnic composition not to exceed twenty grams (20g.) each in weight. The inside tube diameter shall not exceed three-eighths inch (3/8);
  2. Sky rockets, with sticks, total pyrotechnic composition not to exceed twenty grams (20g.) each in weight. The inside tube diameter shall not exceed one-half (1/2). The rocket sticks must be securely fastened to the tubes;
  3. Helicopter-type rockets, total pyrotechnic composition not to exceed twenty grams (20g.) each in weight. The inside tube diameter shall not exceed one-half inch (1/2).
  4. Cylindrical fountains, total pyrotechnic composition not to exceed seventy-five grams (75g.) each in weight. The inside tube diameter shall not exceed three-fourths inch (3/4).
  5. Cone fountains, total pyrotechnic composition not to exceed fifty grams (50g.) each in weight;
  6. Wheels, total pyrotechnic composition not to exceed sixty grams (60g.) for each driver unit or two hundred forty grams (240g.) for each complete wheel. The inside tube diameter of driver units shall not exceed one-half inch (1/2).
  7. Illuminating torches and colored fire in any form, except items included in subsection (a)(12) of this section, total pyrotechnic composition not to exceed one hundred grams (100g.) each in weight;
  8. Sparklers and dipped sticks, total pyrotechnic composition not to exceed one hundred grams (100g.) each in weight. Pyrotechnic composition containing any chlorate or perchlorate shall not to exceed five grams (5g.);
  9. Mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed forty grams (40g.) each in weight;

10. Firecrackers and salutes with casings, the external dimensions of which do not exceed one and one-half inches (1 ½ ) in length or one-quarter inch (1/4 ) in diameter, and other items designed to produce an audible effect, total pyrotechnic composition not to exceed two grams (2g.) each in weight;
  11. Novelties consisting of two (2) or more devices enumerated in this paragraph, trick matches and cigarette plugs, when approved by the Federal Bureau of Explosives;
  12. Railway fuses, truck flares, hand ship distress signals, smoke signals and smoke pots.
- B. No component of any device listed in this section which is designed to produce an audible effect shall contain pyrotechnic composition in excess of two grams (2g.) each in weight excluding propelling or expelling charges. (Ord. No. 02-04, Sec. 7.)

7.36.08 Location, display, sale, etc.

- A. The placing, storing, locating and displaying of fireworks in any window where the sun may shine through glass on to the fireworks so displayed or to permit the presence of lighted cigars, cigarettes or pipes within ten feet (10') of where the fireworks are offered for sale is declared unlawful and prohibited.
- B. At all places where fireworks are stored or sold, there must be posted signs with the words "FIRE-NO SMOKING" in letters not less than four inches (4) high.
- C. No fireworks are to be sold at retail at any location where paints, oils varnishes shall be kept for use or sale, unless the paints, oils and varnishes are kept in the original unbroken containers, nor where resin, turpentine, gasoline or other inflammable substance which may generate inflammable vapors is used, stored or sold.
- D. All firework devices that are readily accessible to handling by consumer or purchaser must have their fuses protected in such a manner as to protect against accidental ignition of an item by spark, cigarette ash or other ignition source. Safety type thread wrapped and coated fuses shall be exempt from this section.
- E. All licenses under this subchapter must have a fire extinguisher of a type approved by the Clinton Fire Chief in an area readily accessible to any point of storage or sale of fireworks. In lieu of such extinguisher, retailers may maintain a

common type of water hose, charged and connected to a water system, which is readily available to any area where fireworks are stored or sold.

- F. All retail fireworks stands shall only be permitted in areas which are zoned as commercial. (Ord. No. 02-04, Sec. 8.)

7.36.09 Times of permissible sales

- A. Permissible items of fireworks may be sold a retail and used within the city of Clinton from June 20 through July 10 and December 10 through January 5 of each year only.
- B. As used in this section, fireworks shall not include toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five hundredths (.025) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five hundredths (.025) grains of explosive compounds, cone, bottle, tube or other type serpentine pop-off novelties, non-poisonous toy snake, smoke sticks without report and sparklers, the sale and use of which shall be permitted at all times. (Ord. No. 02-04, Sec. 9.)

7.36.10 Sales to certain people prohibited It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of twelve (12) years or to any person known to be intoxicated or irresponsible. (Ord. No. 02-04, Sec. 10.)

7.36.11 Place of explosion or ignition

- A. It shall be unlawful to explode or ignite fireworks within six hundred feet (600') of any church, hospital, asylum, public school or within two hundred feet (200') of where fireworks are stored, sold or offered for sale.
- B. No person shall ignite or discharge any permissible articles of fireworks within, or throw the fireworks from, a motor vehicle while therein, nor shall any person place or throw any ignited article of fireworks into or at a motor vehicle or at or near any person or group of people.

7.36.12 Administration of this Chapter The Fire Chief of the City of Clinton, Arkansas is hereby designated as the official in charge of the administration of the provisions of this Ordinance. The Fire Chief shall have the right to inspect any and all fireworks facilities located within the city limits, at any time, to assure himself or herself that the location is maintaining compliance with the provisions of this Ordinance or any Amendments thereto.

- A. The Fire Chief shall have the authority to Order the closing of any location found to be in violation of any provisions of this Ordinance that has refused to comply with the terms of this

Ordinance after written or oral notice from the Fire Chief. Any closure ordered by the Fire Chief for a violation of Sections 7, 8, 9, 10, or 11 of this Ordinance shall be for such time as determined by the Fire chief to be necessary to remedy the violation(s) if possible. Any closure ordered by the Fire Chief for violation of Sections 5 or 6 of this Ordinance shall be for a period of time necessary for the applicant to comply with the provisions of Sections 5 and 6 but in no event less than 24 hours.

- B. The provisions of this Section are not intended to, and do not in any way, waive or lessen the possible penalties and fines provided in Sections 4 and 5 of this Ordinance but are cumulative thereto. Further, the provisions of Sections 4 and 5 are not dependent upon a closure order being issued by the Fire Chief. (Ord. No. 2005-15, Sec. 2.)

## **CHAPTER 7.40**

### **OTHER SPECIFIED PROHIBITED ACTS (HALLOWEEN)**

Sections:

- |         |   |
|---------|---|
| 7.40.01 | Unlawful acts named                                   |
| 7.40.02 | Upon being stopped or detained, presumption of intent |
| 7.40.03 | Penalty   |

7.40.01 Unlawful acts named In addition to other state and city penal laws and ordinances pertaining to criminal activity, disorderly conduct or damage to property, it shall be unlawful to throw or place any eggs, manure, water balloons, soap, or any other substance, trash, rubbish, or any nuisance, nauseous or offensive matter on any private or public property, regardless of damaged caused by said activity. (Ord. No. 92-202, Sec.1.)

7.40.02 Upon being stopped or detained, presumption of intent Should any person be stopped and detained upon reasonable suspicion of committing any criminal offense after 5:00 p.m. on Halloween night and have in his or her possession such items as raw eggs, manure, water balloons, or soap it shall be presumed that such person is about to engage in activity that constitutes an attempt to violate the provisions of 7.40.01 herein. In such cases, said items hereinabove listed shall be seized by the detaining officer and confiscated. (Ord. No. 92-202, Sec. 2.)

7.40.03 Penalty Any person violating the provisions of Section 1 of this Ordinance shall be guilty of a misdemeanor and subject to payment of a fine of not less than \$25.00 nor more than \$250.00 for each violation. Any person attempting to violate the provisions of Section 2 of this Ordinance shall be guilty of a misdemeanor and subject to the payment of a fine of \$10.00. (Ord. No. 92-202, Sec. 3.)

**CHAPTER 7.44**

**YARD SALES**

Sections:

- 7.44.01 Length of sale
- 7.44.02 Fine

7.44.01 Length of sale Any person may place numerous used or new household items, clothes, tools or other consumer items on the driveways, yards or porches of any residences located in a zoning district classified as R-1, 2 and 3 within the city of Clinton for the purpose of selling them to the public at large at what are commonly referred to as yard sales and garage sales; provided that any sales event should not exceed three days in duration and said sales events shall not exceed four each year. (Ord. No. 97-251, Sec. 1.)

7.44.02 Fine Should any such sales events or yard sales occur at any residence located in a R-1, 2 or 3 residential district in the Clinton city limits on more than four occasions each year, the persons occupying said residence and who authorized or participated in said sales events or yard sales or garage sales shall have committed a violation of this ordinance and upon conviction in the Clinton Municipal Court shall pay a fine of not less than \$25.00 nor more than \$100.00 for each violation. Each day that the violation occurs may be considered a separate offense. (Ord. No. 97-251, Sec. 2.)

**CHAPTER 7.48**

**FIREWORKS**

Sections:

- 7.48.01 Firework regulations

7.48.01 Firework regulations Fireworks may be used only on the days of the Fourth of July and New Year's Day and the three days before and three days after the Fourth of July and New Year's Day. Any other uses shall be illegal and the fire department head as well as any police officer is hereby authorized to issue tickets to such non-compliant users. The penalty for non-compliant use shall be \$25.00 for the first offense of the calendar year by that user, \$50.00 for the second such offense and \$100.00 for each thereafter. (Ord. No. 2014-09, Sec. 2.)



## **CHAPTER 7.52**

### **THEFT OF SERVICES (WATER)**

#### **Sections:**

#### 7.52.01 Firework regulations

7.52.01 Theft of Services It shall be unlawful and a violation of this Ordinance for any person, company, corporation, partnership, limited liability company or any other business entity of any kind, any government or agency or subdivision thereof or any person acting for any government or agency or subdivision thereof, or any person acting as an agent or representative or contractor of any of the forgoing to take any water from the Clinton Water System without having first received authorization therefore from the City of Clinton and having made arrangements for payment of the price of the water to be taken. (Ord. No. 2007-14, Sec. 1.)

7.52.02 Application to all water This Ordinance shall apply to all water in the Clinton Water System whether it is taken from a hydrant, line, tower, pool, holding facility, treatment facility or any other place where the City of Clinton's water is treated, held, stored, piped, conveyed or released. (Ord. No. 2007-14, Sec. 2.)

7.52.03 Criminal violation A violation of this Ordinance shall be deemed a Theft of Services as defined by Ark. Code Ann. §5-36-104 and the provisions of said statute are incorporated herein. (Ord. No. 2007-14, Sec. 3.)

7.52.04 Penalty Any person or entity found guilty of having violated this Ordinance shall be fined not less than One Thousand Dollars (\$1000.00) and not more than Five Thousand Dollars (\$5000.00) per occurrence. For purposes of this Ordinance each separate removal of water in violation hereof shall be deemed an occurrence regardless of the amount of water taken each time. (Ord. No. 2007-14, Sec. 4.)

7.52.05 Civil remedies Nothing in this Ordinance shall prevent, or be construed as preventing, the City of Clinton from pursuing all available civil legal remedies to recover the value of the water taken from the system without permission or payment. (Ord. No. 2007-14, Sec. 5.)

## **TITLE 8**

### **VEHICLES AND TRAFFIC**

#### **Chapters:**

- 8.04 Adoption of State Laws
- 8.08 Truck Routes
- 8.12 Emergency Vehicles
- 8.16 Non-Operating Vehicles
- 8.20 Parking and Traffic Regulations - Generally
- 8.24 Prohibiting Careless Driving

#### **CHAPTER 8.04**

##### **ADOPTION OF STATE LAWS**

#### **Sections:**

- 8.40.01 Adoption of state laws

8.40.01 Adoption of state laws The “Uniform Act Regulating Traffic On Highways of Arkansas”, as contained in Title 75 of the Arkansas Statutes, three (3) copies of which are on file in the office of the Recorder/Treasurer, 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**

##### **TRUCK ROUTES**

#### **Sections:**

- 8.08.01 Truck routes - designated

8.08.01 Truck routes - designated Truck routes for all motor vehicles having a capacity of one ton and over, and proceeding through the city, are hereby established and designated as follows:

All such vehicles are hereby prohibited from using any other street, alley or road while proceeding through the city

## **CHAPTER 8.12**

### **EMERGENCY VEHICLES**

#### Sections:

8.12.01	Right-of-way
8.12.02	Following prohibited
8.12.03	Restriction of vehicular traffic
8.12.04	Strict enforcement
8.12.05	Exempt personnel
8.12.06	Penalty

8.12.01 Right-of-way. When any emergency vehicle is on an emergency run, a siren and/or flashing red light shall be operated at all times while said vehicle is in motion. Any such moving emergency vehicle shall be entitled to and shall receive the right-of-way over all pedestrian and vehicle traffic. When the operator of any non-emergency vehicle is approached from any direction by such emergency vehicle, he shall immediately move his vehicle to the extreme right side of the street, and shall come to a full stop, remaining at such full stop until all such emergency vehicle movements have passed.

8.12.02 Following prohibited. No person except as herein authorized shall follow any emergency vehicle which is operating its emergency signals.

8.12.03 Restriction of vehicular traffic. No vehicular traffic (other than that of authorized personnel specified herein) shall be permitted within a three (3) block radius of any emergency, unless such vehicular movement is permitted by order of the fire, police or medical personnel in charge at the scene of such emergency. Fire, police or other authorized personnel shall have the specific authority to order all pedestrians and spectators outside said emergency area at any time.

8.12.04 Strict enforcement. The provisions hereof shall be strictly enforced by members of the Police Department.

8.12.05 Exempt personnel. The following personnel when acting in the line of duty are specifically exempt from the provisions of this chapter;

- A. All regular and volunteer Fire Department personnel.
- B. All regular and auxiliary police personnel.
- C. News reporting and photography personnel for public communications media.
- D. Medical, nursing and ambulance personnel
- E. Law enforcement officers; and other persons specifically authorized by the Mayor, Police Chief or Fire Chief.
- F. Public utility personnel.

8.12.06 Penalty. Any person violating any of the provisions hereinabove shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

## **CHAPTER 8.16**

### **NON-OPERATING VEHICLES**

Sections:

- 8.16.01 Definitions
- 8.16.02 Prohibiting non-operating vehicles
- 8.16.03 Exceptions
- 8.16.04 Penalty for violation
- 8.16.05 Violators

8.16.01 Definitions.

- A. Non-operating motor vehicles as used in this chapter means a motor vehicle with one or more of the following characteristics:
  - 1. the engine or motor is inoperative;
  - 2. the wheels all or any one of them are removed;
  - 3. the motor vehicle has flats on two or more tires;
  - 4. major operating components are missing, such as: windshield glass, door

glass, fenders, gauges, steering wheel, tie rods, springs, drive train, gear box, rear end, or any parts connected with the steering geometry of the motor vehicle, the seats are removed:

5. Any of the major operating components such as those listed in item (A)(4) above are in such damaged condition so as to make the motor vehicle useless;
  6. The motor vehicle does not have a current Arkansas registration; or
  7. The motor vehicle does not have a current Arkansas motor vehicle inspection sticker demonstrating the vehicle has passed a safety inspection as by law required.
- B. Prima facie case: It shall be a prima facie case that a motor vehicle is a non-operating motor vehicle if it does not have a current Arkansas motor vehicle inspection sticker demonstrating the motor vehicle has passed a safety inspection as by law required.
- C. Motor vehicle means a car, automobile, truck, bus, omnibus, tractor truck, or other vehicle licensed to travel upon the roads of Arkansas, or subject to licensing for traveler intended as a carrier for goods and persons from point to point which uses power derived from a motor or engine especially an internal combustion engine, or rotary engine and a wankel.

8.16.02 Prohibiting non-operating vehicles. It is unlawful to have a non-operating motor vehicle.

8.16.03 Exceptions. Nothing in this chapter shall be construed so as to apply to:

- A. Any motor vehicle that can be started and moved under its own power on demand;
- B. Motorcycles and motor bikes;
- C. Antique automobiles, provided the vehicle has an antique license as by law required: and
- D. Temporarily disabled motor vehicles provided they are restored to running condition within thirty (30) days from date of disablement.

8.16.04 Penalty for violation. A violation of this chapter is hereby declared to be a misdemeanor and punishable by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) or by a jail sentence of one (1) to ten (10) days. Each day a non-operating motor vehicle is upon the premises of a person shall constitute a separate offense.

8.16.05 Violators. A person shall be deemed in violation of this chapter if:

- A. Such person owns or has registered to him a non-operating motor vehicle that is in a prohibited area within the terms of this chapter; or
- B. Such person owns property that non-operating motor vehicles are placed, parked or found resting on in a prohibited area within the terms of this chapter;
- C. It shall be a prima facie case that the record owner is the owner of property in question;
- D. It shall be a prima facie case that the registered owner of a motor vehicle is the owner of the motor vehicle.

## **CHAPTER 8.20**

### **PARKING AND TRAFFIC REGULATIONS - GENERALLY**

Sections:

8.20.01	Vehicles approaching Court Square
8.20.02	Parking restrictions
8.20.03	Parking - Main Street
8.20.04	Parking parallel - courtyard
8.20.05	No parking - west side of Griggs Street
8.20.06	Must use parking lanes where provided
8.20.07	Speed limits
8.20.08	No parking - fire lanes
8.20.09	Penalty 8.20.01 - 8.20.07
8.20.10	No parking - fire plugs
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- 8.20.40 Penalty - 8.20.36 through 8.20.38

8.20.01 Vehicles approaching Court Square All drivers of vehicles in the City of Clinton, Arkansas when approaching the Court Square are hereby required to keep to the right and are allowed to drive around the square in one direction only. Signs shall be placed in the court yard directing traffic around the square and all drivers are required to drive in accordance with same. (Ord. No. 19, Sec. 1.)

8.20.02 Parking restrictions There shall be no parking of vehicles of any kind on the South side of Main Street from Court street to U.S. Highway No. 65. Vehicles are allowed to be parked on the North Side of Main Street from Court Street to said highway parallel with the curb and facing West only. (Ord. No. 19, Sec. 2.)

8.20.03 Parking - Main Street Vehicles shall be allowed to be parked on either side of Main Street directly North of Court House between Court Street and Griggs Street in parking lanes only. Said Parking lanes shall be painted with black paint. (Ord. No. 19, Sec. 3.)

8.20.04 Parking parallel - courtyard Vehicles shall be allowed to be parked paralleled with the curb only on the East, South and West sides of the Court Yard, but shall not be allowed to park on either corner of said Court Yard. (Ord. No. 19, Sec. 4.)

8.20.05 No parking - west side of Griggs Street There shall be no parking of any vehicles on the West Side of Griggs Street from Elm Street South to U.S. Highway No. 65, vehicles may be parked on the East side of Griggs Street from Elm Street to U.S. Highway No. 65 parallel

with the curb only and must be parked facing North. (Ord. No. 19, Sec. 5.) Griggs Street from the intersection of Main Street and Griggs Street to the intersection of Griggs Street and Court Street shall be a one-way street with vehicles traveling only in a northerly direction on said street. (Ord. No. 00-281, Sec. 1.)

8.20.06 Must use parking lanes where provided Where parking lanes are provided in said city of Clinton, Arkansas, drivers of all vehicles are hereby required to park same in said lane. (Ord. No. 19, Sec. 6.)

8.20.07 Speed limits It shall be unlawful for any person to operate a motor vehicle within the city limits of Clinton, Arkansas, at a speed greater than 25 miles per hour, unless otherwise posted. (Ord. No. 156, Sec. 1.)

8.20.08 No parking - fire lanes No driver of any vehicle is allowed to park the same at any place in the city of Clinton, Arkansas where the curb is painted red; and there shall be no double parking at any place in said City. (Ord. No. 19, Sec. 8.)

8.20.09 Penalty 8.20.01 - 8.20.07 Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$1.00 nor more than \$5.00. (Ord. No. 19, Sec. 9.)

8.20.10 No parking - fire plugs It shall be unlawful to park any motor vehicle within ten feet of any fire plug within the city limits of the town of Clinton, Arkansas (Ord. No. 59, 1954.)

8.20.11 Contract - purchase of parking meters The Mayor is authorized to enter into a contract for the purchase of parking meters to be installed upon the streets and thoroughfares of the city of Clinton, Arkansas, as shall be hereafter directed by the Mayor and Chief of Police. (Ord. No. 64, Sec. 1.)

8.20.12 Definitions For the purpose of this ordinance:

- A. The word "vehicle" shall mean any device in, upon or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.
- B. The word "street" shall mean any public street, avenue, road, alley, highway, lane, path, or other public place located in the city of Clinton, Arkansas, and established for the use of vehicles.
- C. The word "operator" shall mean and include any individual who shall operate a vehicle as the owner thereof, or the agent, employee or permittee of the owner, or is in actual physical control of a vehicle.
- D. The word "person" shall mean and include any individual, firm, co-partnership, association or corporation.



- E. The word “park” or “parking” shall mean the standing of a vehicle, whether occupied or not, upon a street otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passenger, loading or unloading merchandise or obedience to traffic regulations, signs or signals or an involuntary stopping of the vehicle by reason of causes beyond control of the operator of the vehicle,
- F. The words "parking meter" shall mean and include any mechanical device or meter not inconsistent with this ordinance placed or erected for the regulation of parking by authority of this ordinance. Each parking meter installed shall indicate by proper legend the legal parking time established by the city and when operated shall at all times indicate the balance of legal parking time, at the expiration of such period shall indicate illegal or overtime parking.
- G. The words "parking meter space" shall mean any space within a parking meter zone, adjacent to a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters. (Ord. No. 80, Sec. 1.)

8.20.13 Parking meter zones Parking meter zones shall mean streets or portions of streets; avenues, roadways, drives, lanes, alleys or any other parking areas lying within the corporate limits of the city of Clinton, Arkansas, as may be deemed necessary for proper and convenient parking of vehicles by the Mayor and Chief of Police. (Ord. No. 80, Sec. 2.)

8.20.14 Designation of Parking Spaces. The Chief of Police is hereby directed and authorized to mark of individual parking spaces in the parking zones designed and described in Section 2 of the ordinance and in such other zones as may hereafter be established, said parking spaces to be designated by lines painted or durably marked on the curbing or surface of the street. At each space so marked off it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the limits of the space so designated.(Ord. No. 80, Sec. 3.)

8.20.15 Installation of Parking Meters. In said parking meter zones the Mayor shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking spaces provided in Section 3 of this ordinance. Each device shall be so set as to display a signal showing legal parking upon deposit of the appropriate coin or coins in lawful money of the United States of America, for the period of time prescribed by this ordinance. Each device shall be so arranged that upon the expiration of the lawful time limit it will indicate by a proper visible signal that the lawful parking period has expired and in such cases the right of such vehicle to occupy such space shall cease and the operator, owner, possessor or manager thereof shall be subject to the penalties hereinafter provided. ( Ord. No. 80, Sec. 4.)

8.20.16 Operation of Parking Meters. Except in a period of emergency determined by an officer of the Fire or Police Department, or in compliance with the direction of a police officer or traffic control sign or signal, when any vehicle shall be parked in any parking space alongside

or next to which a parking meter is located, the operator of such vehicle shall, upon entering the said parking meter space, immediately deposit or cause to be deposited in said meter such proper coin of the United States as is required for such parking meter and as is designated by proper direction on the meter, and when required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin or coins, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon, and failure to deposit such proper coin, and to set the timing mechanism in operation when so required, shall constitute a violation of this ordinance. Upon deposit of such coin (and the setting of the time mechanism in operation when so required) the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the street in which said parking space is located, provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin so long as his occupancy of said space does not exceed the indicated unused parking time. If said vehicle shall remain parked in any such parking space beyond the parking time limit set for such parking space, and if the meter shall indicate such illegal parking, then and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of this ordinance. (Ord. No. 80, Sec. 5.)

8.20.17 Parking Time Limits:

- A. Parking or standing vehicles in a designated space in a parking meter zone shall be lawful as set out below:

In twelve (12) minute parking zone, the meter charge shall be one (1) cent for twelve (12) minutes.

In one (1) hour parking zones the meter charge shall be five (5) cents an hour or one (1) cent for twelve (12) minutes.

In two (2) hour parking zones the meter charge shall be five (5) cents for each hour and one (1) cent for each twelve (12) minutes.

- B. Said parking meters shall be operated in said parking meter zones; week days between the hours of eight (8) o'clock a.m. and five (5) o'clock p.m.; except holidays designated by the City Council.(Ord. No. 80, Sec. 6.)

8.20.18 Metered Parking. On those sections of the streets where parking meters are installed, parking is permitted as set out in paragraph (B) Section 6 of this ordinance for intervals of time as indicated on the face of the meters, except where parking is otherwise prohibited by signs installed in conjunction with said meters; and it shall be unlawful for a vehicle to be parked in a metered space when the violation flag of the meter for that space in the "violation" position, except on Sundays; and it shall be unlawful for a vehicle to be parked in a metered space where parking is otherwise prohibited and signs are installed upon the parking meter posts to indicate such other-wise prohibited parking. (Ord. No. 80, Sec. 7.)

8.20.19 Advertising Prohibited. No person, firm or corporation shall be permitted to use a parking meter as a medium of advertising in any manner except by express permission of the City Council. (Ord. No. 80, Sec. 8.)

8.20.20 Violations. It shall be unlawful and a violation of the provisions of this ordinance of any person:

- A. To cause, allow, permit or suffer any vehicle registered in the name of, or operated by such person to be parked overtime, or beyond the period of legal parking time established for any parking meter zone as herein described.
- B. To permit any vehicle to remain or be placed in any parking meter space while said meter is displaying a signal indicating the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space.
- C. To park any vehicle across any line or marking of a parking meter space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.
- D. To deface, injure, tamper with, open or wilfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this ordinance.
- E. To deposit or cause to be deposited in any parking meter any slugs, device, or metal substance, or other substitute for lawful coins. (Ord. No. 80, Sec. 9.)

8.20.21 Penalty - overtime parking There is hereby provided a penalty of fifty (50) cents for violation of overtime parking in the city of Clinton, Arkansas in parking meter areas. That a combination ticket and envelope shall be provided for the issuance of a violation for the convenience of the motorists who shall place same in the penalty boxes attached to the parking meters for the payment of such violations. That the penalty charge for overtime parking in the metered areas of fifty (50) cents shall be paid by placing said sum in the penalty envelope and depositing same in the penalty box or by paying at the Clinton, Arkansas City Hall. Provided, however, that should the penalty not be placed in the penalty box or paid to the Clinton, Arkansas City Hall within twenty-four (24) hours of the violation; or by mailing, bearing a postmark the same date as the violation, the penalty shall be one (1) dollar. Provided, however, that should the one (1) dollar penalty not be paid within five(5)days, a warrant will be issued and a penalty of five (5) dollars will be assessed.(Ord. No. 80, Sec. 10.)

8.20.22 Penalty - 8.20.20 Any person who shall violate or fail to comply with any of the provisions of Section 9, Paragraph (D) and/or (E) of this ordinance, or who shall counsel, aid or abet any such violation or failure to comply, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not to exceed fifty dollars (\$50.00) or by imprisonment not to exceed thirty (30) days, or both fine and imprisonment. (Ord. No. 80, Sec. 11.)

8.20.23 Gross revenues derived For the purpose of this ordinance, the gross revenues derived by the City from the use of parking meters shall be considered to include the gross funds collected direct from monies deposited in the parking meters. The gross revenues derived by the City of Clinton, Arkansas from the use of parking meters to be installed and maintained pursuant to the provisions of this ordinance shall be applied as follows:

- A. One-half of the gross revenues derived from the use of such parking meters shall be paid to the Parking Meter Company according to the Agreement entered into by the city of Clinton , Arkansas with the Parking Meter Company until the full stated price for the parking meters has been paid.
- B. All the remaining revenues derived by the city from the use of parking meters shall be first applied to the payment of expenses incurred by the City in the procurement, installation, maintenance and operation of such parking meters, and in the preparation and publication of this ordinance. If and when any part of said gross revenues derived from the use of parking meters shall be remaining, such excess shall be available and appropriated and used by the city of Clinton, Arkansas. (Ord. No. 80, Sec. 12.)

8.20.24 All monies taken directly from parking meters All monies taken directly from the parking meters, together with all fines assessed and paid on account of violations of the provisions of this ordinance, shall be promptly paid and delivered when and as collected to the City Collector of the city of Clinton, Arkansas, and shall be promptly deposited in a separate fund to be maintained in a bank authorized to receive deposits of the funds of the city of Clinton, Arkansas, under the title of "Parking Meter Fund of the city of Clinton, Arkansas" or a synonymous appellation. Withdrawal of monies from said special fund may be made only for the purposes authorized by the provisions of this ordinance, in the manner provided by other ordinances governing the disbursement of funds of the city, and shall at all times be maintained a separate and complete account of monies deposited in and withdrawals from said such special parking meter fund of the city of Clinton, Arkansas. (Ord. No. 80, Sec. 13.)

8.20.25 Mayor authorized to employ maintenance, collection personnel The Mayor is hereby authorized, subject to the approval of the City Council, to employ a person whose duties shall relate primarily, but not limited to, (1) the duty to maintain in good operating condition all parking meters which have been installed and are in use in the city of Clinton, Arkansas; (2) to collect at such times and in such manner as man be directed, all monies deposited in parking meters; (3) promptly upon such collections thereof, to pay and deliver such monies to the City Collector.

The salary of such employee shall be determined by the City Council payable semi-monthly, and shall be deemed a part of the costs of maintaining and operating parking meters in the city of Clinton, Arkansas, and shall be paid out of revenues derived by such City from the use of parking meters, subject to the prior provision of this ordinance. (Ord. No. 80, Sec. 14.)

8.20.26 Mayor authorized to enter into lease agreement for meters The Mayor be and the same is hereby authorized to enter into a twelve-month trial-lease agreement for parking meters to be installed upon the streets and thoroughfares of the city of Clinton, Arkansas, as shall be hereafter directed by the Mayor, Chief of Police or officer appointed or authorized by the said City Council of Clinton, Arkansas. (Ord. No. 81, Sec. 1.)

8.20.27 Supplement to Ordinance 80 Ordinance No. 80 of the city of Clinton, Arkansas having been passed on December 7, 1967 is now found to need to be supplemented. This ordinance is intended to supplement ordinance No. 80 of the city of Clinton, but not in any way to repeal said ordinance. (Ord. No. 104, Sec. 1.)

8.20.28 Chief of Police authorized to designate “no parking” zones The Chief of Police for the city of Clinton is instructed to denominate appropriate areas as “no parking” zones. These zones shall be created where needed to prevent congestion of traffic and where needed as space for use of police and other emergency vehicles. They shall be clearly denominated by use of either red paint or conspicuous signs. It shall be unlawful for any person to park in any zone denominated a “no parking” zone. Those areas denominated for use as police and emergency vehicles may be used for these purposes only. There is hereby imposed a penalty of fifty (50) cents for violation of this section of this ordinance. An additional penalty may be imposed pursuant to the provisions of Section 6 of this ordinance. (Ord. No. 104, Sec. 2.)

8.20.29 Unlawful to park upon sidewalks It shall be unlawful for any person to park upon the sidewalks of the city of Clinton. It shall also be unlawful for any person to block any roadway, driveway or alley in the city of Clinton. A penalty of fifty (50) cents is imposed for violation of this section. An additional penalty may be imposed pursuant to the provisions of Section 6. (Ord. No. 104, Sec. 3.)

8.20.30 Exclusions from meter fines Parking violation fines for improper metered parking shall not be imposed against vehicles owned by Van Buren County, Arkansas, the city of Clinton, Arkansas, or the State of Arkansas. Such fines shall not be levied against Circuit and Chancery Judges, and their reporters, when court is in session in Van Buren County, Arkansas. Such fines shall not be imposed against utility vehicles while the employee who is operating such vehicle is engaged in installment or repair work for the utility company upon premises which are within one hundred (100) feet of the location where the utility vehicle is parked. (Ord. No. 104, Sec. 4.)

8.20.31 City may define one-way streets The City Council of the city of Clinton shall have authority to denominate any street a one-way street where it determines any street should be so denominated for improved traffic flow. Each street so designated shall be marked by appropriate signs or markings. It shall be unlawful for any person to operate a vehicle in the wrong direction upon a street denominated a one-way street. A fine of One Dollar (\$1.00) shall be imposed for violation of this section of this ordinance. (Ord. No. 104, Sec. 5.)

8.20.32 Any vehicle in red zone or blocking others - removal Any vehicle which is parked in a red zone or blocking any roadway, driveway or alley is subject to being removed. When such an improperly parked vehicle is removed on order of the Police Chief or his subordinate, a fine of Five Dollars (\$5.00) shall be imposed. Additionally, the owner or operator of such vehicle shall be required to pay all tow charges before said vehicle is released to the owner or operator. (Ord. No. 104, Sec. 6.)

8.20.33 Speed limit - except as otherwise posted It shall be unlawful for any person to operate a motor vehicle within the city limits of Clinton, Arkansas, at a speed greater than 25 miles per hour, unless otherwise posted. (Ord. No. 97-246, Sec. 1.)

8.20.34 Negligent and careless driving prohibited - defined It shall be unlawful for any person to operate a motor vehicle within the city limits of Clinton, Arkansas, in a negligent and careless manner, thereby disturbing the peace of the city, and endangering the personal and property interest of the citizens of said city. Such negligent and careless operation of motor vehicles includes, but is not limited to, squealing tires on street pavement; making excessive noise due to defective mufflers, devices added to mufflers or the exhaust system, or the absence of mufflers; and repeatedly turning a vehicle in circles upon the streets, business parking lots, or other premises of the citizens of the city when not necessary for normal driving purposes. (Ord. No. 97-246, Sec. 2.)

8.20.35 Mufflers This local ordinance is intended to supplement and not contradict a separate statute regulating the use of mufflers with separate penalties as imposed by the State. Said statute is codified as A.C.A. 27-37-601 which also prohibits motor vehicles from being equipped with non-factory installed mufflers or duplications thereof. Said statute also prohibits any person from using or selling other forms of mufflers, cut-outs, by-passes, or similar devices which produce excessive or unusual noise and smoke. Said State statutory provisions are not intended to be modified by this ordinance. (Ord. No. 97-246, Sec. 3.)

8.20.36 Penalty - 8.20.33 and 8.20.34 Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed \$150.00 Dollars. (Ord. No. 97-246, Sec. 4.)

8.20.37 Parking restrictions - zones R1 and R2 No motor vehicles of any kind shall be parked for any length of time in or on any paved, graveled or graded street within city limits in residential areas classified as R1 or R2 under Ordinance No. 91-194 as amended; provided, delivery trucks, and "moving vans" may park in or on said streets for a limited time while being used for the purpose for which they were intended and so long as they do not block or obstruct other traffic along any street. (Ord. No. 93-216, Sec. 1.)

8.20.38 Parking restrictions - near corners and intersections No motor vehicles shall be parked in, on, or along the side of any paved, graveled or graded street within city limits in such a manner as to obstruct or interfere with a driver's field of vision around any street corner or

intersection. If any such vehicle is parked within 20 feet of any street intersection, such parking shall create a rebuttable presumption of a violation of this provision. Furthermore, no motor vehicle be parked in or on any street in such a manner as to interfere with the use of any private driveway or access road to a city street. (Ord. No. 93-216, Sec. 2.)

8.20.39 Street department and police department may place signs in zones R3, C1, C2 or I The Clinton Street Department and Police Department is authorized to place signs along portions of streets in the districts classified R3, C1, C2, of I, in order to regulate motor vehicle parking. (Ord. No. 93-216, Sec. 3.)

8.20.40 Penalty - 8.20.36 through 8.20.38 Any person, persons or business, including any corporation, sole proprietorship, or partnership found guilty of violating a provision of this ordinance shall be fined not less than \$10.00 nor more than \$50.00 in addition to Municipal Court Costs. If a violation shall continue over a period of days it may be considered a continuing violation and each day that it continues shall be deemed a separate offense. (Ord. No. 93-216, Sec. 4.)

## **CHAPTER 8.24**

### **PROHIBITING CARELESS DRIVING**

#### **Sections:**

8.24.01	Speeding
8.24.02	Negligent and careless driving
8.24.03	State statute
8.24.04	Fine
8.24.05	Unsafe Driving

8.24.01 Speeding It shall be unlawful for any person to operate a motor vehicle within the city limits of Clinton, Arkansas, at a speed greater than 25 miles per hour unless otherwise posted. (Ord. No 97-246, Sec. 1.)

8.24.02 Negligent and careless driving It shall be unlawful for any person to operate a motor vehicle within the city limits of Clinton, Arkansas, in a negligent and careless manner, thereby disturbing the peace of the city, and endangering the personal and property interests of the citizens of said city. Such negligent and careless operation of motor vehicles includes, but is not limited to, squealing tires on street pavement; making excessive noise due to defective mufflers, devices added to mufflers or the exhaust system, or the absence of mufflers; and repeatedly turning a vehicle in circles upon the streets, business parking lots, or other premises of the citizens of the city when not necessary for normal driving purposes. (Ord. No. 97-246, Sec. 2.)

8.24.03 State statute This local ordinance is intended to supplement and not contradict a separate statute regulating the use of mufflers with separate penalties as imposed by the State. Said statute is codified as A.C.A. 27-37-601 which also prohibits motor vehicles from being equipped with non-factory installed mufflers or duplications thereof. Said statute also prohibits any person from using or selling other forms of mufflers, cut-outs, by-passes, or similar devices which produce excessive or unusual noise and smoke. Said State statutory provisions are not intended to be modified by this ordinance. (Ord. No. 97-246, Sec. 3.)

8.24.04 Fine Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed \$150.00. (Ord. No. 97-246, Sec. 4.)

8.24.05 Unsafe Driving It shall be unlawful for any person:

- a. to drive or operate a vehicle in such a manner as to evidence a failure to keep a proper lookout for obstructions in the path of the vehicle or for other traffic, vehicular or otherwise;
- b. to drive or operate a vehicle in such a manner as to evidence a failure to maintain control of the vehicle under circumstances then existing;
- c. to drive or operate a vehicle in an unreasonable manner which would demonstrate a lack of due regard for the rules of the road, or for the safety of other people or property whether present or not, including, without limitation, the following specifically prohibited actions:
  - i. the deliberate weaving of a vehicle on the road, whether or not crossing into another lane or shoulder, except to avoid a road hazard;
  - ii. unnecessary revving of an engine or spinning of tires for any duration, except when an officer can clearly determine that such was unavoidable due to ice, oil, or other surface condition rather than the driver's deliberate or negligent application of excessive torque to the wheels; or,
  - iii. any other violation of the traffic laws of this city or state, where an officer decides in his discretion, to alternatively cite the driver with the lesser offense of unsafe driving. (Ord. No. 2011-02, Sec. 1.)
- d. Fines Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor, and shall be fined in an amount not less than \$150.00, nor more than \$300.00. (Ord. No. 2011-02, Sec. 2.)



## TITLE 9

### STREETS AND SIDEWALKS

Chapters:

- 9.04 Streets, Alleys, Gutters or Ditches
- 9.08 Excavations and Alterations
- 9.12 House Identification
- 9.16 Street Names

#### CHAPTER 9.04

#### STREETS, ALLEYS, GUTTERS OR DITCHES

Sections:

- 9.04.01 Streets and alleys
- 9.04.02 Gutters or ditches

9.04.01 Streets and alleys It shall be the duty of every owner or occupant of any lot or premises in this city along which any street or alleys runs, to keep said street or alley from the middle line thereof to the side next to him, free from all manner and kind of filth, garbage, trash, debris or decaying animal and vegetable substance of every kind.

9.04.02 Gutters or ditches No person shall allow any dirt, filth or obstruction of any kind to accumulate in the gutter or ditch in front of his premises, and all owners or occupants of property are required to keep the gutter or ditch in front of their premises clean, open and free from trash and weeds, and all obstructions to the easy and rapid flow of water.

## CHAPTER 9.08

### EXCAVATIONS AND ALTERATIONS

#### Sections:

- 9.08.01 Excavations - permit
- 9.08.02 Application for permit - deposit
- 9.08.03 Excavations to be restored

9.08.01 Excavations - permit No person, firm or corporation shall cut into, tunnel under, or in any manner disturb the surface of any street, alley or sidewalk in the city without first applying for and obtaining from the Recorder/Treasurer a written permit to do so, which shall be dated, and shall give the name and address of the person to whom the permit is granted, and the location of the place where the street, alley or sidewalk is to be cut into, tunneled under, and the purpose for which said permit is granted.

9.08.02 Application for permit - deposit Any party either public or private, except the Clinton Water Department, and any other agency of the city of Clinton, Arkansas, shall post a Bond in the sum of One Hundred Fifty Dollars (\$150.00) with the City Clerk for the purpose of compensating the City should the utilities and excavators fail to repair city streets.

9.08.03 Excavations to be restored. All excavations made are to be restored to their original condition to the satisfaction of the Mayor or his appointee before the deposit shall be returned.

STATE LAW REFERENCE - See A.C.A. 14-301-101.

## CHAPTER 9.12

### HOUSE IDENTIFICATION

Sections:

9.12.01	House numbers
9.12.02	Installation
9.12.03	Optional Signs
9.12.04	Sign upkeep
9.12.05	Penalty

9.12.01 House numbers The City of Clinton will provide each residence and/or property owner located within the city limits with uniform sign meeting the following criteria:

- A. Three (3) inch numbers to be assigned by the City.
- B. The numbers shall be on a weatherproof and suitable material not less than six (6) high and twelve (12) inches wide.
- C. The color scheme for the sign shall be white numbers on a blue background field.
- D. Variances may be allowed by the Clinton Fire Chief based upon a showing of good cause. (Ord. No. 2009-03, Sec. 1.)

9.12.02 Installation The City of Clinton will initially install each sign for each residence and/or property location. The and said sign may be on the residence of building itself if it is within fifty (50) feet of the adjoining street and if it can be clearly seen from that adjoining street, or at the end of the driveway or other regularly used access way. In the event of a dispute over placement of the sign, the Clinton Fire Chief shall have the final decision and such decision will be the best location to be seen from the adjoin street in the event of an emergency. (Ord. No. 2009-03, Sec. 2.)

9.12.03 Optional Signs In the event a residence owner objects to the sign provided by the City of Clinton, that property owner may select a sign of greater preference but said sign shall meet or exceed the criteria set forth in this Ordinance and will be obtained at the sole expense of the property owner. Further, the property owner must install that owner- selected sign within sixty (60) days of rejection of the sign made available by the City. The City shall have the right to install the City owned sign pending arrival of the owner- selected sign to rapid location in the event of an emergency. Upon replacement by the property owner, the City owned sign shall be returned to the Clinton Fire Department. (Ord. No. 2009-03, Sec. 3.)

9.12.04 Sign upkeep It shall be the duty of the property owner to maintain the sign keep it in position and free of all visual obstructions. The property owner or resident of the property so signed upon discovery of such damage or destruction must immediately report all damages to any sign to the City of Clinton Fire Department. Any doubts shall be resolved in favor of public

safety and the decision of the Fire Chief shall be final subject only to review by the City Council. In the event of a property owner's objections to the decision of the Fire Chief, such objection shall be to the City Council within sixty days following the date of any order directed to the property owner. (Ord. No. 2009-03, Sec. 4.)

9.12.05 Penalty The penalty for violation of any provision of this Ordinance shall be result in a fine \$25.00 for each violation up to a maximum of \$75.00 for multiple violations. (Ord. No. 2009-03, Sec. 5.)

## CHAPTER 9.16

### STREET NAMES

#### Sections:

#### 9.16.01 Street name changes

9.16.01 Street name changes The following streets shall have the name assigned below from and after the date of passage of this Ordinance

- A. The street currently known as "Short Oak Street" from the intersection with short "Joe Bowling Road" to the intersection with Fraser Street from this date forward shall be "Stephens Street"
- B. The street currently known as "short Joe Bowling Street" from the intersection with Yellow Jacket Lane to the Intersection with Poplar Street from this date forward shall be "Don Crow Street"
- C. The street currently known as "Patton Street" from the comer of Yellow Jacket Lane by the Clinton School "Agri Shop" to the intersection of South Street from this date forward shall be " Patton Street".
- D. The Street that begins at "Patton Street" curve and runs south to the end from this date forward shall be " Rogers Street".
- E. The street known as "Rogers Street dead end" from the intersection with "Patton Street" to its dead end from this date forward shall be "Jennings Street".
- F The Street formerly known as "West Patton Street" is deleted.
- G. That portion of "Walker Street" that runs from the intersection with Yellow Jacket Lane south to where it intersects with Yellow Jacket Lane again, where it runs through the parking lot, the covered walkway and between the elementary and intermediate school buildings is deleted.
- H. The street known as "Pilgrims Pride Road" from this date forward shall be "Yellow Jacket Lane." That portion of the road from the former Pilgrims Pride plant to the intersection of Yellow Jacket Road is reserved for future use. (Ord. No. 2009-04, Sec. 1.)

## **TITLE 10**

### **UTILITIES**

#### Chapters:

- 10.01 Water and Wastewater Commission
- 10.04 Sewer Regulation
- 10.08 Water and Sewer Rates
- 10.12 Electric Service
- 10.16 Natural Gas Service
- 10.20 Telephone Service
- 10.24 Cable Television Service
- 10.28 Water and Sewer Department
- 10.32 Water Regulations – Generally

### **CHAPTER 10.01**

#### **WATER AND WASTEWATER COMMISSION**

#### Sections:

- 10.01.01 Water and Wastewater Commission
- 10.01.02 Commissioners
- 10.01.03 Compensation
- 10.01.04 Vacancy
- 10.01.05 Removal
- 10.01.06 Powers and Responsibilities
- 10.01.07 Reports and Budgets

10.01.01 Water and Wastewater Commission. There is hereby established the City of Clinton Water and Wastewater Commission. (Ord. No. 2017-09, Sec. 1; A.C.A. §§ 14-234-301 et seq. and 14-234-116)

10.01.02 Commissioners. The Clinton Water and Wastewater Commission shall consist of five (5) members which shall be citizens who are qualified electors of the City of Clinton or the area serviced by the Water or Wastewater System of the City of Clinton. The initial Commissioners shall be appointed by the Mayor and confirmed by 2/3 votes of the elected City Council, with one Commissioner being appointed for a period of two (2) years, one for a period of four (4) years, one for a period of six (6) years, one for a period of seven (7) years, and the final Commissioner for a period of eight (8) years. After this initial appointment, successor

Commissioners shall be appointed by majority vote of the remaining Commissioners subject to approval of such appointment by a 2/3 vote of the City Council. Each successor shall be appointed for a term of eight (8) years. (Ord. No. 2017-09, Sec. 2; A.C.A. §§ 14-234-303)

10.01.03 Compensation. All Commissioners will serve on a volunteer basis, without pay, unless otherwise approved by a majority vote of the City Council of the City of Clinton. (Ord. No. 2017-09, Sec. 3)

10.01.04 Vacancy. If a vacancy occurs in any Commissioner position, it shall be filled by majority vote of the remaining Commission subject to approval of 2/3 vote of the City Council. (Ord. No. 2017-09, Sec. 4)

10.01.05 Removal. Appointed Commissioners may only be removed for cause upon 2/3 vote of the City Council. (Ord. No. 2017-09, Sec. 5)

10.01.06 Powers and Responsibilities. The Commission shall have all powers and responsibilities as set forth in A.C.A. 14-234-116 and A.C.A. 14-234-301, et seq. In accordance with A.C.A. 14-234-306, the Commission shall have the sole responsibility in running the water and wastewater system including, but not limited to, the management of all employees, salaries, infrastructures, etc. However, the Commission may not mortgage, sell or otherwise encumber the City of Clinton. (Ord. No. 2017-09, Sec. 6)

10.01.07 Reports and Budgets. The Commission shall present monthly reports and annual audits to the Mayor and City Council and shall be responsible for submitting its proposed budget to the Mayor on an annual basis.

**CHAPTER 10.04**  
**SEWER REGULATIONS**

Sections:

10.04.01	Definitions
10.04.02	Use of public sewers required
10.04.03	Private wastewater disposal
10.04.04	Building sewers and connections
10.04.05	Use of public sewers
10.04.06	Protection from damage
10.04.07	Powers and authority of Inspectors
10.04.08	Penalty for violation

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

**BOD - (denoting Biochemical Oxygen Demand)** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20<sup>0</sup>) degrees C. expressed in milligrams per liter.

**Building** shall mean residential and commercial structures which enclose a source of wastewater.

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

**Building Sewer** - shall mean the extension from the building drain to the public sewer or other place of disposal also called house connection.

**Easement** shall mean an acquired legal right for the specific use of land owned by others.

**Floatable oil** is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly treated and the wastewater does not interfere otherwise with the collection system.

**Garbage** shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

**Industrial Wastes** shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

**Natural Outlet** shall mean any outlet, including storm sewers and combined sewer overflows, that discharges into a watercourse, pond, ditch, lake or other body of surface or ground water.

**May** is permissive; shall is mandatory.

**Ph** shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of  $10^{-7}$ .

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

**Public Sewer** shall mean a common sewer controlled by a governmental agency or public utility.



**Sanitary Sewer** shall mean a sewer which carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

**Sewage** is the spent water of a community. The preferred item is “wastewater.”

**Sewer** shall mean a pipe or conduit for carrying wastewater.

**Shall** is mandatory; may is permissive.

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

**Storm Drain** (sometimes termed storm sewer) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

**Superintendent** shall mean the Superintendent of wastewater facilities of the city of Clinton, or his authorized deputy, agent, or representative.

**Suspended Solids** shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as non-filterable residue.

**Unpolluted Water** is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

**Wastewater** shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

**Wastewater facilities** shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

**Wastewater treatment works** shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant.”

**Watercourse** shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

10.04.02 Use of public sewers required

S-1

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city of Clinton or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the city of Clinton or in any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. The issuance of a valid National Pollutant Discharge Elimination System permit covering such discharges into a natural outlet shall be considered as meeting all requirements of this section.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- D. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at the expense of the owner(s) to install suitable toilet facilities therein, and to connect such facilities either through a septic tank or directly to the proper public sewer in accordance with the provisions of this ordinance, and Table I, within thirty (30) days after date of official notice to do so, provided that the public sewer is within three hundred (300) feet of the building.

**TABLE I**

<b>Age of Existing Septic System (years)</b>	<b>Mandatory Connector (years)</b>
1 or newer	5
2	4
3	3
4	2
5 or older	1

(Ord. No. 98-260, Art II.)

10.04.03 Private wastewater disposal

- A. Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private

wastewater disposal system complying with the provisions of this ordinance.

- B. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and construction permits approved by the Arkansas Department of Health. The minimum lot area for a single-family residence shall be in accordance with current Arkansas Department of Health Regulations. A permit and inspection fee of Twenty-Five Dollars (\$25.00) shall be paid to the city at the time the application is filed.
- C. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.
- D. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations approved by the Arkansas Department of Health. No septic tank shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in this section, a direct connection from the building, or the septic tank, shall be made to the public sewer within the time allotted in Table I in compliance with this ordinance. the requirements of this section shall not apply to owners discharging such sewage under the provisions of a valid Natural Pollution Discharge Elimination System permit.
- F. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.
- G. No statement contained in this ordinance shall be construed to interfere with any additional requirements that may be imposed by the County Sanitarian. (Ord. No. 98-260, Art. III.)

#### 10.04.04 Building sewers and connections

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereon without first obtaining a written permit from the Superintendent

- B. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of Fifty Dollars (\$50.00) for residential service shall be paid to the city at the time application for service is made upon the condition that the application for a permit is filed with the city in the appropriate form within sixty (60) days of notice by publication in a local newspaper or personal notification that the sewer is available to the resident. In all other circumstances, a permit and inspection fee of One Hundred Fifty Dollars (\$150.00) for residential, and One Hundred Seventy-Five Dollars (\$175.00) for industrial or commercial permits shall be paid to the city at the time the application is filed. (Ord. No. 99-270, Sec. 1.)
- C. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The front building sewer may be extended to the rear building and the whole considered as one building sewer.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Superintendent, to meet all requirements of this ordinance.
- F. All new sewers and related construction work must be properly designed and constructed. For all collectors, interceptors, building sewers, and septic tanks the size, slope, alignment, material of construction, and the methods used for excavating, placing, jointing, testing, and backfilling, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city and the state of Arkansas. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by

such building drain shall be lifted by an approved means and discharged to the building sewer.

- H. No person(s) shall make connection of roof downspouts, foundation drains, area drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- I. All connection into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and watertight and shall be verified by proper testing.
- J. The applicant for the building sewer permit shall notify the Superintendent when the building sewer (and septic tank if applicable) is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.
- K. All excavations for building sewer installation shall be adequately guarded with barricades and warning lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
- L. Any person responsible for discharges through a building sewer carrying industrial wastes shall, at its own expense:
  - 1. install a control manhole in a safe and accessible location;
  - 2. install meters and other appurtenances to facilitate observation, sampling, and measurement of the waste; and
  - 3. maintain the equipment and facilities.

Such control manhole, meters, and other monitoring appurtenances shall be lockable, and accessible by the city.
- M. If any landowner should object to the route of any sewer line that the city of Clinton proposes to install across the property owned by said landowner, the following procedure shall be followed prior to the commencement of any eminent domain proceedings by the city:

1. There should be informal meetings between landowners, engineers, contractors, city personnel, and any other representatives or persons necessary to determine whether an alternative route might be determined. All factors may be considered in these discussions including, but not limited to, costs, hardships to either party, engineering studies, availability of other routes, etc.
2. If there is no resolution reached at these meetings, a representative of the engineers or contractors shall make this situation known to the Clinton Water and Sewer Commission. Members of said commission shall promptly consider the matter and make a recommendation as to whether an alternate easement for the sewer line should be secured or whether eminent domain proceedings should commence to obtain the proposed easement.
3. Should the Commission determine eminent domain proceedings are appropriate, the Commission shall make that recommendation to the Mayor. The (Mayor) (City Council) shall then determine whether the city should obtain the proposed easement by eminent domain. If it chooses to do so, the City Attorney shall be so instructed. (Ord. No. 98-260, Art. IV)

#### 10.04.05 Use of public sewers.

- A. No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the city
- C. No person(s) shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:
  1. any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, oil, or gas;
  2. any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, which injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

3. any water or wastes having a Ph lower than 6.0 or in excess of 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works;
  4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities, such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, egg shells, etc., either whole or ground by garbage grinders.
  5. no substance will be added which would preclude the selection of the most cost effective alternative for wastewater treatment and sludge disposal.
- D. The following described substances, materials, waters, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance.

The Superintendent may set limitations more stringent than the limitations established in the regulations below if in his opinion such limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantities of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The following limitations or restrictions on materials or characteristics of wastes or wastewaters discharged to the sanitary sewer which shall not be exceeded without prior approval of the Superintendent:

1. any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F. (sixty-five (65) degrees C):
2. any water or wastes containing fats, wax, gases, or oils, in excess of forty (40) mg/l: or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 to sixty-five 65 degrees C):
3. any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.56 hp metric) or greater shall be subject to the review and approval of the city;

4. any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not, which are capable of causing damage or corrosion in the sewers or the sewage treatment plant or interfering with the sewage treatment process;
5. any waters or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the city for such materials;
6. any waters or wastes containing phenols or other taste or odor producing substances in such concentration exceeding limits which may be established by the city for such materials;
7. any radioactive wastes or isotopes which exhibit a half-life or concentration that may exceed limits established by the city in compliance with applicable state or federal regulations;
8. materials which assert or cause:
  - a. Unusual concentration of inert suspended solids (such as but not limited to diatomaceous earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate);
  - b. excessive discoloration (such as but not limited to dye, wastes and vegetable tanning solutions); and
  - c. unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
9. any waters or wastes containing concentrations of materials, elements and/or compounds, soluble or insoluble, that may be harmful to the wastewater treatment facilities, the receiving stream and/or environment.
10. waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
11. specific toxic materials and heavy metals which constitute an immediate or cumulative hazard to humans, animals and aquatic life. Dilution of such materials in lieu of treatment (removal) is not an acceptable policy.



- E. No person shall discharge or cause to be discharged materials which exert or cause BOD in excess of 270 mg/1, suspended solids in excess of 270 mg/1 of oil and grease in excess of 40 mg/1 without prior approval of the superintendent and without paying a surcharge for the additional strength of the wastes.
- F. The storage of any material in areas draining into the city sewer which may create a hazard to the sewage works or treatment processes, or constitute a hazard to human beings or animals, or the receiving stream shall be subject to review by the Superintendent. He may require reasonable safeguards to prevent discharge or leakage of such materials into the sewers.
- G. If any waters or wastes contain the substances or possess the characteristics enumerated in Section 4 hereinabove and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance are discharged, or are proposed to be discharged, to the public sewers the city may:
1. reject the wastes;
  2. require pretreatment to an acceptable condition for discharge to the public sewers in accordance with an approved implementation schedule and/or
  3. require control over the quantities and rates of discharge. If the city permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to requirements of all applicable codes, ordinances and laws, and U.S. Environmental Protection Agency guidelines for pretreatment; and/or
  4. require that a wastewater effluent retention basin be provided of adequate volume to insure that slugs of concentrated pollutants are not discharged into the public sewer. If the city requires the retention of wastewater effluent, the design and installation of the retention basin shall be subject to the review and approval of the city.
- H. Grease, oil and sand interceptors shall be provided when in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing greases in excessive amounts, or any flammable wastes, sand, or other harmful ingredients: except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

- I. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- J. When directed to do so by the city, the owner of any property discharging industrial wastes shall have a qualified testing laboratory collect a representative sample of the industrial wastewater and have the appropriate physical, chemical, and biological tests performed on this sample. Qualified testing laboratories selected by the owner shall be acceptable to the city. The purpose of such tests shall be to determine the conformance of the wastewater characteristics to this ordinance. A report shall be made in writing to the city by the laboratory stating the results of the tests. Required sampling and testing shall be performed in accordance with the provisions of Section 11 of this Article
- K. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. The sample shall be taken at the control manhole, and sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (Ord. No. 98-260, Sec. V.)

#### 10.04.06 Protection from damage

- A. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities.
- B. No unauthorized person shall cover any manhole on a public sewer with earth or paving, or otherwise render it inaccessible.
- C. No unauthorized person shall remove the earth cover from a public sewer so that less than two (2) feet of earth cover remains over the pipe bells. Approval to remove subsequent cover shall require written consent from the Superintendent. (Ord. No. 98-260, Art. VI.)

#### 10.04.07 Power and authority of Inspectors

- A. The Superintendent and other duly authorized employees bearing proper credentials shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no

authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge.

- B. While performing the necessary work on private properties referred to in Article VII, the Superintendent or duly authorized employees shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to city employees. The city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as require in Article V.
- C. The Superintendent and other authorized employees bearing proper credentials shall be permitted to enter all private properties through which the city holds a negotiated easement for the purpose of, but not limited to, inspection, observation, measurements, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. No. 98-260, Art. VII.)

#### 10.04.08 Penalty for violation.

- A. Any person found to be violating any provision of this chapter except Article VI shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Section I of this Article and/or any person who shall be found to be violating the provisions of Article VI of this ordinance shall be deemed guilty and their water service and/or sewer service shall be revoked until such time the provisions have been met.
- C. Any person violating any of the provisions of this ordinance shall become liable to the city for any expenses, loss or damage occasioned the city by reason of such violation.
- D. In cases of repeated violations, the city may revoke the permission for discharge of wastes into the sewer system and effect the discontinuation of water service, sewer service, or both. (Ord. No. 98-260, Art. VIII.)

## CHAPTER 10.08

### WATER AND SEWER RATES

Sections:

10.08.01	Water rates
10.08.02	Sewer rates
10.08.03	Payment procedures
10.08.04	Statement
10.08.05	Connections outside city

10.08.01 Water rates The following rates and charges which the City Council of the city of Clinton, Arkansas, hereby finds and declares are fair, reasonable and minimum rates to be charged for water services be, and they are hereby, fixed as rates to be rendered by the system.

A. The authorized monthly rates for water service from the Clinton Water and Sewer Department are hereby increased as follows:

- (a) Clinton Commercial Inside City Limits Customers with 3/4 inch meters will be charged: 1st one thousand (1000) gallons-\$18.00 Next four thousand (4000) gallons-per thousand \$2.70 per one thousand (1000) gallons thereafter-\$3.00
- (b) Clinton Residential Inside City Limits Customers with 3/4 inch meters will be charged: 1st one thousand (1000) gallons-\$15.00 next four thousand (4000) gallons-per thousand-\$2.50 per one thousand (1000) gallons thereafter-\$3.00
- (c) Clinton Commercial Outside City Limits Customers with 3/4 inch meters will be charged: 1st one thousand (1000) gallons-\$25.00 next four thousand (4000) gallons-per thousand-\$3.03 each one thousand (1000) gallons thereafter-\$3.75
- (d) Clinton Residential Outside City Limits Customers with 3/4 inch meters will be charged: 1st one thousand (1000) gallons-\$21.00 next four thousand (4000) gallons-per thousand-\$3.00 each one thousand (1000) gallons thereafter-\$3.50.

- (e) Clinton Customers with 1" meters will be charged: 1st: one thousand (1000) gallons-\$40.72 next four thousand (4000) gallons -per thousand-\$2.70 each thousand (1000) gallons thereafter-\$3.00
  - (f) Clinton Customers with 2" meters will be charged: 1st one thousand (1000) gallons-\$74.10 next four thousand (4000) gallons-per thousand-\$2.70 each thousand gallons (1000) thereafter-\$3.00
  - (g) Clinton Customers with 3" meters will be charged: 1st one thousand (1000) gallons-\$107.49 next four thousand (4000) gallons-per thousand-\$2.70 each thousand gallons (1000) thereafter-\$3.00
  - (h) Clinton Customers with 4" meters will be charged: 1st one thousand (1000) gallons-\$157.17 next four thousand (4000) gallons-per thousand-\$2.70 each thousand gallons (1000) thereafter-\$3.00
  - (i) Clinton Customers with 6" meters will be charged: 1st one thousand (1000) gallons-\$207.67 next four thousand (4000) gallons-per thousand-\$2.70 each thousand gallons (1000) thereafter-\$3.00
  - (j) Burnt Ridge Customers will be charged 1st one thousand (1000) gallons-\$21.00 next four thousand (4000) gallons-per thousand-\$3.50 each thousand gallons (1000) thereafter-\$3.75 (Ord. No. 2009-17, Sec. 1.)
- B. All other water rates shall remain the same as are being currently charged. The Clinton Outside Customers will consist of the previously designated Outside and New Line Customers. (Ord. No. 2009-17, Sec. 2.)
- C. Thirty percent (30%) of the increased revenues generated from this rate increase will be set aside and used solely for repairs, replacement and construction of infrastructure needs of the water system or deemed necessary by the City Council of the City of Clinton. Seventy percent (70%) of the increased revenues generated from this rate increase will be placed in the operating funds of the Water Department. (Ord. No. 2009-17, Sec. 4.)
- D. The base or minimum rate for water for those customers of the Clinton Water Department who are billed by the City of Clinton is hereby raised three dollars (\$3.00). This increase shall apply only to the base or minimum bill and shall not apply to amounts of water used in excess of said minimum. (Ord. No. 2016-13, Sec. 3.)

The following monthly rates and charges which the City Council hereby finds and declares are fair, reasonable and minimum rates to be charged for water services by, and they are hereby, fixed as rates to be rendered by the system:

Bee Branch Water Association	\$2.05 per 1,000 gallons
Demard Water Association	\$2.54 per 1,000 gallons
Van Buren County Water Association	\$2.08 per 1,000 gallons
Burnt Ridge Water Association (Ord. No. 99-279, Sec. 1.)	\$2.05 per 1,000 gallons

- B. Monthly Wholesale Water Rates The monthly retail water rates for residential and commercial customers, both inside and outside the city limits, be increased by 4.5% (.045) commencing January 1, 2001. (Ord. No. 00-288, Sec. 1.)
- C. Retail and wholesale water rates Commencing January 1, 2001, retail water rates for all customers, including residential and commercial customers located inside and outside the city of Clinton as well as wholesale water rates for all rural water associations purchasing water from the city of Clinton shall be increased 4.5% (.045). (Ord. No. 00-288, Sec. 2.)
- D. Meter deposit Each customer who connects with the water facilities of the System shall pay a meter deposit in the amount
  - 1. Residential \$50.00 water \$25.00 sewer
  - 2. Commercial \$100.00 water \$50.00 sewer
- E. Tapping Fee. There shall be a tapping fee for each customer who hereafter connects with and uses the water facilities of the System. The fee for water taps shall be as follows based upon meter size:

Sewer Taps Inside the City

Residential	\$450.00
Commercial	\$475.00

Water Taps Inside the City Limits

3/4" Residential	\$325.00
1" Residential	375.00
3/4" Commercial	335.00
1" Commercial	385.00

Taps Outside the City Limits

3/4" Residential	\$750.00
1" Residential	800.00
3/4" Commercial	760.00
1" Commercial	810.00

Large Taps Inside the City Limits

2" (price does not include meter)	\$675.00
4" (price does not include meter)	975.00
6" (price does not include meter)	1075.00

Large Taps Outside the City Limits

2" (price does not include meter)	\$885.00
4" (price does not include meter)	1185.00
6" (price does not include meter)	1260.00

(Ord. No. 2010-04, Sec. 1)

Additional Fees In addition to all other charges, each meter which measures water usage for water processed and sold by the City of Clinton, regardless of the entity which provides and/or bills for such usage, directly or indirectly, shall be subject to a three dollar (\$3.00) charge. The proceeds from this water rate increase shall be used solely to retire the indebtedness related to the purchase and installation of the water clarifier. This charge shall be for each meter and is not related to any base rate or surplus rate water service. (Ord. No. 2016-12, Sec. 3.)

- E. Re-connection charge In the event any premises are disconnected from the water facilities of the System, the customer concerned, prior to re-connection, shall pay all delinquent charges, together with a re-connection charge for each reconnection of the premises to the System as follows: \$35.00 for customers outside the city limits; and \$20.00 for customers inside the city limits. All customers inside and outside the City shall pay a \$60.00 after hour's service charge. (Ord. No. 2010-04, Sec. 1.)
  
- F. That none of the facilities or services afforded by the water system shall be furnished without a charge being made therefor. (Ord. No. 2010-04, Sec. 1.)

- G. The operation of the water system shall be on a fully metered basis with a meter installed at each water connection, and there shall be one (1) user on a single meter. All bills for water services shall be rendered in the net amount due. If any water bill is not paid on or before the fifteenth (15th) day of the month after the bill shall be rendered, a ten percent (10%) penalty shall be added and if any bill is not paid by the twenty-fifth (25) day of the month after the bill shall be rendered, water service may be disconnected. There shall be no dual connection, that is, there shall be not more than one (1) user on a single meter. (Ord. No. 2010-04, Sec. 2.)
- H. The city shall provide an additional water meter to customers for irrigational purposes only. Those water customers who already have a service line and meter may request such an additional irrigation water meter from the city. Said meter shall be placed on a separate water line which shall be installed at the customer's expense and which will tap into the pre-existing service line.
- I. No sewer charge shall be levied or collected by the city in connection with water passing through the separate water meter used solely for irrigation purposes.
- J. The city shall charge certain costs for the installation of the irrigation water meter to the customer. These costs for the separate meter as described herein within the city of Clinton shall include a service charge of \$7.50, a tapping fee of \$150.00 and a deposit of \$15.00. These costs may be modified from time to time without amending the ordinance herein.
- K. Penalty If any water customer who has an additional water meter for irrigation purposes knowingly uses the water passing through said meter for any other purposes, he or she shall be guilty of a misdemeanor and if convicted, shall pay a fine of \$10.00. Each day of such unlawful use of water through the additional meter as described herein shall constitute a separate offense of this ordinance. (Ord. No. 160, Sec. 1-4.)

10.08.02 Sewer rates The following monthly rates and charges which the City Council hereby finds and declares are fair, reasonable and necessary minimum rates be, and they are hereby, fixed as rates to be charged for sewer services to be rendered by the system.

Sewer Rates

For each residential customer  
served by the System

First	1,000 gallons or less	\$6.00
Next	1,000 gallons	\$2.50 per 1,000 gallons or portion thereof



All over 2,000 gallons \$2.05 per 1,000 gallons

	For each commercial customer served by the System	
First	1,000 gallons or less	\$11.00
All over	1,000 gallons	\$2.05 per 1,000 gallons
All over	18,000,000	\$1.55 per 1,000 gallons

The rates established under Section 1 above shall be increased by four percent (4%) effective on July 1, 2006. (Section 2). The rates established under Section 2 above shall be increased by four percent (4%) effective on July 1, 2007. (Section 3). The rates established under Section 3 above shall be increased by four percent (4%) effective on July 1, 2008. (Section 4). The rates established under Section 4 above shall be increased by four percent (4%) effective on July 1, 2009. (Section 5). The rates established under Section 5 above shall be increased by four percent (4%) effective on July 1, 2010. (Ord. No. 2015-7, Sec. 1-6.)

Monthly billings for the sewer system shall be made with and as a part of the water system billings and payment of water service shall not be accepted without the payment for sewer system service.

For properties using the sewer system but not connected with the water system, the charges shall be as follows:

\$10.00 flat rate per house per month for single family houses  
 \$10.00 per unit, or \$10.00 per 1,000 square feet of floor space, whichever is greater, for all other users. There shall be a tapping fee of One Hundred Dollars (\$100.00) or the cost of making the tap, whichever is greater, for each connection to the sewer system.

None of the facilities or services afforded by the sewer system shall be furnished without a charge being made therefor. The City Council does hereby declare that the sewer rates for properties connected to and using the water system shall be seventy-five percent (75%) of the billed water charges.

Sewer taps

Residential	\$150.00
Commercial	\$175.00

(Ord. No. 153, Sec. 1.)

10.08.03 Payment procedures 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 Ark. Stat. Ann. Sec. 19-4113 (Repl. 1968), 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 therefor shall be rendered, a ten percent (10%) penalty shall be added and if any

sewer charge is not paid on or before the twentieth (20th) 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.

10.08.04 Statement A single statement will be submitted for monthly water and sewer charges. Collections shall be applied first to discharge of sewer charges.

10.08.05 Connections outside city

- A. It is the policy of the city of Clinton not to allow or authorize the extension of wastewater or sewer connections to property located outside the city limits of Clinton, Arkansas, except as provided in Section 2.
- B. Extensions of, and connections to, the Clinton Sewer System to property outside, but adjacent to the city limits of Clinton, may be made if, prior to such extension, the property owner of said extra-territorial property, enters into a written annexation agreement with the city of Clinton to voluntarily seek to annex such property into the city of Clinton at the time of the connection to the city's wastewater and sewer system.
- C. Any property owner of property outside the city limits of Clinton who seeks to connect to the city's wastewater and sewer system and provided in Section 2, shall prepay all costs of any extensions of lines to the property together with all connection and tie on fees as required by the Sewer Commission for connections within the city limits together with the costs of the annexation proceeding before the County Court or other courts of competent jurisdiction. Such costs may include surveys, maps, court costs and attorney's fees. (Ord. No. 01-10, Secs. 1-3.)

## CHAPTER 10.12

### ELECTRIC SERVICE

#### Sections:

- 10.12.01 Petit Jean Electric Cooperative Corporation - tax - street lighting
- 10.12.02 All past claims settled in full
- 10.12.03 Franchise granted to Petit Jean Electric Cooperative Corporation
- 10.12.04 Grantee agrees to provide adequate and reasonable electric service
- 10.12.05 Facilities of grantee shall not unreasonably obstruct public use and travel
- 10.12.06 Grantee given right to trim, cut or remove trees, etc.
- 10.12.07 Agreement to continue
- 10.12.08 Rates charged shall be those lawfully approved or prescribed
- 10.12.09 Grantee shall use reasonable and proper precaution
- 10.12.10 Grantee shall endeavor to keep facilities in reasonable state of repair
- 10.12.11 Franchise tax
- 10.12.12 Electric service - paid for in accordance with applicable rate schedules
- 10.12.13 Franchise not exclusive
- 10.12.14 Ordinance shall constitute a contract

10.12.01 Petit Jean Electric Cooperative corporation - tax - street lighting That as a consideration supporting Ordinance No. 24, which is the Franchise Ordinance, granting a Franchise to Petit Jean Electric Cooperative Corporation be required to operate a sufficient amount of lights or drops to adequately light the streets and alleys of the City of Clinton, Arkansas, that the amount and location of said lights at said designated places, not to exceed twelve lights and that the furnishing of said lights and current at said places be under the direction of the City Council, pay for the franchise granted said Cooperative. (Ord. No. 29, Sec. 1.)

10.12.02 All past claims settled in full That all past claims on the part of the Cooperative as against Clinton, Arkansas, be allowed and settled in full for the past Franchise use heretofore enjoyed by the Cooperative and that the imposition of furnishing lights as above set out begin and continue from this date, July 11, 1944, until and as long as said Franchise remains in force and effect.( Ord. No. 29, Sec. 2.)

10.12.03 Franchise granted to Petit Jean Electric Cooperative Corporation The city of Clinton, Arkansas, (hereafter called Grantor) hereby grants to the Petit Jean Electric Cooperative Corporation, its successors and assigns (hereafter called Grantee), the exclusive right, privilege and authority within the present and all future expansion of the corporate limits of the city of Clinton, Arkansas, except for such area within the present corporate limits, which at the date of enactment hereof is served by another supplier of electric energy, and except for such other areas

which may be later annexed, where Grantee is not allowed by law to serve, (1) to sell, furnish, transmit, and distribute electric power and energy to Grantor and to all inhabitants and consumers within said limits, and (2) to construct, maintain, operate and extend a system for such purposes and to enter, on under and upon and use any and all of the streets, alleys, avenues, bridges and other public grounds and ways belonging to, or under control of Grantor, for the purpose of erecting, maintaining, repairing, replacing and operating poles, wires, anchors, stubs, transformers, substations, cables, conduits, and other related facilities, appliances and apparatus which are necessary for, or useful in, the furnishing, sale, transmission or distribution of said electric service (hereinafter called facilities). (Ord. No. 89, Sec. 1.)

10.12.04 Grantee agrees to provide adequate and reasonable electric service Grantee shall, and does by acceptance hereof, agree to provide to the City and its inhabitants adequate and reasonable electric service as a public utility and the facilities necessary to provide such service. Grantor, in recognition of the large and continuing investment necessary for Grantee to perform its obligations hereunder, and the need and duty to promptly construct its facilities, as defined above, required to serve customers, in all areas and zones of the city, consents to the construction of such facilities as defined in Section One in all such areas and zones, and Grantor agrees to protect by ordinance, regulation and otherwise limited herein, the grants of rights and privileges to Grantee set forth in Section One from interference with, or duplication by, other persons, firms or corporations seeking to engage in the sale or distribution of electric energy. (Ord. No. 89, Sec. 2.)

10.12.05 Facilities of grantee shall not unreasonably obstruct public use and travel All facilities of Grantee which may be located on public ways, places and public property, as authorized herein, shall be located so as to not unreasonably obstruct public use and travel. All of Grantee's facilities shall be constructed, operated and maintained in accordance with standards at least equivalent to the standards prescribed by the National Electrical Safety Code. Grantee, its successors and assigns, shall replace and repair, at its own expense, all excavations, holes or other damage caused or done by it to public streets, ways, places and public property in the construction, operation and maintenance of its facilities. (Ord. No. 89, Sec. 3.)

10.12.06 Grantee given right to trim, cut or remove trees, etc. The Grantee, its successors and assigns, is hereby given the right to trim, cut or remove trees, shrubbery or growth on or in public ways, places and public property which interfere or offer hazards to the operation of Grantee's facilities used or useful for the rendition of electric service, and, further, Grantee is hereby given the right, authority and permission to trim, cut or remove portions of trees, shrubbery, or growth growing on private property which interfere or offer hazards to the construction, operation and maintenance of Grantee's facilities. (Ord. No. 89, Sec. 4.)

10.12.07 Agreement to continue The rights, privileges and authority hereby granted shall exist and continue from the date of passage of this ordinance, and thereafter, until terminated in accordance with provisions of Section 44 of Act 324 of the 1935 Acts of the State of Arkansas, as presently enacted or hereafter amended. (Ord. No. 89, Sec. 5.)

10.12.08 Rates charged shall be those lawfully approved or prescribed The rates which are to be charged by Grantee for electric service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from to time, be amended by Grantee in accordance with law or by any regulatory authority having jurisdiction thereof. (Ord. No. 89, Sec. 6.)

10.12.09 Grantee shall use reasonable and proper precaution In the construction, operation, and maintenance of its facilities, said Grantee shall use reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the said Grantor from damage, injury, loss or expense caused by the negligence of the Grantee, or its agents, servants or employees, in constructing, operating and maintaining said facilities or in repaving or repairing any streets, avenues, alleys, bridges or other public grounds. (Ord. No. 89, Sec. 7.)

10.12.10 Grantee shall endeavor to keep facilities in reasonable state of repair The Grantee shall endeavor at all times to keep its facilities in a reasonable state of repair, and to conform to such practices and install such appliances and equipment as may be in keeping with the customary usage and practice in cities of similar size in this State during the time this franchise shall remain in force. (Ord. No. 89, Sec. 8.)

10.12.11 Franchise tax Beginning in 1970, and thereafter during the life of this franchise, the Grantee shall pay to Grantor each year, a franchise tax in an amount equal to: Four and one quarter per cent (4.25%) of the preceding calendar year's gross residential and commercial electric revenues as paid to the Grantee by residential and commercial customers located within the corporate limits of the City of Clinton. Payments shall be made by the Grantee to the Grantor in approximately equal quarterly installments beginning in March 1, 1970 Residential and commercial electric revenues are those revenues so classified pursuant to Grantee's uniform classification standards. Grantor shall have the right to examine and verify, from the records of the Grantee, any data relating to the gross revenues of Grantee from customers on which said franchise tax is due. In the event of a controversy between the Grantee and Grantor as to the amount of gross revenues received by Grantee in the City of Clinton upon which said tax is due, such controversy shall be referred to the Arkansas Public Service Commission, or such successor regulatory agency which may have jurisdiction over the Grantee, for final determination, and the decision of said Commission shall be binding upon both parties hereto.

It is expressly agreed and understood by the Grantor and Grantee that the aforesaid payment shall constitute and be considered as complete payment and discharge by the Grantee, its successors and assigns, of all licenses, fees, charges, impositions or taxes of any kind (other than automobile license fees, special millage taxes, general ad valorem taxes and other general taxes applicable to all citizens and tax payers) which are now or might in the future be imposed by the Grantor under authority conferred upon the Grantor by law. In the event such other tax or taxes are imposed by Grantor, the obligation of the Grantee set forth in Section Nine hereof, to pay the City the sum of Four and one-quarter per cent (4.25%) annually of the gross residential

and commercial electric revenues shall immediately terminate. (Ord. No. 89, Sec. 9.)

10.12.12 Electric service - paid for in accordance with applicable rate schedules Electric service furnished the Grantor for street lighting and other purposes shall be paid for by the Grantor in accordance with the applicable rate schedules of the Grantee now on file and/or as they may in the future be filed by the Grantee and approved by the Arkansas Public Service Commission or other regulatory authority having jurisdiction. The Grantee shall have the privilege of crediting any amount due Grantor with any unpaid balances due said Grantee for electric service rendered to said Grantor. (Ord. No. 89, Sec. 10.)

10.12.13 Franchise not exclusive Nothing herein shall be construed to prohibit any person, firm or corporation from owning and operating facilities for generating, distribution, or furnishing electric energy for his or its own use or the use of his or its tenants, all of which facilities and use are wholly on the same premises owned by such person, firm or corporation. (Ord. No. 89, Sec. 11.)

10.12.14 Ordinance shall constitute a contract The failure of the Grantee to file objection within thirty (30) days from the passage of this Ordinance shall constitute a contract between the Grantor and Grantee, and its successors and assigns. (Ord. No. 89, Sec. 12.)

## **CHAPTER 10.16**

### **NATURAL GAS SERVICE**

#### Sections:

- 10.16.01 Arkansas Louisiana Gas Company granted franchise
- 10.16.02 System shall be installed and operated in workmanlike manner
- 10.16.03 Grantee - delivery of gas to customer
- 10.16.04 Rates - as provided by law
- 10.16.05 City will construct distribution system
- 10.16.06 Agreement - acceptance by grantee
- 10.16.07 Franchise tax
- 10.16.08 Tax - when paid
- 10.16.09 Existing franchise agreement not altered by Ord. No. 78
- 10.16.10 Definitions
- 10.16.11 Conformance required
- 10.16.12 Gas inspector - created, duties
- 10.16.13 Gas fittings - license and bond
- 10.16.14 Pressure tests
- 10.16.15 Specifications for conversion to natural gas

- 10.16.16 Specifications for material and rules governing installation of service lines
- 10.16.17 Ibid., house piping
- 10.16.18 Copper and plastic pipe
- 10.16.19 Corrosion prevention for underground gas plumbing
- 10.16.20 Specifications - installation of appliances
- 10.16.21 Unlawful to tamper - unlawful to steal gas - other acts
- 10.16.22 Penalty - 10.16.10 through 10.16.21
- 10.16.23 State law to prevail

10.16.01 Arkansas Louisiana Gas Company granted franchise The Arkansas Louisiana Gas Company, its successors and assigns, hereinafter called "Grantee", are hereby granted the right to construct, maintain and operate in this Municipality a system for the transportation, distribution and sale of natural gas and to use, and excavate in, the public streets, sidewalks, alleys and grounds for that purpose, the period provided by law. (Ord. No. 79.)

10.16.02 System shall be installed and operated in workmanlike manner The system shall be installed and operated in a workmanlike manner, and this Municipality shall be held harmless from any damages caused by the negligence of Grantee's employees in the course of their employment. Grantee shall tunnel beneath paved streets, sidewalks and alleys wherever practical in laying and replacing mains. Grantee shall refill its excavations and restore sidewalks and pavements promptly, and if this is not done within a reasonable time then it may be done by this Municipality at Grantee's expense. Grantee's lines shall be laid so as not to interfere with the present sewer system, and if a new sewer line crosses Grantee's pipeline at the same level, then this Municipality may, if Grantee has not done so after the reasonable notice, raise or lower Grantee's line at Grantee's expense but only under Grantee's supervision. This Municipality may inspect Grantee's construction work at any time, or have said work inspected by a qualified engineer. (Ord. No. 79.)

10.16.03 Grantee - delivery of gas to customer Grantee shall deliver gas to the consumer at the curb line, or within 10 feet of the property line where no curb line has been determined, and all service pipes and facilities necessary to receive and utilize the gas at that point shall be furnished and maintained by the consumer, except that Grantee shall furnish and connect the gas meter. Title to all equipment installed by Grantee shall remain in Grantee. Grantee shall extend its mains to serve new customers where reasonably assured of enough new customers and revenues therefrom to justify the capital expenditure necessary to establish the service. Grantee may promulgate and enforce reasonable rules, regulations and requirements governing the sale, deliver, receipt and use of gas furnished by Grantee and the commencement and discontinuance of gas service. (Ord. No. 79.)

10.16.04 Rates - as provided by law The applicable rates set forth in the attached schedules, which are made part hereof by this reference, shall be charged for gas service by Grantee until said rates are raised or lowered in the manner provided by law. (Ord. No. 79.)

10.16.05 City will construct distribution system It is contemplated that the city of Clinton will construct a natural gas distribution system and other facilities to make natural gas service available to the City and that the Grantee will take over the operation of the system under a 20-year lease with option to purchase. It is recognized that, considering various business factors including the present and anticipated circumstances with respect to Grantee's gas rates in the city of Clinton in relation to competing fuels in the area, the operation of the City's system by Grantee under said lease purchase agreement can only be justified from a business standpoint if there is some assurance that there will not be an increase in City Taxes over the presently existing taxes, if any, which Grantee will consider in reaching its decision whether to proceed with the project. Accordingly, to induce Grantee to enter into the lease purchase agreement, the city of Clinton is agreeable to releasing, and does hereby release and exempt for 20 years from the date of this franchise, Grantee, its successors and assigns, from payment of all municipal, occupation, license, franchise and excise taxes and any other character of municipal tax or fee whatsoever which during said period might otherwise be due by Grantee to the extent that same exceed the amount levied as of the date of this franchise. (Ord. No. 79.)

10.16.06 Agreement - acceptance by grantee This ordinance shall be not effective unless accepted by Grantee by written notice to the Mayor within ninety (90) days after either the date of its passage or the date all approvals necessary to enable Grantee to serve this Municipality have been granted by federal and state authorities with jurisdiction, whichever is later. (Ord. No. 79.)

10.16.07 Franchise tax The amount of Occupation (License, Franchise, or other special city) Tax to be paid by Arkansas Louisiana Gas Company during the year 1967 and the future years until changed by ordinance shall be determined as follows:

At the close of the calendar year 1966 and the close of each calendar year thereafter, the Gas Company shall determine the average number of domestic and commercial meters for the preceding year within the corporate limits of the city of Clinton, and shall inform the Mayor of the results of this calculation. The tax for each year shall be computed by multiplying the average number of meters of \$1.00 per meter.

10.16.08 Tax - when paid Said Tax during the year 1967 shall be paid by March 1, 1967, and the Tax similarly computed for succeeding years shall be paid by March 1st of each succeeding year.

10.16.09 Existing franchise agreement not altered by Ord. No. 78. Nothing herein shall be construed to alter or change the terms or conditions of the present franchise under which the Gas Company is operating.

10.16.10 Definitions The following terms shall have the following meanings when used in this Ordinance:



- A. "Municipality" refers to the incorporated municipality adopting this Ordinance.
- B. "Municipal Secretary" refers to the City Recorder of the Municipality.
- C. "Utility" refers to any gas utility serving the Municipality.
- D. "Utility supply" refers to the supply of gas made available by the utility to serve the Municipality and the distribution system installed and operated by the utility incidental to said service.
- E. "Consumer" refers to any user of gas in the Municipality.
- F. "Consumer premises" refers to any premises where gas is used in the Municipality.
- G. "Structure" refers to any particular building or installation where gas is used on a consumer premises.
- H. "Gas Inspector" refers to the person occupying the position of "Gas Inspector" for the Municipality, as hereinafter in Section 3 hereof more particularly described.
- I. "Service line" refers to the consumer's gas pipeline extending from the point of connection with utility supply to the service meter located on the consumer premises.
- J. "Housing piping" refers to the system of gas piping, either exposed or concealed, which conveys gas from the outlet of the service meter to outlets and appliances at various places on a consumer premises.
- K. "Service stub" refers to the gas piping from the utility's main to the point of connection with consumer's service line.
- L. "Appliance" refers to any appliance in which gas is consumed.
- M. "Automatically controlled appliances" refers to appliances to which the gas supply is automatically turned on and off in accordance with the demand for heat, but does not include appliances with devices or controls governing the supply of gas to the main burner or burners which cannot automatically reduce the gas supply below thirty per cent of the input rating. (Ord. No. 75.)

10.16.11 Conformance Required. All service lines, house piping, and appliances in this Municipality shall conform to and shall be installed and connected in accordance with the standards and specifications hereinafter fixed. (Ord. No. 75.)

10.16.12 Gas Inspector.

- A. Office Created. There is hereby created the office of "Gas Inspector" for this Municipality. The said Gas Inspector shall be appointed by this Council and shall perform the duties and functions hereinafter appearing.
- B. Inspection
  - 1. The Gas Inspector shall inspect all service lines, house piping, and appliances after the installation and connection thereof and before the gas supply has been turned on, in order to determine whether there has been conformance with the provisions of this Ordinance.

2. Where no natural gas has been used in a structure within the twelve months preceding the date upon which gas service is desired, the Gas Inspector shall inspect all service lines, house piping and appliances in and to such structure before the gas supply thereto may be turned on again.
3. The Gas Inspector shall have the right to make such other inspections from time to time as may be necessary to determine the conditions of facilities in use in any consumer premises, and if he has reason to believe that any service lines, house piping, or appliances in use in any consumer premises or structure are in a dangerous and unsafe condition, it shall be his duty to inspect same promptly. Whenever, in the Gas Inspector's judgment, any service line, house piping, or appliances in use in any consumer premises or structure are in a dangerous and unsafe condition, he shall immediately notify the responsible person, firm, business association, agency, or corporation of such fact, and shall shut off, or cause to be shut off, all gas service to the consumer premises or structure involved until the necessary repairs have been made; the Gas Inspector shall inspect all such facilities after the necessary repairs have been made; it shall be unlawful to use same after the aforesaid notice of their condition has been given by the Gas Inspector until after they have been thus repaired and inspected and a new Certificate of Approval issued in respect thereof.
4. The Gas Inspector shall have authority to enter any consumer premises and structure in this Municipality where gas is used, for the purposes of making the inspections herein contemplated.
5. Upon the completion of each construction, installation, or repair job in respect of which a Certificate of Approval from the Gas Inspector is necessary hereunder, the responsible gas fitter in charge of the work shall cap, or cause to be capped, all outlets and shall notify the Gas Inspector that the job is ready for inspection; the said gas fitter shall use due care to see that the work has been properly completed and is in fact ready for inspection before notifying the Gas Inspector, in order to avoid unnecessary inspection trips.

C. Certificate of Approval

1. Whenever the facility or facilities inspected by the Gas Inspector in accordance with the provisions of Subsection 3(B) above are found to comply with this Ordinance, it shall be the duty of the Gas Inspector, after the payment of the inspection fee as hereinafter provided, to issue an "Certificate of Approval" certifying to such fact.
2. A Certificate of Approval shall be issued in quadruplicate, and it shall be the duty of the Gas Inspector to deliver, or to cause to be delivered, one

copy thereof to the responsible gas fitter in charge of the work, one copy to the utility serving the consumer premises involved, and one copy to the responsible person, firm, business association agency or corporation applying for the gas service; the fourth copy shall be filed in the office of the Gas Inspector.

3. A Certificate of Approval shall be required before a utility serves gas to a particular consumer premises or structure, in the following instances:
  - a. For all service lines and house piping hereafter installed in this Municipality;
  - b. For all service lines and house piping in which no natural gas has been used within the last twelve months preceding the date upon which gas service is desired;
  - c. For appliances connected to any service lines and house piping for which a Certificate of Approval is required under the two preceding subparagraphs hereof;
  - d. For service lines, house piping, and appliances in respect of which the gas service has been discontinued consequent upon the Gas Inspector's finding a dangerous and unsafe condition existing, after the completion of the repairs necessitated by such finding.
  
4. Prior to the issuance of a Certificate of Approval hereunder, an inspection fee shall be paid to the Gas Inspector in accordance with the following:
  - a. 8 gas outlets, or less, two dollars (\$2.00)  
9, 10, or 11 outlets, three dollars (\$3.00)  
12, 13, or 14 outlets, four dollars (\$4.00)  
15, 16, or 17 outlets, five dollars (\$5.00)  
18, 19, or 20 outlets, six dollars (\$6.00)
  - b. If any service line, house piping or appliance does not in the judgment of the Gas Inspector upon the initial inspection, meet the standards and specifications herein set forth and, accordingly, an additional inspection trip or trips to the premises involved is necessary, an additional fee of fifty cents (0.50) for each such additional trip shall be collected.

10.16.13 Gas fittings - license and bond

- A. License. No individual shall engage in the occupation or business of installing and connecting service lines, house piping, and appliances (herein sometimes referred to as "gas fitting") in this Municipality unless there has been issued to such individual a valid and currently effective gas fitting license. This license shall be issued by the Municipal Secretary and only to applicants who satisfactorily establish their qualifications and ability. The Municipal Secretary shall be the sole judge of the applicant's qualifications and shall have the right to require such proofs and references as to an applicant's ability in this field as the Secretary may in the prudent exercise of this duty see fit to require. A gas fitting license issued under this Section shall authorize the licensee to perform the functions of a "gas fitter" in this Municipality for a period of one year from the date of its issuance, unless sooner revoked by the Municipal Secretary, and shall under no circumstances be transferable, it being the purpose of this paragraph to provide for the installation of gas facilities in this Municipality only by qualified gas fitters.
- B. Bond. No individual, firm, business association, or corporation shall engage in the business of gas fitting in this Municipality unless there has been deposited with the Municipal Secretary a good and sufficient bond in the amount of Five Hundred and No/100 (\$500.00) Dollars, having as surety thereon a corporate surety company duly authorized to do business in this State, or other responsible surety, acceptable to the Municipal Secretary, said bond to be conditioned that such individual, firm, business association, or corporation, and employees thereof in the course of such employment, shall faithfully comply with the provisions of this ordinance and all rules and regulations made in pursuance thereof, and shall indemnify and hold the Municipality, and any and all other persons and corporations interested, harmless against all costs, expenses, suits, claims, liabilities, damages, and injuries sustained by the Municipality, or other-person or corporation interested, either by reason of the failure of such individual, firm, business association or corporation, or any employee thereof in the course of such employment, to comply with this or any other pertinent ordinances of the Municipality, and any rules and regulations issued pursuant thereto, or because of any negligence of said individual, firm, business, association or corporation, or employee thereof in the course of such employment, in operating under this ordinance and any rules and regulations issued thereunder; provided that the provisions of this paragraph and of the preceding paragraph shall not apply to any gas utility serving consumers in this Municipality or to the employees of such utility in the course of their employment. (Ord. No. 75)

10.16.14 Pressure tests. Pressure tests shall be made by the Gas Inspector of the service line and the house piping separately. The service line shall be tested before the trench is backfilled. The service line and house piping shall be required to hold ten pounds (10#) or twenty inches (2011) mercury column of air pressure for a period of fifteen (15) consecutive minutes without a detectable drop in pressure. The pressure testing device used shall be a

sensitive spring type gauge or a sensitive mercury column; the testing apparatus shall be supplied the Gas Inspector by the responsible gas fitter on each job inspected. (Ord. No. 75.)

10.16.15 Specifications for conversion to natural gas

- A. A service line at least three-quarters inch (3/4") in size shall be installed in accordance with the specifications and construction standards elsewhere herein provided for the installation of service lines.
- B. Piping previously installed for distribution of liquefied petroleum gases may continue to be used, but only if gas service is adequate and reasonably efficient; if service is not adequate and reasonably efficient, then the structure shall be repiped to conform to specifications and construction standards elsewhere herein fixed.
- C. Before a gas supply is furnished by the utility, the orifices and burners of all liquefied petroleum gas appliances shall be changed or altered to the sizes and methods of use recommended by the manufacturer of the Appliance. Vent pipes, heater connections, or any other appurtenances to gas appliances in use prior to conversion from liquid gas to natural gas shall be altered or replaced in a manner that will conform to the specifications and construction standards hereinafter fixed. (Ord. No. 75.)

10.16.16 Specifications for material and rules governing installation of service lines

- A. All pipe shall be new, standard, full weight, wrought iron or steel, free from defects; copper pipe and plastic pipe may be used subject to the further provision of Section 9 of this Ordinance.
- B. All fittings shall be of best quality malleable iron. No cast iron fittings shall be used.
- C. No bushings, union globe valves, or all-brass stop cocks shall be used.
- D. The service line shall be at least three-quarters inch (3/4") in diameter if the utility's system to which it is connected is a pressure system requiring use of service regulator on service riser, and at least one and one-quarter inches (1 1/4) in diameter if the utility's system to which it is connected is a low pressure system not requiring use of service regulator on service riser. If the consumer's gas requirements will be greater than that of an ordinary domestic consumer, the utility's representative should be consulted before installation for the proper size of service lines.
- E. Wherever possible, the service line shall be laid at a right angle to utility main in a trench sloping from the meter loop to the street. It shall not contain any traps or unnecessary risers, tees, or elbows.

- F. Meter loops shall be installed according to the following standards:
1. When the consumer premises to be supplied requires an extraordinary amount of gas, the standard specifications of the utility supplying gas for the installation of the meter loop shall be used and complied with.
  2. When required for a residential structure, or a consumer premises using an equivalent amount of gas, the meter loop shall be installed in accordance with the following standards:
    - a. Meter loops shall be installed outside the structure to be supplied. When more than one meter is required for a structure, loops shall be constructed in manifold. When more than two meters are required, the header for loops shall be not less than two inches (2") in size. All meter loops shall be constructed with the outlet for meter to be located not less than two feet (2') above a permanent ground level surrounding the meter loop. The meter risers shall be located not more than six inches (6") from the outside of the wall of structure.
    - b. Meter riser shall be connected to service line at a point not less than twelve inches (12") below the permanent ground level. Meter riser shall be equipped with a standard lock wing lubricated stop cock installed six inches (6") above permanent ground level. Service regulators shall be furnished by the utility when required, and shall be installed on the outlet side of lock wing master stop on service riser. When manifold meter loops are constructed, a master stop cock shall be installed on both service riser and for each meter loop. Meter loops shall be installed according to specifications furnished by the utility. (Ord. No. 75.)

10.16.17 Ibid., house piping

- A. All pipe shall be standard, full weight, wrought iron or steel, free from defects; copper pipe may be used subject to the further provisions of Section 9 of this ordinance.
- B. All fittings shall be best quality malleable iron. No cast iron fittings shall be used.
- C. No bushings, gasket unions, globe valves, or all-brass stop cocks shall be used.
- D. No rubber hose and no non-metallic connections shall be used.
- E. No valves or unions shall be placed in any inaccessible place.
- F. The minimum pipe size to be installed from meter to appliance riser for supplying heating and cooking stoves, ranges, hot water heaters, gas logs, and other appliances of the ordinary and usual type and size shall be as follows:

1. For one appliance, one and one-quarter (1 1/4") inch for the first, and one inch (1") for the second.
  2. For three or four appliances, one and one-quarter (1 1/4") inch to the first and second; one (1") to third; and three quarters (3/4") inch to fourth
  3. For five or six appliances, one and one-quarter inch to first, second, and third; one (1") inch to fourth and fifth; and three-quarters (3/4") inch to sixth.
  4. For seven or eight appliances, one and one-quarter inch to first, second, third, and fourth; one (1") inch to fifth and sixth; and three-quarters (3/4") inch to seventh and eighth.
  5. If more than eight openings are required, or if furnaces, mall boilers, or other large or unusual appliances are to be installed, the utility shall be requested to furnish piping requirements specifications.
  6. Risers or ceiling drops to appliances or fixtures shall not be less than the gas manifold pipe size on the appliance, except that the riser to any appliance shall not be less than one-half (1/2") inch in size.
- G. All outlets or risers for connections of appliances must project beyond the surface of the wall, ceiling, floor, or baseboard at least two inches (2") and must be securely fastened. Where appliances are not connected, said outlets or risers shall be left securely capped.
- H. No house piping shall be installed in, or in the soil immediately under, concrete floors, or walls where it can be avoided. If it is unavoidable, the house piping shall be installed in a suitable casing, properly sealed, which will permit it to be readily removed for repairs in case leakage develops.
- I. All house piping shall be rigidly fastened to the building to prevent its being removed or broken.
- J. All pipe and pipe fittings must be made up tight with an approved pipe joint cement or white lead. (Ord. No. 76.)

#### 10.16.18 Copper and plastic pipe.

- A. Service Lines. When a service line is constructed of copper pipe or plastic pipe, the material used shall be approved by the utility and the installation made in accordance with the utility's specifications.
- B. House Piping. When copper pipe is used for house piping, the material used shall be approved by the utility and the installation made in accordance with the utility's specifications. (Ord. No. 75.)

10.16.19 Corrosion prevention for underground gas plumbing. All consumer's underground metallic gas lines shall be protected against external corrosion attack as prescribed in the following paragraphs:

A. Coatings

1. Materials - The external surface of all buried metallic gas piping shall be coated with one of the following materials:
  - a. Extruded plastic.
  - b. Plastic applied as a dry resin.
  - c. Hot applied bituminous materials, either asphalt or coal tar.
  - d. Preformed plastic films with suitable backing and adhesives (pipeline tapes.)
  - e. Preformed bituminous films (tapes) with suitable reinforcement and/or backing either cold or hot applied.
  
2. Application.
  - a. Extruded Plastics. The coating shall be a minimum of 25 mils thick and have a bonding adhesive between the pipes and the plastic as produced by major steel and coating companies.
  
  - b. Plastics applied as dry resins. The plastic shall be applied to pipe cleaned as in (c)(1) or (2). The resin may be applied by spray or fluidized bed techniques to the heated pipe. The pipe shall be heated to fuse the plastic into a continuous holiday-free bonded coating having a film thickness of not less than 10 mils, as produced by major steel and coating companies.
  
  - c. Hot applied Bituminous enamels.
    - (1) Cleaning - Steel pipe shall be cleaned by sandblasting or shot blasting.
    - (2) Non-ferrous metal piping shall be cleaned by solvents and brushing to remove all foreign material.
    - (3) A primer shall be applied in an even coat immediately after cleaning. The primer shall be compatible to the particular coating to be later applied. Primer shall not be wet or dead when the hot enamel is applied.
    - (4) A flood coat of the hot enamel shall be applied to an



average thickness of 3/32 of an inch. Glass reinforcement shall be pulled into the molten enamel.

- (5) Spirally wrapped pipe line asbestos felt shall be applied to the hot enamel. The saturant in the felt shall be compatible with the enamel.
- (6) Electrical holiday inspection between 8,000 and 12,000 volts shall be made to insure that a pinhole (holiday) free coating is obtained.

d. Preformed plastic films (Tapes).

- (1) Cleaning shall be as specified in paragraph (c)(1) or (2).
- (2) The pipe shall be coated with a primer compatible with the adhesive mass on the plastic film. Drying time and thickness of the primer coat shall be in accordance with the recommendation of the manufacturer of the specific material involved. Primer may be omitted when coating copper pipe.
- (3) The plastic tape shall be spirally applied by a tape wrapping machine in such a manner as to give a minimum of 1/4 inch overlap with no wrinkles or voids in the material. Hand wrapping will be permitted on bands and joined pipe ends only.
- (4) Inspection of the wrapped pipe shall be as in (c)(6) except the voltage shall not exceed 5,000 volts.
- (5) In rocky areas pipeline asbestos felt shall be applied over the tape or the pipe should be padded with soil (for protection against mechanical damage).

e. Bituminous films (Tapes).

- (1) Cleaning shall be as specified in (c)(1) or (2).
- (2) Primer shall be compatible with the coating and applied in an even coat to a thickness recommended by the manufacturer.
- (3) Hot applied tapes shall be heated to a temperature that will allow the system to conform to the pipe in a continuous film free of wrinkles and sags. Excessive heating which will allow the reinforcing material to "pull through" the bituminous layer will be

cause for rejection. A minimum of 1/4 inch overlap of the spirally wrapped tape is required.

(4) Inspection shall be as in (c)(5) above.

3. Joints and Fittings.

- a. The coating system on all straight run pipe shall be cut back a maximum of 6 inches from the end. After joining, the uncoated pipe and fitting surfaces shall be cleaned free of all grease, oil, pipe dope, soap, moisture, dust, rust, loose mill scale or dirt. If a draft paper or other outer wrap has been used as a part of the pipe coating, it shall be stripped back to expose at least 2 inches of the base pipe coating materials. The Joints and fitting shall then be coated with a material that is compatible with the base coating as specified in (b), (c), or (d) below.
- b. A minimum thickness of 50 mils of a mastic protective coating, compatible with the system on the pipe shall be applied to the cleaned surface. Where the mastic was cured prior to burial, no overwrap is required. Where desired or where immediate burial is required, a compatible over-wrap shall be used. Application shall be as recommended by the manufacturer of the mastic.
- c. Hot or cold applied bituminous tapes shall be spirally applied over the primer in such a manner as to give a minimum 1/4 inch overlap with no wrinkles or voids in the material. The primer shall be that recommended by the manufacturer of the tape.
- d. Preformed plastic films (tapes) may be used to coat the joined ends of pipe and repair minor coating damage, but only on pipe which has been coated with preformed plastic films, extruded plastics, or plastics applied as dry resins. The plastic tape shall be spirally wrapped in such a manner as to give a minimum 1/4 inch overlap with no wrinkles or voids in the material.

4. General.

- a. All coating shall be done in strict accordance with the manufacturer's recommendations as to film thickness, drying time, etc.
- b. In transporting the coated pipe from the place of coating to where it is to be laid, precautions shall be taken to prevent the coating from damage due to bending, chain or rope cuts, dropping or other rough handling. If

minor damage should occur, repairs shall be made in accordance with Section (3) above.

- c. Pipe shall not be used when the coating has been damaged appreciably. If the coated pipe as laid appears to be damaged or poorly coated, the inspector shall cause its removal. Such pipe may be repaired and reused provided suitable and compatible coating materials are available and the technique of application is consistent with the original coating procedures.
- d. When coated pipe by any of the above specifications is placed in the ditch, care shall be taken that no rocks, debris from construction or any extraneous material shall be used in the backfill of the ditch.
- e. All wrappings and coatings shall extend 6 inches above finished grade level where pipe is extended above ground.

B. Insulation (Isolation).

1. Underground Gas Piping

- a. Insulation shall be installed at the meter loops or at the connection to the gas distribution line, whichever will electrically isolate the gas utility distribution system from the consumer's piping. An approved dielectric fitting shall be used.
- b. The steel gas service shall be isolated by an approved dielectric fitting above ground level where it enters the building or at the meter loop where the meter is located immediately adjacent to the structure being served. No gas piping shall be installed underneath a building in contact with, or under, the ground.
- c. If in any case, two different metals are used in the underground gas piping system a dielectric fitting shall be installed at the point(s) of interconnection of the dissimilar piping.

2. General.

- a. No piping system on the ground side of dielectric insulating fittings shall be allowed to contact electrically any other metallic structure, such as concrete reinforcing, drain lines, or electrical grounding system. No piping coming from underground shall be left exposed or uncoated below the dielectric fitting.

- b. Where piping goes through concrete walls or floors, it should be protected by a non-metallic sleeve.
- c. There shall be a minimum of 4 inches clearance between all underground pipe crossings or where pipe crosses another metallic structure. If 4 inches clearance cannot be secured, an electrically insulating spacer shall be placed between the pipe and the crossings. This spacer shall be made of a material which will not decay, such as reinforced plastic or rubber.

C. Cathodic Protection Requirements.

1. All of consumer's underground service and distribution gas piping shall be cathodically protected by maintaining a minimum voltage to a copper-copper sulfate reference electrode, as follows:
  - a. Steel piping - 0.85 volts Copper piping - 0.35 volts Galvanized pipe - 1.10 volts
  - b. Instruments for measurement of this potential shall be those normally used by experienced corrosion engineers.
2. Cathodic protection current sources should be magnesium or zinc sacrificial anodes packaged in suitable anode backfill manufactured for this specific service. Minimum size anode used shall be 5 pounds.
3. Clay soils and permanent moisture are desirable for anode locations. In any case, the anode must be buried deeper than the piping to be protected. The minimum spacing between the nearest point on the piping system and the anode shall be three feet.
4. Anode lead wires shall be attached to the piping at a suitable above ground location by one of the following methods:
  - a. Thermite welding - limited to a 15 gm. cartridge. Brazing by any other method is prohibited.
  - b. Soldering.
  - c. Conventional ground wire-to-pipe connections.
5. The plumbing inspector will check and assure that the cathodic protection as specified is adequate at the final plumbing inspection. Instruments used to check the adequacy of cathodic protection shall be those normally used by corrosion engineers.

D. Maintenance of Protection System

1. Property owner shall be notified in writing as to the type and amount of protection which has been installed and that future maintenance of the protection system will be the responsibility of the property owner.
2. Any dielectric fitting removed during repair or modification of the system shall be reinstalled in new condition.

10.16.20 Specifications - installation of appliances

- A. All appliances and all devices, attachments, and accessories for them shall be of standard make and manufacture and shall be installed in accordance with the manufacturer's specifications and approved by the utility.
- B. No device or attachment shall be installed on any appliance which may in any way impair the combustion of the gas.
- C. No devices employing or depending upon an electrical current shall be used to control or ignite a gas supply if of such a character that failure of the electrical current could result in the escape of unburned gas or in failure to reduce the supply of gas under conditions which would normally result in its reduction unless other means are provided to prevent the development of dangerous temperatures, pressures, or the escape of gas.
- D. Appliances shall be adequately supported and so connected to the piping as not to exert undue strain on the connection.
- E. No appliance shall be installed in a room in which the facilities for ventilation do not permit the proper combustion of gas under normal conditions of use.
- F. Water heaters shall not be installed in bathrooms and bedrooms. However, water heaters of the automatic storage type may be installed as a replacement in a bathroom, when specifically authorized by the Gas Inspector, providing they are properly vented and are supplied with adequate combustion air.
- G. A gas cock or shut-off shall be easily accessible and within convenient reaching distance when lighting the burner.
- H. When air or oxygen under pressure is used in connection with any gas supply, effective means shall be provided to prevent the air or oxygen from going back into the gas piping.

- I. Gas appliances shall be located so that they will be readily accessible for operation, repair, and adjustment.
- J. Appliances with closed bases in which no provision is made for the circulation of air below the burner boxes shall be properly insulated from any combustible material.
- K. No appliance shall be connected with flexible tubing except such which are necessarily portable or have to be moved from place to place or which require a vibration joint, in which cases, the installation shall conform to the latest accepted standards re-quired for safe operation.
- L. Ranges, water heaters, space heaters, clothes dryers, incinerators, wall heaters, etc., shall not be installed in rooms where the facilities for ventilation do not permit proper combustion of the gas under normal conditions of use. Appliances of this character shall be designed with a heat deflector or burner tray to prevent incandescent particles of dust, carbon, etc.1 from igniting combustible material.
- M. No water heating appliance shall be installed in a closed system of water piping, unless a pressure relief valve is provided.
- N. Installations of gas fired, single register, floor furnaces shall conform to the following specifications:
  - 1. A flue connection which shall conform to the accepted standards for safe operation shall be required.
  - 2. Where installations are in lowest floors of buildings without basement, ample clearance must be made, and neither the flue pipe nor furnace casing shall be in contact with earth or damp material, and the furnace must be protected from the possibilities of being flooded with water.
  - 3. No furnace shall be installed in the floor of any aisle or passageway of any auditorium, public assembly room, public hall, or egress from any such room or space.
  - 4. All furnaces shall be equipped with a gas pressure regulator, which shall be adjusted so the gas input does not exceed the approved input rating.
  - 5. If automatic operation of floor furnaces is desired, care must be taken that a model designed for use with an automatic pilot is employed. No automatic pilot shall be installed in the field on a floor furnace that has not been designed for such equipment. Automatic safety pilots are recommended for all floor furnaces.

- O. The installation of gas fixed boilers , furnaces, and conversion burners for house heating shall conform to the latest accepted standards required for safe operation.
- P. Flues and/or Vents are required as stated in the American Gas Association, Inc. latest approved Standard for installation of gas piping and gas appliances in buildings (Code Z 21-30) and shall be installed to conform with this Standard (Code Z 21.30)

10.16.21 Unlawful to tamper - unlawful to steal gas - other acts

- A. To tap, break, damage, molest, or tamper with any gas pipes, lines, meters, regulators, or appliances, or any appurtenances, attachments, or connections to or seals on any of same, owned by any utility serving this Municipality, or to interfere with the operation of such utility's gas system, and each day any violation of this clause continues shall be deemed a separate offense.
- B. To steal gas from any pipe or fixture employed in furnishing or making available to any consumer a supply of gas, whether or not such pipe or fixture is owned by the utility supplying or distributing such gas, or to install or cause to be installed any piping, tube, hose, or other device whatsoever, for the purpose of stealing gas or deflecting the flow of gas around a meter.
- C. To turn on valves, break seals on meter cocks, or do any other act the purpose of which is to cause or attempt to cause a resumption of the flow of gas which has been stopped or shut off by the utility supplying the same; and the existence of any by-pass pipe or other device on or about the pipes or equipment installed or legally used by the utility in furnishing or measuring gas to consumers, or evidence of damage to meters, valves, seals, or other appurtenances preventing or interfering with proper use of such equipment for measuring or controlling the flow of gas, shall constitute prima facie evidence of knowledge on the part of the responsible person, firm, business association, agency, or corporation having custody or control of these premises where such device or damage is located, of the existence thereof and of the effect thereof to unlawfully take or steal gas, and shall bring such person, firm, business association, agency, or corporation prima facie within the scope, meaning, and penalties of this ordinance. (Ord. No. 75)

10.16.22 Penalty - 10.16.10 through 10.16.21 Any person, firm, business association, agency, or corporation failing, refusing, or neglecting to comply with the requirements of, or otherwise violating the provisions of, this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court of competent jurisdiction, shall be fined a sum not less than Five (\$5.00) Dollars nor more than Twenty-five (\$25.00) Dollars. (Ord. No. 75.)

10.16.23 State law to prevail. To the extent that any provisions hereof may conflict with the requirements of any valid laws, rules, and regulations of any other governmental or regulatory authority having jurisdiction, such other laws, rules, and regulations shall prevail.

## CHAPTER 10.20

### TELEPHONE SERVICE

Sections:

- 10.20.01 Franchise granted to Arkansas Telephone Co. and its successors
- 10.20.02 Grantee agrees to provide city and its inhabitants adequate and reasonable service
- 10.20.03 Grantee's facilities shall not obstruct public use and travel
- 10.20.04 Grantee given right to trim, cut and remove trees, etc.
- 10.20.05 Agreement shall continue
- 10.20.06 Rates shall be those lawfully approved and prescribed
- 10.20.07 Grantee shall use reasonable and proper precaution
- 10.20.08 Grantee shall endeavor to keep facilities in reasonable state of repair
- 10.20.09 Franchise fee
- 10.20.10 Grant not exclusive
- 10.20.11 Ordinance shall constitute a contract

10.20.01 Franchise granted to Arkansas Telephone Co. and its successors The city of Clinton, Arkansas, (hereinafter called Grantor) hereby grants to the Arkansas Telephone Company, its successors and assigns (hereinafter called Grantee), the exclusive right, privilege and authority within the present and all future expansion of the corporate limits of the city of Clinton, Arkansas, except for such area within the present corporate limits, which at the date of enactment hereof is served by another supplier of telephone service, and except for such other areas which may be later annexed, where Grantee is not allowed by law to serve, (1) to sell, furnish, transmit and distribute telephone service to Grantor and to all inhabitants and users within said limits, and (2) to construct, maintain, operate and extend a system for such purposes and to enter on, under and upon and use any and all of the streets, alleys, avenues, bridges and other public grounds and ways belonging to, or under control of Grantor, for the purpose of erecting, maintaining, repairing, replacing and operating poles, wires, anchors, stubs, relay stations, substations, cables, conduits, and other related facilities, appliances and apparatus which are necessary for, or useful in, the furnishing, sale, transmission or distribution of said telephone service (hereinafter called facilities.) (Ord. No. 90, Sec. 1.)

10.20.02 Grantee agrees to provide city and its inhabitants adequate and reasonable service Grantee shall, and does by acceptance hereof, agree to provide to the City and its inhabitants adequate and reasonable telephone service as a public utility and the facilities necessary to provide such service. Grantor, in recognition of the large and continuing investment necessary for Grantee to perform its obligations hereunder, and the need and duty to promptly construct its facilities, as defined above, required to serve customers, in all areas and zones of the



City, consents to the construction of such facilities as defined in Section One in all such areas and zones, and Grantor agrees to protect by ordinance, regulation and otherwise limited herein, the grants as rights and privileges to Grantee set forth in Section One from interference with, or duplication by, other person, firms, or corporations seeking to engage in the sale or distribution of telephone service. (Ord. No. 90, Sec. 2.)

10.20.03 Grantee's facilities shall not obstruct public use and travel All facilities of Grantee which may be located on public ways, places and public property, as authorized herein, shall be located so as to not unreasonably obstruct public use and travel. All of Grantee's facilities shall be constructed, operated and maintained in accordance with standards at least equivalent to the standards prescribed by the applicable National and State codes. Grantee, its successors and assigns, shall replace and repair, at its own expense, all excavations, holes or other damage caused or done by it to public streets, ways, places and public property in the construction, operation and maintenance of its facilities. (Ord. No. 90, Sec. 3.)

10.20.04 Grantee given right to trim, cut and remove trees, etc. The Grantee, its successors and assigns, is hereby given the right to trim, cut or remove trees, shrubbery or growth on or in public ways, places and public property which interfere or offer hazards to the operation of Grantee's facilities used or useful for the rendition of telephone service, and, further, Grantee is hereby given the right, authority and permission to trim, cut or remove portions of trees, shrubbery, or growth growing in private property by overhanging or encroaching on public ways, places and public property which interfere or offer hazards to the construction, operation and maintenance of Grantee's facilities. (Ord. No. 90, Sec. 4.)

10.20.05 Agreement shall continue The right, privileges and authority hereby granted shall exist and continue from the date of passage of this ordinance and thereafter, until terminated in accordance with provisions of applicable Statutes of Acts of the State of Arkansas, as presently enacted or hereafter amended. (Ord. No. 90, Sec. 5)

10.20.06 Rates shall be those lawfully approved and prescribed The rates which are to be charged by Grantee for telephone service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from time to time, be amended by Grantee in accordance with law or by any regulatory authority having jurisdiction thereof. (Ord. No. 90, Sec. 6.)

10.20.07 Grantee shall use reasonable and proper precaution In the construction, operation, and maintenance of its facilities, said Grantee shall use reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the said Grantor from damage, injury, loss or expense caused by the negligence of the Grantee, or its agents, servants or employees, in constructing, operating and maintaining said facilities or in repaving or repairing any streets, avenues, alleys, bridges or other public grounds. (Ord. No. 90, Sec. 7.)

10.20.08 Grantee shall endeavor to keep facilities in reasonable state of repair The Grantee shall endeavor at all times to keep its facilities in a reasonable state of repair, and to conform to such practices and install such appliances and equipment as may be in keeping with the customary usage and practice in cities of similar size in this State during the time this franchise shall remain in force. (Ord. No. 90, Sec. 8.)

10.20.09 Franchise fee Beginning in 1972, and thereafter during the life of this franchise, the Grantee shall pay to Grantor each year, a franchise tax in an amount equal to: \$.50 per station for each of the average number of commercial and residential users, (exclusive of extensions), of the preceding year, located within the corporate limits of the city of Clinton. Payments shall be made by the Grantee to the Grantor in one annual installment, first installment due 15 January, 1972. Residential and commercial telephone users are those users so classified pursuant to Grantee's uniform classification standard. Grantor shall have the right to examine and verify, from the records of the Grantee, any data relating to the number of users from which said franchise tax is due. In the event of a controversy between the Grantor and Grantee as to the amount of gross revenues received by Grantee in the city of Clinton upon which said tax is due, such controversy shall be referred to the Arkansas Public Service Commission, or such regulatory agency which may have jurisdiction over the Grantee, for final determination, and the decision of said Commission shall be binding upon both parties hereto.

It is expressly agreed and understood that Grantee will continue to maintain the city of Clinton Public Alarm System throughout the life of this franchise. For this service Grantee shall be entitled to an annual credit against the franchise tax herein above levied equal to the charge for one commercial station at the rate now authorized or as may hereafter be authorized. The aforesaid payment and service shall constitute and be considered as complete payment and discharge by the Grantee, its successors and assigns, of all licenses, fees charges, impositions or taxes of any kind (other automobile license fees, special millage taxes, general ad valorem taxes and other general taxes applicable to all citizens and tax payers) which are now or might in the future be imposed by the Grantor under authority conferred upon the Grantor by law. In the event such other tax or taxes are imposed by Grantor, the obligation of the Grantee set forth in Section None hereof, to pay the City the sum of \$.50 per station for each of the average number of commercial and residential users (exclusive of extensions) shall immediately terminate. (Ord. No. 90, Sec. 9.)

10.20.10 Grant not exclusive Nothing herein shall be construed to prohibit any person, firm or corporation from owning and operating facilities for generating, distribution or furnishing telephone service for his or its own use or the use of his or its tenants, all of which facilities and use are wholly on the same premises owned by such person, firm or corporation. (Ord. No. 90, Sec. 10.)

10.20.11 Ordinance shall constitute a contract The failure of the Grantee to file objection within thirty (30) days from the passage of this Ordinance shall constitute a contract between the Grantor and Grantee, and its successors and assigns. (Ord. No. 90, Sec. 11.)

**CHAPTER 10.24****CABLE TELEVISION SERVICE**Sections:

- 10.24.01 Mayor authorized and directed to execute agreement with Clinton Cablevision Services, Inc.
- 10.24.02 Operation agreement - provisions
- 10.24.03 Mayor authorized and directed to file two completed F.C.C. Forms 328
- 10.24.04 Completed copy of Form 328 to be mailed to local cable operator
- 10.24.05 City will follow F.C.C. rate regulations
- 10.24.06 City will ensure all parties a reasonable opportunity to be heard
- 10.24.07 Mayor authorized to execute certification forms or other instruments

10.24.01 Mayor authorized and directed to execute agreement with Clinton Cablevision Services, Inc.

- A. The Mayor is authorized and directed to execute an agreement with Clinton Cablevision Services, Inc. to provide for the continuing operation of a cable system for the residents of Clinton, Arkansas.
- B. Said agreement to be executed by and between the Mayor and Clinton Cablevision Services, Inc. shall be for a period of fifteen (15) years from and after the date of the passage of this ordinance (October 9, 2003) and shall be non-exclusive. The agreement shall be in the form provided within Ord. No. 166 with the exception that paragraph twenty (20) of said prior agreement shall be deleted as the city of Clinton no longer has authority to regulate rates pursuant to various acts passed by Congress. (Ord. No. 03-13, Secs. 1-2.)

10.24.02 Operation agreement - provisions Said agreement to be executed by the Mayor with Clinton Cablevision Services, Inc., shall be in the form as follows:

OPERATION AGREEMENT

This operating agreement made and entered into this 16th day of September, 1987, by and between the city of Clinton and Clinton Cablevision Services, Inc., Witnesseth:

- A. Definitions. For the purpose of this Agreement, 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:
1. "City" is the city of Clinton, Arkansas.
  2. "Council" is the City Council of Clinton.
  3. "Clinton Cablevision Services, Inc." hereinafter referred to as "CATV System" or "System", means a system of coaxial cables or other electrical conductors and equipment used or to be used primarily, but not

exclusively, to receive television or radio signals directly or indirectly off-the-air and transmit them to subscribers for a fee.

4. "Person" is any person, firm, partnership, association, corporation or organization of any kind.
5. "Grantee" is Clinton Cablevision Services, Inc., or anyone who succeeds Clinton Cablevision Services, Inc., in accordance with the provisions of this permit.

B. Grant of Non-Exclusive Authority:

1. There is hereby granted by the City to the grantee the right and privilege to construct, erect, operate and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways and public places now laid out or dedicated, and all extensions thereof, and additional thereto, in the City, poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the city of a CATV system for the interception, origination, sale and distribution of television, electronic and radio signals and related services.
2. The right to use and occupy said streets, alleys, public ways and places for the purposes herein set forth.
3. This grant shall not require the grantee to serve all residents of the City, but only those that shall pay for the service and only to those areas of the City which are economically feasible (35 subscribers per highway mile) for the grantee to extend such service.

C. Compliance with Applicable Laws and Ordinances. The grantee shall, at all times during the life of this permit, be subject to all lawful exercise of the police power by the City and to such reasonable regulation as the City shall hereafter provide.

D. Territorial Area Involved. This permit relates to the present territorial limits of the City and to any area henceforth annexed or added thereto during the term of this permit.

E. Liability and Indemnification.

1. The grantee shall pay, and by its acceptance of this permit, the grantee specifically agrees that it will pay, all damages and penalties which the City may legally be required to pay as a result of granting this permit. These damages or penalties shall include, but shall not be limited to, damages arising out of copyright infringements and all other damages arising out of the installation, operation, or maintenance of the CATV system authorized herein, whether or not

any act of omission complained of is authorized, allowed, or prohibited by this permit.

2. The grantee shall maintain, and by its acceptance of this permit specifically agrees that it will maintain throughout the term of this permit, liability insurance insuring the City and the grantee with regard to all damages mentioned in subparagraph (1) above in the minimum amounts as required by law.

F. Signal Quality Requirements. The grantee shall operate its system in accordance with all FCC regulations.

G. Operation and Maintenance of System.

1. The grantee shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time practical. Such interruptions, insofar as practical, shall be preceded by notice and shall occur during periods of minimum use of the system.
2. The grantee shall maintain an office in the City, which shall be open during all usual business hours, have a listed telephone, and be so operated that complaints and requests for repairs or adjustments may be received at any time.

H. Emergency Use of Facilities. In the case of any emergency or disaster, the grantee shall, upon request of the City Council, make available its facilities to the City for emergency use during the emergency or disaster period.

I. Safety Requirements.

1. The grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
2. The grantee shall install and maintain its wires, cables, fixtures, and other equipment in accordance with the requirements of the applicable ordinances and statutes of the city and state of Arkansas, and in such manner that they will not interfere with any installations of the City or of a public utility serving the City.
3. All structures and all lines, equipment and connections in, over, under, and upon the streets, sidewalks, alleys, and public ways or places of the City, wherever situated or located, shall at all times be kept and maintained in a safe, suitable, substantial condition, and in good order.

J. New Developments. It shall be the policy of the City Liberally to amend this permit, upon application of the grantee, when necessary to enable the grantee to take advantage of any developments in the field of transmission of television and radio signals which will afford it an opportunity more effectively, efficiently, or economically to serve its customers. Provided, however, that this Section shall not be constructed to require the City to make any amendment or to prohibit it from unilaterally changing its policy stated herein.

K. Conditions on Street Occupancy.

1. All transmissions and distributions structures, lines, and equipment erected by the grantee within the City shall be so located as to cause minimum interference with the rights and reasonable convenience of property owners who join any of said streets, alleys or other places of public ways.
2. In case of disturbance by the grantee of any street, sidewalk, alley, public way, or paved area, the grantee shall, at its own cost and expense and in a manner approved by the City Street or Engineering Department, replace and restore such street, sidewalk, alley public way, or paved area in as good condition as before the work involving such disturbance was done, and in compliance with existing ordinances.
3. Any poles or other fixtures placed in any public way by the licensee shall be placed in such manner as not to interfere with the usual travel on such public way.
4. The grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same, and the grantee shall have the authority to require such payment in advance. The grantee shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.
5. The grantee shall have the authority to trim trees upon the overhanging streets, alleys, sidewalks, and public ways and places of the city so as to prevent the branches of such trees from coming in contact with the wires or cables of the grantee, except that at the option of the City, such trimming may be done by it or under its supervision and direction at the expense of the grantee.
6. In all sections of the City where the cables, wires, or other like facilities or public utilities are placed underground, the grantee shall place its cables, wires or other like facilities underground to the maximum extent that existing technology

reasonably permits the grantee to do so.

- L. Preferential or Discriminatory Practices Prohibited. The grantee shall not, as to rates, charges, service, service facilities, rules, regulations or in any other respect, make or grant any undue preference or advantage to any person, and not to subject any person to prejudice or disadvantage.
- M. Removal of Facilities Upon Request. Upon termination of service to any subscriber, the grantee shall promptly remove all its facilities and equipment from the premises of such subscriber upon his request.
- N. Transfer of permit. The grantee shall not transfer this permit to another person without prior approval of the City by ordinance, but the City specifically acknowledges that approval of the transfer will be granted unless specific harms and reasons are set forth in writing and further that it will not unduly hinder such transfer in any manner.
- O. City Rights in Permit.
  - 1. The right is hereby reserved to the City or the City Council to adopt, in addition to the provisions contained herein and in existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power; provided that such regulations, by ordinances or otherwise, shall be reasonable and not in conflict with the rights herein granted.
  - 2. A duly authorized representative of the City shall have the right to inspect the books, records, maps, plans, and other like materials of the grantee at any time during normal business hours.
  - 3. The City shall have the right to supervise all construction or installation work performed subject to the provisions of this permit and make such inspections as it shall find necessary to insure compliance with the terms of this permit and other pertinent provisions of law.
  - 4. The term of this permit shall be fifteen (15) years from the date of this Ordinance and its acceptance. This Ordinance may be renewed for an additional fifteen (15) year period if, after a public proceeding, affording due process, the performance of the system operator and the adequacy of the provisions of this Ordinance are found to be satisfactory.
- P. Payment to the City. The grantee shall pay to the City as a permit and as compensation for the rights and privileges enjoyed hereunder, \$1.25 per subscriber annually for the number of subscribers existing at the end of each year. Such payment shall be made in January of each following year.



- Q. Subscriber Complaints. Any resident who believes that the grantee has failed adequately to resolve the resident's complaint within thirty (30) days of receipt of a written complaint by the grantee may refer the matter in the first instance to the mayor or his designated representative. In the event that said official is unable informally to resolve the matter to the satisfaction of all parties involved, the Council shall endeavor to resolve the matter after a suitable hearing in which all interested parties may participate. Each subscriber shall be given notice of the procedures for reporting and resolving complaints at the time of initial tap-in and connection.
- R. City's Right of Intervention. The grantee agrees not to oppose intervention by the City in any suit or proceeding to which the grantee is a party, except that this shall only apply to matters arising from the CATV service or operations.
- S. Duration and Acceptance of Permit
1. This permit and the rights, privileges, and authority hereby granted shall take effect and be in force from and after final passage hereof, as provided by law, and shall continue in force and effect for a term of fifteen (15) years from the date of this ordinance and its acceptance, provided that within five (5) days after the date of the passage of this ordinance the grantee shall file with the City Clerk its unconditional acceptance of this permit and promise to comply with and abide by all its provisions, terms and conditions. Such acceptance and promise shall be in writing duly executed and sworn to by or on behalf of the grantee before a notary public or other officer authorized by law to administer oaths.
  2. Should the grantee fail to comply with subsection (1) above, it shall acquire no rights, privileges, or authority under this permit whatever.
- T. Rates. The grantee's rates for the same type of services rendered in this operation will not exceed the state average based on a per city average rather than a per subscriber average for the same type of basic services rendered thereby.
- U. Publication Costs. The grantee shall assume the cost of publication of the permit as such publication is required by law and such is payable upon the grantee's filing of acceptance of this permit.
- V. Rules of Federal Communications Commission Section 76 of the rules of the Federal Communications Commission sets out certain recitations and provisions that must be contained in this franchise ordinance in order for the grantee to obtain a certificate of compliance from the Federal Communications Commission. It is the knowledge and belief of the grantee and the City that all of the present requirements of that rule are herein contained. Any changes in that rule shall be incorporated into this franchise ordinance within one year from the adoption of the change or at the time of the

franchise ordinance renewal, whichever occurs first. (Ord. No. 166, Sec. 2.)

10.24.03 Mayor authorized and directed to file two completed F.C.C. Forms 328 That the Mayor is hereby authorized and directed to file two completed F.C.C. Forms 328 by registered mail (not certified mail) with return receipt requested to:

Federal Communications Commission  
Cable Franchising Authority Certification  
P.O. Box 18539  
Washington, D.C. 20036  
(Ord. No. 93-212, Sec. 1.)

10.24.04 Completed copy of Form 328 to be mailed to local cable operator The Mayor is further directed to mail a completed copy of this form 328 to our local cable operator at the address listed on the form by certified mail, return receipt requested, on the same day copies are mailed to the F.C.C. (Ord. No. 93- 212, Sec. 2.)

10.24.05 City will follow F.C.C. rate regulations The city will follow the F.C.C. Rate Regulations in its regulation of the basic service rates and charges of the company and any other cable television system operating in the city, notwithstanding any different or inconsistent provisions in the Franchise; and,

10.24.06 City will ensure all parties a reasonable opportunity to be heard In connection with such regulation, the city will ensure a reasonable opportunity for consideration of the views of interested parties; and,

10.24.07 Mayor authorized to execute certification forms or other instruments The Mayor or his designee, is authorized to execute on behalf of the city and file with the F.C.C. such certification forms or other instruments as are now or may hereafter be required by the F.C.C. Rate Regulations in order to enable the city to regulate basic service rates and charges. (Ord. No. 94-221.)

**CHAPTER 10.28**

**WATER AND SEWER DEPARTMENT**

Sections:

- 10.28.01 Water and sewer department
- 10.28.02 Revenues and expenses

## 10.28.03 Indebtedness

10.28.01 Water and sewer department There is established the Water and Sewer Department within the city government of the City of Clinton. The manager of the Water and Sewer Department shall be a city employee and department head within the city government subject to being filled as are all other department heads. (Ord. No. 2007-01, Sec. 2.)

10.28.02 Revenues and expenses The annual revenues and expenses of the Water and Sewer Department shall be appropriated and maintained within the annual budget of the City of Clinton as are all other city departments. (Ord. No. 2007-01, Sec. 3.)

10.28.03 Indebtedness The City of Clinton acknowledges the existence of certain bonded indebtedness for the Water and Sewer Commission and the City recognizes its obligation to continue making all necessary payments on said bonds until the debt is retired. (Ord. No. 2007-01, Sec. 3.)

**CHAPTER 10.32**

**WATER REGULATIONS – GENERALLY**

Sections:

- 10.32.01 General policy - backflow containment
- 10.32.02 Definitions - backflow
- 10.32.03 Requirements - backflow
- 10.32.04 Meter tampering - prohibited
- 10.32.05 Tampering - general
- 10.32.06 Penalties

10.32.01 General policy - backflow containment

A. Purpose of Ordinance:

1. To protect the safe drinking water supply of the city of Clinton Arkansas from the possibility of contamination or pollution by requiring compliance with state and local plumbing codes, health regulations, OSHA and other applicable industry standards for water system safety within the consumer's internal distribution system(s) or private water system(s). Compliance with these minimum safety codes will be considered reasonable vigilance for prevention of contaminants or pollutants which could backflow into the public drinking water systems; and,
2. To promote reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system(s) of the consumer, as required by state and local plumbing codes, health regulations, OSHA and other applicable industry standards to assure water system safety; and,
3. To provide for the administration of a continuing program of backflow prevention which will systematically and effectively prevent the contamination or pollution of all water systems.

B. Responsibility:

1. The city of Clinton (Clinton Water and Sewer Departments) shall be responsible for the protection of the drinking water distribution system from foreseeable conditions leading to possible contamination or pollution

of the drinking water system due to the backflow of contaminants or pollutants into the drinking water supply,

2. Drinking water system surveys/inspections of the consumer's water distribution system(s) shall be conducted or caused to be conducted by individuals deemed qualified by and representing the city of Clinton (Clinton Water and Sewer Department), survey records shall indicate compliance with the aforementioned health and safety standards. All such records will be maintained by the city of Clinton (Clinton Water and Sewer Department).
3. The city of Clinton (Clinton Water and Sewer Department) shall notify, in writing, all consumers of the need for periodic system survey to insure compliance with existing applicable minimum health and safety standards.
4. Selection of an approved backflow prevention assembly for containment control required at the service entrance shall be determined from the results of the system survey.

C. Consumer's Responsibility:

1. To comply with this ordinance as a term and condition of supply and consumer's acceptance of service is admittance of his/her awareness.
2. It shall be the responsibility of the consumer to purchase, install, test and maintain any backflow prevention device/assembly required to comply with this ordinance.
3. All cost incurred complying with the backflow-cross connection preventing regulations of the State of Arkansas or the city of Clinton are to be paid by the consumer.

D. Plumbing Official Responsibility:

1. The plumbing official's responsibility to enforce the applicable sections of the plumbing code begins at the point of service (downstream or consumer side of the meter) and continues throughout the developed length of the consumer's water system.

2. Water vacating the drinking water supply must do so via approved air gap or approved mechanical backflow prevention assembly, properly installed and in accordance with the Local Plumbing Code and/or the Arkansas State Plumbing Code.
- E. Certified Backflow Assembly Technicians, Surveyors or Repair Persons Responsibilities:
1. Whether employed by the consumer or a utility to survey, test, repair, or maintain backflow prevention assemblies the Certified Backflow Technicians, Surveyors, or Repair Person will have the following responsibilities:
    - a. Insuring acceptable testing equipment and procedures are used for testing, repairing, or overhauling backflow prevention assemblies.
    - b. Make reports of such testing and /or repair to the consumer and water purveyor on forms approved for such use by the city of Clinton (Clinton Water and Sewer Department) and within the time frames prescribed by the city of Clinton
    - c. The report shall include the list of materials or replacement parts used
    - d. Insuring replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
    - e. Not changing the design material or operational characteristics of the assembly during testing, repair or maintenance.
    - f. A Certified Technician shall perform all tests of the mechanical devices/assemblies and be responsible for the competence and accuracy of all tests and reports.
    - g. Insuring his license is current, the testing equipment being used is acceptable to the state, and is in proper operating condition.
    - h. Be equipped with and be competent to use all necessary tool, gauges and other equipment necessary to properly test, and maintain backflow prevention assemblies.
    - i. The Certified Technician conducting the test must tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and high hazard air gap, showing the serial number, date tested and by whom. The technician's license number must also be on this tag.

- F. In case of a consumer requiring a commercially available technician, any certified technician is authorized to make the test and report the results of that test to the consumer, water purveyor and the State Health Department of Arkansas. If such a commercially tested assemblies in need of repair, a licensed journeyman or tradesperson recognized by the authority having jurisdiction shall make the actual repair. (Ord. No. 95-226, Sec. 1.)

#### 10.32.02 Definitions - backflow

- A. Water Purveyor: The person designated to be in charge of the Water Department of the city of Clinton is invested with the authority and responsibility for the implementation of an effective backflow prevention program and for the enforcement of the provisions of this ordinance.
- B. Approved Backflow Assembly: Accepted by the State Department Health, and the city of Clinton as meeting an applicable specification or as suitable for the proposed use.
- C. Auxiliary Water Supply: Any water supply on or available to the premises other than the purveyor's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids". These waters may be contaminated or polluted or they may be objectionable and constitute and unacceptable water source over which the water purveyor does not have authority for sanitary control. Auxiliary water supplies cannot be connected to the public potable water.
- D. Backflow: The reversal of the normal flow of water caused by either back-pressure or back-siphonage.
- E. Back-Pressure: The flow of water or other liquids, mixtures, or substances under pressure into the feeding distribution pipes of a potable water supply system from any source (s) other than the intended source.
- F. Back-Siphonage: The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source(s) other than the intended source, caused by the reduction of pressure in the potable water supply system.

- G. Backflow Prevention Assembly: An assembly of means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Arkansas State Plumbing Code and the Backflow Prevention Program approved by the State.
- H. Contamination: Means a degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds or other materials
- I. Cross Connection: Any physical connection or arrangement of piping or fixtures which may allow non-potable water or industrial fluids or other material of questionable quality to come in contact with potable water inside a distribution system. This would include any temporary connections, such as swing connections, removable sections, four way plug valves, spools, dummy section of pipe, swivel or changeover devices or sliding multiplet tubes or other plumbing arrangement.
- J. Cross Connection-Controlled: A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.
- K. Cross Connection-Containment: The installation of an approved backflow assembly at the water service connection to any customer's premises where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connection which cannot be effectively eliminated or controlled at the point of the cross connection (isolation). (Ord. No. 95-226, Sec. 2.)

#### 10.32.03 Requirements – backflow

- A. Policy:
1. No water service connection to any premises shall be installed or maintained by the Public Water Purveyor unless the water supply is protected, as required by the State laws, regulations, codes and this ordinance. Service of water to a consumer found to be in violation of this ordinance shall be discontinued by the water purveyor after due process of written notification of violation and an appropriate time sequence for voluntary compliance, if:



- a. A backflow prevention assembly required by this ordinance for control of backflow and cross connection is not installed, tested and maintained, or
  - b. If it is found that a backflow prevention assembly has been removed or by-passed, or
  - c. If an unprotected cross connection exists on the premises, or
  - d. If the periodic system survey has not been conducted.  
Service will not be restored until such conditions or defects are corrected.
2. The customer's system(s) shall be open for inspection at all reasonable times to authorized representatives of the water purveyor to determine whether cross connections or other structural or sanitary hazards, including violation of this ordinance exist and to audit the results of the required survey (Section I-B-2).
  3. Whenever the public water purveyor deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer's water system at or near the property line, or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line
  4. The type of protective assembly required under subsection 3-A-3, shall depend upon the degree of hazard which exists at the point of cross connection (whether direct or indirect), applicable to local and state requirements or resulting from the required survey.
  5. All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under subsection 3-A-6, be excluded from the requirements of these rules so long as the water purveyor is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or, requires more than the minimum maintenance or, when the water purveyor finds that the operation or maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the local and state requirements.

6. It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified surveys/inspections and operational tests made at least once per year at the consumer's expense. In those instances where the Public Water Purveyor deems the hazard to be great, he may require certified surveys/inspections and tests at a more frequent interval.

It shall be the duty of the Public Water Purveyor to see that these tests are made according to the standards set forth by the State Department of Health and the city of Clinton (Clinton Water and Sewer Department).

7. All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.
  8. No backflow prevention assembly shall be installed so as to create a safety hazard. Example: installed over an electrical panel, steam pipes, boilers, pits or above ceiling level.
- B. If violations of this ordinance exist or if there has not been any corrective action taken by the consumer within ten (10) days of the written notification of deficiencies noted within the survey, then the public water purveyor shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition(s) in conformance with the State and City Statutes relating to plumbing, safe drinking water supplies and the regulation adopted pursuant thereto.
  - C. If a threat to the potable water supply is determined to be existing or is imminent, the public water purveyor is herein granted the authority to discontinue service immediately to protect the health and well being of the public.
  - D. All backflow and cross connection inspections by the public water purveyor will be at no charge until a violation has been found. All inspection cost after a violation will be billed to the customer at an actual cost to be determined by the Clinton Water and Sewer Departments.
  - E. Backflow prevention assemblies MUST be installed by a licensed journeyman tradesperson, who is recognized by the authority having jurisdiction and inspected for compliance with the Arkansas State Plumbing Codes. Certified testing and maintenance are required to ensure proper function and maximum effectiveness of assemblies. These services must begin upon installation and be provided at intervals not to exceed one year and as system conditions warrant. (Ord. No. 95-226, Sec. 3.)

10.32.04 Meter tampering - prohibited Tampering shall mean and include all actions or attempts to readjust, damage, rearrange, reconnect, or open a water meter with the purpose of altering the water usage reading on said meter installed by the city of Clinton. Any other act or attempt to cause a deceptive and incorrect water meter reading shall also be considered as tampering.

10.32.05 Tampering - General Except for an employee or authorized representative of the Water Department of the city of Clinton, it shall be unlawful for any person to tamper in any manner with a water meter after it has been installed by the city of Clinton at a customer's dwelling or place of business.

10.32.06 Penalties Tampering with a city of Clinton water meter shall be considered a misdemeanor, and any person found guilty or convicted of such shall be subject to the following described penalties:

- A. For a first offense, the offender shall have water service disconnected from their home or place of business until a fine of \$100.00 is paid.
- B. For a second offense, the offender shall have water service disconnected from their home or place of business until a fine of \$200.00 is paid.
- C. For a third offense, the offender shall have water service permanently disconnected from their home or place of business. (Ord. No. 161, Sec. 1-3.)

## TITLE 11

### BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 Building Permit
- 11.05 Commercial and Industrial Construction Application
- 11.08 Plumbing Code
- 11.12 Electrical Code
- 11.16 Fire Prevention Code
- 11.20 Housing Code
- 11.24 Condemned Structures
- 11.28 Building Code
- 11.32 Contractor Requirements

#### CHAPTER 11.04

#### BUILDING PERMIT

Sections:

- 11.04.01 Required
- 11.04.02 Application
- 11.04.03 Fees
- 11.04.04 Issuance
- 11.04.05 Penalty
- 11.04.06 Violations taken to appropriate court

11.04.01 Required Any person, firm or corporation desiring to build, construct or significantly after or remodel any building or portion thereof located in the city of Clinton, Arkansas shall first make application in writing with the Clerk of the city of such other official as the Mayor of the city may designate for the issuance of a building permit. Said application shall provide the detailed information as called for on an application form to be furnished and provided such applicant by the Clerk or designated official. (Ord. No. 93-208.)

11.04.02 Application The application for any building permit by this chapter will be submitted by the land owner concerned to the Mayor, at City Hall, in duplicate copy, and shall contain at a minimum the following:

- A. Name, mailing address, and telephone number of the applicant;
- B. Type building to be constructed or repaired (as listed in Section 11.04.01 of this chapter);
- C. Location of the building site;
- D. Outside dimensions of the proposed building or addition;
- E. Construction materials to be used for the foundation, floor, and exterior walls;
- F. Manner in which the proposed building will be anchored to the foundation;
- G. Height of the first floor level above the ground level, as measured from the highest point of the ground level:
  - 1. Prior to any grading or leveling
  - 2. After grading and leveling; and
- H. Date on which construction is proposed to begin.  
(Ord. No. 93-208.)

11.04.03 Fees A fee according to a schedule established by the City Council will be charged for each building permit issued. Payment of said amount will accompany each permit application submitted, with such payment to be returned in event the application is denied. At the time such application is made, the applicant shall pay and deposit with the Clerk the sum of \$25.00. No permit shall be issued for construction which is a violation of any ordinance of the city.

**Commercial Building Permit**

- A. Construction
  - 1. First 500 sq. ft. of construction under roof \$50.00
  - 2. Each additional sq. ft. of construction under roof .07
  - 3. State construction surcharge =  

	x .0005	
(cost of construction)		

B. Inspections

1. Construction – foundation, framing, HVAC and electrical – city of Clinton has no inspection system at this time for commercial. The city depends on the integrity of the licensed contractor.
2. Plumbing (gas, water and sewer) contact Clinton Water and Sewer Dept. 501-745-4320

**Residential Building Permit**

A. Construction

- |    |  |         |
|----|--|---------|
| 1. | First 500 sq. ft. of construction under roof       | \$50.00 |
| 2. | Each additional sq. ft. of construction under roof | .07     |

B. Inspections

1. Construction – foundation, framing, HVAC and electrical – city of Clinton has no inspection system at this time for residential. The city depends on the integrity of the licensed contractor.
2. Plumbing (gas, water and sewer) contact Clinton Water and Sewer Dept. 501-745-4320

**Sign Permit Fees**

A. Local Business – free-standing or attached to a building

- |    |                              |          |
|----|------------------------------|----------|
| 1. | Minimum fee to 60 sq. ft.    | \$30.00  |
| 2. | Each sq. ft. over 60 sq. ft. | .50      |
| 3. | Maximum fee not to exceed    | \$100.00 |

B. Commercial – for lease – pylon, free-standing or billboard

- |    |  |          |
|----|--|----------|
| 1. | Each separate sign or face                     | \$300.00 |
| 2. | Additionally, for each sq. ft. of sign surface | .50      |
| 3. | Maximum fee for each face, not to exceed       | \$400.00 |

**Subdivision Permit Fees**

- |    |   |          |
|----|---|----------|
| A. | Plan review                               | \$500.00 |
| B. | Additionally, for each lot in subdivision | 25.00    |

**Commercial And Industrial Site Preparation**

- A. This Section applies to, but is not limited to, the site preparation of all retail and wholesale business establishments, warehouses, industrial projects, gas and oil well drilling projects, churches, schools, hospitals, clinics, nursing homes, mobile home and recreational vehicle parks, restaurants, office buildings and other establishments or uses that are permitted as of right on commercial or industrial zoned property within the City of Clinton.
- B. This section shall apply to proposed new construction as well as to proposed remodeling and additions, either inside or outside of an existing structure, but this Section shall not apply to any project where the estimated total construction is less than twenty thousand (\$20,000) dollars. (Ord. No. 2009-07, Sec. 1.).
- C. Permits required under this Section are in addition to any other building, zoning, sign or subdivision permit and fee required under this or other Clinton Ordinances.
- D.(1) Applications for a permit under this Section shall include, in addition to the required fee, the proposed development plan which includes the setbacks, legal description, site address, proposed use of the property and estimate total construction costs.  
 (2) All plans must have the approval of the Zoning Official, Street Department, Water and Sewer Department and Fire Department as required by the specifics of the project.
- E. The Permit Fee required under this Section shall be as follows:

Total Construction Cost	Fee
\$ 25,000.01 to \$500,000.00	\$500.00
\$ 500,000.01 and up	\$1,000.00 (Ord. No. 2007-13, Sec. 1.)

**Miscellaneous Permit Fees**

- A. Remodel (roof line changes only)  
 \$1.00 per \$1000.00 of construction cost - minimum fee of \$30.00
- B. Fence \$30.00
- C. Storm shelter \$25.00
- D. Demolition No fee
- E. Accessory – residential building (storage, etc)  
 less than 500 sq. ft. \$25.00

**Other Fees**

- A. Variance

	Publication costs plus filing fee of (Ord. No. 03-18, Sec. 6-4.)	\$60.00
B.	Zoning changes Publication costs plus filing fee of (Ord. No. 03-18, Sec. 7-2.)	\$60.00
C.	Conditional use Publication costs plus filing fee of (Ord. No. 03-18, Sec. 8-1,c,3).	\$60.00 (Ord. No. 04-12, Sec. 1.)

**Penalties** It shall be unlawful for any person, corporation, partnership, limited liability company or other entity of any form or kind to begin any work required to be permitted by any ordinance of the City of Clinton without having paid for and obtaining the permits required under this ordinance. A violation of this requirement shall subject the offender to a fine of up to \$250.00 per occurrence. For purposes of this Ordinance each day that a project proceeds without the proper permit and fee shall constitute a separate occurrence. (Ord. No. 2007-13, Sec. 4.)

11.04.04 Issuance The Mayor of the city of Clinton, Arkansas, will present each permit application to the City Council of the city of Clinton, Arkansas, for its approval or other disposition at its next regular or called meeting, with the exception that no application will be presented for the Council's consideration until it has been reviewed by the City Building Inspector and bears his recommendation as to approval or disapproval. In each case the permit shall be granted unless found to be in violation of any flood zone ordinance or other ordinance heretofore or hereinafter adopted by the city.

Any building permit issued under the provisions of this chapter will remain valid only for a period of ninety (90) days from its date of issue, and become void if construction has not begun within that period, or unless it is renewed within that period.

11.04.05 Penalty Any person, firm or corporation who shall fail to comply with this ordinance shall be guilty of a misdemeanor and punishable with a fine not to exceed \$500.00 per offense with each day to be considered a separate offense. In addition, any person violating this ordinance shall be subject to imprisonment not to exceed one month. As an additional penalty, no city services, including water and sewerage service, shall be granted or continued to any building for which no permit is obtained. (Ord. No. 93-208.)

11.04.06 Violations taken to appropriate court Violators of this ordinance may be enjoined by the city by action filed in the appropriate court. (Ord. No. 93-208.)



## CHAPTER 11.05

### COMMERCIAL AND INDUSTRIAL CONSTRUCTION APPLICATION

Sections:

11.05.01	Application required
11.05.02	Design approval
11.05.03	License and bonds
11.05.04	Code compliance
11.05.05	Fee due
11.05.06	Inspections
11.05.07	Certificate of Occupancy

11.05.01 Application required Prior to the start of any building or structure designed or intended to be used for either a commercial or industrial purpose, including but not limited to any public assembly facility, or any new construction or remodeling any building or structure within the City of Clinton, regardless of the intended use, the owner of the property or the owner's agent or contractor shall submit to the Clinton Zoning Official a request for a building permit of said building or structure that contains the following:

- a. Plans that include foundations, floor plans and all outside elevations.
- b. A description and plan for all driveways and entrances and exits to and from the property from any public street or highway.
- c. A detailed parking plan.
- d. A landscaping plan together with all fences required by city ordinance.
- e. Drawings of any retaining wall and drainage system that may be required.
- f. Any other details required to comply with current building codes or ordinances, in the City of Clinton, including but not limited to any required environmental impact requirements.
- g. Complete wiring and plumbing plans as well as heating and air conditioning plans, mechanical drawings and sprinkler systems.
- h. Plans for compliance with all Fire Code requirements mandated by the State Fire Code.
- i. Plans for placement of fire hydrants as well as for compliance with required fire and safety equipment required by the City or the State including but not limited to fire doors, panic hardware, exit signs and emergency lighting.
- j. Any other detail required by city ordinance or by any version of the State or City Building Code and Fire Code in force and effect at the time of the application.
- k. Said plans shall be drawn by a licensed architectural firm. (Ord. No. 2008-01, Sec. 1.)

11.05.02 Design approval The design of the front exterior facade or the design of the

front of the building or structure itself must be approved by Planning and Zoning prior to the issuance of any permits of any kind. Planning and Zoning may require additional construction and landscaping in the exterior design for appearance only, in order for permit to be issued. (Ord. No. 2008-01, Sec. 2.)

11.05.03 License and bonds All contractors and subcontractors used in the construction or remodeling of any commercial or industrial building or structure shall be licensed and bonded for the type of construction or remodeling work they are performing on the building or structure. (Ord. No. 2008-01, Sec. 3.)

11.05.04 Code compliance All construction and remodeling work must conform to the requirements of the State of Arkansas and or the City of Clinton Building and or Fire Code that is in force and effect at the time of the construction or remodeling. (Ord. No. 2008-01, Sec. 4.)

11.05.05 Fee due All fees due pursuant to any City of Clinton Ordinance for permits of any and all kinds shall be paid at the time of application. (Ord. No. 2008-01, Sec. 5.)

11.05.06 Inspections Inspections will be required during and on completion of all construction or remodeling of any commercial or industrial building or structure for: foundations; framing; erection; electrical; plumbing, mechanical; fire safety; drainage; street repair or construction or any other phase required by the Zoning Official. Inspectors shall be appointed by the Mayor and may be compensated as approved by the City Council. (Ord. No. 2008-01, Sec. 6.)

11.05.07 Certificate of Occupancy A Certificate of Occupancy must be issued by the Zoning Official prior to any occupancy of any newly constructed building or structure or prior to the occupancy of any remodeled area covered by this Ordinance. (Ord. No. 2008-01, Sec. 7.)

## CHAPTER 11.08

### PLUMBING CODE

Sections:

11.08.01	State Code
11.08.02	Inspection and supervision
11.08.03	Application permits
11.08.04	Bond
11.08.05	Fees
11.08.06	Street openings
11.08.07	Cross connections – backflow
11.08.08	Sewer connections
11.08.09	Fine

11.08.01 State Code

- A. The provisions and regulations of the Arkansas State Plumbing Code, and amendments thereto, now adopted, or adopted in the future, by the State Board of Health of Arkansas are made a part of this ordinance by reference, three certified copies of which shall be on file in the office of the City Clerk, and shall extend over and govern the installation of all plumbing installed, altered or repaired within or without the city of Clinton, wherever water and/or sewer service originating from the Municipal Water and/or Sewer System is furnished.
- B. Plumbing for the purposes of this ordinance is hereby defined as the definitions of Act 200 of 1951 or Arkansas and the Arkansas State Plumbing Code. Eighth Edition 1999, or any future code adopted by the State of Arkansas. (Ord. No. 03-7, Sec. 3.)

11.08.02 Inspection and supervision

- A. There is hereby created the position of plumbing inspector or inspectors who shall be employed by the city of Clinton, Arkansas.

- B. The Plumbing Inspector and inspectors shall have experience in plumbing to the extent that enables him to know when plumbing is installed correctly.
- C. The Plumbing Inspector or inspectors shall not be directly connected in anyway with any person, firm, corporation, directly or indirectly engages in the business of plumbing, or plumbing suppliers.
- D. The Inspector shall receive as full compensation for his services, a salary designated by the city of Clinton, or its Water and Sewer Commission.
- E. It shall be the duty of the Plumbing Inspector or inspectors to enforce all provisions of this ordinance, and such inspector or inspectors is hereby granted the authority to enter all buildings within or without the corporate limits of the city of Clinton, when such buildings are connected, or to be connected to the Municipal Water and/or Sewer System.
- F. The Plumbing Inspector shall prepare or cause to be prepared suitable forms for applications, permits, inspection reports and other such materials.
- G. It shall be the duty of the Plumbing Inspector to inspect and test all plumbing work for compliance with the ordinance and its adopted Plumbing Code, and to enforce changing of such installations that do not meet the requirements. It further shall be his duty to see that all persons installing or altering plumbing shall be qualified by State Law. (Ord. No. 03-7, Sec. 4.)

11.08.03 Application permits Before beginning any work n the city of Clinton, Arkansas, the person installing or altering same, shall apply to the Plumbing Inspector or other designated official and obtain a permit to do such work. Only those persons legally authorized to do plumbing may be issued permits. A permit may be issued to homeowner to install or alter plumbing in a single family residence, providing that home owner does the work himself and that the building is owned and occupied by the owner as his home. All such work shall meet the code requirements. (Ord. No. 03-7, Sec. 5.)

11.08.04 Bond Every Master Plumber doing business in the city of Clinton, Arkansas, shall execute and deliver to the city a bond with a surety bonding company in the sum of Five Thousand Dollars (\$5,000.00) to indemnify the city or any citizen for any damage caused by the failure of such Master Plumber to comply strictly with the provisions of this ordinance. No plumbing permit shall be issued to any Master Plumber unless this bond has been delivered to the city and is in full force and effect and a copy of the bond and current license is placed on file at the Water and Sewer Commission. (Ord. No. 03-7, Sec. 6.)

11.08.05 Fees

Plumbing inspection permit (includes rough-in, top-out,, final and gas inspections)	\$40.00
Water or sewer service line (if done separate from plumbing)	\$10.00
Each plumbing fixture and/or water, waste discharging device	\$1.00 per fixture

To include, but not limited to:

Water closets	Urinals	Gas Riser
Sinks	Water heaters	Gas Service
Lavatories	Water connection	Back flow preventer
Shower	Bath tubs	Sewer connection
Washing machine	Dishwasher	Floor Drain

Inspection permits for the installation, repair or replacement of water or sewer lines - \$1.00.

An addition fee of \$10.00 shall be charged for each additional trip on the part of the Plumbing Inspector, caused by the negligence of the plumber of not being ready for inspection or a return for inspection of a corrected installation. (Ord. No. 03-7, Sec. 7.)

11.08.06 Street openings

- A. All openings, cuts or excavations made in the public street or alleys to repair, replace, install plumbing or sewer lines must be made as carefully as possible and all materials excavated from the trenches shall be removed or placed where the least inconvenience to the public will be caused.
- B. All openings cuts or excavations must be replaced in precisely the same condition as before the excavation started and all rubbish and material must be removed at once, leaving the street or sidewalks clean and in perfect repair, level with the surface of the street or road.
- C. All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the opening at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to person or property.
- D. All openings, cuts or excavations must be repaired even with the grade of the road with concrete, unless an alternative method is approved by the Water and Sewer Commission. (Ord. No. 03-7, Sec. 8.)

11.08.07 Cross connections – backflow

- A. The Water and Sewer Commission of the city of Clinton, Arkansas, and the city Plumbing Inspector of the city of Clinton, Arkansas, be and they are hereby authorized to discontinue or cause to be discontinued all water or pre-existing service or services to any and all premises, lands, buildings or structures where it is found that an immediate hazard exists to the purity or potability of the city water supply, by reason of the requirements of the Arkansas State Plumbing Code and the City Plumbing Code and the regulations of the Arkansas State Department of Health having not been complied with.
- B. The Water and Sewer Commission of the city of Clinton, Arkansas, and the City Plumbing Inspector of the city of Clinton, be and they are hereby authorized and directed to take such steps as necessary to determine all potential hazards. It shall be the duty of said department and said inspector to immediately cause notice to go to the owner or such other person responsible for said premises, specifying said hazards, and notifying said person that in the event that said hazard is not corrected within thirty (30) days from the date of said notice, all water service shall be discontinued, thereafter until the requirements of the Arkansas State Plumbing Code, and the regulations of the Arkansas State Department of Health having been complied with. (Ord. No. 03-7, Sec. 9.)

11.08.08 Sewer connections

- A. All connections made to the sewer system of the city of Clinton shall be made with the use of PVC and fittings manufactured for use therewith, or with cast iron pipe and fittings manufactures for use therewith. Premises using other types of pipe shall not be connected to said sewer system.
- B. No connection shall be made to the sewer system of the city of Clinton until the ditch and the pipe serving the premises to be connected have been inspected and approved by a City Plumbing Inspector. (Ord. No. 03-7, Sec. 10.)

11.08.09 Fine Any person, firm or corporation found guilty of violating any of the provisions of this ordinance shall be subject to a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) per day, together with the costs of such prosecution. Each day during which violation continues shall be a separate offense. (Ord. No. 03-7, Sec. 11.)

## **CHAPTER 11.12**

### **ELECTRICAL CODE**

**Sections:**

- 11.12.01 Adoption of electrical code
- 11.12.02 Appointment and removal of the City Inspector
- 11.12.03 Duties
- 11.12.04 Permits
- 11.12.05 Inspection
- 11.12.06 Standards

- 11.12.07 Licensing of electricians
- 11.12.08 Bond required
- 11.12.09 Qualification
- 11.12.10 Failure to comply - penalty
- 11.12.11 License to individual

11.12.01 Adoption of Electrical Code. There is hereby adopted for the city for the purpose of establishing rules and regulations for the construction, alteration, removal and maintenance of electric wiring and apparatus, including permits and penalties, that certain electrical code known as the National Electrical Code of the National Fire Protection Association, of which not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer of the city of Clinton, Arkansas, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date this chapter takes effect, the provisions shall be controlling in the construction, alteration, maintenance or removal of all electric wiring and apparatus within the corporate limits of the city.

11.12.02 Appointment and removal of the City Inspector. The inspection officer responsible for Administering this code shall be appointed and removed by the Mayor subject to override by the City Council.

11.12.03 Duties. He or she shall have the duty and is hereby authorized, empowered and directed to regulate and determine the placing of electric wires and other appliances for electric lights, heat or power in the city and to cause all such wires, appliances, or apparatus to be placed, constructed and guarded so as not to cause fires or accidents, endangering life or property, and to be constructed so as to keep to a minimum the loss or waste of electric current.

It shall be his or her duty to enforce all provisions of this chapter and he or she is hereby granted the authority to enter all buildings in the city in the performance of his duties at any reasonable hour.

It shall be his or her duty to inspect and/or test all electrical work and equipment or apparatus for compliance with the code. Whenever electric wiring, appliances or apparatus shall be defective or hazardous through improper manufacture or improper or insufficient insulation or for any other reason, he or she shall at once cause the removal of such defect or defects, at the expense of the owners of such wiring, appliance or apparatus.

11.12.04 Permits. No installation, alteration or removal shall be made in or of the wiring of any building or structure for light, heat or power or to increase the load of energy carried by such wires or equipment, nor shall any building or structure be wired for electric lights, appliances, motors, apparatus or heating devices nor alterations be made thereto without a written permit therefor being first obtained from the city license issuing clerk by the person, firm or corporation having direct charge of such installation, alteration or removal.



11.12.05 Inspection. Upon the completion of the wiring, installation or alteration of any building or structure for light, heat, power, appliance or apparatus, it shall be the duty of the person, firm or corporation having direct charge of such to notify the city inspector who shall, as early as possible, inspect such wiring, installation, appliance and apparatus and if installed, altered and constructed in compliance with the permit and in accordance with the regulations of this chapter, he or she shall execute a certificate of satisfactory inspection, which shall contain the date of such inspection and the result of his examination, but no such certificate shall be issued unless such electric wiring, motors, heating devices, appliances and apparatus be in strict accord with the rules and requirements and the spirit of this chapter, nor shall current be turned on to such installation, equipment, appliance, motor, heat devices and apparatus until said certificate be issued. The amount of fee or charge to be made for such inspections and certificates is to be fixed and determined by the City Council.

11.12.06 Standards. All electrical construction, all materials, appliances, motors, heating devices, and apparatus used in connection with electrical work and the operation of all electrical apparatus within the city shall conform to the rules and requirements of the National Electrical Code current when work is performed or equipment and apparatus installed: however, the necessity, good service and said results often require larger sizes of wire, more branch circuits and better types of equipment than the minimum which is specified in the National Electrical Code. Therefore, the inspection officer supervising the enforcement of this code will have the responsibility and authority for making interpretations of the rules, for deciding upon the approval of equipment, materials, construction and for granting the special permission contemplated in a number of the rules and he, where necessary, shall follow the code procedure for securing official interpretations of the code.

11.12.07 Licensing of electricians. Any person, firm or corporation desiring to engage in the business of electrical construction or of the installation of wiring and apparatus for electric lights, appliances, heating or power in the city shall, before doing so, obtain a license therefor, the fee for which shall be Twenty-Five Dollars (\$25.00) per year which shall be paid into the city treasury before such license shall become effective.

11.12.08 Bond required. Every person, firm or corporation doing electrical business in the city shall execute and deliver to the city a bond with a surety bonding company in the sum of One Thousand Dollars (\$1,000.00) to indemnify the city or any citizen for any damage caused by the failure of such person, firm or corporation doing the electrical work to comply strictly with the provisions of this chapter.

11.12.09 Qualification. No license shall be issued until the party applying for same has given satisfactory evidence to the city inspector of his or their ability to do said electrical work in a safe and satisfactory manner. No permit for installation or alteration of any wiring, heating devices, motors, appliances and apparatus shall be issued until the license and bond herein required have been obtained.

11.12.10 Failure to comply Any person, firm or corporation who shall fail to correct any defect or defects in his or their work or to meet the required standards after having been given notice of the unfit condition by the inspector within a reasonable time, shall be refused any other permit until such defect or defects have been corrected and shall be subject to revocation of license for continual defective work or either upon conviction for violation of the provisions of this chapter. Upon failure to comply with this chapter, the inspector shall have authority, after due notice, to cut electric current in the locality concerned. Any person found in violation by a duly qualified and appointed inspector, shall comply with National Electrical Code or be deemed guilty of a misdemeanor; penalty for which shall be a fine of not less than \$10.00 nor more than \$500.00 and or up to 30 days in jail. (Ord. No. 102, Sec. 2.)

11.12.11 License to individual. Any individual desiring to perform his or her own electrical work personally shall not be required to make the required bond or to obtain the required license, but shall be required to obtain the regular permit for that particular job. Such work done by an individual must be done by him personally on his own particular job and not be a way of performing a service to the public generally.

## **CHAPTER 11.16**

### **FIRE PREVENTION CODE**

#### Sections:

- 11.16.01 Adoption of fire prevention code
- 11.16.02 Enforcement
- 11.16.03 Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquefied petroleum gases and storage of explosives and blasting agents is to be restricted
- 11.16.04 Modifications
- 11.16.05 Appeals
- 11.16.06 Penalties

11.16.01 Adoption of fire prevention code. There is hereby adopted by the city of Clinton, Arkansas, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Standard Fire Prevention Code, of which code not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the municipality.

11.16.02 Enforcement. The code hereby adopted shall be enforced by the Chief of the Fire Department of the municipality.

11.16.03 Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquefied petroleum gases and storage of explosives and blasting agents is to be restricted. The limits referred to in Section 73 of the code hereby adopted in which storage of flammable liquids in outside above ground tanks is prohibited, the limits referred to in Section 103 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted, and the limits referred to in Section 53 B of the code hereby adopted, in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

- A. The area designated on the "Official Zoning Map" of the municipality as the Central Business District;
- B. Within fifteen hundred (1500) feet of any building structure in any built up area within the corporate limits of the municipality.

With the exception of outside above ground tanks for the storage of flammable liquids or for the bulk storage of liquefied petroleum gases having been located in such designated areas prior to the adopting date of this ordinance; provided, however, that the Fire Chief shall inspect such facilities and issue a letter of "Modification" as hereinafter set forth in Section 11.16.04.

11.16.04 Modifications. The Chief of the Clinton Fire Department shall have the power to modify any of the provisions of the code hereby adopted upon application, in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decisions of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

11.16.05 Appeals. Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the governing body of the municipality within thirty (30) days from the date of the decision appealed.

11.16.06 Penalties. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed

or modified by the governing body of the municipality or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment for not less than three (3) days nor more than thirty (30) days or by both such fine and imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violation or defect within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

## **CHAPTER 11.20**

### **HOUSING CODE**

#### **Sections:**

- 11.20.01 Adoption of
- 11.20.02 Housing Official
- 11.20.03 Board of Appeals
- 11.20.04 Duties of Housing Official
- 11.20.05 Right of entry

11.20.01 Adoption of. There is hereby adopted by the City Council of the city of Clinton, Arkansas, that certain code of health and housing standards known as the Standard Housing Code, of which not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling on all dwellings and premises within the city limits.

#### 11.20.02 Housing Official.

- A. The office of Housing Official is hereby created.
- B. The Housing Official, appointed by the Mayor, shall be responsible for the enforcement of this chapter.

11.20.03 Board of Appeals. There is hereby created a Board of Housing Appeals which shall consist of five (5) members appointed by the Mayor and subject to confirmation of the City Council of the city of Clinton, Arkansas. The Board shall act by a majority vote of the members present. Said Board shall have the power and be required to hold public hearings in

deciding appeals where it is alleged there is an error in law or fact in any order or decision of the Housing Official in the enforcement of this chapter.

11.20.04 Duties of Housing Official. It shall be the duty of the Housing Official to enforce all laws and provisions specified in the herein adopted Standard Housing Code.

11.20.05 Right of entry. The Housing Official, in the discharge of his official duties, and upon proper identification, shall have the authority to enter any building structure or premises at any reasonable hour.





## CHAPTER 11.28

### BUILDING CODE

Sections:

11.28.01	Adoption of Building Code
11.28.02	Establishment of office of Building Official
11.28.03	Qualifications of Building Official
11.28.04	Duties of Building Official
11.28.05	Liability
11.28.06	Right of entry
11.28.07	Definition
11.28.08	Fees
11.28.09	Call back fees
11.28.10	Energy Code

11.28.01 Adoption of Building Code. There is hereby adopted by the City Council of the city of Clinton, Arkansas, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the "Standard Building Code", of which not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer and the same are 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.

11.28.02 Establishment of office of Building Official.

- A. The office of the Building Official is hereby created.
- B. The Building Official shall be appointed by the Mayor. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.
- C. During temporary absence or disability of the Building Official, the Mayor shall designate an acting Building Official.

11.28.03 Qualifications of Building Official. He shall be in good health, physically capable of making the necessary examinations and inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or connected with building construction, alteration, removal and demolition.



11.28.04 Duties of Building Official.

- A. He shall receive applications required by this code, issue permits and furnish the prescribed certificates. He shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the Building Code. He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the Building Code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate existing facilities in buildings and structures, he shall issue such notices or orders as may be necessary.
- B. Inspections required under the provisions of the Building Code shall be made by the Building Official or his duly appointed assistant. The Building Official may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the Building Code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.
- C. The Building Official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made or reports rendered and of notices or orders issued.
- D. All such records shall be open to the public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Building Official without his written consent.
- E. The Building Official shall make written reports to his immediate superior once each month, or more often if requested, including statements of permits and certificates issued, and orders promulgated.

11.28.05 Liability. Any officer or employee of the city of Clinton, Arkansas, or member of the Board of Adjustments and Appeals, charged with the enforcement of this code, acting for the city in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this code shall be defended by the City Attorney or legal representative of the city.

11.28.06 Right of entry. The Building Official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

11.28.07 Definition. Whenever the term "Corporation Counsel" is used in the Building Code, it shall be held to mean the City Attorney or other attorney acting for the city.

11.28.08 Fees.

- A. Building permit schedule of fees for erecting or repairing a building or structure (see Building Permit, 11.04).
- B. Building permit schedule of fees for moving of building or structure. For the moving of any building or structure, the fee should be Ten Dollars (\$10.00).
- C. Building permit schedule of fees for demolition of buildings or structures. For the demolition of building or structure, the fee should be Four Dollars (\$4.00).

11.28.09 Call back fees. If any building or structure fails for any reason to pass the Building Official's inspection and the Building Official has to re-inspect said building or structure, there will be an additional charge of Five Dollars (\$5.00) for each inspection; and any and all fees shall be paid by the person to whom the permit is issued.

11.28.10 Energy Code There is hereby adopted by the City Council of Clinton, Arkansas, for the purpose of establishing rules and regulations for energy efficient standards for new building construction, this code known as the 2014 Arkansas Energy Code, being particularly the 2014 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 2014 Arkansas Energy Code, have been and now are filed in the office of the Clerk or Recorder of the city of Clinton, 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 Clinton, Arkansas.

**CHAPTER 11.32**

**CONTRACTOR REQUIREMENTS**

Sections:

- 11.32.01 Applicability
- 11.32.02 Misdemeanor declared
- 11.32.03 Inspections
- 11.32.04 Building applications
- 11.32.05 License and Insurance
- 11.32.06 Letters of Acceptance
- 11.32.07 Inspection and release of bonds
- 11.32.08 Enforcement and penalties
- 11.32.09 Penalties

11.32.01 Applicability This Ordinance applies to all construction of whatsoever kind, whether commercial, residential, general or otherwise, within the city limits of the City of Clinton. This Ordinance is also intended to supplement and strengthen all other applicable City Ordinances and is to be construed liberally under the well settled maxim of common law that all acts passed upon the same subject are in pari materia and must be taken and construed together and made to stand if capable of being reconciled. (Ord. No. 2009-08, Sec. 1.)

11.32.02 Misdemeanor declared All persons or entities acting, as contractors without limitation must comply with the requirements of this Ordinance. Failure to comply with this Ordinance shall be a misdemeanor and violators shall be subject to enforcement as provided in Section Nine (9) below. (Ord. No. 2009-08, Sec. 2.)

11.32.03 Inspections This Ordinance applies to Residential Construction as per Arkansas State Code, but in all cases any construction or remodeling either by licensed contractor or private individual must be permitted according to city ordinance, and all work requires inspections and must be performed to the current code in force for the city of Clinton. Inspections are required on all projects at various stages of construction prior to any foundation installed thru the completed project, with a certificate of completion issued before final project is placed in use. (Ord. No. 2009-08, Sec. 3.)

11.32.04 Building applications Prior to engaging in any construction project within the City of Clinton, all persons, entities or other business association(s) must first obtain a permit from the City through the Zoning Official to engage in such activity. In making and application for a permit to engage in construction within the City, the applicant must furnish to the City the following material, as they may be applicable to the proposal project:

- a. A full set of plans that includes all phases of the proposed construction including, but not limited to, engineering drawings, landscaping plans, materials specifications, floor plans if applicable, grading and elevations, and all other aspects of the proposed construction without limitation. The Clinton City Zoning Official shall determine what additional documents of plans may be needed on a case-by-case basis.
- b. A full and complete set of engineering drawings and diagrams for any public works project such as street or highway construction, repairs or upgrades, pipe line installations, repairs or upgrades; broadcasting towers, cell phone towers and each and every other project of whatsoever kind and without limitation., any street, curb, sidewalk, utilities and other upgrades without limitation must meet or exceed current standards or as may be required by the respective Department of the City of Clinton.
- c. A detailed parking plan whether exposed or enclosed.
- d. A detailed plan for drainage systems, retaining wall or fencing whether new, rebuilt or remodeled.
- e. A detailed plan or drawings for any electrical work to be done, whether new, rebuilt or remodeled.

- f. A detailed plan required for compliance with all other applicable building or construction codes, including but not limited to plumbing, electrical fire or other code applicable to the proposed work.
- g. A detailed plan for placement of all fire hydrants as well as for compliances with required fire and health and safety equipment required by the City or the State including but not limited to fire doors, exit signs, panic hardware and emergency lighting.
- h. Any other detail required by the City Zoning Official, City ordinances, International Building Code or Arkansas State Codes required or adopted by the City of Clinton.
- i. All plans, drawings, diagrams, or other written specifications shall be prepared by a licensed architect or architectural firm unless such requirement is waived or modified by the Clinton Zoning Official as in small projects. Provided, however, something adequately detailing the propose project must be included in any application for a permit for any project of whatsoever kind. (Ord. No. 2009-08, Sec. 4.)

11.32.05 License and Insurance All persons or entities acting as residential contractors without limitation must provide in favor of the City of Clinton in the amount of not less than twenty five thousand (\$25,000), a copy of the state contractor's license, proof of workers compensations insurance as may be required in order to maintain the current state contractor(s) license. These filings must be kept current as a prerequisite for being allowed to be a contractor within the City of Clinton. Commercial contractors and all other contractors' bond amounts shall be for the full cost of the project, if the project cost totals more than twenty thousand dollars (\$20,000), and shall remain for one (1) year following completion as provided herein. (Ord. No. 2009-08, Sec. 5.)

11.32.06 Letters of Acceptance Upon completion of the work, including satisfactory corrective work as described in any punch list, the City will issue a letter of acceptance to the license contractor(s), if applicable to the owner, or other person or entity accepting the construction work performed contingent upon receipt of the following:

- a. One year maintenance bond. Upon completion of the work the commercial and general contractors shall deliver to the City a maintenance bond in the amount of one hundred percent (100%) of the actual cost of all public work or improvements of whatsoever kind. The bond shall be made payable to the City of Clinton and its date shall coincide with the date on the letter of acceptance and run for a term of one year thereafter. In the event the contractor shall fail, neglect or refuse to make corrections to any defective work, defective materials, improper installation or other full or partial failure of any kind attributable to the contractor the bond will be used to hire a contractor to make corrections and to pay for the City's costs, expenses and legal fees associated with the corrective work. This Section is to be read together with any other applicable section of the Ordinances of the City of Clinton.
- b. A full and complete set of "as constructed" drawings and specifications.
- c. Legible copies of all testing results and reports.

- d. All originals of operations and maintenance data, instructions, manuals or other original manufacturing information and data that were provided to the contractor or available for the owner(s) use.
- e. Written warranty and/or guarantee. On any public works project of any kind whatsoever before any letter of acceptance is issued, or final payment made, the commercial or general contractor shall provide the City or the project owner with a written warranty and /or guarantee against defective work, faulty materials and/or workmanship valid for such term as may be required by the Zoning Official of the Zoning Commission. The said term may be on a project-by-project basis and shall not be less than one year . In the event of a claim for defects of any species whatsoever , or faulty workmanship of any kind the contractor shall respond in a timely manner, and shall perform all corrective work, replace all defective equipment or materials at no cost to the City of Clinton or owner. (Ord. No. 2009-08, Sec. 6.)

11.32.07 Inspection and release of bonds Within thirty (30) days prior to the expiration of any bond, the City shall inspect the project for any deficiencies and notify the contractor of any corrective work or action that should be discovered and needed. At the end of the bond period the City shall return the bond in full to the contractor providing it was not necessary that the bond be used for an independent contractor, or for the city to perform corrective work. The City will not hire an independent contractor and/or utilize the bond except in the case of an emergency or when the contractor fails, refuses or otherwise does not respond and/or complete any corrective work in a timely and professional manner. Any unused portion of the bonds will be returned. (Ord. No. 2009-08, Sec. 7.)

11.32.08 Enforcement and penalties After the effective date of this Ordinance:

- a. No documents may be accepted by the applicable recorder for recording unless approved by the Zoning Official and/or Zoning Commission.
- b. The provisions of this ordinance shall be administered and enforced by the Zoning official, or by other designees appointed by competent authority.
- c. No utility (public or privately owned) shall extend its facilities to service any area unless one of the following applies:
  - 1. The extension is to an area where a service previously existed or extension of the new service is approved by the Zoning Official.
  - 2. Installation of utilities is required before the project can receive approval for filing for record. In this event, the Zoning Commission will grant the utilities permission to extend facilities in accordance with the plans, specifications and drawings hereinabove approved for this project. (Ord. No. 2009-08, Sec. 8.)

11.32.09 Penalties An person or entity who shall violate any of the provisions of this Ordinance of fails to comply with any Order therewith or with any of the requirements thereof, shall be guilty of a misdemeanor and be punished by a fine of not more that five hundred dollars (\$500.00) for each day of the violation following final warning or notice thereof. Each day such violation is permitted to exist shall constitute a separate offense. The City of Clinton, or owner(s) of any property or premises or part thereof where anything in violation of this Ordinance shall be placed, allowed, or suffered to exist or shall exist, and any engineer, contractor, agent person or other entity employed in connection therewith and who may have assisted in the commission of such violation, shall be guilty of separate offense and upon conviction thereof shall be fined as provided herein. (Ord. No. 2009-08, Sec. 9.)

## TITLE 12

### PARKS AND RECREATION

#### Chapters:

- 12.04 Parks Commission
- 12.08 Clinton Parks Rules Ordinance
- 12.12 Senior Citizens' Facility

#### CHAPTER 12.04

#### PARKS COMMISSION

#### Sections:

- 12.04.01 Established
- 12.04.02 Advisory Committee
- 12.04.03 Terms
- 12.04.04 Meetings
- 12.04.05 Freedom of Information Act
- 12.04.06 Minutes
- 12.04.07 Duties
- 12.04.08 Successive appointments and removals
- 12.04.09 Committee reports given to full commission at monthly meetings

12.04.01 Established The Parks and Recreation System of the city of Clinton, Arkansas, is hereby established as a separate department of the city of Clinton. The Mayor of Clinton, Arkansas, shall act as head of the department until such time as the Council provides for, and allocates funds for, a paid position as head of the department, either full or part-time, and such position is actually filled. (Ord. No. 03-6, Sec. 2.)

12.04.02 Advisory Committee There is hereby established a Parks and Recreation Advisory Committee to be comprised of seven (7) members who reside within the city limits of the city of Clinton and who shall serve three (3) year terms as provided herein. Potential members shall be proposed by the Mayor and confirmed by a majority vote of the City Council. (Ord. No. 03-6, Sec. 3.)

12.04.03 Terms Position 1 and 2 shall serve for an initial term of one (1) year. Positions 3 and 4 shall serve for an initial term of two (2) years. Positions 5, 6 and 7 shall serve for an initial term of three (3) years. Each member may be reappointed for another full three (3) year term provided that no member shall serve more than two (2) consecutive 3-year terms, unless they have been off of the Advisory Committee for a period of one (1) year. (Ord. No. 03-6, Sec. 4.)

12.04.04 Meetings The seven (7) members of the Advisory Committee shall meet at least once per month on a regularly set day and time which they shall decide. They shall elect one of their own as Chairperson of the Advisory Committee who shall serve as Chairperson for a period of one (1) year. The Chairperson may be re-elected as Chairperson by the members of the Advisory Committee. (Ord. No. 03-6, Sec. 5.)

12.04.05 Freedom of Information Act The members of the Parks and Recreation Advisory Committee shall be subject to the Arkansas Freedom of Information Act as it is now codified or later amended. The Advisory Committee may request assistance or legal opinions from the City Attorney as needed. (Ord. No. 03-6, Sec. 6.)

12.04.06 Minutes The Clerk or Recorder of the city of Clinton shall attend the meetings of the Parks and Recreation Advisory Committee meetings for the purpose of keeping and maintaining minutes of said meetings. (Ord. No. 03-6, Sec. 7.)

12.04.07 Duties The Advisory Committee shall continually review the operation of the Clinton Parks and Recreation System and shall provide recommendations to the Mayor and City Council as to any and all proposed land acquisitions, park usage, rules, park or recreation programs or other proposed expenditures for the Clinton Parks and Recreation System. (Ord. No. 03-6, Sec. 8.)



**CHAPTER 12.08**

**CLINTON PARKS RULES ORDINANCE**

**Sections:**

12.08.01	Title
12.08.02	Facility use permits
12.08.03	Fees

12.08.04	Commercial activities
12.08.05	Construction
12.08.06	Soliciting alms and contributions
12.08.07	Camping
12.08.08	Disorderly conduct
12.08.09	Property damage
12.08.10	Disturbing trees, shrubs, etc.
12.08.11	Litter
12.08.12	Handbills
12.08.13	Music, speeches etc.
12.08.14	Violation of ordinance
12.08.15	Tobacco Prohibited
12.08.16	Terms of Park Use

12.08.01 Title this ordinance may be cited as the Clinton Parks Rules Ordinance and shall be applicable to all parks and recreation facilities now owner or hereinafter acquired by the city of Clinton. (Ord. No. 01-02, Sec. 1.)

12.08.02 Facility use permits

- A. It shall be unlawful to use any facility or building in a Clinton Park or Recreation Facility for the following purposes without first obtaining permission from the Parks and Recreation Commission, or the Mayor, if the Commission is ever dissolved or vacant:
  - 1. Recreational buildings for any purpose;
  - 2. special events on park property;
  - 3. Lectures, concerts, political rallies, speeches, addresses or other organized gatherings.
- B. The permit issued by the Parks and Recreation Commission shall specifically designate the portions of the facility covered by the permit.
- C. Any person, or group of persons, with a permit shall have priority in the use of the portions of the facility for the time indicated on the permit, to the exclusion of all persons who do not hold a permit.
- D. Facility use permits may be revoked by the Parks and Recreation Commission for a violation of this ordinance. (Ord. No. 01-02, Sec. 2.)

12.08.03 Fees

- A. No person, or group of persons, shall enter or participate in or on those parks and recreation facilities or programs which have a fee schedule established by the City Council without paying the required fee.

- B. In order to finance future acquisition of and improvements to city parks and recreation facilities, any event or use described in Section 2(a) above shall be required to pay a permit fee of \$100.00, plus the cost of any off-duty police officials deemed by the Police Chief to be necessary for the protection and welfare of the participants and the public, up to eight (8) officers. The off-duty rate per officer, per hour, shall be the same as the city of Clinton pays for overtime for police officers as of the date the permit is requested.
- C. All fees required in Section 3(b) shall be paid prior to the issuance of a permit by the Parks and Recreation Commission. (Ord. No. 01-02, Sec. 3.)

12.08.04 Commercial activities

- A. It shall be unlawful for any person, firm or corporation to sell, peddle, rent, or otherwise distribute any article in city parks without first obtaining a permit from the Parks and Recreation Commission of the city.
- B. The sponsors of festivals or special events approved by the city and who have first obtained a permit may be granted exclusive right to determine the vendors authorized to participate in such events. (Ord. No. 01-02, Sec. 4.)

12.08.05 Construction No person shall construct or erect any building or structure, run or install any public service utility, except on special approval by the City Council. (Ord. No. 01-02, Sec. 5.)

12.08.06 Soliciting alms and contributions No person shall solicit money (alms) or contributions. (Ord. No. 01-02, Sec. 6.)

12.08.07 Camping No person shall stay after hours, camp, sleep or lodge within a public park except by special written permission granted by the Parks and Recreation Commission. In addition to any other sanction that may be assessed for the violation of this provision, any person in violation of this ordinance shall be subject to the immediate removal from the park of their person and belongings. (Ord. No. 01-02, Sec. 7.)

12.08.08 Disorderly conduct No person shall indulge in riotous, boisterous, threatening, or indecent conduct; or abusive, threatening, profane or indecent language. (Ord. No. 01-02, Sec. 8.)

12.08.09 Property damage No person shall write upon, or mark, or deface in any manner, or use in any way improper way any water closet, park seat, fence or building, or anything pertaining to a city park. (Ord. No. 01-02, Sec. 9.)

12.08.10 Disturbing trees, shrubs, etc. It shall be unlawful for any person to cut, pull, tear or otherwise displace or disturb any trees, shrubs, vines, ferns, wild flowers or other vegetables, whether wild or cultivated, which may now or hereafter grow or be found in any public park in the city. This section does not apply to any landscape gardener or other person duly authorized by the Parks and Recreation Commission to improve or beautify said parks by the transplantation or removal of any tree, vine, shrub or flower contained therein. (Ord. No. 01-02, Sec. 10.)

12.08.11 Litter No person shall throw or leave paper or other rubbish anywhere except in the receptacles provided for that purpose or the place any refuse therein brought from private property that would be collected at that property. (Ord. No. 01-02, Sec. 11.)

12.08.12 Handbills

- A. It shall be unlawful to paste, affix or describe any handbill, poster, card, device, message, symbol or advertisement anywhere in city parks without prior approval of the Parks and Recreation Commission.
- B. Distribution of handbills and the gathering of signatures on petitions are allowed by permit obtained from the Parks and Recreation Commission. Such activity shall be allowed during regular park hours and may be required to locate in such a manner as not to impede pedestrian and vehicular traffic within the park. The fee for such permit shall be \$15.00.
- C. The permit holder shall be responsible for retrieving and disposing of material discarded by the recipients of the material. (Ord. No. 01-012, Sec. 12.)

12.08.13 Music, speeches etc. No person shall render any music, vocal or instrumental, or deliver any oration, speech, address or lecture, in said parks, without a permit from the Parks and Recreation Commission. (Ord. No. 01-02, Sec. 13.)

12.08.14 Violation of ordinance Any person convicted of a violation of any of the provisions of this ordinance shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each violation thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed Five Hundred Dollars (\$500.00) per day for each day the same is unlawfully continued. (Ord. No. 01-02, Sec. 14.)

12.08.15 Tobacco Prohibited

- A. **Prohibited** The use of tobacco products as defined herein is prohibited in the Clinton City Parks and any Recreational facility owned or operated by the City.

B. **Penalty** Any such use of tobacco products is hereby ordained illegal and the fire department head and the head of planning and zoning, as well as any police officer are hereby authorized to issue tickets to such users. The penalty for use shall be \$50.00 for the first such offense and \$100.00 for each thereafter.

C. **Definitions**

1. Tobacco product For the purposes of this policy “tobacco” is to include any product containing, made, or derived from tobacco that is intended for human consumptions, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means or any component, part, or accessory of a tobacco product to include but not limited to: any lighted or unlighted cigarette, cigar, pipe, and any other smoking product, and spit tobacco, also known as smokeless, dip, chew, snus, and snuff, in any form including, “e- cigarette” and electronic nicotine devices.
2. Smoking means inhaling, exhaling, burning, or carrying any lighted tobacco product, includes cigarettes, cigars, pipe tobacco, or any other lighted combustible plant material.
3. Property and Grounds Any and all facilities/grounds, owned, leased, operated by The City of Clinton, Arkansas, including any and all facilities/grounds owned leased, operated by clients/customers of The City of Clinton, Arkansas, and all company-owned or company- leased vehicles.
4. Exemption Nicotine use: Only FDA approved cessation products are allowed. This includes: nicotine gum, nicotine lozenge, nicotine patch, pharmaceutical nicotine inhaler (this does not include any form of e-products) and nicotine nasal spray.
5. Smoking For purposes of this Policy, "smoking" means inhaling, exhaling, burning or carrying any lighted tobacco product. (Ord. No. 2014-07, Sec. 1.)

12.08.16 Terms of Park Use The terms and conditions of Clinton, Arkansas Park usage are as follows and the following form reflecting those terms and conditions will be used:

**CLINTON PARKS AND RECREATION LICENSE AGREEMENT**

The undersigned licensee who is to be in charge of the equipment and/or the representative of the using Organization, **MUST** be Twenty-One (21) years of age or over.

The undersigned agrees that the licensee will be responsible to the CLINTON PARKS AND RECREATION for the use and care of the facility on the date licensed listed below.

The licensee will be responsible to also leave the facility free of trash and excess dirt, etc. and ensure that all equipment is intact and free of breakage and damage and agrees to pay any damages therewith.

The licensee further agrees that a LICENSE FEE is required to reserve the pavilions, covered fishing pier, or ball fields. Such fee is non-refundable unless cancellation is requested one week in advance of the licensed use date.

**THE LICENSEES AGREE THAT THE CITY OF CLINTON SHALL NOT BE LIABLE FOR ANY INJURIES OR DAMAGES OF ANY KIND IN CONNCECTION WITH THIS AGREEMENT.**

**LICENSE FEE PER DAY**

ORGANIZATION (GROUP) \_\_\_\_\_

PLEASE PRINT:

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY PHONE \_\_\_\_\_  
DATE OF RESERVATION \_\_\_\_\_  
DRIVERS LICENSE NUMBER \_\_\_\_\_

OFFICE USE ONLY

PAVILION RESERVED CASH \_\_\_\_\_ CHECK \_\_\_\_\_ # \_\_\_\_\_  
FISHING PIER RESERVED CASH \_\_\_\_\_ CHECK \_\_\_\_\_ # \_\_\_\_\_  
BALL FIELD RESERVED (# \_\_\_\_ ) CASH \_\_\_\_\_ CHECK \_\_\_\_\_ # \_\_\_\_\_  
LICENSE FEE DUE: \_\_\_\_\_  
LICENSE FEE PAID: \_\_\_\_\_  
PARKS AND RECREATION REPRESENTATIVE: \_\_\_\_\_  
(Ord. No. 2013-03, Sec. 3.)

**CHAPTER 12.12**

**SENIOR CITIZENS' FACILITY**

Sections:

12.12.01 Programs and services

12.12.01 Programs and services The City Council of Clinton hereby declares that the Senior Citizens' Facility, to be funded in part with ADED funds, be dedicated exclusively for programs and services benefiting senior citizens. (Ord. No. 03-10, Sec. 1.)

**TITLE 13**

**PLANNING**

Chapters:

- 13.04 Planning Commission
- 13.08 Flood Damage Prevention Ordinance
- 13.12 When Lands Are Surveyed - Copy Filed With City Clerk
- 13.16 Construction of Towers Near Airport

**CHAPTER 13.04**

**PLANNING COMMISSION**

Sections:

- 13.04.01 Commission created
- 13.04.02 Duties
- 13.04.03 Coordination of planning
- 13.04.04 Members
- 13.04.05 Terms

13.04.01 Commission created There is hereby created a Commission of the city of Clinton, Arkansas, to be known as the “Clinton Planning Commission,” hereinafter referred to as the “Commission,” which said Commission shall consist of five (5) members who shall serve without compensation and of whom not more than one-fourth may hold any other municipal office or appointment. (Ord. No. 92, Sec. 1.)

13.04.02 Duties The Commission shall have all the duties and functions authorized by Act 186 of the Acts of Arkansas, as amended. Amendments pertinent to the Commission’s duties and functions are contained in, but not limited to, Acts of Arkansas 1959 No. 128, 1963 No. 36, 1965 No. 134 and No. 138. (Ord. No. 92, Sec. 2.)

13.04.03 Coordination of planning The Commission is authorized to, and is in fact enjoined to, coordinate their planning with the Commissions of Van Buren County, neighboring cities and counties as appropriate to the end that the environment of the city of Clinton,

Arkansas, and its environs are improved and protected in a manner that will ensure the health and welfare of present and future citizens. (Ord. No. 92, Sec. 3.)

13.04.04 Members The members of the Commission shall be named and appointed by the Mayor and his appointments will be valid and effective upon confirmation by the City Council (Ord. No. 92, Sec. 4.)

13.04.05 Terms The terms of the members of the Commission shall be for three years (3). However, the initial appointments to the Commission shall be two (2) members for one (1) year, one (1) member for two (2) years, and two (2) members for three (3) years. The Mayor shall designate the terms of the initial appointments. Thereafter as vacancies occur in said Commission, for whatever cause, said vacancies shall be filled in the manner as in hereinabove provided and said appointees shall hold office until expiration of the term which they were appointed to fill. All members of the Commission whose terms may expire shall serve until their successors in office have been appointed and confirmed. (Ord. No. 92, Sec. 5.)

**CHAPTER 13.08**

**FLOOD DAMAGE PREVENTION ORDINANCE**

Sections:

- 13.08.01 Flood Damage Prevention Regulatory Code adopted by reference
- 13.08.02 Fine

13.08.01 Flood Damage Prevention Regulatory Code adopted by reference There is hereby adopted by reference a flood damage prevention regulatory code for the city of Clinton, Arkansas, such flood damage prevention regulatory code having been designed by the legislature of the state of Arkansas and set forth in Act 626 of 1969. A copy of the referenced regulatory 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. The code shall include the following articles:

- Article 1. Statutory authorization, findings of fact, purpose and methods.
- Article 2. Definitions
- Article 3. General provisions
- Article 4. Administration
- Article 5. Provisions for flood hazard reduction  
(Ord. No. 04-9, Sec. 1.)



13.08.02 Fine Any person or corporation who violates any measure adopted under this code may be fined not more than One Hundred Dollars (\$100.00) for each offense. Each day during which such violation exists is a separate offense. (Ord. No. 04-9, Sec. 2.)

## **CHAPTER 13.12**

### **WHEN LANDS ARE SURVEYED**

#### **COPY FILED WITH CITY CLERK**

Sections:

13.12.01 Copy - to be filed

13.12.01 Copy - to be filed Whenever any lands are surveyed and said lands are within the City limits of the City of Clinton, the surveyor, under whose direction and authorization said survey was made, shall cause a finished and duly prepared plat of said survey to be filed in the office of the Clerk of the city of Clinton. (Ord. No. 159, Sec. 1.)

## **CHAPTER 13.16**

### **CONSTRUCTION OF TOWERS NEAR AIRPORT**

Sections:

13.16.01 Permit  
13.16.02 Application  
13.16.03 Regular meeting  
13.16.04 Hearing  
13.16.05 Conditions of construction  
13.16.06 Appeal

13.16.01 Permit From as after the effective date of this ordinance, no tower, buildings or other type of construction one hundred (100) feet or taller shall be permitted within five (5) statutory miles of the boundaries of the Clinton Municipal Airport, unless such construction project shall first have obtained a permit from the Clinton Planning and Zoning Commission. (Ord. No. 03-05, Sec. 1.)

13.16.02 Application If any party desires to obtain a permit to erect and construct any type of facility they shall apply to the Clinton Planning and Zoning Commission for a permit. The permit application shall be on a form prescribed by the Clinton Planning and Zoning Commission and shall contain the following information:

- A. A legal description of the property on which the construction is to be done;
- B. A detailed description of the proposed construction project and its use;
- C. A map showing the location of the construction project in relation to the airport;
- D. An application fee of \$100.00.  
(Ord. No. 03-05, Sec. 2.)

13.16.03 Regular meeting Upon request of any application on construction of a structure over one hundred (100) feet within five (5) statutory mile of the airport, the Planning and Zoning Commission shall set the matter for hearing at its next regularly meeting provided that said meeting is at least one week later, and shall forward a copy of the application to the Airport Commission. (Ord. No. 03-05, Sec. 3.)

13.16.04 Hearing At the meeting, the Planning and Zoning Commission shall conduct a public hearing to hear from the application, the Airport Commission, and any other interested citizen about whether or not such application should be granted. (Ord. No. 03-05, Sec. 4.)

13.16.05 Conditions of construction

- A. If the Planning and Zoning Commission determines that the construction of the proposed project would interfere with the normal flight patterns in use at the Clinton Municipal Airport or otherwise impair the safe operation of the airport, said application shall be denied.
- B. If the Planning and Zoning Commission determines such construction shall not interfere with the safe operation of the airport, it shall grant the application and may impose conditions on the construction or operation of the project to ensure it will not become a safety hazard for use of the airport. Additionally, if the land on

which the project is to be located must be rezoned, the Commission shall recommend such zoning change to the City Council. (Ord. No. 03-05, Sec. 5.)

13.16.06 Appeal Any applicant, citizen or other interested party which is aggrieved by the decision of the Planning and Zoning Commission may appeal such decision to the Clinton City Council by writing a letter to the City Clerk requesting a review of the decision within thirty (30) days of the date of the decision. Upon receipt of such request the City Council shall consider the matter at its next regularly scheduled meeting provided said meeting is at least one week after the date of the request. (Ord. No. 03-05, Sec. 6.)

**TITLE 14**

**ZONING**

Chapters:

- 14.04 Zoning Ordinance
- 14.08 Zoning Commission
- 14.09 Recreational Vehicle Parks
- 14.12 Signs
- 14.16 Annexing, Vacating and Re-Zoning Property

**CHAPTER 14.04**

**ZONING ORDINANCE**

Sections:

- 14.01.01 Purpose, authority and jurisdiction
- 14.01.02 Definitions
- 14.01.03 Zoning districts
- 14.01.04 Off-street parking and loading requirements
- 14.01.05 General regulations
- 14.01.06 Board of Adjustment
- 14.01.07 Amendments
- 14.01.08 Administration and enforcement

14.04.01 Purpose, authority and jurisdiction

**1-1 Purpose** This ordinance is enacted to ensure the coordinated, adjusted, and the harmonious development of the city of Clinton, Arkansas. It divides the city into zones and within these zones it prescribes the height, bulk, location, and use of buildings, and it prescribes the use and character of land. These regulations are designed to achieve the following results:

- A. To stabilize and conserve the value of property.
- B. To prevent the overloading of schools, streets, utilities, and other services by limiting population density.

- C. To provide locations for land uses that re properly related to utilities, transportation, and other land uses.
- D. To eliminate congestion by separating conflicting types of traffic and by requiring a parking and loading space off the streets.
- E. To improve living conditions, working conditions, and fire protection by requiring light, air, and open space around buildings.

The Clinton Planning/Zoning Commission, having made a comprehensive study of present conditions and future growth of the city and its neighboring territory and having prepared and adopted a *General Land Use Plan*, finds that these regulations would carry out the intent of the *General Land Use Plan* and would promote, in accordance with present and future needs, the safety, order, convenience, efficiency, and economy in the process of development, convenience in population distribution, for public utilities and other public improvements.

**1-2 Authority** The authority to enact these regulations is granted by Act 26 of the 1955 Acts of Arkansas as amended, and Act 186 of the 1957 Acts of Arkansas.

**1-3 Jurisdiction** This ordinance applies to all land within the corporate limits of Clinton, Arkansas, as now or hereafter set, as portrayed on the official Zoning Map. (Ord. No. 03-18, Art. 1.)

14.04.02 Definitions In the construction of this ordinance, the definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise. The interpretations shall be liberally construed.

The following word use shall apply in order to provide clarity of interpretation:

- A. Words used in the present tense shall include the past, the plural and the singular.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "lot" and "parcel." The word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

**Person** The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

**Access** A permanently free and unobstructed means of entry and exit, at least 12 feet wide, from a piece of property to a public street.

**Accessory structure and use** A subordinate structure or a portion of the main structure located on the same lot with the main structure, or a subordinate use of land, either of which is customary incident to the main structure or to the principal use of the land.

**Alley** A public way not over 20 feet in width affording only secondary means of access to abutting property.

**Amusement parlor** A type of commercial recreation building or part of a building in which five or more pinball machines, video games, or other player-operated and coin-operated amusement devices are maintained.

**Bed and breakfast inn** A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

**Board of Adjustment** Clinton Planning/Zoning Commission, as established and constituted herein.

**Boarding house, rooming house** A building other than a hotel or restaurant where meals, a sleeping room and one off-street parking space per guest have been provided for compensation to not more than three (3) guests who are not members of the keeper's family.

**Building** The vertical distance from the grade (elevation of the height of curb, sidewalk or average elevation of the ground around the structure) to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

**Building line, setback line** A line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

**Buffer area** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, landscape strips, or other features.

**Child care center** Any child care facility conducted under public or private auspices on a profit or non-profit basis providing direct care and protection for children. Any facility that is open more than five (5) hours during any 24 hour period or more than a total of ten (10) hours during a seven (7) day period is considered a child care center and shall be subject to the provisions of the Child Care Licensing Act of Arkansas. Those facilities meeting the above

definitions but operating no more than three consecutive weeks are not required to comply with the licensing requirements, i.e.: summer Bible schools and day camps.

**Child care facility** Any facility that provides care, training, education, custody or supervision for any unrelated minor child, whether the facility is operated for profit, and whether or not the facility makes a charge for the service offered by it. For the purposes of the Child Care Licensing Act and this ordinance, related minor child means a minor child related by blood, marriage, or adoption to the owner or operator of the facility pursuant to a guardianship order issued by an Arkansas court of competent jurisdiction. This definition includes, but is not limited to, a nursery, a nursery school, kindergarten, a day-care center, or a family day-care center, foster home, group home, and custodial institution. In any case where a facility or the owner or operator thereof is appointed guardian of a total of ten (10) or more minors, it shall be presumed that the facility owner or operator is engaged in child care and shall be subject to child care facility licensure. This definition does not include schools.

**Church** An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include building in which the religious services of any denomination are held.

**Commission** The Clinton Planning/Zoning Commission.

**Conditional use** A use permitted in a zoning district only after review and approval by the Planning/Zoning Commission. Conditional uses are such that they may be compatible only on certain conditions in specific locations in a zoning district, or if the site is regulated in a certain manner.

**Convalescent home** An extended or intermediate care facility licensed or approved to provide full-time nursing or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. Synonymous with extended care facility, intermediate care facility, long-term care facility, or nursing home. Does not include hospitals and sanitariums.

**Dwelling** Any building or portion thereof designed or used exclusively for residential purposes.

**Dwelling, single-family** A building designed for or occupied exclusively by one family.

**Dwelling, two-family** A building designed for or occupied exclusively for two families.

**Dwelling, multiple** A dwelling containing more than two dwelling units.

**Dwelling unit** A room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping, and cooking.

**Family** Either:

- A. One or more persons, related by blood, marriage, adoption, or guardianship order issued by a court of competent authority, occupying a dwelling and living as a single housekeeping unit and doing their cooking on the premises.
- B. Four (4) or less persons, not related as described in one (1) above, occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises.

**Fence** An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**Garage, private** An accessory building used only for the housing of motor vehicles, without their equipment for operation, repair, hire, or sale.

**Garage, public** A garage other than a private garage.

**Grade**

- A. The degree of rise or descent of a sloping surface.
- B. The final elevation of the ground surface.

**Grade, finished** The final elevation of the ground surface after development.

**Home occupation** Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling and which is carried on wholly within the main structure of the building by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than four square feet in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building, and in connection with which not more than one person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat, or glare.

**Hospital** An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice.



**Hotel** A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, and recreation facilities.

**Interior lot** A lot other than a corner lot.

**Land area, gross** Includes the entire site or that portion of it to be devoted to a land use.

**Land area, net** Includes the entire site less specified non-developable land.

**Loading/unloading space or berth, off-street** An obstructed, hard-surface area of land other than a street or a public way, the principal use of which is for the standing, loading, and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys. Such space shall not be less than ten (10) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height, exclusive of access aisles and maneuvering space.

**Lot** Land occupied or to be occupied by a structure or use and its accessory structures, and including such open spaces and parking as are required under these regulations and having its principal frontage upon a public street.

**Lot, corner** A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees within the lot lines.

**Lot, coverage** That portion of a lot covered by building or structures.

**Lot, through** A lot that has both ends fronting a street. Either end may be considered the front.

**Manufactured home** A dwelling unit built in a factory after 1976 and bearing a seal of compliance to the HUD construction code.

**Mobile home** The mobile home is a transportable dwelling unit which satisfies HUD specifications and has a minimum of 840 sq. ft. of interior space and is not over ten (10) years old; built on a permanent chassis; originally having no foundation other than wheels, jacks, or skirting; and designed to be used as a year-round residential dwelling. Its roofing or siding is not of material customarily used for site-constructed homes.

**Modular home** A dwelling unit built in a factory meeting the standards of the HUD Code but also adheres to local building codes. The modular home is built without any foundation and is hauled on a trailer to a site where it is placed on a site-built foundation.

**Motel, tourist court** An establishment providing transient accommodations containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. Tourist court is the same.

**Multi-family** See **Dwelling, multiple**.

**Non-conforming use** Any building or land lawfully occupied by a use at the time of passage of this ordinance, which does not conform with the use regulations of the district within which it is located.

**Office** A building, room, or series of rooms primarily used to house the personnel and equipment necessary to handle the affairs of a business, professional person, branch of government, etc., not retail sales.

**Open space** Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structures or portion of structure whatever.

**Park, neighborhood** A track of land measuring a maximum of 8,000 sq. ft. designed and used by the public for active and passive outdoor recreation.

**Parking, off-street** A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

**Parking lot** An off-street, ground-level area, usually surfaced and improved, for the temporary storage of motor vehicles. Parking lots in this definition are a principal use and structure which may be public and private, which may or may not be open for use to the public for a fee, and is not accessory to any other use or structure.

**Parking space** A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile (not less than nine feet wide and twenty feet long) connected to a public street or alley by a surfaced driveway and permanently reserved for the parking and storage of one motor vehicle.

**Planned Unit Development** Planned Unit Development (PUD) is a residential development concept which permits departure from conventional siting setback and density requirements of other sections of this ordinance in the interest of achieving superior site development, creating open space, and encouraging imaginative design and permitting design flexibility. The city of Clinton makes no provisions for PUDs.

**Planning Commission** See **Commission**

**Plot, lot** A drawing of a lot showing its dimensions, the building arrangement thereon and such other information as may be needed for enforcement of this ordinance.

**Premises** A lot, together with all buildings and structures thereon.

**Principal use** The chief or main recognized use of a structure or of a land.

**Property line** The line bounding a lot as designed herein.

**Public buildings** Includes the following: police, fire, public utility, postal stations or substations and sewage pumping station, public library and branch facilities, and other similar uses. Includes local, county, state, and federal government administrative buildings.

**Recreation, commercial** A recreational facility operated as a business and open to the public for a fee.

**Recreational vehicle** A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**Recreational Vehicle (RV) Parks** Any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**Restaurants** An establishment where food and drink is prepared, served, and consumer primarily within the principal building.

**Row-house** One of a series of three (3) or more attached one family dwelling under a common roof with common exterior wall, and separated from one another by single partition walls, without openings, extending from basement to roof.

**School** A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, intermediate schools, junior high schools, and high schools.

**Screening** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

**Service station** Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels, and including as an accessory use the sale and installation of lubricants, tires, batteries, and other accessories.

**Self-service storage facility, mini-warehouse** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors' supplies.

**Single-family, residential** See: **Dwelling, single family.**

**Story** That portion of a structure included between the upper surface of any floor and the upper surface of the floor next above. Also any portion of a structure used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the structure exceeds four (4) feet.

**Street** A public way of thirty (30) feet or more in width, dedicated to, established by, or maintained by public authority.

**Structure** Anything constructed or erected, the use of which requires permanent attachment to the ground on foundation or pilings.

**Townhouse** Attached one of two family dwellings, having no side yard and sharing a common wall with adjacent dwelling units.

**Two family** See: **Dwelling, two family, residential.**

**Variance** A modification of regulations of this ordinance when authorized by the Planning/Zoning Commission after finding that the literal application of the provisions of this ordinance would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property. Variances shall only relate to setbacks, side yards, frontage requirements, and lot size, but not involve the actual use or structure. The Commission shall not permit as a variance, any use in a zone that is not permitted under the ordinance.

**Visibility triangle** An area bounded by the property lines of a corner lot located adjacent to an intersection and a line joining points along said property lines twenty-five (25) feet from the point of the intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets.

**Warehouse** A building used primarily for the storage of goods and materials, including mini-warehouse or storage.

**Warehouse, mini** A type of warehouse containing separate storage spaces of varying sizes leased or rented on an individual basis.

**Wholesale** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise, to, such individuals or companies.

**Yard** An open and unoccupied space which is the horizontal distance from a lot line to a parallel main line of the structure.

**Yard, front** A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

**Yard, rear** A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches, or entrance ways.

**Yard, side** A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard, and being the minimum horizontal distance between a side lot line and side of the main buildings or any projections thereof.

## **2-2 Zoning Map**

- A. The Planning Area is hereby divided into zoning districts as shown on the official area Zoning District Map which, together with explanatory information thereon, is hereby adopted by reference and declared to be part of these regulations. Boundary lines of the zoning districts, unless otherwise indicated by actual dimensions, are intended to follow lot lines, the center line of streets, alleys, corporate limits, the channels of waterways, or the boundaries of railroad right-of-way. The Planning/Zoning Commission shall interpret the district boundaries where said boundaries are not adequately described.
- B. The official area Zoning Districts Map shall be identified by the signature of the Mayor, attested by the City Clerk, bearing the seal of the city together with the date of adoption of the ordinance and indicating the adopting Ord. No. \_\_\_\_\_.  
(Ord. No. 03-18, Art. 2.)

### 14.04.03 Zoning districts

## **3-1 RESIDENTIAL ZONE R-1**

**Description:** This zone is primarily single-family residential, low-density areas for residential expansion in the city of Clinton. The predominant character of this zone is residential, protected from any commercial and industrial activities, except as herein provided.

**Restrictions:** Once a mobile/manufactured, travel trailer/recreational vehicle is moved from or destroyed in Residential Zone R-1, another cannot be placed on that lot or location. The Planning/Zoning Commission may grant an exception if the lot and home are occupied by the owner as his/her permanent residence when it is evident that a sit-built structure would cause an undue hardship. If an exception is granted, the replacement must meet the design standards set forth in 14.04.02 **Mobile homes**.

**Conditional uses:** The following uses are permitted, subject to review and conditions of the Planning/Zoning Commission:

- A. Neighborhood parkas and playgrounds
- B. Churches
- C. Libraries
- D. Public owned and maintained buildings (with off-street parking)
- E. Public and non-profit schools (with off-street parking and screening required)
- F. Utility substations (if no staff is required and screening is provided)
- G. Home occupations, as defined in 14.04.02 **Home occupations**, subject to the requirements of Section 5-6.
- H. Child nurseries (if off-street loading and unloading of children is provided and screening is provided.)

**Accessory uses:** Structures and uses deemed accessory and pertinent to the principal structure and use by the Planning/Zoning Commission, not detrimental to the character of the zone and subject to the provisions of this zone. Agricultural crops, including truck gardens and under accessory use farming, and orchards for seasonal sale of products on the premises. This does not include the raising for sale of fowls, birds, rabbits, or other animals and fish or other creatures.

**Minimum lot area:**

- A. Single-family – 15,000 sq. ft.

- B. Churches – one platted city block – three hundred (300) ft. sq. or three (3) acres if land is not platted.

**Maximum lot coverage:**

- A. Corner lots – 35%
- B. Interior lots - 40%
- C. Non-residential uses shall not cover more than fifteen (15) percent of the lot area

**Minimum lot width:**

- A. Single-family – seventy-five (75) feet at building line.
- B. Schools – one hundred fifty (150) feet at building line.

**Minimum front yard:** Twenty-five (25) feet from property line or fifty-five (55) feet from centerline of existing right-of-way, whichever is greater.

**Minimum side yard:**

- A. Ten (10) feet from each interior property line
- B. Corner lots shall have a minimum of twenty (20) feet from the side street property line or forty-five (45) feet from center line of existing side street right-of-way, whichever is greater.

**Minimum rear yard:** Twenty (20) feet from rear property line

**Maximum height of structures:** Two (2) stories and not to exceed thirty-six (36) feet.

**Off-street parking:** The off-street parking requirements of Article 4 shall apply.

**Loading and unloading:** The loading and unloading area requirements of Article 4 shall apply.

### 3-2 RESIDENTIAL ZONE R-2

**Description:** This zone is residential medium density in character and represents areas for residential expansion in the city of Clinton. The predominant character of this zone is residential, protected from any commercial and industrial activities, except as herein provided.

**Permitted uses:**

- A. All uses permitted in Residential Zone R-1
- B. Two-family structures
- C. Boarding and rooming houses
- D. Bed and Breakfast Inn
- E. Single family mobile home – provided it meets the standards of 14.04.02.

**Conditional uses:** The following uses are permitted, subject to review and conditions of the Planning/Zoning Commission:

- A. Neighborhood parkas and playgrounds
- B. Churches (with off-street parking and screening)
- C. Libraries (with off-street parking and screening)
- D. Public buildings (with off-street parking)
- E. Public and non-profit schools (with off-street parking and screening)
- F. Utility substations (if no staff is required and screening is provided)
- G. Home occupations, as defined in 14.04.02 **Home occupations**, subject to the requirements of Section 5-6.
- H. Hospitals and convalescent home (with off-street parking)
- I. Kindergartens and child nurseries (if off-street loading and unloading of children is provided)
- J. Row dwellings or townhouses provided that:



1. Land is platted for this purpose with such plat covering all land area having a continuous common street frontage and located on one side of a street, between intersecting streets and/or alleys; designating individual lots including the end-units for a given structure as well as any common ownership areas which may be provided or required.
2. Density does not exceed that provided in this residential zone.
3. Common areas, under control and jurisdiction of property owners association, one established for the purpose of complying with and maintaining density standards as set forth. At least sixty (60) percent of such common area shall be at all times devoted to landscaping, green areas, or recreation, and the balance may be used for off-street parking, common service facilities, and appropriate accessory uses.
4. No row dwelling or townhouse structure has less than three (3) dwelling units or an overall length exceeding two hundred fifty (250) feet.

**Accessory uses:** Structures and uses deemed accessory and pertinent to the principal structure and use by the Planning/Zoning Commission, not detrimental to the character of the zone and subject to the provisions of this zone. Agricultural crops, including truck gardens and accessory use farming, and orchards for growing or propagation of plants, trees, and shrubs, and temporary stands or structures for seasonal sale of products raised on the premises. This does not include the raising for sale of fowls, birds, rabbits, or other animals and fish or other creatures.

**Minimum lot area:**

- A. Single-family – 9,000 sq. ft.
- B. Two-family structure 10,000 sq. ft.
- C. Row dwelling or townhouse – 10,000 sq. ft. for the first two family units plus 1,800 sq. ft. for each additional family unit.
- B. Churches – one platted city block – three hundred (300) ft. sq. or three (3) acres if land is not platted.

**Maximum lot coverage:** The combined area of the principle building and any accessory building shall not cover more than forty (40) percent of the development lot area, except that row dwelling may cover up to sixty (60) percent of the individual lot.

**Minimum lot width:**

- A. Row dwelling: thirty (30) ft. at building line.
- B. All other permitted uses: fifty (50) feet at building line.

**Minimum front yard:**

- A. Row dwelling: fifteen (15) feet from property line, except where off-street parking or garage approach is provided in the front yard, in which case the building shall be set back a minimum of twenty-five (25) feet from the property line or fifty-five (55) feet from centerline of existing right-of-way, whichever is greater.
- B. All other permitted uses: twenty-five (25) feet from the property line or fifty-five (55) feet from centerline of existing right-of-way, whichever is greater.

**Minimum side yard:**

- A. Seven and one-half (7 ½ ) ft. from each interior property line.
- B. Corner lots shall have a minimum of fifteen (15) feet from the side street property line or forty (40) feet from center line of existing side street right-of-way, whichever is greater.

**Minimum rear yard:** Fifteen (15) feet from rear property line

**Maximum height of structures:** Two (2) stories and not to exceed thirty (30) feet.

**Off-street parking:** The off-street parking requirements of Article 4 shall apply.

**Loading and unloading:** The loading and unloading area requirements of Article 4 shall apply.

**3-3 MANUFACTURE/MOBILE HOME PARK, RESIDENTIAL ZONE R-3**

**Description:** A residential district which, subject to development standards listed herein, and upon approval of the Planning Commission, may be developed in certain areas within the district, as herein specified.

**Permitted uses:**

- A. All uses permitted in Residential Zone R-1 and R-2.
- B. One single-family mobile/manufactured home situated on a single lot subject to design standards set forth in 14.04.02 **Mobile home** and **Modular home**
- C. A mobile/manufactured home park shall be permitted in a R-3 district.

**Development standards:** The mobile/manufactured home park shall conform to the following requirements:

**Site characteristics**

- A. The mobile/manufactured home park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from standing pools of water.
- B. No mobile/manufactured home park shall be permitted on a site whose slope averages more than 10%.

**Minimum park size** The minimum area for a mobile/manufactured home park shall be five (5) acres.

**Minimum lot area:** Mobile/manufactured home spaces shall be provided consisting of a minimum of four thousand (4000) sq. ft. for each space.

**Minimum lot width:** Each mobile/manufactured home space shall be at least forty (40) feet wide.

**Minimum side yard:** Mobile/manufactured homes shall be so harbored on each space that there shall be at least ten (10) feet between the mobile home and any mobile home space line.

**Access:** All mobile/manufactured home spaces shall abut on a driveway of not less than thirty (30) feet in width, which shall have unobstructed access to and be connected to at least one minor arterial or a collector street, as identified on the Master Street Plan.

**Off-street parking:** The off-street parking requirements of Article 4 shall apply.

**Utilities:** Each mobile/manufactured home space shall be provided water, sewer, and electrical service approved by the Arkansas State Public Health Service.

**Boundary screening:** A natural (trees or plants) or artificial (fence) barrier or screening shall be provided on all boundaries of the mobile/manufactured home park at least six (6) feet in height so that the site is completely shielded and hidden, subject to the provisions for a visibility triangle at street intersections.

**Minimum setback:** All structures, mobile or permanent, shall be set back a minimum of forty-five (45) feet from a mobile home park property line abutting any street in a residential district.

**Special regulations:** Any wheels on a unit must be removed, the unit must be underpinned and placed on a permanent foundation on the day of placement on a lot.

**Conditional use:** Recreational vehicle parks are allowed in R-3 subject to the same conditions set forth in this zone. However, under no circumstances shall a recreational vehicle be used as permanent living accommodations. The minimum recreation vehicle park size shall be three (3) acres.

### **3-4 DOWNTOWN COMMERCIAL DC**

**Description:** The central shopping district, focused on the County Square, for banking, offices, retail goods and services, government offices, places of amusement and recreation.

**Permitted uses:** The following uses are permitted outright:

- A. Retail establishment providing goods and services including: antique shops, art and crafts, amusement parlors, general merchandise and department stores, restaurants, barber and beauty shops, newsstands, pet shops, shoes and clothing, commercial recreation, theaters, drug stores, public utility offices, furniture stores, variety stores, gifts and souvenir stores, music stores, florists, appliance sales and service, and newspaper publishing.
- B. Office and bank building and uses.
- C. Hotels
- D. Places of public assembly
- E. Government offices

**Conditional uses:** The following uses are permitted, subject to review and conditions of the Planning/Zoning Commission.

- A. Wholesaling and warehousing which do not disturb the retail character of the area.
- B. Bulk storage of non-combustible materials which do not disturb the retail character of the area.
- C. Townhouses which do not disturb the character of the historic district.
- D. Manufactured or Mobile Homes to be used as an office or commercial structure. (Ord. No. 2007-07, Sec. 1.)

**Accessory uses:** Structures and uses deemed accessory and pertinent to the principal structure and use by the Planning/Zoning Commission, not detrimental to the character of the zone and subject to the provisions of this zone.

**Minimum lot area:** None

**Maximum lot coverage:** Eighty-five (85) percent.

**Minimum lot width:** None

**Minimum front yard:** None

**Minimum side yard:** None, except along the side of a lot abutting a lot in a residential district, in which case a side yard of five (5) feet shall be provided.

**Minimum rear yard:** Ten (10) feet from rear lot line or center of platted alley, except on a lot abutting a lot in a residential district, in which case a rear yard of twenty-five (25) feet shall be provided.

**Maximum height of structures:** Two stories and not to exceed thirty-six (36) feet.

**Off-street parking:** The off-street parking requirements of Article 4 shall apply.

**Special regulation:** The Planning/Zoning Commission may grant temporary permits for bazaars, carnivals, religious meetings, temporary recreation facilities, etc., provided that uses comply with regulations on parking, sanitation, safety, etc. for the area and does not constitute a nuisance for surrounding property.

### **3-5 HIGHWAY COMMERCIAL HC**

**Description:** The Highway Commercial District is established to serve highway traffic and to accommodate a greater variety of goods and services than permitted in the DC District, but subject to certain enumerated controls.

**Permitted uses:**

- A. All uses permitted in the Downtown Commercial DC District.
- B. Highway and automobile oriented retail establishments providing goods and services including, but not limited to: fruit and vegetable stands, service stations, mobile home sales, camper and trailer sales and service, drive-in restaurants, drive-in theaters, automobile and farm machinery service and sales.

**Conditional uses:**

- A. All uses permitted in the Downtown commercial DC, R-1 and R-2 districts on a conditional basis are permitted in the Highway Commercial DC District, subject to review and conditions of the Planning Commission.
- B. Recreational vehicle parks with the same conditions as set forth in R-3.
- C. Hospitals and convalescent homes (with off-street parking)
- D. A mobile/manufactured home park shall be permitted under the same conditions set forth in R-3, except that all structures, mobile or permanent, are set back seventy-five (75) feet from the front property line.
- E. Light manufacturing which does not disrupt the commercial character of the area.
- F. Manufactured or Mobile Homes to be used as an office or commercial structure. (Ord. No. 2007-07, Sec. 2.)

**Accessory uses:** Structures and uses deemed necessary and pertinent to the principle structure and use by the Planning/Zoning Commission, not detrimental to the character of the zone and subject to the provisions of this zone.

**Minimum lot area:** None

**Maximum lot coverage:** Sixty-five (65) percent

**Minimum lot width:** None

**Minimum front yard:**

- A. Twenty-five (25) feet from front property line or fifty-five (55) feet from centerline of existing right-of-way whichever is greater, for non-highway commercial establishments.
- B. Seventy-five (75) feet from front property line or ninety (90) feet from centerline of existing right-of-way, whichever is greater for on highway commercial, when parking is provided in front.

- C. Forty (40) feet from front property line or fifty-five (55) feet from centerline of existing right-of-way, whichever is greater for on highway commercial, when parking is not provided in front.

**Minimum side yard:** Ten (10) feet from side property line, except on corner lot in which case the minimum side yard shall be twenty-five (25) feet from the property line. For the purposes of this ordinance, the front yard on a corner lot in this district shall be construed to abut the street with the higher classification as indicated on the Master Street Plan. In the event that a corner lot abuts two streets of same classification, the side of the lot with a narrower dimension (width) shall be construed to be the front yard.

**Minimum rear yard:** Ten (10) feet from the property line, except on a lot abutting a lot in a residential district in which case a rear yard of twenty-five (25) feet shall be provided.

**Maximum height structures:** Two (2) stories and not to exceed thirty-six (36) feet.

**Off-street parking:** The off-street parking requirements of Article 4 shall apply.

**Loading and unloading:** The loading and unloading area requirements of Article 4 shall apply.

**Special regulations:**

**Access to property:**

- A. All access points or driveways to the property shall be approved by the Planning/Zoning Commission.
- B. The Planning/Zoning Commission may grant temporary permits for bazaars, carnivals, religious meetings, temporary recreation facilities, etc., provided that uses comply with regulations on parking, sanitation, safety, etc. for the area and does not constitute a nuisance for surrounding property.

**Property line screens:**

- A. A planting or landscaping strip fifteen (15) feet wide abutting the front property line, as herein defined, shall be provided on any lot or parcel which is to be developed, subject to requirements established for a "visibility triangle" in Section 3-8.
- B. A natural (trees or plants) or artificial (fence) barrier or screening shall be provided on rear and side property lines at least at eye level, subject to the provisions for a "visibility triangle" at street intersections in Section 3-8.

### 3-6 GENERAL INDUSTRIAL – I

**Description:** A district intended to provide space for manufacturing activities, wholesaling, warehousing, storage, assembling, packaging and industrial activities having unusual or potentially deleterious operational characteristics where special attention must be paid to location and site development.

**Permitted uses:** The manufacturing, compounding, processing, packaging, storage or assembling of such products when it is found by the enforcement officer that the uses are not likely to create hazards of fire, explosions, noise, vibration, dust, lint, or the emission of smoke, odor, or toxic gases.

**Conditional uses:** Industrial uses having by reason of their operation accompanying hazards, such as fire, explosion, noise, vibration, dust, lint, or the emission of smoke, odor or toxic gases, if not in conflict with any ordinance in the city of Clinton or with any law or statute of the state of Arkansas or the federal government. These uses may be permitted only if it has been approved by the City Council after a public hearing and a report by the Planning/Zoning Commission as provided in Section 8-1. The City Council shall review the plans and statements and shall not permit such buildings, structures, or uses until it has been shown that the public health, safety and general welfare will be properly protect and that necessary safeguards will be provided for the protection of surrounding property and person. The City Council, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety.

Manufactured or Mobile Homes to be used as an office or commercial structure are allowable as a Conditional Use separate and apart from other conditional uses described in this Section. (Ord. No. 2007-07, Sec. 3.)

**Accessory uses:** Uses deemed by the Planning/Zoning Commission to be accessory to the permitted uses, but not detrimental to the character of the zone.

**Prohibited uses:** The following uses are prohibited in this district:

- A. Hospitals
- B. Nursing homes and convalescent institutions.
- C. School and educational institutions, including churches
- D. Hotels, motels, travel courts, dwellings, and other buildings used for permanent or temporary housing of persons, except for dwelling for resident watchmen and caretakers employed on the premises in which case such use will be considered an accessory use.

**Minimum lot area:** None

**Maximum lot coverage:** Forty (40) percent



**Minimum lot width:** None

**Minimum front yard:**

- A. Seventy-five (75) feet from front property line or ninety (90) feet from centerline of existing right-of-way whichever is greater, when parking is provided in front.
- B. Forty (40) feet from front property line or fifty-five (55) feet from centerline of existing right-of-way, whichever is greater, when parking is not provided in front.

**Minimum side yard:** Forty (40) feet

**Minimum rear yard:** Forty (40) feet

**Maximum height of structures:** Two (2) stories and not to exceed thirty-six (36) feet, except that the Planning/Zoning Commission may waive the height requirements when it is demonstrated that the equipment and operation of the principle use require a structure of greater height and proper precautions have been taken to guarantee the public safety, health, and welfare.

**Off-street parking:** The off-street parking requirements of Article 4 shall apply.

**Loading and unloading:** The loading and unloading area requirements of Article 4 shall apply.

**Special regulations:**

**Access to property:** All access points or driveways to the property shall be approved by the Planning/Zoning Commission.

**Property line:** A planting or landscaping strip fifteen (15) feet wide abutting the front property line and any property line abutting a different zoning district shall be provided. In addition, this buffer will also contain a fence at least six (6) feet high when it abuts a residential district.

### **3-7 PUBLIC USE ZONE – P**

**Description:** A district for the development and protection of natural areas, scenery, open space and for facilities for recreation and folk culture.

**Permitted uses:**

- A. Facilities for outdoor recreation and camping
- B. Forestry
- C. Nature trails
- D. Parks and playgrounds
- E. Public buildings

**Conditional uses:** The following structures and uses may be permitted, subject to review and conditions of the Planning/Zoning Commission and City Council:

- A. Exhibitions buildings and auditoriums
- B. Arts and crafts shops
- C. Rental cabins
- D. Transportation related facilities such as airplane runways and major municipal parking areas

**Accessory uses:** Structures and uses deemed accessory and pertinent to the principle structure or use by the Planning/Zoning Commission, and not detrimental to the character of the zone and subject to the provisions of this zone.

**Development standards:** All improvements, structures, signs, drives, picnic areas, trash containers, fireplaces, walks, etc. shall enhance and be in harmony with the scenery and natural areas, leaving them undisturbed where possible.

**Minimum lot area:** Five (5) acres

**Maximum lot coverage:** None

**Minimum lot width:** None

**Minimum front yard:** Twenty-five (25) feet

**Minimum side yard:** Ten (10) feet

**Minimum rear yard:** Ten (10) feet

**Maximum height of structures:** Two (2) stories and not to exceed thirty-six (36) feet.

**Off-street parking:** The off-street parking requirements of Article 4 shall apply.

**Loading and unloading:** The loading and unloading area requirements of Article 4 shall apply.

**Special regulations:**

**Required plans:**

- A. Prior to any new development in this district, occurring after the formal adoption of this ordinance, the Planning/Zoning Commission and City Council may require at least the following plans, as appropriate:
  - 1. Plot plan
  - 2. Architectural elevations
  - 3. Landscaping plans
  - 4. Exterior lighting, display and sign plans
  - 5. Driveways and parking
- B. The Planning/Zoning Commission and City Council shall evaluate these plans, as well as any other plans or reports which may be deemed necessary or appropriate, against the requirements established for activities in this district.

### **3-8 SUPPLEMENTARY DISTRICT REGULATIONS**

**Visibility triangle**

- A. On a corner lot in any district, except in the General Industrial –I, Highway Commercial HC nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½ ) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along said property lines twenty-five (25) feet from the point of the intersection.

- B. On any corner lot in the General Industrial-I, Highway Commercial-HC districts, nothing shall be erected, placed, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along said property lines fifty (50) feet from the point of the intersection.

**Fences, walls, and hedges:** Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any yard shall be over two and one-half (2 ½) feet in height.

**Exceptions to height regulations:** The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

**Structures to have access:** Every building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. (Ord. No. 03-18, Art 3.)

#### 14.04.04 Off-street parking and loading requirements

**4-1 Purpose** It is the purpose of this chapter to specify the off-street parking and loading requirements for all uses permitted in this ordinance and to describe design standards and other required improvements. All new developments and alterations to, or expansion of, existing developments shall comply with the applicable requirements of this chapter.

**4-2 Category of uses and conditions of uses covered** New building and building additions:

- A. Buildings and uses built or enlarged after the effective date of this ordinance.
- B. Extensions of existing parking lots by fifty (50) percent or more of the number of existing stalls; all of the lot must be brought up to the standards of this ordinance.

#### **4-3 Location of off-street parking**

- A. Off-street parking shall not be located in front or side setbacks, unless allowed in a particular district.

B. Location shall be:

1. Single-family dwelling: on same lot with the building it is to serve.
2. Multi-family dwelling: may be on a contiguous lot if within five hundred (500) feet of dwelling units.
3. Other uses: may be in areas other than on the premises if a definite amount of parking area is set aside for a particular use in such a lot and such area is not located more than 500 feet from the premises.

**4-4 Parking standards**

**ACTIVITY**

**NUMBER OF PARKING SPACES**

**Living Activities:**

A. Dwellings:

- |                                      |   |
|--------------------------------------|---|
| 1. Single-family                     | One (1) parking space per single-family dwelling  |
| 2. Two-family                        | One (1) parking space per dwelling unit   |
| 3. Multi-family and apartment houses | Two (1) parking spaces for each dwelling unit; in addition, for developments in excess of fifty (50) dwelling units, one (1) screened space for each ten (10) dwelling units for recreation vehicles. |

B. Boarding & lodging houses      One (1) parking space for the proprietor plus one (1) space for each sleeping room for boarders and/or lodging use plus one (1) additional space for each four (4) persons employed on the premises.

C. Mobile homes on individual lots      One (1) parking space per single-family dwelling

D. Mobile homes in a Mobile Home Park      Two (2) parking spaces for each mobile home site plus one screened space for each ten (10) lots for recreation vehicles.

E. Travel trailers      One parking space for each trailer site.

F. Motels and cabins      One (1) parking space for each sleeping or dwelling unit plus two (2) parking spaces for each three (3) employees.

**Commercial Activities:**

- A. Banks Three (3) sq. ft. of parking area for each one (1) sq. ft. of gross floor area except when part of a shopping center.
- B. Professional offices & businesses One (1) parking space for each two hundred (200) sq. ft. of gross floor area except when part of a shopping center.
- C. Shopping centers Five and one-half (5 ½) parking spaces per one thousand (1,000) sq. ft. of gross leasable area.
- D. Restaurants One (1) parking space for each three (3) seats, plus one (1) space for each employee but not less than five (5) employee spaces.
- E. Retail stores, supermarkets, department stores, and personal service shops One (1) parking space for each one hundred (100) sq. ft. of gross floor area except when located in a shopping center.
- F. Other retail establishments: furniture, appliance, hardware stores, household equipment service shops, clothing, or shoe repair shops One (1) parking space for each three hundred fifty (350) sq. ft. of gross floor area except when located in a shopping center.
- G. Drive-in business One (1) parking space for each fifty (50) sq. ft. of gross floor area except when located in a shopping center.
- H. Uncovered commercial areas, new and used car lots, plant nursery One (1) parking space for each two thousand (2000) sq. ft. of retail sales area in addition to any parking requirements for buildings, except when located in a shopping center.
- I. Motor vehicle repair and service One (1) parking space for each four hundred (400) sq. ft. of gross floor area except when part of a shopping center.

**Industrial Activities**

- |  |   |
|--|---|
| A. Manufacturing, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing, and engraving shops | One (1) parking space for each one thousand (1000) sq. ft. of gross floor area.               |
| B. Warehouses and storage buildings  | One (1) parking space for each one thousand five hundred (1,500) sq. ft. of gross floor area. |
| C. Uncovered storage area  | One (1) parking space for each two thousand (2,000) sq. ft. of area.                          |

**Recreation-Amusement Activities:**

- |  |   |
|--|---|
| A. Auditoriums, theaters, places of public assembly, stadiums and outdoor sports areas | One (1) parking space for each three fixed seats or one (1) parking space for each one hundred (100) sq. ft. of floor area of main auditorium or of principal place of assembly not containing fixed seats, whichever is greater. |
| B. Bowling alleys  | Five (5) spaces for each alley except when located in a shopping center.  |
| C. Golf driving ranges   | One (1) parking space for each driving station plus one (1) space for each employee   |
| D. Miniature golf courses  | One (1) parking space for each hole, plus one (1) space for each employee.  |

**Educational Activities:**

- |   |  |
|---|--|
| A. Senior high schools: public, parochial & private | One (1) space for each five (5) students and (1) space for each administrative and teaching personnel. In addition, if buses for the transportation of children are kept at the school, one off-street parking space shall be provided for each bus of a size sufficient to park each bus. |
|---|--|

- B. Elementary and junior high Two (2) parking spaces for each three (3) employees. In addition, if buses for transportation of students are kept at the school, one off-street parking space shall be provided for each bus of a size sufficient to park each bus.
- C. Libraries and museums One (1) parking space for each two hundred (200) sq. ft. in office and public use, plus one (1) space for each employee.
- D. Nursery schools and daycare centers One (1) parking space for each employee plus loading and unloading area.

**Medical Activities:**

- A. Medical & dental offices/clinics One (1) parking space for each two (2) hundred (200) sq. Ft. of gross floor area, plus one (1) space for each doctor and paramedical professional, except when located in a shopping center.
- B. Convalescent, nursing, & health institutions One (1) parking space for each two (2) employees plus one (1) parking space for each three beds.
- C. Hospitals Two (2) parking spaces for each bed.

**Religious Activities:**

- A. Churches One (1) parking space for each three (3) seating spaces.
- B. Mortuaries & funeral homes One (1) parking space for each one hundred (100) sq. ft. of floor area of assembly rooms.

**Other Uses:** For uses not specifically identified herein, parking shall be provided as specified for the use which, in the opinion of the Planning/Zoning Commission, is most similar to the use under consideration. In case of disagreement between the applicant and the Planning/Zoning Commission about such interpretation, the Zoning Board will make the final determination as provided in Section 6-3 of this ordinance.

**Mixed Occupancies:** In the case of two more uses in the same building, the total requirements for off-street parking facilities for the several uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use.



**Joint Use:** The joint use of parking facilities may be authorized only for:

- A. Those uses which have dissimilar peak-hour parking demands during the non-peak of the lessor, except in shopping centers in which the joint use of parking facilities is prohibited, or
- B. the parking facilities the lessor has in excess of parking requirements. To qualify as a joint-use parking facility, the facility must be located within a radius of five hundred (500) feet from the building or use areas it is intended to serve. A minimum of a five (5) year written joint-use contract shall be approved by the Planning/Zoning Commission and the City Attorney for such a parking arrangement to be allowed.

**4-5 Drive-in business** All banks, saving, and load associations, cleaning establishments, food dispensing establishments and other business which maintain drive-in facilities which are intended to serve customers who remain in their motor vehicles during the business transaction or are designed in such a manner that customers must leave their automobiles temporarily in a driving line located adjacent to the facility, shall provide stacking space for the stacking of motor vehicles. Such stacking space shall be separated from, and shall not be calculated as a part of the required off-street parking area. The stacking space, leading to the drive-up windows, shall be equal in length to four (4) car lengths per window.

#### **4-6 Loading and unloading**

- A. For all buildings hereafter erected, reconstructed, or enlarged, adequate permanent off-street loading space shall be provided if the activity carried on is such that the building requires deliveries to its or shipments from it of people or merchandise. Such buildings and uses may include: warehouses, supermarkets, department stores, office buildings, industrial or manufacturing establishments, freight terminals, mortuaries, schools, nursery or day-care centers and such other uses which, in the judgment of the Planning/Zoning Commission, are similar in nature in regard to loading space requirements.
- B. No portion of a vehicle taking part in loading or unloading activities shall project into a public street or alley.
- C. Loading space shall be in addition to required off-street parking spaces.
- D. Space for loading berths may occupy all or any part of any required setback as long as the loading berth is uncovered. A covered loading area shall comply with the minimum setback requirements of the district in which the use is located.

- E. The space designated for loading and unloading shall be sufficient to accommodate both the size of vehicles and number of vehicles, which can be expected for normal operational requirements.
- F. Where the loading and unloading of people and passengers is the normal loading activity, such activity shall be physically separated from traffic. (Ord. No. 03-18, Art. 4.)

14.04.05 General regulations

**5-1 Application** Within the corporate limits of the city of Clinton, as herein defined, all land shall be used and all buildings shall be built, altered, extended, moved and used in conformance with these regulations.

**5-2 Annexed area** Territory annexed after adoption of these regulations shall be governed by the following temporary regulations until the Zoning Map is amended to include the annexed territory.

- A. All land annexed after the adoption of this ordinance shall be classified as R-1 until the Zoning Map has been amended, except for such land, which is in the Planning Area Boundary as established by the Clinton Planning/Zoning Commission. Such territory shall retain the zoning classification then in effect.
- B. No building or zoning permit shall be issued by the enforcement officer for a use not in conformance with the Land Use Plan. If an application is made to the enforcement officer for any other use, he shall accept the application and submit it to the Planning/Zoning Commission for consideration and recommendation of the Planning/Zoning Commission.
- C. All new uses of structures and land shall be in conformance with the Land Use Plan. Exceptions may be granted in conformance with the procedures set forth in B of this article.

**5-3 Fire chief approval** Plans, architectural drawings, or the Project Manual for buildings utilized for public assembly, to include, but not limited to, churches, theaters, public or private schools, and day care facilities must include specifications or requirements that allow the Fire Chief to determine that the structure will meet federal and state fire codes. (Ord. No. 04-3, Sec. 1.)

#### **5-4 Completion of existing buildings**

- A. Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the adoption of these regulations.
- B. Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been issued within thirty (30) days prior to the adoption of these regulations, provided construction is started on said building within one hundred twenty (120) days after adoption of these regulations.

#### **5-5 Non-conforming uses**

- A. Non-conforming: That which does not meet the requirements of the use district in which it is located at the time of the effective date of these regulations.
- B. A non-conforming use of structure is that which does not conform to the permitted use of structures of the use district in which it is located and which non-conforming use is the principal use of the structure. A non-conforming use of structure:
  - 1. May be continued and is subject to such regulations as to the maintenance of premises and conditions of operation as may be required for the protection of adjacent property as approved by the Zoning Board.
  - 2. May be extended to any portion of a structure arranged or designated for such non-conforming use at the time of passage of these regulations.
  - 3. May be changed to a similar use if no structural changes are necessary.
  - 4. Once changes to a conforming use, cannot be changed to a non-conforming use.
- C. A non-conforming structure is that which does not conform to the area requirements of the use district in which it is located. A non-conforming structure:
  - 1. May, with approval of the Zoning Board, be remodeled to maintain the premises in a safe and usable condition.
  - 2. May, with approval of the Zoning Board, be added to if said addition meets the area requirements of the district in which the structure is located.

**5-6 Occupations permitted in residential structures utilized for residential purpose in residential districts**

- A. An occupation may be carried on in a residential structure in a residential use area only if the following are complied with:
1. It does not involve the use of commercial vehicles.
  2. It does not require the use of more than two (2) rooms otherwise normally considered as living space.
  3. It does not require the use of an accessory building or yard space or an activity outside the main structure not normally associated with residential uses. When a state statute or regulation requires the operation of an occupation separate from the living quarter, an accessory structure may be utilized, provided that it conforms to other regulations of the district in which it is located.
  4. It does not have a sign in excess of four (4) sq. ft. to denote the business, occupation, or profession, and such signs must be attached to the structure.
  5. It does not involve the external display of goods and services.
- B. A profession or service carried on in a residential structure or accessory building in a residential area at the time of the adoption of these regulations must comply with the regulations established in Section 5-6 within two (2) years of the date of the passage of these regulations or said business, occupation, or profession shall be deemed in violation of these regulations.

**5-7 Lot area** On any lot separately owned in a residential use area at the time of passage of these regulations and retained in continuous separate ownership, single-family structure may be erected even though the lot be of less width or area than required by the regulations of the residential use area in which the lot is located, provided all other requirements are met.

**5-8 Area not to be diminished** The lot or yard areas required by these regulations for a particular building or use at the time of passage of these regulations or later constructed or established shall not be diminished and shall not be included as a part of the required lot, open space or yard area of any other building or use. If the lot, open space or yard areas required by these regulations for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in these regulations.

**5-9 Conditional use provisions not non-conforming uses** Any use, which is permitted as a conditional use in a district under the terms of this ordinance, other than a change through Zoning Commission action from a non-conforming use to another use not generally permitted in this district, shall not be deemed a non-conforming use in such district.

**5-10 Grandfather clause** This ordinance shall not require any change in the construction or use of a building existing at the time of the adoption of the first Clinton, Arkansas, Zoning Ordinance on April 11, 1991. (Ord. No. 03-18, Art. 5.)

14.04.06 Board of Adjustment

**6-1 Organization**

- A. The Planning/Zoning Commission shall serve as the Board of Adjustment.
- B. Terms of office shall be as follows:
  - 1. Two (2) members of the first board shall be appointed by the City Council for one (1) year.  
  
Two (2) members shall be appointed for two (2) years.  
One (1) member shall be appointed for three (3) years.
  - 2. Thereafter, all members shall be appointed for terms of five (5) years each.
  - 3. Vacancies shall be filled, for the expired and unexpired term of any member whose terms becomes vacant, in the same manner as the original appointments.
- C. Upon appointment and annually thereafter the Board shall meet, organize, and elect its own chairman who shall serve for one (1) year or until the successor duly qualifies. The chairman may appoint a secretary who is not a member of the Board, who shall hold office until relieved by the Board and who shall receive such compensation from the city of Clinton as may be affixed from time to time by the City Council.
- D. Members of the Board of Adjustment may be removed from office by the agency that appointed them for cause upon written charges and after public hearing. Vacancies shall be filled in the manner prescribed in B-3 above for the unexpired term of the member affected.

**6-2 Meetings**

- A. Meetings of the Board shall be held at such times and at such places within the city of Clinton as the Board may designate, and may meet at any time on call of the chairman.
- B. The Board shall keep minutes of its proceedings which shall contain as a minimum:
  - 1. Time, date, and place of meeting
  - 2. Names of members present
  - 3. Citation, by number and description, of appeal or application
  - 4. Pertinent facts of the case
  - 5. Names of persons appearing and their interest in the case
  - 6. Record of vote by name
  - 7. Authority for decision (cite ordinance or statute) and reasons for conditions imposed. The minutes of the meeting shall be filed by the Secretary of the Board in the offices of the City Clerk and shall be public record.
- C. The presence of four (4) members shall be necessary to constitute a quorum and the concurring vote of all members of the Board present shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer, or to decide in favor of the applicant on any matter upon which it is required to pass under the zoning ordinance, or to authorize a variance from such regulations.
- D. The secretary of the Board shall notify each member of the Board of a scheduled or called meeting seven days in advance of the date of the meeting, by mail or in person.
- E. Any member of the Board who fails to be in attendance at three (3) consecutive scheduled meetings shall have their appointment declared vacant and a new member shall be selected as in Section 6-1 of this chapter.
- F. Meeting and hearing procedure: The Board shall establish procedures and by-laws for the conduct of meetings, hearings, public notices, etc., according to Section 5b of Act 186 of 1957.

- G. Stay of proceedings: An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

### **6-3 Powers and duties**

- A. Appeals The Board of Adjustment shall hear appeals from the decision of the administrative officers in respect to the enforcement and application of this ordinance and may affirm or reverse, in whole or in part, said decision of the administrative officer.
- B. Variances When a property owner can show that a strict application of the terms of these regulations relating to construction or alteration of buildings or structures will impose upon him practical difficulties or particular hardship, the Board may grant variances from the regulations if the variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such district in which the property is located. Variances may be granted in the following instances only:
1. Where, by reason of exceptional narrowness, shallowness, depth or shape of a specific piece of property of record on the date of the passage of these regulations, or where, by reason of exceptional topographic or physiographic conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provision of these regulations would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of such property so as to constitute virtual confiscation of such property as distinguished from mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan or this ordinance as established by the regulations and provisions contained hereon.
  2. In granting a variance, the Board of Adjustment may impose such conditions as are necessary to protect the public health, safety or welfare, in accordance with the purpose and intent of the zoning regulations.

3. No non-conforming use of neighboring lands, structures, or building in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
4. Under no circumstances shall the Board of Adjustment grant a variance to allow a use expressly or by implication prohibited by the terms of this ordinance in the district involved.

#### **6-4 Notice and fees**

- A. Whenever an appeal or application for a variance is made on the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application, which notice shall be published at least once not less than seven (7) days preceding the date of such hearing in an official paper or a paper of general circulation in Clinton, said notice to designate the particular location with which the appeal or application is concerned, and a brief statement as to what the appeal or application consists of. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.
- B. The appellant or applicant shall be required to pay to the City Clerk a filing fee of Sixty Dollars (\$60.00) to cover such other costs as may be incurred in connection with such appeal or application. (Ord. No. 03-18, Art. 6.)

#### 14.04.07 Amendments

**7-1 Initiation of changes** The City Council or the Planning/Zoning Commission may initiate changes to the Zoning Regulations and the Zoning Map. Changes to the Zoning Map may be initiated by one or more persons who own property within the area of the proposed changes.

#### **7-2 Procedure for amendments**

- A. The Planning/Zoning Commission shall set hearings on all proposed changes to the Zoning Map at any of its regular meetings or at special meetings called by the Commission for that purpose. Applications for changes to the Zoning Map shall be submitted to the secretary of the Planning Commission at least fifteen (15) days prior to the meeting to set the hearing.



- B. The Planning/Zoning Commission shall cause all persons that lease or own property within two hundred (200) feet of the proposed zone changes to be notified of the nature of the proposed change and of the time and place of the public hearing on the proposed change or, in the alternative, the Planning/Zoning Commission may direct persons interested in the change to provide for such notification and to furnish evidence thereof. In either event, all expenses incident to any amendments initiated by property owners shall be paid for by petitioners.
- C. The Planning/Zoning Commission shall give fifteen (15) days notice of the public hearing in a newspaper of general circulation in the city.
- D. Within forty-five (45) days after receiving the application for a change in the Zoning Ordinance, the Planning/Zoning Commission shall hold a public hearing and make recommendations to the City Council stating reasons. A copy of these recommendations shall be submitted to the applicant at the same time.
- E. No application for a change of the Zoning Ordinance may be re-submitted within twelve (12) months from the date of action by the City Council unless the Planning/Zoning Commission finds that a substantial reason exists for waiving this limitation. (Ord. No. 03-18, Art. 7.)

#### 14.04.08 Administration and enforcement

##### **8-1 Administration**

- A. The provisions of this ordinance shall be administered and enforced by the Enforcement Officer, who shall be nominated by the Planning/Zoning Commission and approved by the City Council. He may be provided with the assistance of such other persons as the City Council may direct.
- B. Zoning permits required
  - 1. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Enforcement Officer. No zoning permit shall be issued by the Enforcement Officer except in conformity with the provisions of this ordinance, unless he receives a written order from the Board of Adjustment in the form of an administrative review or variance as provided by this ordinance.
  - 2. A building or zoning permit will be issued only when the application has been approved by the Enforcement Officer as meeting requirements of these regulations. All applications for building or zoning permits shall be

accompanied by a plan in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected and its location on the lot, and such other information as may be necessary to provide for the enforcement of these regulations. A record of such application and plats shall be kept in the office of the City Clerk and submitted by the Enforcement Officer to the Planning/Zoning Commission at the next regular meeting for review.

3. Zoning and/or building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Enforcement Officer, Planning/Zoning Commission, or City Council authorize only the use, arrangement, and construction. Use, arrangements, or construction at variance with that authorized shall be deemed in violation of this ordinance and punishable as provided herein.
4. That, notwithstanding any provision in the Comprehensive Zoning Ordinance to the contrary, all building permits issued by the Zoning Official for the City of Clinton will automatically expire one year following the date of issue unless within one year of the date of issuance the holder thereof commences construction with the demonstrated, clear and unambiguous intent of completing all work within a reasonable time period.
5. The City of Clinton shall have the right to cancel any building permit and condemn any property on which meaningful progress towards completion is not demonstrated in a clear and unambiguous manner.
6. Any party aggrieved by sub-section 5 herein may appeal the decision of the Zoning Commission to the full Clinton City Council.
7. Any person holding a properly issued permit that expires for failure to commence meaningful construction under the provisions of this Ordinance may re-apply for a new permit in which case the application will be heard a-new upon payment of all fees applicable. (Ord. No. 2008-13, Sec. 1.)

C. Conditional uses - procedures

1. The Planning/Zoning Commission shall hear and decide only such special exceptions as it is specifically authorized to pass on by the terms of this ordinance and to decide such questions as are involved in determining whether conditional use should be granted, and to grant conditional use with such conditions and safeguards as are appropriate under this ordinance, or to deny conditional use when not in harmony with the purpose and intent of this ordinance. A conditional use shall not be granted by the Planning/Zoning Commission unless and until:

- a. A written application for a conditional use is submitted indicating the section of this ordinance under which the conditional use is sought and stating the grounds on which it is requested.
- b. Notice shall be given at least seven (7) days in advance of public hearing in an official paper or a paper of general circulation in Clinton. The owner of the property for which conditional use is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which conditional use is sought, at least seven (7) days prior to the public hearing.
- c. The public hearing shall be held. Any party may appear in person, or be agent or attorney.
- d. The Planning/Zoning Commission shall make a finding that it is empowered under the section of this ordinance described in the application to grant the conditional use, and that the granting of the conditional use will not adversely affect the public interest.
- e. Before any conditional use shall be approved, the Planning/Zoning Commission shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:
  - (1) The proposed use in the proposed location will not be detrimental to the other uses legally existing or permitted outright in the zoning district.
  - (2) The size of the site is adequate for the proposed use.
  - (3) The traffic generated by the proposed use will not unduly burden the traffic circulation system in this vicinity.
  - (4) The other performance characteristics of the proposed use are compatible with those of other uses in the neighborhood or vicinity.
  - (5) Adequate buffering devices such as fencing, landscaping, or topographic characteristics protect adjacent properties from adverse effects or the proposed use, including adverse visual or auditory effects.
  - (6) The other uses in the vicinity of the proposed site are such as to permit the proposed use to function effectively.
  - (7) The proposed use complies with the performance standards, parking requirements and other applicable provision of this ordinance.

2. The decision of the Planning/Zoning Commission, with respect to any application for a conditional exception, shall be final, unless an appeal is made to the City Council within ten (10) days after the Planning/zoning Commission's decision. Said appeal shall be in writing to the City Council and filed with the City Clerk.
3. Whenever an application for a conditional exception is made to the Planning/Zoning Commission, the Commission shall cause to have published at the expense of the applicant a notice of the public hearing as prescribed in C above. In addition, the applicant shall be required to pay to the City Clerk a filing fee of Sixty Dollars (\$60.00), no part of which is refundable, to cover such other costs as may be incurred in connection with such appeal or application.
4. Conditional Use Permits, when and if issued, shall run with the land to which the temporary use applies and shall not be portable, and shall expire automatically one year after issuance unless after proper application and payment of fees, it is renewed by the Zoning Official for good cause. A Conditional Use Permit is a privilege that may be withdrawn at any time for good cause and The Zoning Commission shall retain the right to review and to revoke any Conditional Use Permit. Continued use of such property affected by a temporary Conditional Use Permit shall be on a case-by-case basis, at the discretion of the Zoning Commission and shall be subject to any reasonable conditions imposed. The decision of the Zoning Commission is subject to review by the Clinton City Council. (Ord. No. 2008-13, Sec. 2.)

**8-2 Complaints regarding violations** Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis thereof and shall be filed with the Enforcement Officer. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

**8-3 Penalty for violation** Any person or corporation who shall violate any of the provisions of these regulations or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than One Hundred Dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of these regulations shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as herein provided. (Ord. No. 03-18, Art. 8.)

**CHAPTER 14.08**

**ZONING COMMISSION**

**Sections:**

- 14.08.01      Salary
- 14.08.02      Previous payments

14.08.01 Salary Members of the Zoning Commission of the city of Clinton shall receive a salary for their service on said commission as follows:

- A.      Each Commissioner shall receive the sum of Seventy-Five Dollars (\$75.00) per month.

- B. Said amount shall only be due and payable if the Commissioner is in attendance at the regularly scheduled Zoning Commission meeting each month. No additional salary shall be paid for attendance at any special meetings of the Zoning Commission or at any committee or subcommittee meetings of the Zoning Commission. (Ord. No. 04-14, Sec. 1.)

14.08.02 Previous payments All payments for salaries of members of the Clinton zoning Commission paid prior to the adoption of this ordinance are hereby ratified and approved. (Ord. No. 04-14, Sec. 2.)

## **CHAPTER 14.09**

### **RECREATIONAL VEHICLE PARK**

Sections:

- 14.09.01 Salary
- 14.09.02 Previous payments

14.09.01 Definitions The following definitions shall apply as related to this ordinance:

Recreational Vehicle (RV) - Any vehicle, whether self propelled or pushed or towed, of any kind that is designed and manufactured or modified to allow for human occupancy or habitation including sleeping quarters but not necessarily including running water or sewer or electrical or gas connections.

Recreational Vehicle Park (RV Park) -Any tract of land designed to allow or accommodate two or more RV's at one time in exchange for the payment of rent, fees, costs or compensation or remuneration of any kind. (Ord. No. 2007-12, Sec. 1.)

14.09.02 Construction limited It shall be unlawful for any person, firm or entity of any kind to construct and or operate an RV Park within the City of Clinton without having first complied with the requirements of this Ordinance. This ordinance shall not apply to commercial locations that offer RVs for sale or lease and do not provide overnight sites for owners to occupy. (Ord. No. 2007-12, Sec. 2.)

14.09.03 Permit Required Prior to the construction of any RV Park within the City of Clinton, the applicant shall apply for a permit from the City of Clinton, through its Zoning Official. The application for said permit shall include the following:

1. The name, address and phone number of the applicant.
2. The location and legal description of the proposed RV Park.
3. A plat showing the proposed number of sites or spaces designed for accommodating RVs, proposed internal streets, drainage plans, electrical and plumbing hookups and site grading.
4. Plans for any and all building to be constructed on the property.
5. Copies of all licenses or permits required by the State of Arkansas.
6. The design plan showing compliance with the general requirements of this Ordinance.
7. The appropriate fee for site preparation, building permits, sign permits or other fees required by this or other City ordinances. (Ord. No. 2007-12, Sec. 3.)

#### 14.09.04 General Requirements

1. RV Parks are only allowed in areas that are zoned to allow such a use.
2. Underpinnings of RVs in extended stay sites must be constructed according to the manufacturers specifications or otherwise be approved by the Clinton Zoning Official as not constituting a nuisance or violating any of Clinton's land use or zoning regulations or ordinances.
3. Any and all RV parks must provide a minimum of fifteen (15) spaces available for lease or rent.
4. Each individual site in an RV Park must have individual hook ups for water, sewer and electricity. Gas hook ups are optional but if supplied they must be separate for each site.
5. Only one RV shall be allowed in any one space at any one time.
6. All individual sites must be numbered with the areas within the Park identified.
7. All RV Parks must have a contract for trash pickup for the entire park at the time of application for a permit. Any changes in the provider of trash pickup to the Park must be identified to the Clinton Zoning Official.
8. The RV Park must install and maintain adequate fire Hydrants according to the specifications of the Clinton Fire Chief so as to provide fire service equal to the city's ISO rating at the time of the application.

9. Fencing is required along any property line of the proposed RV Park that adjoins any residentially zoned property. Fences must be constructed according to Clinton requirements as provided in the zoning and land use Ordinances of the City of Clinton.
10. The planting of shrubbery as a barrier is allowable provided said plantings comply with the same requirements as fencing .
11. All plumbing and electrical connections must meet City of Clinton requirements and be inspected by the Clinton Zoning official prior to being covered in any manner.
12. All sites, internal streets and drainage must meet City of Clinton requirements and must be inspected by the Clinton Zoning official prior to and during construction.
13. All sites must be on a reasonably level grade of no more than two inch (2") of fall for each 12 feet (12') of length and must meet the state requirements of distance apart.
14. All signage for the Park shall meet City of Clinton specifications and shall be permitted separately.
15. All contractors working on the construction of the Park shall meet the licensing requirements of the State of Arkansas.
16. All designs, architectural drawings or other plans submitted for the design or plans of the proposed RV Park shall be done by a licensed engineer or architect. (Ord. No. 2007-12, Sec. 4.)
17. All sites must be on a reasonably level grade of no more than two inch (2") of fall for each twelve feet (12') of length, constructed of asphalt or four inches (4) of concrete, and must meet the state requirements of distance apart. (Ord. No. 2009-01, Sec. 1.)

14.09.05 Extended Rentals If any individual site is leased or rented for an extended stay of six (6) months or more without the movement of the RV from the site, the Clinton Zoning official must be informed and the site reinspected every six months for as long as the RV remains. Any extended stay site is subject to the provisions of Clinton Nuisance Ordinance. (Ord. No. 2007-12, Sec. 5.)

14.09.06 Inspections Each RV Park shall be inspected as follows:

1. When utilities are laid but prior to any covering of any kind.
2. Before the pouring of any foundation pad.
3. After framing of any building but prior to being covered in any manner.
4. Upon completion of project but prior to opening for business.



5. Every six (6) months for extended stay sites.

Final Inspections will include review and sign offs of the Clinton Zoning official as well as the Street Department, Fire Department and the Water and Sewer Department. (Ord. No. 2007-12, Sec. 6.)

#### 14.09.07 Fees

The following fees shall apply to the provisions of this Ordinance:

Plan Review \$350.00

Inspection fee (per Inspection) \$ 100.00

Building fees per building on property \$ 50.00 (1st 500 feet) Plus \$.05 per foot thereafter not to exceed \$150.00 per building)

14.09.08 Violations A violation of the requirements of this Ordinance shall subject the offender to a fine of up to \$250.00 per occurrence. For purposes of this Ordinance each day that a project proceeds without the proper permit and fee or each day a violation continues after the project is open for business shall constitute a separate occurrence.

## CHAPTER 14.12

### SIGNS

#### Sections:

- |          |                                     |
|----------|-------------------------------------|
| 14.12.01 | Purpose, authority and jurisdiction |
| 14.12.02 | Definitions                         |
| 14.12.03 | Application                         |
| 14.12.04 | Administration and enforcement      |
| 14.12.05 | Penalties                           |

#### 14.12.01 Purpose, authority and jurisdiction

- A. Purpose This ordinance is enacted to ensure the coordinated, adjusted, and the harmonious placement of signs within all Zoning Districts of the city of Clinton. No sign shall be erected or maintained unless in compliance with the regulations of this ordinance, except that a non-conforming sign which shall comply with the provisions set forth in 14.12.03 may be maintained, if in existence prior to the adoption of this ordinance.
- B. Authority The authority to enact these regulations is granted by Act 26 of the 1955 Acts of Arkansas, as amended, and Act 186 of the 1957 Acts of Arkansas.
- C. Jurisdiction This ordinance applies to all land within the corporate limits of Clinton, Arkansas, as now or hereafter set, as portrayed on the official Zoning Map. (Ord. No. 04-10, Sec. 1.)

14.12.02 Definitions In the construction of this ordinance, the definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise. The interpretations shall be liberally construed. The following word use shall apply in order to provide clarity of interpretation:

- A. Words used in the present tense shall include the past, the plural and the singular.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "lot" "parcel." The word "building" includes all other structures of every kind regardless of similarity to buildings.

**Highway Commercial – HC** A district established to serve highway traffic.

**General Industrial – 1** A district established to provide space for manufacturing related activities.

**Portable sign** A mobile sign that is mounted on a trailer-type frame or portable wood or metal frame not permanently attached to the ground.

**Residential zone – R-1** Primarily single-family, low-density residential.

**Residential Zone – R-2** R-1, plus medium density residential, to include duplex, rooming and boarding, bed and breakfast, and single family mobile home.

**Residential Zone – R-3** R-1, R-2, plus mobile/manufactured home park.  
(Ord. No. 04-10, Sec. 2.)

#### 14.12.03 Application

**General Provisions** The following regulations shall apply to all signs in the city of Clinton, Arkansas:

- A. A permit shall be required for the erection, alteration, or reconstruction of any sign intended for the view from the public right-of-way unless otherwise noted, and shall be issued by the Zoning Official in accordance with 14.12.04 of this ordinance.
- B. Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated. Any sign that is not maintained and becomes dilapidated must be removed as provided by subsection 3 of this ordinance.
- C. If the use for which a sign is related ceases operation, the sign must be removed within sixty (60) days.

- D. Sign's face and structures must be comparable to professional grade quality. (More clearly defined as all graphics, lettering, structures or any other component of the sign and structure must be equal to or better than workmanship constructed by a licensed or professional sign shop.) Final approval must be given by City Official before permit is issued. (Ord. No. 2013-05, Sec. 2.)

**Prohibited signs** The following signs are prohibited in the city of Clinton, Arkansas.

- 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 word, phrase, symbol, or character in a manner that might mislead or confuse the driver of a vehicle.
- B. Signs within street or highway right-of-way Except as herein provided, no sign whatsoever, whether temporary or permanent, except traffic signs, signals, and information signs erected by a public agency, is permitted within any street or highway right-of-way.
- C. Certain attached and painted signs Signs painted on or attached to trees, fence posts, telephone or other utility poles, or signs painted on or attached to rocks or other natural features are prohibited. Sign may be painted on the roofs of buildings, only with approval of Zoning Commission.

**Signs for which a permit is not required** A permit is not required for the following types of signs in any zoning district.

- A. Traffic, directional, warning, or information signs authorized by any public agency.
- B. Official notices issued by any court, public agency, or office.
- C. Yard-sale signs, provided they are collected at the end of the last day of the sale. Non-collection will be grounds for citation.
- D. One non-illuminated FOR SALE, FOR RENT, or FOR LEASE sign, not exceeding six (6) square feet in area in residential districts, with the exception of property five (5) acres or larger. Residential, five (5) acres and larger, plus all non-residential districts may utilize a sign to twenty (20) square feet. Signs shall be located not less than ten (10) feet back from the street right-of-way line, unless attached to the front wall of a building.
- E. Entrance, exit and instructional signs, so long as they do not exceed four (4) square feet in area, and are no higher than three feet (3) above adjacent pavement or ground level and contain no advertisement.
- F. Identification signs indicating the name and street number or owner or occupant of a parcel so long as such signs do not exceed four (4) sq. ft. of copy area.

- G. Bulletin boards, which are defined as permanent signs that primarily display the name of a non-commercial place of public assembly and announce the upcoming events of that organization. In order to not require a permit, such a sign shall not exceed thirty-six (36) sq. ft. of copy area or five (5) feet in height. Signs of this type shall be restricted to one (1) per parcel.
- H. Signs identifying projects under construction which denote the name of the project, the architect, engineer, contractor, owner, etc., so long as such signs do not exceed twenty-five (25) sq. ft. in residential districts, or one hundred (100) sq. ft. in non-residential zones, are not illuminated, and are removed within seven (7) days of the completion of the project.
- I. Signs attached or integrated into a gasoline pump, automatic bank teller machine, or drive through component of a fast food restaurant, which give operational instructions to users, the price of the product, the brand name of the product, or descriptive information about the product.

#### **Regulations applied to specified types of signs**

- A. Wall 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. Signs on the front surface of a building The total area of signs on the exterior front surface of a building shall not exceed twenty percent (20%) of the front surface of the building.
  2. Signs on the side and rear surface of a building The total area of signs on a side or rear surface of a building shall not exceed twenty-five percent (25%) of the exterior side or rear surface.
  3. Combined signs area The combined sign area on the front, side, and rear surface of a building must not exceed the total sign area permitted within the Zoning District in which the sign or signs are to be located.
  4. Projecting signs Wall signs attached flat against a wall may extend not more than twenty-four (24) inches passed the end of the wall. Signs projecting from a wall may extend outward from the wall not more than six and one-half (6 ½) feet and may be located not closer than eighteen (18) inches to a vertical plane at the street curb line. A projecting sign shall not extend above the roof line a distance greater than the height of the roof above the ground level. In no case shall signs project beyond property lines.

- B. Signs for projects under construction See Section 8-3, subsection 7 above.
- C. Subdivision entrance signs One (1) or two (2) signs shall be permitted at each entrance of a residential subdivision, provided that such signs do not exceed a total of one hundred twenty (120) sq. ft. of copy area at any subdivision entrance; provided further that such signs shall have a maximum height of six (6) feet. If illuminated, only indirect lighting shall be permitted. If such subdivision entrance sign is built into a decorative wall or fence, the maximum copy area and setback requirements shall comply with regulations for fences contained herein.
- D. Private directional signs Signs indicating the location and direction of premises available for sale or in the process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agency, may be erected and maintained, provided:
1. the size of any such sign is not in excess of six (6) sq. ft., and not in excess of four (4) feet in length;
  2. no more than one (1) such sign is erected for each five hundred (500) feet of street frontage.
- E. Free-standing signs Free-standing signs shall meet building code structural provisions and UL (Underwriter's Laboratories) electrical requirements.
- F. Portable signs
1. Usage of portable signs shall conform to permitting requirements in 14.12.03, prohibited sign requirements, number of signs permitted stipulations and subsection of this ordinance, except as provided below.
  2. If a portable sign is to be illuminated, it shall be in compliance of all Arkansas Fire Prevention Codes and UL Regulations. Any electrical wiring, utilized for illumination extended from a building to a portable sign, shall be encased in a solid conduit pipe and shall be buried underground or beneath pavement. Utilization of an above ground electric extension cord is expressly prohibited.
  3. All portable signs in use at the time this ordinance passes, with one exception, must be removed or made to conform with this ordinance within six (6) months from the time of passage. The one exception, above ground power cords must be corrected immediately.

- G. Political campaign signs Political campaign signs shall be permitted in any Zoning District. Such signs shall not count in calculations for the number of signs permitted or calculations of sign area permitted included in 14.12.03 of this ordinance. Such signs shall conform with all other provisions of this and all other applicable ordinances of the city of Clinton. Specifically, no political or campaign may be erected within the right-of-way of any road or street or upon any easement owned by the city of Clinton. No such sign be placed in such a manner that it obscures, or interferes with, the ability of a driver of any motor vehicle to see other traffic, road signs or markings, traffic signals or signs or pedestrians on sidewalks or in cross walks.

**Sign illumination** Illumination devices shall be so placed and shielded so that rays therefrom or from the signs itself will not be directly cast into any residential dwelling unit, or in the eyes of a vehicle driver. All illumination devices and wiring shall be installed in a permanent and safe manner.

**Height limitations** No sign shall exceed (30) feet in height. All existing signs at the time of the approval of this amendment shall upon replacement be required to meet this height requirement. Height is measured from base at ground level to top of structure. Planning & Zoning Committee can consider increasing height to (40) feet only in locations where structures or property placement would require it. (Ord. No. 2013-05, Sec. 2.)

**Signs permitted in Residential District** The following types of signs are permitted in R-1 and R-2 zones:

- A. Signs for which permits are not required.
- B. Permitted use and conditional use structures allowed by zoning ordinance or approved by the Zoning Commission in compliance with the current Zoning Ordinance that traditionally require a sign or bulletin board. The single sign or bulletin board shall not exceed sixty (60) sq. ft. in area and be non-illuminated. Such sign or bulletin board shall be set back not less than ten (10) feet from any street right-of-way line.
- C. Home occupations within residential districts are limited to a sign not in excess of four (4) sq. ft. attached to the structure.
- D. Subdivision signs and private directional signs, under the provisions of 14.12.03.
- E. Political campaign signs, in accordance with 14.12.03.

**Signs permitted in Commercial and Industrial Districts** The following types of signs are permitted in HC and I Districts:

- A. All signs permitted in residential district are permitted in commercial and manufacturing districts.

- B. Commercial Billboards are not allowed within the City of Clinton. Existing Billboards at the time of the amending of this ordinance will be allowed until they are deemed unsightly or unsafe by the Zoning Official, at that time a new permit must be applied for and will be considered by the Planning and Zoning Commission. If a permit is granted to install a new structure it must be one (1) metal pylon that meets the current height and size specifications of this ordinance. A total sign area not to exceed 300 square feet and not to exceed a total height of 30 feet from base at ground level to top of sign. Design and structure must be approved prior to permit approval. Any sign face not currently rented must be covered with a white banner material within 60 days of expiration of rental agreement. (Ord. No. 2013-05, Sec. 2.)
- C. On any lot fronting on a state or federal highway in a HC, or I district on which no business enterprise is located, one off-premise, free-standing sign structure having a total sign area not to exceed three hundred (300) sq. ft. is permitted. Additional sign structures, each of which is not to exceed three hundred (300) sq. ft. in sign area, are permitted provided they are spaced not closer than five hundred (500) linear feet from any other sign structure of greater than one hundred fifty sq. ft. Any off-premise sign of greater than one hundred fifty (150) sq. ft. shall be required to be spaced a minimum of three hundred (300) feet from any residentially zoned parcel.
- D. LED signs are allowed on any lot fronting a state or federal highway in a HC, Industrial, or Commercial District . One is allowed per business and not to exceed 150 square feet of total sign copy area and must meet all state regulations and or requirements on LED signs, including being equipped with automatic dimming device as per state regulations.
- i. Minimum height to bottom of sign is 8 feet from ground . Total height from base at ground level to top of structure is 30 feet.
  - ii. Permit fee for this type of sign is \$300.00 for first 100 feet plus \$2.00 per foot up to a total of 150 square feet max total per sign.
  - iii. Any Local Business that has an LED permitted sign for that local business, located on the property where the business is operating, may promote or advertise for other business events or community events if they so choose.
  - iv. For rent or lease LED Commercial Billboards are not allowed, except in the case where an existing Commercial Billboard is now located. LED Commercial Billboards may be considered by the Planning & Zoning Committee, when the current Commercial Billboards that are in place at the time of adoption of this Ordinance, are considered for replacement . (Ord. No. 2013-05, Sec. 2.)



**Signs permitted in R-3 Districts** The following types of signs are permitted in R-3 Districts:

- A. One (1) non-illuminated professional or business name plate not exceeding four (4) sq. ft. in area mounted flat against the wall of a building in which there is conducted a permitted home occupation.
- B. Any sign or signs, illuminated or non-illuminated, not to exceed a combined total sign area of three hundred (300) sq. ft. per mobile home park.

**Non-conforming uses**

- A. Signs in use prior to the adoption of this ordinance that do not comply with this ordinance will be classified as a non-conforming use. These signs may remain in use until they become dilapidated, or are moved.
- B. Once a non-conforming sign has been move, it may not be placed back on the property until it becomes a conforming use.
- C. If a non-conforming sign becomes dilapidated, it must be removed within sixty (60) days from legal notification from the Zoning Official. (Ord No. 04-10, Sec. 3.)

14.12.04 Administration and enforcement

**Administration**

- A. The provisions of this ordinance shall be administered and enforced by the Zoning Official. He may be provided with the assistance of such other persons as the City council may direct.
- B. A permit shall be required for the erection, alteration, or reconstruction of any sign intended for view from the public right-of-way (unless otherwise noted).
- C. Permits may be obtained from the Zoning Department. The fees will be listed on the city of Clinton, Zoning Department Fee Schedule.
- D. Permits are not transferable. Must be in the name of current business owner.

**Permit Fees**

Local Business- Free Standing or Attached to Building Minimum fee to 50 square feet.....\$50.00  
 Each square foot over 50 square feet .....\$00.50  
 Maximum Fee not to exceed .....\$200.00

A \$25 .00 extra charge will be assessed if the Zoning Official has to visit a business that has installed a sign without a permit. This is in addition to any other cost or penalty.

**Commercial-For Lease.....NO COMMERCIAL BILLBOARDS ALLOWED**

Existing billboards (Grandfathered in as per Ordinance)  
Permit Fee....\$500.00 each separate sign face.

**LED Signs**

\$300.00 for first 100 Square feet, plus \$2 .00 per square foot up to a total of 150 Square feet per sign. (Ord. No. 2013-05, Sec. 2.)

**Enforcement** The Zoning Official may order the removal of any sign that is not in accordance with the provisions of this ordinance. Such removal shall be at the expense of the property owner or lessee. (Ord. No. 04-10, Sec. 5.)

4.12.05 Penalties In addition to the authority granted to the Zoning Official in Article 4 to Order the removal of any sign that is not in accordance with the provisions of this Ordinance, any person, corporation, partnership, LLC, proprietorship or other business entity of any kind that is the owner of any sign erected or maintained in violation of this ordinance, or is the owner of the land upon which such signs is erected shall be subject to a fine of double the current cost of a sign permit from the City of Clinton for said sign per each day that the sign is not in compliance with this Ordinance. Liability for said fines or penalties shall begin to accrue from after notice of a violation from the Zoning Official to the person or entity that is the owner of the sign or the land upon which it is placed.

Any person, corporation, partnership, LLC, proprietorship or other business entity of any kind that is the owner of any business that has closed and is no longer operating as a business and has a sign permitted under this Ordinance shall remove said sign within sixty (60) days of said closure. Failure to effect said removal shall subject the owner to a fine of double the current cost of a sign permit from the City of Clinton for said sign per each day that the sign is not in compliance with this Ordinance. Liability for said fines or penalties shall begin to accrue upon notice of a violation from the Zoning Official to the person or entity that is the owner of the sign or the land upon which it is placed.(Ord. No. 2005-20, Sec. 1.)

**CHAPTER 14.16**

**ANNEXING, VACATING AND RE-ZONING OF PROPERTY**

Sections:

- 14.16.01 Annexations adopted by reference
- 14.16.02 Vacating
- 14.16.03 Re-zoning

14.16.01 Annexations adopted by reference

Ord. No. 30-A of 1946	Part of Section 14 & 15, Twp 11 N., Range 14
Ord. No. 83 of 1968	Part of NE 1/4, NW 1/4 NE 1/4 Section 23, Twp 11 N, Range 14
Ord. No. 94 of 1972	NE 1/4 Section 26, Twp ww N, Range 14 West
Ord. No. 95 of 1972	NW corner Section 23, Twp. 11 N, Range 14 West
Ord. No. 103 or 1977	Part of S 1/2, SE 1/4, Section 10
Ord. No. 119 of 1980	Part of W 1/2 SE 1/4, Section 26, Twp 11 N, Range 14 West
Ord. No. 124 of 1982	E 1/2, Section 3, T-11-N, R-14-W; SE 1/4 and S 1/2 NE 1/4, Section 9, T-11-N, R-14-W; All Section 10 North of City Limits, T-11-N, R-14-W;
	All Section 11, T-11-N, R-14-W; SW 1/4, Section 12, T-11-N. R-14-W; W 1/2, Section 13, T-11-N, R-14-W; All Section 14 not in City Limits, T-11-N, R-14-W; All Section 15 not in City Limits, T-11-N, R-14-W; E 1/2, Section 16, T-11-N. R-14-W; NE 1/4, Section 22, T-11-N. R-14-W; All Section 23 not in City Limits, T-11-N, R-14-W; NW 1/4 and N 1/2 SW 1/4, Section 24, T-11-N, R-14-W; All Section 26 not in City Limits, T-11-N, R-14-W; SE 1/4 SE 1/4, Section 27, T-11-N, R-14-W; E 1/4, Section 34, T-11-N, R-14-W; Section 35, T-11-N, R-14-W; N- 3/4, Section 2, T-11-N, R-14-W; E 1/2 NE 1/4 and NE 1/4 SE 1/4, Section 3, T-10-N, R-14-W.
Ord. No. 130 of 1983	17.05 acres in SE 1/4 SE 1/4, Section 2 Part of SE 1/4 SE 1/4 Section 2 and NW 1/4 NE 1/4, Section 11 Part of NW 1/4 NE 1/4, Section 11, Twp 10 N, Range 14 West Part of N 1/2 NE 1/4, Section 11, Twp 10 N, Range 14 West Part of N 1/2 NW 1/4 NE 1/4 Section 11, Twp 10 N, Range 14
Ord. No. 131 of 1983	NW 1/4 of NW 1/4 containing 40 acres
Ord. No. 136 of 1985	NW 1/4 of NE 1/4, Section 2, Twp 10 N, Range 14 Lot 39 of Honey Hills Subdivision Part of NW 1/4 NW 1/4, Section 13, Twp 11 N, Range 14
Ord. No. 158 of 1987	Arkansas Power and Light Company easement
Ord. No. 158 of 1987	NW 1/4 SE 1/4, containing 40 acres All in Section 2, Twp 10 N, Range 14 West SE corner SW 1/4 SE 1/4 Section 2, Twp 10 N, Range 14
Ord. No. 88-173 of 1988	Lots 11 & 12 of Pine Tree Acres Subdivision
Ord. No. 88-175	SE 1/4 NW 1/4 of Section 16, Twp 11 N, Range 14

Ord. No. 89-187 of 1989	E ½ SE 1/4 of Section 22, Twp 11 N, Range 14 West
Ord. No. 89-188 of 1989	Lots 11 & 12 of Unit 1 of Pine Tree Acres Subdivision Part of NW 1/4 of Section 14, Twp 11 N, Range 14 West Part of W ½ SE 1/4, SE 1/4, Section 26, Twp 11 N, Range 14 W ½ NW 1/4 SE 1/4, Section 11, Twp 11 N, Range 14 Part NE 1/4 NE 1/4, Section 3 Twp 10 N, Range 14 West
Ord. No. 97-255	Gary St. abutting Lots 17-23 of Sim-Lock Subdivision
Ord. No. 00-283	Part of SE ¼, Sec. 2, Twp 10 N, Range 14 West Part of Lot 3, Block No. 2, New Choctaw Part of NE ¼, Sec. 2, Twp 10 N, Range 14 West Part of SE ¼ of Sec. 2, Twp 10 N, Range 14 West Part of SW ¼, Sec. 12, Twp 10 N, Range 14 West Part of NW ¼, Sec. 12, Twp 10 N, Range 14 West Part of NW ¼, Sec. 36, Twp 11 N, Range 4 West Part of SW ¼, Sec. 25, Twp 11 N, Range 14 West Part of NW ¼, Sec. 36, Twp 11 N, Range 14 West

Within the next three (3) years, after the date the annexation becomes final, the city will extend the following services to the annexed area above described:

- A. Fire Protection by the Clinton Volunteer Fire Department.
- B. Police Protection by the Clinton City Police Department.
- C. City Water System Lines to all those who are not currently on the city water system.
- D. City Water Rates to all those currently on the city water system.

The question of annexation of said lands shall be put to the qualified electors of the city, and of the area to be annexed, at a special election to be held on May 7, 1982. (Ord. No. 124, 1982.)

#### 14.16.02 Vacating

Ord. No. 97-254                      Tract #1 and Tract #2 in Exhibit A

#### 14.16.03 Rezoning

Ord. No. 97-245	From R-1 to C-1	Part of property along Hwy 65 S, .80 acres
	From R-2 to C-2	Lot, Block 19 shown in Workman Plat
Ord. No. 02-02	From R-2 to R-1	Con Agra Rd. & Hwy 65 to Hwy 95
Ord. No. 02-05	From R-1 to I-1	Part of Tract A, Lot 3 of Cannaday Subdivision
Ord. No. 02-07	Commercial	Part of W ½ of Sec. 36, Twp 11 N, Range 14 West

Ord. No. 05-6	From R-2 to R-1	SE ¼ of Sec. 10, Twp 11 N, Range 14 West SW ¼ of Sec. 10, Twp 11 N, Range 14 West SW ¼ of Sec. 3, Twp 11 N, Range 14 West All land in Sec. 10, Twp 11 N, Range 14 West SE ¼ of Sec. 10, Twp 11 N, Range 14 West NE ¼ of Sec. 10, Twp 11 N, Range 14 West SE ¼ of Sec. 10, Twp 11 N, Range 14 West Part of SW ¼ of Sec. 10, Twp 11 N, Range 14
Ord. No. 05-7	To Hwy Com.	Part of S ½ of Sec. 35, Twp 11 N, Range 14 Part of S ¼ of Sec. 14, Twp 11 N, Range 14 West Part of SE ¼ of Sec. 10, Twp 11 N, Range 14 West Part of N ½ of Sec. 10, Twp 11 N, Range 14 West SW ¼ of Sec. 10, Twp 11 N, Range 14 West NW ¼ of Sec. 10, Twp 11 N, Range 14 West
Ord. No. 2005-07	To Hwy Com.	Part of S1/2 NW ¼ E1/4, Sec. 35, Twp 11N R14N
Ord. No. 2005-11	To Hwy Com.	Part of SW1/4 NE1/4 Sec. 10, Twp 11N, R 14W
Ord. No. 2005-12	To Hwy Com.	Part of NE1/4 NW1/4 containing 5.79 acres
Ord. No. 2005-24	To Hwy Com.	Part of SE ¼ NW1/4 containing 1.36 acres
Ord. No. 2006-02	From R-1 to HC	Part of NW¼ NE¼, Sec. 2, Twp 10N, R 14W
Ord. No. 2006-06	From R to HC	95 East to Gage Chevrolet Ozark Health to Old Hwy 9 Main St., North Hwy 65 B to Hwy 95 West Main St. Hwy 65 B Old Bus Station
Ord. No. 2007-02	From Res. to HC	Part of SE ¼ SW ¼ Sec. 11, NE ¼ NW ¼ Sec. 14 Twp 11N, R. 14W
Ord. No. 2007-03	From Res. to HC	Part of SW ¼ NW 1/4 , Sec. 35, Twp. 11N, R. 14W
Ord. No. 2007-10	From Res. to HC	West side of highway 65 south East side of highway 65 south East side of highway 65 South Running North from factory road to the river
Ord. No. 2010-01	From R-3 to C-1	1098 Hwy. 95 West, Clinton, Ark.
Ord. No. 2010-02	From R-1 to C-1	Parcels: 1050-19006-0000; 1050-19008-0100; 1050-19010-0000; 1050-19010-0100; 1050-22005- 0200; 1050-22005-0300; 1050-22005-0500; 1050- 23004-0300; 1050-23010-0000; 1972-00002-0100

## TITLE 15

### SUBDIVISION REGULATIONS

Chapters:

15.04 Subdivision Ordinances

#### CHAPTER 15.04

#### SUBDIVISION ORDINANCES

Sections:

15.04.01	Purpose, authority, jurisdiction and definitions
15.04.02	Definitions
15.04.03	Procedural requirements
15.04.04	Plat requirements
15.04.05	Design standards
15.04.06	Required improvements
15.04.07	Requirements for final plat approval
15.04.08	Enforcement and penalties

15.04.01 Purpose, authority, jurisdiction and definitions

**1-1 Purpose** The purpose of these regulations is to control the development of land within the corporate limits of the city of Clinton in order to promote the public health, safety, order, convenience, prosperity and general welfare of the area. They are intended to guide development in accordance with plans to further the orderly layout and use of land; to ensure proper legal description and placement of monuments on subdivided land; to facilitate the further subdivision of large tracts into smaller tracts of land; to provide for economy of maintenance for the city and utility companies.

**1-2 Authority** The following regulations for the subdividing and developing of land are adopted in accordance with the provisions of Act 26 of the General Assembly of 1955 and Act 186 of the General Assembly of 1957.

**1-3 Jurisdiction** These regulations shall govern all development and subdivision of land within the corporate limits of the city of Clinton as are now and hereinafter set. (Ord. No. 04-0, Art. 1.)

15.04.02 Definitions Certain words in these regulations are defined for the purposes hereof as follows:

**Alley** A minor public way used primarily for vehicular service access to the back or side of property abutting a street.

**Building line** A line within the property and parallel to the property line, beyond which no structure may be built.

**City** City of Clinton, Arkansas.

**Contour intervals** Topographic map lines connecting points of equal elevations.

**County** Van Buren County, Arkansas.

**Cul-de-sac** A street having one end open to the traffic and being terminated at the other end by a vehicular turnaround.

**Dedication** land and improvements offered to the city, county or state and accepted by them for public use, control, and maintenance.

**Development plan** A drawing showing all proposed improvements to a piece of property such as streets, parking lots, buildings, drives, signs, utilities, drainage, grading, and planting by size and location.

**Easement** A grant by a property owner of the use by the public, a corporation, or person(s), of a strip of land for specific purposes.

**Improvements** Physical changes made to property to prepare it for development such as street grading, drainage structures, street surface, sidewalks, curbs and gutters, utility lines, bridges and similar items.

**Lot** A portion of a subdivision, or any other parcel of land intended as a unit of transfer of ownership or for development.

**Planning Commission** Clinton Planning Commission.

**Planning area** The city of Clinton.

**Plat** A map or chart containing information necessary to transfer, locate and survey all property indicated therein.

**Protective covenants** Developmental restrictions that run with the land, binding the lot buyer as a condition of the sale contract.

**Streets** A major public way intended for vehicular traffic and providing the principle means of access to the abutting property.

- A. **Major arterial street** Wide straight streets designed to carry fast traffic between distant parts of the planning area.
- B. **Minor arterial street** Wide streets designed to carry moderately fast traffic to and from major activity centers in the city.
- C. **Collector street** A street designed to collect traffic from several minor streets and carry it to arterial streets.
- D. **Local street** A street designed to serve abutting property.

**Subdivider/applicant/developer** Any person, individual, firm, partnership, association, corporation, estate or trust, or any other group or combination acting as a unit who may desire to develop or subdivide land within the purpose and intent of these regulations.

**Subdivision** The dividing of land into two or more lots, the recording of easements for the extension of utilities, the dedication, vacating, widening, or change of alignment of access to lots.

**Yards and setbacks** The area between buildings and lot lines unobstructed by structures and open to the sky. (Ord. No. 04-4, Art. 2.)

#### 15.04.03 Procedural requirements

### **3-1 STEP ONE**

- A. Letter of Intent Whenever an applicant intends to develop or subdivide land within the meaning of these regulations, and before a detailed plat is filed, he shall file a Letter of Intent with the secretary of the Planning Commission, indicating the type of development intended and a general description of the land to be developed.
- B. Sketch Plan At the time of submitting the Letter of Intent, the applicant shall provide a Sketch Plan of the development based on general knowledge of the property, so that the Planning Commission may determine general conformance to all official plans and regulations.



- C. Pre-Application Conference The Planning Commission shall advise the applicant, after presentation of the Letter of Intent and the Sketch Plan that he may proceed with the preparation of the plat so long as he conforms with plans currently in effect and with the plat requirement, the design and layout requirements and improvement requirements as contained herein. It will be the applicant's responsibility to notify all affected agencies outside of city government and obtain proper permits. The Letter of Intent will contain name, address and phone number of applicant.

### 3-2 STEP TWO

- A. Preliminary Construction Plat At least fifteen (15) days before the regular meeting of the Planning Commission which will consider the development proposal, the applicant shall file three (3) copies of the preliminary plat with plans and specifications, one copy of geotechnical investigation, one set of drainage calculations, other documents that may be necessary and/or requested by the city, approval documents from other jurisdictions, and review fee, with the Planning Commission. A complete review and approval will not be made until all required documents have been properly submitted. No permits will be issued and no work can be performed until the city issues a Letter of Approval.
- B. Other Jurisdictions When projects fall within the jurisdiction of other jurisdictional bodies, such as, but not limited to, the US Army corps of Engineers (COE), Arkansas Department of Environmental Quality (ADEQ), Arkansas Highway and Transportation Department (AHTD), the applicant shall submit sufficient evidence that documents have been submitted, approved and permitted by those other jurisdictions, as applicable. It is the applicants, responsibility to be certain as to whether or not other jurisdictions will require a review and approval of the proposed development. A National Pollutant Discharge Elimination System (NPDES) Permit is required by ADEQ on all projects of five (5) acres or greater in area.
- C. Minimum Drawing Requirements Plans and specifications shall be prepared, sealed and signed by a professional engineer that is currently licensed in Arkansas. The project name, drawing title, drawing number, legend, north arrow and bar scale shall be shown on each drawing as applicable. Roadway drawings shall contain plan and profile, cross-sections, erosion control, applicable details, and specifications, and shall be drawn to scale. The scale shall not exceed 1" = 100' horizontal and 1" = 10' vertical. Profile drawings shall show existing and proposed profile grade lines, and shall show the profile of drainage and cross drains. Other existing and proposed utilities shall also be plotted and noted. roadway cross-sections shall be shown at no greater than 50' station intervals and

at intersecting streets and driveways. Drawings shall include a vicinity map with project location delineated on the map.

- D. Approval of Construction Documents Upon review of the submitted documents, the city will respond to the applicant with comments that may require corrections and/or adjustments to the documents. Once all comments have been addressed, revised documents shall be re-submitted to the city to continue the review process. Once all comments have been satisfactorily addressed, the city, at its discretion, will issue a Letter of Approval, and a set of construction documents bearing a signed and dated stamp of approval which will be returned to the applicant. The city, at its discretion, may utilize the city's retained engineer for review of any or all submittals.
- E. Floodplains, Floodways and Wetlands NO draining, excavation, dredging or filling may be performed within these areas without first securing approval of the US Army Corps of Engineers (COE). Written proof of approval (404 permit) will be required, when applicable, prior to issuance of any city approvals or permits.
- F. Special Exceptions/Variations and Waivers When applicant desires to deviate from the requirements stated herein, the applicant must petition the Planning Commission for a variance or waiver, as applicable, prior to submitting final plans for review. The applicant must demonstrate sound reasoning for any deviation, and not violate any existing laws, codes or regulations of higher authorities. No deviation will be allowed without a properly issued variance or waiver, approved by the Planning Commission.
- G. Review The Planning Commission shall submit copies of the preliminary plat, with all support documents, permits, etc. to all affected city agencies, such as:

City Council  
Water and Sewer Department  
Fire Department  
City Street Department

The applicant will be responsible for providing copies to affected agencies outside of city government, such as:

School Board  
County Road Department  
State Highway Department  
Post Office

Public Utilities  
State Health Department

The plat shall be checked against the design standards, plate requirement, layout requirements and improvement requirements as contained herein.

- H. Approval After the preliminary plat has been reviewed by other agencies and against the criteria established herein, the Planning Commission shall approve the plat or disapprove it with reasons in writing. Failure of the Planning Commission to act within forty-five (45) days shall be deemed approval.
- I. Expiration of approval Preliminary plat approval shall expire within one (1) year if there is no performance of required improvements. The Planning Commission may grant a six (6) month extension of approval, provided that the applicant can show that unusual circumstances prevented them from starting the subdivision within one (1) year and that conditions in the area of development have not changed substantially.

### 3-3 STEP THREE

- A. Final plat After the applicant has installed the required improvements to the satisfaction for all inspecting agencies. They must submit the final plat to the Planning Commission for approval. At least fifteen (15) days before the regular meeting of the Planning Commission which will consider the plat, the applicant shall file seven (7) copies of the final plat with the Planning Commission.
- B. Review and approval After checking the final plat against the approved preliminary plat, the certificates of approval for installed improvements and the requirements established in 15.04.04 and 15.04.07, the Planning Commission shall approve the plat for recording with the County Recorder, or disapprove it with reasons in writing. Failure of the Planning Commission to act in forty-five (45) days after the plat is filed shall be deemed approval.

**3-4 Large lot splits** When an applicant wishes to subdivide large lots or unplatted land into lots of a size no smaller than five (5) acres that do not require the installation of utilities, dedication of streets, alleys or easements and no new public services are required, no sketch plan or preliminary plat is required. A final plat of the proposed subdivision shall be filed for the approval of the Planning Commission, subject to the procedures outlined in 15.04.03.

**3-5 Items and issued not addressed** Each individual development may be subject to its own unique developmental circumstances and require special consideration. When an item is not specifically addressed in these requirements, the Planning Commission will render its decisions and requirements which may be subject to appeal to the City Council, by the applicant, if he chooses to do so. (Ord. No. 04-4, Art. 4.)

15.04.04 Plat requirements

**4-1 Information required** Before the Planning Commission may accept plats for review and approval, the applicant shall submit the information indicated on the following schedule for the respective plats.

**PLAT INFORMATION**

	Sketch Plan	Prelim. Plat	Final Plat	Large Lot Splits
1. Name and address of subdivision, applicant, owner(s), surveyor(s)	x	x	x	x
2. Date, graphic scales, north arrow	x	x	x	x
3. Exact boundary of property with legal description. (Property reference shall be in terms of the US System of surveying public land.)		x	x	x
4. Acreage	x			
5. Space of approval of Planning Commission			x	x
6. Certification of registered engineer and surveyor			x	

**TOPOGRAPHIC INFORMATION**

1. Original topography: 2 foot contour intervals where slope is over 10%		x		
2. Location and names of all streets, highways, streams buildings, etc. within 300 ft. of property boundary	x	x	x	x
3. Location of nearest schools, playgrounds and shopping area	x			

**PROPOSALS**

1. Proposed use of all land	x	x		
2. Location and dimension of all easements, right-of-way, land to be dedicated to public use.	x	x	x	
3. Lots and blocks, including numbers, legal description and lot lines. (Lot lines shall show radii of curves, tangents, dimensions and bearings of all lines not parallel or perpendicular to lines of known bearing. Interior angles of lots may be shown in lieu of bearings and all bearings shall be referred to true north.)			x	x
4. Conformance to Master Street Plan, General Land Use Plan, and Zoning Ordinance.	x	x	x	
5. Location and descriptions of all monuments and stakes				x
6. Areas to remain unplatted	x	x	x	
7. Building setback lines		x	x	x
8. Drainage plan with proposed cuts and fills		x		
9. Location of utility lines and drainage systems	x	x		
10. Street cross-sections with improvements, as required	x	x		
11. All proposed planting or other additions other than buildings	x			

**INFORMATION TO SUPPLEMENT THE PLAT**

1. Letter of intent	x			
2. Letter of transmittal		x	x	x
3. Protective covenants		x	x	x
4. Certificates of approval of required improvements from appropriate city and state agencies			x	
5. Bill of assurance			x	

**4-2 Right of Planning Commission to have survey made** The Planning Commission may have a survey made of the subdivision to determine if said description is correct. In the event there is an error in said description, the applicant shall pay for said survey and correct the description to the satisfaction of the Planning Commission.

**4-3 Scale** Plans shall be prepared on sheet 18 x 27 inches at a scale of not more than one (1) inch equals one hundred (100) feet. (Ord. No. 04-4, Art. 4.)

#### 15.04.05 Design standards

##### **5-1 Conformance with official plans**

- A. The subdivision shall conform to all plans adopted in accordance with state statutes for municipal and joint cooperation in planning, as may be subsequently amended.
- B. The Planning Commission shall not approve the subdivision of land where it is evident from the investigations and recommendations of the public agencies concerned that the site is not suitable for development of the type proposed.
- C. The developer shall have a geotechnical consultant perform a sub-surface investigation of the proposed development. The investigation shall consist of suitable numbers of borings and/or test pits throughout the development to ascertain a reasonable understanding of sub-surface soil types, groundwater and other conditions. Each road way shall have no less than two borings, and they shall be spaced no greater than five hundred (500) feet apart along the roadway. The investigation shall contain a complete report of the findings along with plotted soil logs and recommendations for construction. Code drilling of existing pavements may be requested by the Planning Commission on a case-by-case basis.
- D. The developer shall be held responsible that the contractor be properly licensed in the state of Arkansas and maintain a qualified and competent superintendent on the work site while work is in progress. The superintendent shall have a good understanding of the construction documents, the work itself, city and regulatory requirements and have supervisory control of the work and personnel.

##### **5-2 Street design standards**

- A. Master Street Plan The character and location of all streets, including minimum width of rights-of-way, shall conform with the Master Street Plan. The Planning Commission may permit adjustments in the location of major streets due to topographical conditions and public convenience and safety.

B. Continuation of existing streets

1. For streets not indicated on the official plans, the arrangements of streets in the subdivision shall provide for the continuation or appropriate projection of existing principal streets in the surrounding area, except where topographical or other conditions make continuance or conformance to existing streets impractical.
2. The proposed street system extend existing streets at same or greater width, but not less than the required minimum width.

C. Street intersections

1. Street intersection should be, insofar as practical, at right angles, but in no case shall one street cross another at an angle less than 75 degrees.
2. Intersections of minor streets with a major street or highway shall be at least 1000 feet apart.

D. Street jogs Street jogs and centerline offsets of less than one hundred, twenty-five (125) feet shall be avoided.

E. Access on major streets

1. Curb cuts may be prohibited on major streets.
2. Curb cuts shall be prohibited within forty (40) feet of corners.
3. Curb cuts shall not be over thirty (30) feet wide.

F. Street grades (maximum)

1. Street grades, wherever topographically feasible, shall not exceed the following:

Arterials	5% maximum
Collectors	7% maximum
Local	10% maximum

2. Grades over 7% shall not extend more than three hundred (300) feet.
3. Grades on all streets shall not exceed 7% within fifty (50) feet of an intersection.

G. Street grades (minimum) No street grade shall be less than one-half of one (0.5%) percent.

H. Street widths The minimum right-of-way for streets shall be as follows:

Four-lane divided	100 ft. minimum
Four-lane undivided	80 ft. minimum
Two-lane undivided	80 ft. minimum
Collector	64 ft. minimum
Local	50 ft. minimum

I. Corners at intersections Property lines at street intersections shall rounded on a radius of twenty-five (25) feet, except that on any property or subdivision which is to be developed for highway-oriented commercial, industrial, manufacturing, bulk storage, or for mobile homes, or wherever large vehicles normally require access, property lines at street intersections shall be rounded on a radius of fifty (50) feet.

J. Half-streets Half-street shall be prohibited, except where:

1. Essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations;
2. the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

K. Dead-end streets Dead-end streets, designed to be so permanently, as in a cul-de-sac, shall not be longer than 500 feet and shall be provided at the closed end with a turn-around having an outside diameter of at least eight-(80) feet and a street/property line diameter of at least one hundred (100) feet.

L. Street dedication Every lot shall be served by a dedicated public street with a right-of-way width in conformance with requirements of the Master Street Plan and street widths enumerated herein.

M. Street names

1. No street names shall be used which duplicates or may be confused with the names of existing streets either in spelling or pronunciation.



2. Whenever existing streets are extended in line, the extension shall carry the existing street name.
- N. Design of local streets The location and alignment of local streets should be such that their use by through traffic will be discouraged.
- O. Alleys Alleys, when provided, shall:
1. be a minimum of twenty (20) ft. in width.
  2. avoid intersections and sharp changes in alignment.
  3. avoid dead-ending.

### 5-3 Easements

- A. Utilities Easements across lots or centered on rear or side lot lines shall be provided for utilities and shall be at least twelve (12) feet wide, where necessary.
- B. Surface drainage Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the boundary lines of such water course, and such further width of construction, or both, as will be adequate for the purpose. Parallel streets may be required in connection therewith. In no way shall natural drainage ways be dammed, blocked, or have their course changed without the expressed consent of the Planning Commission.

### 5-4 Blocks

- A. Shape The use of rectangular blocks, longer than wide, is encouraged in the interest of economy to the developer and to the city or the county in future maintenance of streets and other utilities.
- B. Length Block shall be not less than four hundred (400) feet nor more than one thousand four hundred (1400) feet long.
- C. Width Blocks shall be wide enough to allow two (2) tiers of lots, except where:
1. one (1) tier of lots fronts on major streets or highways, or
  2. backs on streams, steep grades, parks or on to the perimeter of a subdivision.

**5-5 Lots**

- A. Shape The shape of residential lots shall not be required to conform to any stipulated pattern. Lots should be of such shape as to best accommodate the type of house to be built in order to provide for adequate spacing between houses and to satisfy other requirements in these regulations.
- B. Use The use of lots shall conform to the provisions of all plans adopted in accordance with state statutes, as stipulated in 15.04.05 of these regulations.
- C. Size No lot intended to be used for the purpose of placing a building or structure thereon shall be less in size than the minimum required in the current Zoning Ordinance for:
  - 1. The Zoning District where the subdivision will be located.
  - 2. The General Land Use Plan, or the closest logical Zoning District, with the approval of the Planning Commission.
- D. Corner lot Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- E. Street access Each lot shall have satisfactory access to a public street.
- F. Additional area requirement The Planning Commission shall not approve any lot whose size is in conflict with minimum standards established in any plan or regulations adopted in accordance with state statutes, as stipulated in 15.04.05 herein.

**5-6 Non-residential development**

- A. Location Areas within subdivisions not intended for residential use shall be clearly identified on the plat.
- B. Uses permitted A non-residential use area shall be in conformance with all plans and regulations adopted in accordance with state statutes, as stipulated in 15.04.05 herein.
- C. Plan requirements Before a non-residential use or uses can be established in the area designated, a plan of development must be presented to the Planning Commission for approval. This plan of development shall include, but not be limited to:

1. Location and use of structure or structures on the lot or parcel.
  2. The means of ingress and egress to public streets and highways.
  3. Location and dimensions of drives and parking areas.
  4. Other improvements contemplated.
- D. Plan submission An approved plan of development is required in advance of the actual installation of the use, not prior to subdivision plat approval.

**5-7 Designs and layout guide** The Planning Commission may have available a design and layout guide for the purpose of advising developers as to good criteria for the design and layout of subdivision within the purpose and intent of the regulations.

**5-8 Special design considerations** This section is specifically included to provide guidance for development of properties which may not have access to centralized or approved community sewer facilities. Since some of the planning area is not served by sewer, the criteria set forth herein will have significant impact on subdividing and development of properties particularly for residential purposes.

The guidelines and requirements have been established by the Arkansas State Health Department.

- A. Complete and detailed plans and specifications by a registered engineer are required and they must include the following:
1. Vicinity location.
  2. Layout of properties, streets, easements, and all topographical features.
  3. Dimensions of lots, streets, easements, etc.
  4. Results of 10 foot soil borings.
  5. Location of percolation test holes.
  6. Water and sewerage facilities.
  7. Route of sewage effluent, if a sewerage system is provided.
  8. Water table.

9. Certification by the engineer that all percolation tests and soil borings were done in accordance with Arkansas State Department of Health Bulletin No. 9.
- B. If the use of a public water supply is proposed and individual septic tank-absorption field systems are to be used for sewage disposal, the following criteria is required:
1. Lot size should be a minimum of 21,780 sq. ft., but is not mandatory, in accordance with Bulletin No. 9 of the Arkansas State Department of Health.
  2. The lot width and size requirements may be varied in areas where percolation rates and subsurface conditions permit and approval of the Arkansas State Department of Health is obtained.
  3. The septic tank-absorption field system must be constructed in accordance with Bulletin No. 9 of the Arkansas State Department of Health. The above criteria also apply to building sites not located within subdivision areas. (Ord. No. 04-4, Art. 5.)

#### 15.04.06 Required improvements

**6-1 Required improvements** No final plat shall be approved by the Planning Commission until the following improvements have been installed by the applicant, subject to alternatives specified in 15.04.06, and approved by appropriate city, county and state agencies, utilities and the Planning Commission.

Prior to starting construction and at intervals of construction progress, the city shall be notified no less than twenty four (24) hours in advance for inspections. The developer and his contractor shall fully cooperate with the city by making the work accessible and visible to the inspector. The City Inspector, Street Department or Water and Sewer Department Superintendents or their designated agent shall observe all formwork for sidewalks, concrete paving, driveway aprons, curbs and gutters, drainage structures and other concrete improvements prior to placement of concrete. Forms, reinforcement and string lines must be in place and at their proper alignment and grade at the time of inspection. Water and sewer line ditch and bedding depth must be confirmed and all pressure testing completed. Under no circumstances will backfilling be accomplished until inspections are accomplished. The inspector may request proof-rolling, mix design documents, verification of grades or other tasks be performed by the contractor to demonstrate satisfactory conformance with the approved drawings and specifications. When work is found to not meet city requirements, corrections shall be made before proceeding with subsequent work.

## 6-2 Water

- A. Water mains shall be no smaller than six (6) inches in diameter, properly connected with the Clinton Water supply system, and shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic use, and fire protection.
- B. Water mains shall be installed to Clinton Water requirements and specifications. Mains must be bedded in material that has no rocks larger than ½ " in diameter, and must have at least thirty (30) inches of cover. Piping must be Class 200 to greater gasketed pipe.
- C. All water mains must be tested to a minimum of 150 psi.
- D. The location of valves and hydrants, shall be approved by Clinton Water and the Fire Chief prior to acceptance by the Planning Commission.

## 6-3 Sewer

- A. Provision shall be made for the satisfactory disposal of sewage from all lots in the subdivision.
- B. Any lot that is within three hundred (300) feet of the public water or sewer system, is required by the Arkansas Department of Health to connect to the system, if it is economically feasible. An exception would be where elevation would not allow for a gravity sewer service line to the main.
- C. When located within the service area of a public sewer system, sanitary sewers shall be installed in such a manner as to adequately serve all lots. Design and construction of the sewer lines shall:

Properly connect to the lines with the Clinton Sewer system. Sewer mains must be a minimum of 8" DCR 21 gasketed sewer pipe. Sewer mains must be bedded in concrete rock, with a maximum size of one and one-half (1 ½ ) inch diameter material, six (6) inches below pipe, and four (4) inches above pipe, a total of eighteen (18) inches of bedding. Installation of all piping must be approved by the Clinton Sewer Department. Manholes must be installed no farther than four hundred (400) feet apart.

**6-4 Sewer testing** All new sewer mains must be tested to a minimum of five (5) psi for five (5) minutes. Before backfilling a completely constructed manhole, test manhole for leakage by performing vacuum test of manhole using an approved Manhole Vacuum Tester using the following procedure:

- A. Plug pipes entering manhole. Brace each plug to prevent being drawn into manhole by vacuum. Ensure complete seal around each plug.
- B. Place test head of vacuum tester at inside top of manhole rim and inflate seal in accordance with manufacturer's recommendations.
- C. Connect vacuum pump to outlet port on test head with valve open.
- D. Draw vacuum of ten (10) inches of mercury (HG), close valve, and shut off vacuum pump.
- E. Measure time it takes for vacuum to drop to nine (9) inches Hg.
- F. A forty-eight (48) inch diameter manhole passes the test if vacuum does not drop below nine (9) inches Hg before measured time of sixty (60) seconds.
- G. If manhole fails initial test, locate leaks and make repairs using non-shrink grout or other approved quick setting material while vacuum is still being drawn.
- H. Retest using same procedure until manhole passes test.

6-5 Where lots cannot be economically connected to the public gravity sewer system, they must contain adequate area for the installation of an approved septic system, reference 15.04.05, or install an individual residential pump station.

Plans for water and sewer systems must be sent to The Arkansas Department of Health at 4815 West Markham in Little Rock, Arkansas 72205 for approval. A review fee must be attached. The fee is one (1) percent of the total cost of construction, or Fifty Dollars (\$50.00) whichever is the greater amount.

**6-6 Storm drainage** All roadway drainage improvements within a public right-of-way shall be collected and conveyed in an underground drainage system. Open roadside ditches may be permissible when a waiver is approved by the Planning Commission. The rational method shall be used for watershed areas of 0 to 200 acres and SCS method shall be used for greater than 200 acres. All drainage collection lines shall be designed for the 10 year storm, except roadway cross drains which shall be designed for the 25 year storm. Curb inlet throat opening capacity, the hydraulic grade line, and the street gutter capacities shall be shown in the engineer's computation. The minimum pipe size within any public right-of-way shall be 18" diameter and all points of discharge shall have a flared end section or headwall, and adequate rip rap protection at the discharge end. Valley gutter and trench drains within the street are discouraged but will be considered on a case by case basis. When open channel ditches are approved by the city, the ditch size shall be designed in accordance with anticipated flows. Side-slopes shall be

no steeper than 3:1, and the minimum grade shall be 2% for unpaved ditches and 1% for ditches when paved. All storm drainage improvements shall conform with AHTD guidelines and specifications. Drainage calculations shall be submitted to the city for review and approval.

#### **6-7 Acceptable pipe types**

- A. Concrete pipe – Class 3, 4 or 5.
- B. Corrugated steel – 12 gauge minimum and polymer coated.
- C. High density polyethylene – advanced drainage systems (ADS) N12, or equal.

In no case shall non-coated steel or asphalt coated steel pipe be allowed.

Pipe classification and/or gauge shall also be selected based on depth of cover and anticipated loads. Bedding and backfilling of storm drainage shall conform with manufacturer's recommendations and AHTD guidelines and specifications. Trench backfill shall be compacted in no greater than 6" loose lifts and to no less than 95% modified proctor – ASTM D 1557.

**6-7 Individual lot – culvert size** Driveway location and culvert installation will not be required on individual lots in residential zones until the lot has been sold and building placement determined. The minimum pipe size will be eighteen (18) inches in diameter and twenty (20) feet in length, laid on the same 1% grade as paved ditches.

**6-8 Storm drainage structures** Curb inlets, surface inlets, yard inlets, junction boxes and other drainage structures may be circular, square or rectangular in configuration. Circular structures do not require reinforcement within the walls and floor, however reinforcement is required in the top of the structure. Square and rectangular boxes require reinforcement in the floor, walls and the top. Where throat openings span more than four feet horizontally, construct 4" diameter stools at such spacing so as to not exceed a 4' stool supported span. Stools shall be concrete filled PVC and securely anchored to the structure. Curb inlet throat openings shall be constructed such that their danger to pedestrians is minimized. Rings, covers, grates and other castings that are constructed within the roadway shall be bicycle safe. Box culverts shall be fully reinforced concrete, minimum 4000 PSE (28 day) and designed for H-20 loading. Either cast-in-place or pre-cast culverts are acceptable when in conformance with AHTD guidelines and specifications. End treatments (headwalls and wingwalls) shall be provided on all box culverts.

**6-9 Stormwater detention storage** There are no provisions for stormwater detention at this time. However, when the city determines that a new development will generate excessive increased runoff that in the opinion of the city, may potentially cause damage to downstream properties, the city may, at its discretion, require a Stormwater Detention System. Applicants must have an ADEQ stormwater permit if required.

**6-10 Monuments** Concrete monuments four (4) in diameter (or four (4) inches square) and thirty-six (36) inches long, with four (4) one-quarter (1/4 ) inch metal reinforcing rods the length of the monument, or of similar construction acceptable to the Planning Commission, shall be placed, with the top flush to the ground, at all points of intersection of the boundary of the subdivision and at one corner of intersecting streets within the subdivision. The location of all monuments shall be shown on the final plat.

**6-11 Corner stakes** All lot corners shall be marked with iron stakes, not less than three-quarter (3/4) inches in diameter and twenty-four (24) inches long and driven to be flush with the finished grade.

**6-12 Excavations and trenching** Excavation and/or trenching shall not be performed prior to obtaining a permit. Contractor shall, in accordance with state law, notify Arkansas-One-Call for location of existing utilities prior to making any excavations. All excavations and trenching shall be performed in accordance with occupational safety and health administration (OSHA) safety guidelines, 29 CFR 1926. The use of sheeting, shoring, trench boxes and other safety features must be implemented when applicable. Where children or other pedestrian traffic may be in the vicinity of an excavation, safety fencing and other safety features shall be installed for their protection. Where excavations are made in public rights-of-way, securely install steel plating, warning signs and barricades for the period that workmen are not present, and when otherwise needed. Where hillside cuts exceed fifteen feet (15') vertically, benching must be provided at not greater than every fifteen feet (15') vertically. The city, at its discretion, may require a safety fence or other barrier at the top of steep embankments. Implement proper erosion controls at all areas disturbed by excavations and/or trenching, seed and mulch or provide other acceptable means of permanent erosion control.

**6-13 Scarifying, compacting, subgrade stabilization, and roadway fill** Roadway subgrades shall be scarified no less than eight inches (8") and proof rolled to reveal soft and/or unstable soils. Proof rolling shall be performed with no less than a 20,000 pound fully loaded tandem axle dump truck or similar equipment, and shall be performed in the presence of a city inspector. Where soft soils are encountered, perform undercutting and replacement, or other means of stabilization as recommended by the geotechnical consultant. Subgrades and fills located underneath any pavements, curbs, and gutters and other structures shall be compacted in no greater than eight inch (8") loose lifts and attain no less than 95% modified proctor density – ASTM D 1557. Utilize no less than a 20,000 pound roller compactor with the proper type (sheepsfoot, smooth, vibratory, wobble wheel) roller drum, and water as necessary to attain optimum moisture content as recommended by the geotechnical consultant. Fill material shall be select material, free of substantial organic matter and fat clays. Suitable materials for fill are as follows:

- A. Unified soils classification type SC
- B. Unified soils classification type GC



- C. Sandy clay, clayey sand, or clayey gravel soils having a liquid limit less than forty (40) when tested in accordance with ASTM D423.
- D. Other materials that meet the approval of the geotechnical consultant, project engineer and the city.

Sub-drainage will be reviewed on a case-by-case basis. Sub-drainage shall be constructed in accordance with AHTD details and specifications when applicable.

**6-14 Street paving** Streets shall be paved by the developer to the widths and standards specified and adopted by the city of Clinton.

Once the requirements of 6-13 are complete and before the base course is put down, the developer must insure that all utilities that must be laid under the street are in place at proper spacing and depth, or empty pipe sleeves may be installed. All utilities should be installed in lot easements when possible and not in street right-of-ways.

- A. Base course Base course shall be Class 7 aggregate material as defined by the Arkansas Highway and Transportation Department (AHTD) or an alternate material approved by the city or city's engineer. The base course shall be graded and watered without segregating the fine material from the larger aggregate and compacted to 100% modified proctor dry density (ASEM D 1557). The minimum allowable thickness shall be eight inches (8"), compacted. The base course shall be relatively clean, dry and successfully tested and inspected before the prime coat is applied.
- B. Prime coat Apply bituminous prime coat to relatively dry aggregate base course at the rate of 0.3 to 0.4 gallons per sq. yard. Use medium curing liquid asphalt, MC-30, or approved equal, meeting AHTD specifications.
- C. Asphalt binder course Type 2 asphalt concrete hot mix binder as described in AHTD specifications. Asphalt shall not be laid if its ambient temperature is less than 250 des. F. AHTD specifications shall apply to material, construction and quality control procedures.
- D. Tack coat Apply bituminous tack coat to binder asphalt course at the rate of 0.03 to 0.10 gallons per square yard. Use rapid curing cut-back asphalt or emulsified asphalt meeting AHTD specifications.
- E. Asphalt surface course Type 2 asphalt concrete hot mix surface as described in AHTD specifications shall apply to material, construction and quality control procedures. Areas that pond  $\frac{1}{4}$  " or more water or that otherwise do not drain properly will be rejected and shall be removed full depth and properly replaced.

- F. Concrete streets Concrete streets shall be designed by a professional engineer licensed in the state of Arkansas. They must meet the design and construction requirements of AHTD.

**6-15 Curbs and gutters** Concrete curb and gutter shall be required along both sides of all proposed roadways. The subgrade underneath the curb and gutter shall be compacted to no less than 95% modified proctor – ASTM D 1557. Density testing underneath curbs and gutters may be required and shall be performed at the city's discretion. The overall dimensions of the curb shall be 24" wide and 12" height, with the face of curb being 4" height and gutter portion being 18" in width. Face of curb shall be rounded to approximately 1" radius. concrete shall be 3,000 PSE (28 Day) Portland cement concrete with a light broom finish. Construct ½ " elastic water proof premolded expansion joint fillers at no greater than 60' intervals, at curb returns and at intersections with other abutting structures. Concrete shall be consolidated using a mechanical vibrator. contraction joints shall be placed at 10' intervals. The gutter profile shall be no less than 0.50% and preferably 1.00% or greater. Open shoulders (without curb and gutter) are not allowed, except by approved variance or waiver.

**6-16 Sidewalks and handicap ramps** The requirement for sidewalks will be determined by the Master Street Plan, or on a case-by-case basis at the discretion of the Planning Commission. Sidewalks, when required, shall be located adjacent to the right-of-way line, and inside the city right-of-way. Sidewalks shall be no less than 4' wide and 4" thick, non-reinforced, 3,000 PSE (28 Day) Portland cement concrete with a light broom finish. The subgrade underneath the sidewalk shall be compacted to no less than 95% modified proctor – ASTM D1557. Construct ½ " premolded expansion joint fillers at no greater than 28' intervals, at intersections with curbs, other sidewalks, and at intersections with other abutting structures. also place expansion joints where pour is stopped when other than at a scheduled expansion joint. Expansion joints shall be sealed. Cut control joints at 4' intervals, ½ "depth with a jointing tool having a ¼ " radius on each side. All sidewalks shall conform to the Americans with Disabilities Act (ADA). Cross slopes shall not in any case exceed 2%, and sidewalk profile shall not exceed 1:12, or 1:20 with landing, all in accordance with ADA requirements. Steps in public right-of-way are normally not allowed and considered on a case-by-case basis.

Handicap ramps shall be no less than 4' wide (excluding sloping side wings) and to the same thickness and concrete specifications as sidewalks. In addition, they will receive a light broom finish and shall have sawcut grooves or joints troweled into the surface at 4" center to center and running perpendicular to the walkway, and the profile slope shall not exceed 1:12 (one inch in 12" of run). Ramps shall be positioned to direct the pedestrian in a direction that is perpendicular to the traffic.

**6-17 Temporary and permanent erosion control** Developers are required to provide a temporary erosion control plan as part of their submitted construction documents. The plan shall be designed to deter the migration of silts and sediment into adjacent properties, into the city's

drainage system, and into the waters of the state. The use of silt fencing, hay bales, rock check dams and other erosion control devices, as may be applicable, shall be implemented immediately, which normally would follow clearing operations, and prior to excavating. Erosion control devices must be cleaned and maintained periodically for the duration of the project or until permanent erosion control features have been fully constructed, and have become functional. Permanent erosion control features may include hydorseeding, seeding, mulching, sodding, rock ditch checks and rip rap among other options. In addition, all disturbed areas shall receive no less than four (4) inches select topsoil and be seeded and mulched in accordance with AHTD specifications.

**6-18 Clearing and burning or disposal** Clearing shall not be performed prior to obtaining a permit. Burning may or may not be allowed within the city, and will be determined based on location, amount and type of material to be burned, meteorological conditions and proper procurement of permitting. Whenever a burn ban is in effect, no burning will be allowed under any circumstances. When burning is permitted, only organic materials may be burned and shall be performed under the continual care of a competent watchperson with adequate means to control the spreading of fire. In no case shall burning cause smoke to obscure the vision of any motorists on public roadways or be allowed to saturate inhabited areas, or otherwise become a nuisance to the public. When trees, debris and other materials are disposed of at an off-site location, the developer shall obtain written approval from the disposal site owner, and the disposal site shall be a legally operated facility.

**6-19 Guarantees in lieu of improvements** The city of Clinton has no provision for accepting surety bonds or cash in lieu of required improvements. All improvements must be installed before the development is accepted by the city.

**6-20 Improvements standards by areas** The Planning Commission is authorized to establish different improvement standards for different areas based upon zones established in the Zoning Ordinance so long as the improvement standards are uniform throughout each zone.

**6-21 Reservations** For a period of twelve (12) months after the filing of the letter of intent by the applicant, the Planning Commission may require the applicant to reserve sites for public use indicated on a plat adopted in accordance with statutes to permit the Public Board, Commission or body having jurisdiction or financial responsibility, the opportunity to acquire said sites either through purchase, taking of option, or filing of condemnation proceedings under the power of eminent domain. (Ord. No. 04-4, Art. 6.)

#### 15.04.07 Requirements for final plat approval

**7-1 Requirements** The Planning Commission shall require the following of the developer for final plat approval.

- A. Preparation of the official plat The official plat, or map, suitable for filing shall contain all data required by the provisions of section 4-1 herein.
- B. Completion notification by contractor When the contractor considers the work to be substantially complete, he shall notify the project engineer and the city to arrange for a final inspection. Notification shall be no less than 48 hours prior to the inspection meeting.
- C. Final inspection the final inspection shall include the project engineer, contractor's superintendent and the Planning Commission's official and inspectors, in cooperation with the county that shall be responsible for certifying proper installation of required improvements. Those in attendance shall review the approved plans and specifications, walk the site and make note of any items that are not in conformance, missing, incomplete, damaged or otherwise needs attention to finalize the project. The project engineer shall prepare a punch list and submit to the city for review prior to its distribution.

**7-2 Formal acceptance by the city** Upon completion of the work, including satisfactory corrective work as described in the punch list, the city will issue a letter of acceptance to the developer accepting the improvements, contingent upon receipt of the following:

- A. One year maintenance bond Upon completion of the work the developer shall deliver to the city a maintenance bond in the amount of 100% of the actual cost of all street, drainage and other public improvements. The bond shall be made payable to the city of Clinton and its date shall coincide with the date on the letter of acceptance and run for a term of one year thereafter. In the event the developer shall fail, neglect or refuse to make corrections to the defective work, the bond will be used to hire a contractor to make the corrections and to pay for the city's costs associated with the corrective work Refer to 7-3 below.
- B. Executed release of liens Upon completion of the work and prior to issuance of the letter of acceptance, the developer shall provide a signed and dated letter stating that all materials, labor, taxes, and other costs and claims associated with the project have been paid in full.
- C. As-constructed record drawings – Refer to 3-2.
- D. Copies of all testing result reports.
- E. Operations and maintenance data as may be required.

**7-3 Correction of defective work or materials** The developer will be held responsible for performing corrective work to faulty materials and/or workmanship during the one year maintenance bond warranty period. The developer, when notified of a defect or other warranty issue shall respond in a timely manner, and perform the corrective work at no cost to the city.

**7-4 One year inspection and release of maintenance bond** Within thirty (30) days prior to the expiration of the one year maintenance bond, the city shall inspect the project for any deficiencies and notify the developer for corrective action, should any be discovered.

At the end of the one year maintenance bond warranty period, the city shall return the bond, in full, to the developer, providing it was not necessary that the bond be used for an independent contractor, or for the city to perform corrective work. The city will not hire an independent contractor and/or utilize the bond exception the case of an emergency or when the developer fails, refuses or neglects to respond and/or complete any corrective work in a timely manner, in which case any unused portion of the bond will be returned.

#### **7-5 Bill of Assurance**

- A. The developer shall submit for the approval of the Planning Commission a Bill of Assurance including but not limited to the following:
  - 1. Dedication of streets and alleys, parks, and other lands for public use.
  - 2. Establishment of easements.
  - 3. A provision that the platting as filed for record cannot be changed unless vacated or further subdivided.
- B. The developer shall be required to file with the County Recorder the Bill of Assurance as approved by the Planning Commission at the same time the official plat is filed for record. (Ord. No. 04-4, Art. 7.)

#### 15.04.08 Enforcement and penalties

**8-1 Enforcement** After the effective date of these subdivision regulations:

- A. No plat shall be accepted by the County Recorder for record unless approved by the Planning Commission.
- B. No utility (public or privately owned) shall extend its facilities to service an area unless one of the following applies:

1. The extension is to an area where a subdivision plat of record existed prior to the effective date of these regulations.
  2. The extension is to an area where a plat of record has been approved by the Planning Commission.
  3. Installation of utilities is required before the plat can receive approval for filing for record. In this event, the Planning Commission will grant the utilities permission to extend facilities in accordance with specified plans.
  4. The extension of utilities is along a public way in existence and use at the time of the effective date of these regulations, but the extension is not in a depth of greater than 200 feet from the public way.
- C. The provisions of these regulations shall be administered and enforced by the Enforcement Officer, who shall be nominated by the Planning Commission and approved by the City Council. He may be provided with the assistance of such other persons as the City Council may direct.

**8-2 Penalties** Any person or corporation who shall violate any of the provisions of these regulations or fail to comply with any order therewith or with any of the requirements thereof, shall be guilty of a misdemeanor and be punishable by a fine of not more than One Hundred Dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner of owners of any property or premises or part thereof where anything in violation of these regulations shall be placed, or shall exist, and any engineer, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as herein provided. (Ord. No. 04-4, Art. 8.)







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