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June 22, 1998

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MUNICIPAL CODE

A CODE OF THE GENERAL ORDINANCES OF THE CITY OF BEEBE, ARKANSAS

Date of Incorporation

Prepared with
assistance of the

ARKANSAS MUNICIPAL LEAGUE

P.O. Box 38

2nd and Willow

North Little Rock, Arkansas 72115

Telephone: 374-3484

Beebe's Municipal Officials

At The Time Of This Code's Preparation

Mayor	Mike Robertson	
Clerk/Treasurer	Rebecca Short	
City Attorney	Richard B. Berry	
Municipal Judge	Thomas Hughes	
Court Clerk	Ruby Baker	
Police Chief	Hal Britt, Jr.	
Fire Chief	Doug Kennedy	
Water Superintendent	Dwight Oxner	
Sewer Superintendent	Delbert Greer	
Health Officer	Dr. Harold Short	
Code Enforcement Officer	Leonard E. Fort, Sr.	
Aldermen	Linda Anthony	Janet Rogers
	Bobby Robinson	Donald Ward
	Rick Jackson	Lou LaVelle

ORDINANCE NO.

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

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

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

Section 2. That all provisions of such code shall be in full force and effect from and after the _____ day of _____. All ordinances of a general and permanent nature not included in such code are hereby repealed from and after the _____ day of _____, except as herein provided. No resolution of the city, not specifically mentioned, is hereby repealed.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:

- (1) 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;
- (2) 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;
- (3) Any contract or obligation assumed by the city;
- (4) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the city;
- (5) Any appropriation ordinance;
- (6) Any ordinance which, by its own terms, is effective only for a stated or limited time;

- (7) Any ordinance providing for local improvements and assessing taxes therefor;
- (8) Any ordinance dedicating or accepting any subdivision plat; or
- (9) Any ordinance enacted after _____.

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 Beebe Municipal Code shall be understood and intended to include such additions and amendments.

Section 6. That in case of the amendment of any section of such code for which a penalty is not provided, the general penalty as provided in Section 1.32.01 of such code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 7. That three copies of such code shall be kept on file in the office of the City Clerk preserved in looseleaf form or in such other form as the City Council may consider most expedient. It shall be the express duty of the City Clerk, or someone authorized by the City Clerk, 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 Beebe to be misinterpreted thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.

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

Section 10. It is hereby found that many of the ordinances of the City of Beebe are not easily accessible to citizens and municipal officials and thereby has rendered it difficult for many persons to determine the actual laws in effect; and that the city has made unusual efforts to have

the laws of the City of Beebe adopted and published. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the immediate preservations of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

Approved and passed this _____ day of _____.

Mayor

(SEAL)

ATTEST:

Clerk/Treasurer/Recorder

LEGAL NOTICE

Notice is hereby given that the City of Beebe, Arkansas, is planning to adopt the Beebe Municipal Code for the City of Beebe, Arkansas.

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

MAYOR

P R E F A C E

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

**ARKANSAS MUNICIPAL LEAGUE
CODE SERVICE**

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TITLE 1

GENERAL PROVISIONS

Chapters:

- 1.04 How Code Designated and Cited
- 1.08 Rules of Construction
- 1.12 Subheadings of Sections
- 1.16 Effect of Repeal of Ordinances
- 1.20 Severability of Parts of Code
- 1.24 Amendments to Code
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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 “Beebe 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 Beebe, 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 Beebe, Arkansas.

COUNTY. The words "**the county**" or "**this county**" shall mean the county of White, 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 Beebe, 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 Beebe, 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 Beebe, 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 Beebe, Arkansas, that the titles, chapters, sections, paragraphs, sentences, clauses, and phrases of this code are severable, and if any phrase, clause, sentence, paragraph, chapter, title or section of this code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, chapters, titles and sections of this code.

CHAPTER 1.24

AMENDMENTS TO CODE

Sections:

1.24.02 Amendments to code

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

Amendment to any of the provisions of this code may be made by amending such provisions by specific reference to the section number of this code in the following language: "That section _____ of the Beebe 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 Beebe Municipal Code is hereby amended by adding a section (or title or chapter) to be numbered _____, which said section (or title or chapter) reads as follows: . . ." The new provisions may then be set out in full.

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

CHAPTER 1.28

ALTERING CODE

Sections:

1.28.01 Altering code

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

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
- 1.36.05 Election Petitions

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 within thirty (30) days after passage of such ordinance or resolution. (Ord. No. 249, Sec. 1.)

1.36.02 Notice of hearing. Upon the filing of said referendum petition, the Mayor is hereby directed to give notice by publication for one insertion in a newspaper having a general circulation in the city of Beebe and by posting in five (5) public places in the city of Beebe 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 City Council shall meet and hear all who wish to be heard on the question, and its decision shall be final unless suit is brought in the Chancery Court of White County within thirty (30) days to review its action. (Ord. No. 249, Sec. 2.)

1.36.03 City Council calls election. If the City Council of the City of Beebe, Arkansas, finds that such petition is signed by the requisite number of petitioners, it shall order a special election to determine by 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 publish a notice of the call of such election in not less than one issue of a newspaper having a general circulation in the City of Beebe and posting in five (5) public places in the City of Beebe 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. 249, Sec. 3.)

1.36.04 Upon defeat of ordinance. If any ordinance or resolution referred to the people is defeated at the polls, the City Council of the city of Beebe, Arkansas, shall make a note of such fact and shall expunge such ordinance or resolution from its files by erasing the same with red ink. (Ord. No. 249, Sec. 4.)

1.36.05 Election Petitions The City Council of the City of Beebe does hereby require that independent candidates for municipal offices in said City be required to file petitions for nomination as independent candidates with the County Clerk no earlier than twenty (20) days prior to the Preferential Primary Election and no later than noon on the day prior to the Preferential Primary Election. (Ord. No. 2018-03, Sec. 1.)

TITLE 2

CLASSIFICATION, ADMINISTRATION

AND PERSONNEL

Chapters:

- 2.04 City Classification
- 2.08 City and Ward Boundaries
- 2.12 Social Security Coverage and Health Insurance
- 2.16 Unclaimed Property
- 2.20 City Council
- 2.24 Mayor
- 2.28 Clerk/Treasurer
- 2.32 City Attorney
- 2.36 Fire Department
- 2.40 Police Department
- 2.44 District Court
- 2.48 Personnel Policies
- 2.52 Airport Commission
- 2.56 Administrative Assistant
- 2.60 Economic Development Program
- 2.64 Deferred Compensation Plan
- 2.68 Drug Testing Procedure
- 2.72 Councilmembers

CHAPTER 2.04

CITY CLASSIFICATION

Sections:

- 2.04.01 Operation as first class city

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

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

CHAPTER 2.08

CITY AND WARD BOUNDARIES

Sections:

2.08.01 Map of city

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

CHAPTER 2.12

SOCIAL SECURITY COVERAGE AND HEALTH INSURANCE

Sections:

2.12.01 Contract

2.12.02 Withholding taxes from wages

2.12.03 City to match withholding

2.12.04 Health insurance

2.12.01 Contract. The City Clerk of the city of Beebe, Arkansas is hereby authorized and directed to enter into a compact with the authorized State Agency to extend Social Security coverage to the officers and employees of the city of Beebe, Arkansas; except the employees of the Fire Department, elected Board of Aldermen or City Council, and part-time employees. (Ord. No. 226, Sec. 1.)

2.12.02 Withholding taxes from wages The City Clerk of the city of Beebe, Arkansas is further authorized and directed to deduct and withhold Social Security taxes or payments from wages and salaries of the officials and employees of the city of Beebe, Arkansas; except no deductions shall be made from those officials and employees that are not covered by Social Security. (Ord. No. 226, Sec. 2.)

2.12.03 City to match withholding The City Clerk is further authorized and directed to match the amount withheld from the officers and employees with an equal amount from the general fund of the city of Beebe, Arkansas and remit the total and necessary amount to the authorized state agency, for further remittance to the Federal Security Administrator. (Ord. No. 226, Sec. 3.)

2.12.04 Health insurance

- A. All persons hired by the city of Beebe, Arkansas, after this date (Feb. 28, 2005) shall be provided health insurance at the city's expense for the employee only. Any premiums for additional coverage requested by the employee for additional family members shall be paid by the employee.
- B. This ordinance shall not affect the benefits of any current employee of the city of Beebe. (Ord. No. 05-2, Sec. 1-2.)

CHAPTER 2.16

UNCLAIMED PROPERTY

Sections:

- 2.16.01 Disposal
- 2.16.02 Police Chief may dispose of property
- 2.16.03 Public auction
- 2.16.04 Proceeds of sale
- 2.16.05 Records

2.16.01 Disposal. Any and all items of personal property which shall be left, lost or abandoned within the city limits, and which shall lawfully come into the possession of the police department of the city, shall be disposed of as hereinafter set forth. (Ord. No. 93-15, Sec. 1.)

2.16.02 Police Chief may dispose of property The Police Chief 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 property confiscated under the orders of the municipal court, with the following exceptions:

- A. alcoholic beverages, which is regulated by A.C.A. 3-31-311, et seq.; and
- B. vehicles, which is regulated by A.C.A. 27-50-1101 et seq.; and
- C. contraband which is regulated by A.C.C. 5-5-101 et seq.
(Ord. No. 93-15, Sec. 2.)

2.16.03 Public auction All such personal property will be held by the Police Chief for at least six (6) weeks, and if such property remains unclaimed after such period, it will be sold at public auction to the highest bidder for cash. Such sales shall be conducted by the Police Chief at least once, but no more than twice, each year, as follows:

- A. the sale shall be advertised in a newspaper of general circulation within the county, once each week for three (3) consecutive weeks;
- B. the notice of sale shall contain a complete description and list of articles to be sold, and state the time and place of the sale;
- C. the sale shall be held no earlier than five (5) days after the last publication of the notice nor later than ten (10) days thereafter;
- D. the time of the sale shall be between the hours of 10:00 a.m. and 3:00 p.m. on any weekday except Sunday;

- E. the place of the sale shall be within the city limits and shall be easily accessible to the public.

Provided, however, that nothing contained in this section shall be construed as prohibiting anyone from reclaiming any item of personal property, upon proper proof of ownership, before the sale of such item has been effected. (Ord. No. 93-15, Sec. 3.)

2.16.04 Proceeds of sale The proceeds of any sale conducted under the provisions herein shall be deposited in the city treasury in a special provisions herein shall be deposited in the city treasury in a special account for a period of sixty (60) days, during which time any person who successfully establishes ownership of any of the articles sold shall be paid the amount realized from the sale of such chattel less the pro rata expenses of such sale (e.g., cost of publication of notice of sale, storage, handling, etc.). Any sums remaining in the special account and not successfully claimed within the sixty (60) day period, shall be transferred to the city's general fund and no payment shall be made therefrom to anyone who thereafter claims ownership. (Ord. No. 93-15, Sec. 4.)

2.16.05 Records The Police Chief or some person designated by him shall keep an accurate written record and description of each piece of property passing through the police department, and, if such property is sold as provided for herein, such record shall include 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 or after it was sold. (Ord. No. 93-15, Sec. 5.)

CHAPTER 2.20

CITY COUNCIL

Sections:

- | | |
|---------|----------------------------------|
| 2.20.01 | Council meetings - regular |
| 2.20.02 | Council meetings - special |
| 2.20.03 | Freedom of information procedure |
| 2.20.04 | Order of business |

2.20.01 Council meetings - regular. All regular meetings of the Council shall be held at the municipal building on the _____ of each month.

2.20.02 Council meetings - special. Special meetings of the City Council of the city of Beebe, Arkansas, may be held upon the call of the Mayor, whenever in his opinion it shall be necessary, or by three (3) members of the Council by giving at least two (2) hours' notice.

2.20.03 Freedom of information procedure. All meetings of the City Council of the City of Beebe, Arkansas, shall be public meetings. Notice of the time, place and date of all special meetings shall be given to representatives of the newspapers and radio stations located in White County, Arkansas, which have requested to be notified at least two (2) hours before the special meeting takes place.

2.20.04 Order of business. At all meetings of the Council the following shall be the order of business unless the Council by a majority vote shall order otherwise.

1. Call to order
2. Roll call
3. Reading of minutes of the previous meeting
4. Reports of boards and standing committees
5. Reports of special committees
6. Unfinished business
7. New business
8. Announcements
9. Adjournment

CHAPTER 2.24

MAYOR

Sections:

- | | |
|---------|------------------|
| 2.24.01 | Office created |
| 2.24.02 | Election |
| 2.24.03 | Duties |
| 2.24.04 | Hiring procedure |
| 2.24.05 | Salary |
| 2.24.06 | Retirement fund |

2.24.01 Office created The office of Mayor is hereby created for the city of Beebe, 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 Beebe, 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 Beebe, Arkansas, and shall perform such duties as may be required of him by state statute or city ordinance.

2.24.04 Hiring procedure

- A. All Department Heads shall be hired and appointed by the Mayor.
- B. All applications for employment shall be received and reviewed by the appropriate Department Head. Department Heads shall submit their recommendations to the Beebe City Council for approval. (Ord. No. 2007-6, Secs. 1-2.)

2.24.05 Salary Effective immediately upon adoption of Ordinance 2020-01 the compensation for the elected City Mayor of the City of Beebe is hereby set at \$60,000.00 per year, plus full health benefits currently included for the Elected City Mayor, his/her spouse, and his/her dependents. (Ord. No. 2020-17, Sec. 2)

2.24.06 Retirement fund

- A. The Mayor of the city of Beebe, Arkansas is hereby entitled to an additional payment equal to 10% of his salary to be paid as directed by the Mayor into an account which qualifies as a retirement vehicle each pay period or not less than once per month or as otherwise directed by the Mayor.
- B. As the Mayor has never received city-approved retirement benefits for the position of Mayor, the arrearage of \$10,221.00 is established. This amount considers:
 - 10% of salary in 1999 or \$21,000.00
 - 10% of salary in 2000 of \$21,420.00
 - 10% of salary in 2001 of \$22,420.00
 - 10% of salary in 2002 of \$22,420.00
 - 10% of salary in 2003 from January to August of \$14,947.00
 (Ord. No. 2003-14, Secs. 1-2.)
- C. Ord. No. 2003-14 is hereby amended to require only a reasonable time limit to provide funding for the Mayor's retirement account. (Ord. No. 2003-20, Sec. 1.)

CHAPTER 2.28

CLERK/TREASURER

Sections:

2.28.01	Offices combined
2.28.02	Compensation
2.28.03	Duties
2.28.04	Collector
2.28.05	Depository Board created
2.28.06	Department funds
2..28.07	Assistant

2.28.01 Offices combined The offices of Clerk and Treasurer are hereby combined into one office to be known as the Clerk/Treasurer.

2.28.02 Compensation The salary of the Clerk/Treasurer shall be set by the City Council.

STATE LAW REFERENCE - Constitutional Amendment No. 56

2.28.03 Duties The duties of the Clerk/Treasurer shall be:

1. To keep an accurate and complete record of the finances of the different departments of the city and of the receipts and disbursements of funds belonging to the different departments of the city, as designated by the City Council.
2. To perform such other duties as may be required by the ordinances of the city or laws of the State.

2.28.04 Collector. The Clerk/Treasurer shall be the collector of all occupational and privilege taxes and other taxes for the city. The Clerk/Treasurer shall keep records on all occupational and other taxes and moneys collected.

2.28.05 Depository Board created A depository board for the city of Beebe is hereby created. The members of the board shall be the Mayor and City Clerk. The board shall meet annually and at such other times as it deems necessary to designate depositories and supervision of depositing of municipal funds. (Ord. No. 92-10, Secs. 1-3.)

2.28.06 Department funds

- A. All funds received by a department of the city of Beebe shall be immediately upon receipt deposited with the City Treasurer.
- B. The City Treasurer shall pay these funds out on order of the City Council, either upon annual appropriation or special order or as otherwise lawfully allowed. If these special funds are to be used for some designated purpose(s) the City Council or Treasurer shall consider these purposes when paying out the funds. (Ord. No. 99-09, Secs. 1-2.)

2.28.07 Assistant

- A. A full time position of assistant to the Clerk/Treasurer of the city of Beebe, Arkansas, is hereby established. Said position shall report directly to and be under the exclusive and direct supervision and control of the Clerk/Treasurer of the city of Beebe. The Assistant's duties shall be as assigned by the Clerk/Treasurer.
- B. Ord. No. 04-3 establishing a position of Secretary to the Mayor is hereby repealed. (Ord. No. 05-3, Sec. 1-2.)

CHAPTER 2.32

CITY ATTORNEY

Sections:

2.32.01	Appointment
2.32.02	Vacancy
2.32.03	Duties
2.32.04	Hiring professional services
2.32.05	Compensation
2.32.06	Retirement

2.32.01 Appointment A City Attorney for the city of Beebe, Arkansas, shall be elected on the Tuesday following the first Monday in November. This office shall be for a term of four years and began with the election year 1974. (Ord. No. 297-R-B, Sec. 1.)

2.32.02 Vacancy In the event that the elective office of City Attorney for any reason becomes vacant, the City Council of the city of Beebe shall appoint a City Attorney. The appointed City Attorney shall hold this position for a term of two years or until a new City Attorney is elected, which ever occurs first. The appointed City Attorney shall hold his office and is subject to removal for cause only. (Ord. No. 197-R-B, Sec. 2.)

2.32.03 Duties The City Attorney is the general legal counsel to and on behalf of the city and its officials. The responsibilities of the City Attorney are general in nature; however, the following duties are specifically within the purview of the City Attorney's duties:

- A. Represent the city and plaintiff/affiants in all litigation where venue lies in the Beebe District Court including criminal and civil matters and any appeal to the White County Circuit Court arising therefrom;
- B. Attend regular and special City Council meetings where issues demand;
- C. Be reasonably available to discuss and advice relevant city matters with the officials and staff of the city including reasonable inquiry from the citizenry;
- D. Review each applicant and perform a pre-employment investigation to such extent the City Attorney believes necessary to ensure compatibility and compliance with the expectations of the city of Beebe and make recommendations to the department head as circumstance presents. No person may be hired absent review or waiver by City Council although a negative recommendation may not supersede the authority of the City Council;

- E. Research, advise and prepare all legislation coming before the City Council;
- F. Research, advise and litigate matters expecting to go before the Arkansas Supreme Court and/or the Arkansas Court of Appeals, provided, however, that such litigation is not subject to agreement or contract with the Arkansas Municipal League to act as counsel or by agreement with the City Attorney to act as co-counsel with the League. (Ord. No. 2003-10, Sec. 3.)

2.32.04 Hiring professional services Hiring of professional services for any litigation not specifically enumerated and detailed in Section 3 above shall follow the requirements of A.C.A. 19-11-801 et. seq. pertaining to employment of professional services. (Ord. No. 97-08, Sec. 4.)

2.32.05 Compensation Effective May 18, 2015, the compensation for the elected City Attorney of the City of Beebe, Arkansas is hereby set at \$40,000.00 per year, plus full health insurance benefits for the elected City Attorney, his/her spouse, and his/her dependents. Should the elective office of City Attorney become vacant and an appointed City Attorney serve as City Attorney of the City of Beebe an appointed City Attorney's compensation shall be set by resolution of the City Council. (Ord. No. 2015-4, Sec. 2.)

2.32.06 Retirement As the current City Attorney has never received city-approved retirement benefits for the position, the arrearage of \$ 0 is established and will be paid within forty-five days of enactment of this legislation into an approved retirement system or as directed by the beneficiary. Future benefits will be in accordance with the provisions of the Beebe Municipal Code or as directed by the beneficiary. (Ord. No. 2003-10, Sec. 2.)

CHAPTER 2.36

FIRE DEPARTMENT

Sections:

- 2.36.01 Creation and personnel
- 2.36.02 Rules and regulations
- 2.36.03 Appointment and removal of Fire Chief
- 2.36.04 Duties of Fire Chief
- 2.36.05 Registration of volunteer firefighters
- 2.36.06 Firefighters' Pension and Relief Fund
- 2.36.06 Location of fire hydrants
- 2.36.07 Approval of location of fire hydrants
- 2.36.08 Appeal
- 2.36.09 Training for fire fighting

2.36.01 Creation and personnel The Beebe Fire Department is hereby created and shall consist of the following personnel: One Fire Chief and any number of volunteer firefighters as the Fire Chief shall determine as necessary from time to time.

STATE LAW REFERENCE - A.C.A. 14-53-101.

2.36.02 Rules and regulations

- A. The rules and regulations under which the department shall be organized are hereby adopted and approved by the City Council.
- B. Changes to these rules and regulations shall be made by first gaining the approval of the fire department then submitting the changes to the City Council for its final action. (Ord. No. 2000-6, Secs. 1-2.)

2.36.03 Appointment and removal of Fire Chief The Fire Chief shall be appointed by the Mayor unless appointment is disapproved by a two-thirds (2/3) vote of the Council membership. Such Fire Chief shall be subject to removal by the Mayor unless removal is overruled by the City Council of the city of Beebe, Arkansas, by a two-thirds (2/3) vote of the Council membership.

2.36.04 Duties of Fire Chief The Fire Chief shall be the head of the department and shall be fully responsible for the operation and the equipment of the department. It shall be his duty to determine all matters in connection with the operation of the department except the expenditure of city funds. He shall make periodic reports to the City Council of the city of Beebe, Arkansas, showing the names of paid firefighters, number of hours on duty, the condition of the equipment of the department, and such other matters as shall be determined necessary by resolution or ordinance of the City Council.

The Chief shall attend City Council meetings as designated.

2.36.05 Registration of volunteer firefighters All volunteer firefighters shall be registered with the Fire Chief and their names, addresses and phone numbers shall be posted in the Fire Department and also on file with the City Clerk. Such lists shall be kept up to date by the Fire Chief.

2.36.06 Location of fire hydrants For the locations of all future fire hydrants within the city of Beebe, Arkansas, the spacing shall be so that there shall be no more than Five Hundred (500) feet distance between each. This distance shall be measured taking the shortest distance between the existing hydrant to the next proposed hydrant by the route that a fire truck might take using paved or available streets laying out the hose. (Ord. No. 99-6, Sec. 1.)

2.36.07 Approval of location of fire hydrants In all cases approval for the location of future fire hydrants shall be by written permission of the Chief of the Beebe Fire Department. It shall be necessary for the Board of Adjustment or Planning Commission, prior to issuing its order of approval to receive the written permission of the Chief of the Beebe Fire Department for the locations of the hydrants. (Ord. No. 99-6, Sec. 2.)

2.36.08 Appeal Appeal from the written decision of the Chief shall be within thirty (30) days of the date the action of the agency or the mailing of the notice by the Chief to a private party and shall be to the Beebe City Council. Notice of appeal must be by written request, addressed to the Mayor, city of Beebe, mailed by certified mail and postmarked within the thirty-day period described within. A copy of the notice shall be sent to the Beebe Board of Adjustment or Planning Commission as the case may be and a copy to the Chief of the Fire Department. The decision of the City Council shall be final. (Ord. No. 99-6, Sec. 2.)

2.36.09 Training for fire fighting

- A. There is hereby established a program in which students who wish to enter the field of fire fighting may be appointed as “members in training” of the Beebe Volunteer Fire Department. There will be no more than two (2) students entered in the program at any one time. Application shall be made to the Beebe Volunteer Fire Department which will then determine which students shall be accepted into the program. Applicants accepted into the program will have twenty-four (24) months in which to complete their training and obtain certification. Applicants accepted into the program will not be compensated by the city of Beebe during the training program and are not guaranteed employment with the Beebe Volunteer Fire Department after certification.
- B. Any “member in training” who does not complete the training and obtain certification within twenty-four (24) months of being accepted into the program shall be removed from the program so that another applicant may be accepted. (Ord. No. 2008-14, Secs. 1-2.)

CHAPTER 2.40

POLICE DEPARTMENT

Sections:

2.40.01	Repealed
2.40.02	Duties of Police Chief
2.40.03	Jurisdiction
2.40.04	Police Court established
2.40.05	Police Judge
2.40.06	Court sessions
2.40.07	Court rules
2.40.08	Court Clerk
2.40.09	Witnesses
2.40.10	Seal
2.40.11	Term of judge
2.40.12	Compensation
2.40.13	Civil Service Commission abolished
2.40.14	Radio operator appointed
2.40.15	Fees
2.40.16	Confiscated weapons
2.40.17	Taser policy

2.40.01 Repealed Ord. No. 2005-11 as passed and ordained on November 28, 2005, is hereby repealed in its entirety. (Ord. No. 2007-5, Sec. 1.)

2.40.02 Duties of Police Chief The duty of all police officers shall be under the direction of the Mayor, and it shall be their duty to suppress all riots, disturbances and breaches of the peace, to pursue and arrest any person fleeing from justice in any part of this state, to apprehend any and all persons in the act of committing any offenses against the laws of the state or the ordinances of the city, and forthwith bring such person or persons before the proper authority for trial or examination, and at all times to diligently and faithfully enforce all such laws, ordinances, and regulations for the preservation of good order and the public welfare as the City Council may ordain, and for such purpose they shall have all the power of constables. (Ord. No. 259 L, Sec. 2.)

2.40.03 Jurisdiction The police of the city of Beebe, may, upon view, arrest any person or persons who may be guilty of a breach of the ordinances of the city, or of any crime against the laws of the State, and, may, upon reasonable information, supported by affidavit, procure process

for the arrest of any person or persons who may be charged with a breach of any ordinance of the city. (Ord. No. 259 L, Sec. 3.)

2.40.04 Police Court established A police court is hereby established in accordance with Arkansas Statute 22-801 et al and all acts relating thereto. The Title of said court shall be "Police Court of Beebe, Arkansas." (Ord. No. 315 S, Secs. 1 and 2.)

2.40.05 Police Judge The Police Judge shall preside over the police court, and perform the duties of judge thereof, and shall have jurisdiction over all cases of misdemeanor arising under this act, and all ordinances passed by the City Council in pursuance thereof.

In the case of disability or unavoidable absence of the police judge, it shall be the duty of the Council of the city of Beebe, Arkansas to secure a justice of the peace of the township in which said city is situated to act as police judge during such absence or disability. Said Justice shall have power to act as such judge during the time aforesaid, and shall receive such compensation for such services as may have been previously agreed on. (Ord. No. 315 S, Sec. 3.)

2.40.06 Court sessions The police court shall always be open for the dispatch of business; but may adjourn from day to day, or from time to time, and the mode in which cases shall be brought before the court shall be fixed by ordinance of the City Council, or a rule of the police court, not in conflict with the laws of this state and shall have power to compel the attendance of witnesses and parties. (Ord. No. 315 S, Sec. 4.)

2.40.07 Court rules The police judge shall adopt such rules of practice and procedure as well as give parties a proper statement of any charge against them, and opportunity of being heard; but shall, at the same time, dispatch the business with convenient speed; and all rules of court shall be written or printed and posted in the room in which the police court holds its sittings. (Ord. No. 315 S, Sec. 5.)

2.40.08 Court Clerk The police judge shall appoint a person who shall be clerk of the court, and shall have the care and custody of all papers, books and records belonging to the court. The Clerk shall serve at the pleasure of the Police Judge, and said clerk shall be paid by the city. The clerk of the police court shall, on the first day of every month, or within three (3) days thereafter, account, under oath for all penalties, fines and forfeitures imposed by said court, in city cases, to the City Council, and shall pay into the city treasury the amount thus received by the clerk. (Ord. No. 315 S, Sec. 6.)

2.40.09 Witnesses Witnesses in the police court shall be allowed the same fees in cases arising from a violation of an ordinance as are allowed in similar cases before a justice of the peace, and which shall be paid in the same manner. (Ord. No. 315 S, Sec. 7.)

2.40.10 Seal The Police Court shall have a seal; said seal shall be provided by the City Council, with the name of the state in the center and the words "Beebe Police Court" around the

margin. (Ord. No. 315 S, Sec. 8.)

2.40.11 Term of judge At the next general election and every four (4) years thereafter, the police judge of the city of Beebe, Arkansas shall be elected every four (4) years and shall serve a term of four (4) years and until a successor is elected and qualified. (Ord. No. 315 S, Sec. 9.)

2.40.12 Compensation Compensation for the police court judge shall be a monthly allowance established by the City Council of this city and it shall not be based upon any conviction rate of said court. (Ord. No. 315 S, Sec. 10.)

2.40.13 Civil Service Commission abolished

- A. Section 2.40.13 of the Beebe Municipal Code is hereby repealed together with any reference to the supporting statutes of the state of Arkansas.
- B. Any appointees to the Civil Service Commission are hereby relieved of any duties they may have. The civil service board is hereby abolished.
- C. The position of the city of Beebe remains that it is an at-will employer, was so while Section 2.40.13 was in effect and shall remain so. (Ord. No. 99-08, Secs. 1-3.)

2.40.14 Radio operator appointed

- A. The radio operator shall be appointed by the Mayor with the approval of the City Council. The radio operator shall work under the general superintendence of the Mayor and the Chief of Police. The Mayor shall prescribe the duties and define their powers in such manner as will most effectually preserve the peace of the city of Beebe, Arkansas. (Ord. No. 260 L, Sec. 1 and 2.)
- B. The Mayor shall set the hours for the radio operator to work, said operator shall help maintain a police file for the city. He shall have custody of all police records. (Ord. No. 260 L, Sec. 3.)

2.40.15 Fees Pursuant to the provisions of A.C.A. 14-52-202 and 21-6-307, the following fees shall be charged by the Beebe Police Department:

A.	For serving each notice to vacate	\$15.00
B.	For serving warrant or order of arrest	\$25.00
C.	For taking and entering bail bond	\$10.00

All fees collected under this ordinance shall be paid over to the city treasury; provided, however, that 25% of all such fees shall be set aside in a special fund to be known as the Radio Equipment Repair and Replacement Fund, for the exclusive use of the Beebe Police Department. (Ord. No. 97-13, Sec. 1-2.)

2.40.16 Confiscated weapons

- A. The Mayor of the city of Beebe, Arkansas, and/or a designated representative is hereby authorized to obtain uniform weaponry from the exchange/sale of weapons confiscated or recovered by the Beebe Police Department provided such exchange/sale is authorized by the Beebe District Court.
- B. The Clerk of the city of Beebe, Arkansas, will provide for the proper documentation of the exchange and/or sale of property of the city of Beebe, Arkansas.
- C. If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be unenforceable, such decision will not affect the validity of the remaining sections.
- D. The Clerk of the city of Beebe, Arkansas, will provide for the proper documentation of the exchange and/or sale of property of the city of Beebe, Arkansas, pursuant to the Beebe Municipal Code and the laws of the state of Arkansas. (Ord. No. 2003-8, Secs. 1-4.)

2.40.17 Taser policy The attached Taser Policy is adopted and shall hereafter be implemented as to all Beebe police officers. All Beebe police officers shall be provided a copy of the Taser Policy and it shall hereafter be included in the Police Department Policy and Procedure Manual. (Ord. No. 2008-13, Sec. 1.)

CHAPTER 2.44

DISTRICT COURT

Sections:

- | | |
|---------|--------------------------------------|
| 2.44.01 | Collection of Fines, Penalties, Fees |
| 2.44.02 | Fee for Probation |

2.44.01 Collection of Fines, Penalties, Fees A. The District Court Clerk shall collect all fines, penalties, forfeitures, fees, and costs assessed in the White County District Court, Beebe Department arising out of all criminal and ordinance violation cases heard by the White County District Court, Beebe Department, including cases where the arresting officer or citing authority was a Beebe City employee. The District Court Clerk shall render to the Mayor for each month, not later than the fifth (5th) day of the ensuing month, a report, under oath, of all fines, penalties, forfeitures, fees, and costs collected by the Court Clerk during the month, giving the title of the cause and the arresting or citing officer or Beebe City employee. (Ord. No. 2016-3, Sec. 1-2.) (Ord. No. 2018-1, Sec. 2).

2.44.09 Fee for Probation There is hereby authorized and implemented a Thirty-Five Dollar (\$35.00) monthly probation fee for every individual placed on probation in the White County District Court – Beebe Department. Said fee shall only be charged to an individual only one (1) time per month during supervision or unsupervised probation while the probationer is on probation. Said fee shall be collected by the Clerk of the District Court on a monthly basis. (Ord. No. 2018-04, Sec. 2.)

Pages 20-22 Reserved See (Ord. No. 2016-3, Sec. 1-2.)

CHAPTER 2.48**PERSONNEL POLICIES****Sections:**

2.48.01	Personnel Policy Handbook
2.48.02	General employee benefits
2.48.03	Matters affecting the status of employees
2.48.04	Standards of conduct
2.48.05	Miscellaneous information
2.48.06	Aldermen
2.48.07	Salary for elected officials
2.48.08	Retirement system, funds
2.48.09	Vacancies on boards or commissions

2.48.01 Personnel Policy Handbook This ordinance shall be known as the personnel policy ordinance for the city of Beebe, Arkansas reflecting the personnel policy as hereinafter set forth on the succeeding pages.

- A. Equal Opportunity Employer. The city of Beebe, Arkansas, is committed to providing equal employment opportunities without regard to race, color, religion, national origin, sex, age, handicap or veteran status as required by all federal and state laws. Furthermore, the city does not discriminate on the basis of disability. The city's commitment extends to all employment-related decisions, terms and conditions of employment, including job opportunities, promotions, pay and benefits.
- B. At-Will Employer. The City of Beebe is an at-will employer. This means that the City of Beebe or any of its employees may terminate the employment relationship at any time for any reason with the understanding that neither has an obligation to base that decision on anything but his or her intent to discontinue the employment relationship. No policies, comments, or writings made herein or during the employment process shall be construed in any way to waive this provision. This Handbook is not intended to create any contractual or other legal rights. It does not alter the City's at-will employment policy nor does it create an employment contract for any period of time. (Ord. No. 2017-11, Sec. 1).
- C. Job Posting And Advertising.
 - 1. Application for employment will be accepted from anyone who wishes to apply for employment upon forms provided by the city. Application forms are available in the office of the city.
 - 2. In the event of a job opening, the particular position or positions available will be announced and posted in a newspaper of general circulation in White County, Arkansas at least ten (10) days prior to the deadline for receiving applications. Copies of the job announcement form will be distributed to city departments and as appropriate, to public and private employment agencies, local newspapers and other sources which might provide recruitment resources. Recruitment resources will be notified at least ten (10) days prior to the predetermined cut-off date for receiving applications.
 - 3. Applications for full-time city employment will not be accepted from anyone under eighteen (18) years of age. Except as otherwise provided by Arkansas law, the _____ shall make the final decision with respect to hiring new employees and promoting existing employees.
- D. Post Offer Pre-Employment Physicals.
 - 1. Post offer pre-employment physicals will be required for every applicant to be hired for the city in a permanent employment position. Such examinations shall be paid for by the city and shall be used to determine whether the applicant can perform the essential functions of the job with or without reasonable accommodation. The examinations shall be performed by licensed physicians selected by the Mayor. These medical files shall be maintained in the physician's office with a summary report provided to the Mayor whether the employee can or

cannot do the job and what, if any, restrictions are necessary to determine any work restructuring or accommodations. Although the physicians make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their determinations are only recommendations subject to the decision to make reasonable accommodation or not by the _____. Only in cases of emergency may an employee begin work prior to the post-employment job offer medical examination, but employment is subject to passing such examination.

2. Reports and records of all physical, psychological and mental exams shall be kept in the offices of the physicians or mental health practitioners with only a summary report provided to the _____ to be kept in a confidential file apart from the personnel file. Should there be a dispute concerning the exam, or should a supervisor be informed as to the need for reasonable accommodation including job restructuring, the report shall be made available to the necessary legal and supervisory or administrative personnel within the city government.

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

- F. Hiring and Termination of Employment of City Employees The department head of each city department shall be the sole hiring authority for all City employees, other than elected City officials and department heads.

To facilitate the hiring of any employee, other than a department head or elected City official, a department head or his or her designee shall present all employment applications in his or her department, to the city council for funding, approval and advertising in accordance with Chapter 2.48: Personnel Policy. By majority vote of the entire membership of the Beebe City Council, they may waive advertising when declaring an emergency for the health, safety, and wellness of the citizens. The department head shall have the sole authority to terminate City employees, other than department heads and elected City officials." (Ord. No. 2015-5, Sec. 2.)

2.48.02 General employee benefitsA. Vacations1. Police Department

- a. The head or Chief of each Police Department shall arrange that each employee shall be granted an annual vacation of not less than fifteen (15) working days with full pay. (A.C.A. 14-52-106)
- b. Pursuant to Ark. Code Ann. § 14-52-106, each Police Officer of the City shall be granted an annual vacation of not less than fifteen (15) working days with full pay. All Police Officers shall accumulate vacation time at a rate of one and one-quarter (1 ¼) working days for each month of working service. Police Officers may carry over a maximum of forty hours vacation time each year. (Ord. No. 2016-7, Sec. 2)
- c. It is the specific duty of the Police Chief to see that employees of the Police Department actively take all of their vacation time before the end of the calendar year.

2. Fire Department.

- a. The Chief of each Fire Department shall so arrange that each employee shall be granted an annual vacation of not less than fifteen (15) days with full pay. (A.C.A. 14-53-107)
- b. All employees of the Fire Department shall accumulate vacation time at the rate of one and one-quarter (1/4) calendar days for each month of working service. The Chief shall require all employees to take their vacations in increments of five (5) or more consecutive days.

B. Vacation Accrual Rate.

<u>Years of Service</u>	<u>Vacation</u>
0 - 6 Months	None
1 Year But Less Than 6	10 Working Days
6 Years But Less Than 15	15 Working Days
16 years or more	20 Working Days (Ord. No. 99-13, Sec. 1.)

2. The amount of personnel off at any one time will be governed by the _____ based upon departmental work loads.
3. Employees should notify their department heads at least one (1) week in advance of being absent for vacation time.
4. If a holiday occurs during the calendar week in which a vacation period is scheduled for an employee, the employee's vacation should be extended for one (1) additional working day.
5. Vacations are not cumulative and no more than five (5) days may be carried over six (6) months past the anniversary date without written approval of the Mayor.
6. To the extent it differs from the procedure set forth herein, the uniformed employees of the Police and Fire Departments shall accrue vacation days in accordance with the provisions set forth in the relevant Arkansas statutes, if any.

7. Scheduling of vacation time requires three (3) weeks' notice and approval of your supervisor. The Beebe City Clerk will maintain the vacation calendar. (Ord. No. 98-2, Sec. 2.)
8. Each full-time city employee shall be entitled to one personal leave day for every six months of employment with the city. Employees must give their immediate supervisor 24 hours' notice of intent to take a day off for personal leave. Personal leave days cannot be accrued beyond a total of two; and, no compensation will be given for any personal leave days under any circumstances. (Ord. No. 99-13, Sec. 2.)
9. Employees with more than one (1) year of service may choose to be compensated at regular pay for any unused vacation time for that specific calendar year. Scheduling of vacation time requires three (3) weeks' notice and approval of your supervisor. The Beebe City Clerk shall maintain the vacation calendar. (Ord. 2011-13, Sec. 1.)

C. Holidays and holiday pay

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

2. Holidays

January 1 st	New Year's Day
January	Dr. Martin Luther King, Jr. and Robert E. Lee's birthday (observed)
February	George Washington's birthday and Lincoln's birthday (observed)
Monday, May	Memorial Day (observed)
July 4 th	Independence Day
Monday, September	Labor Day
November	Veteran's Day
Thursday, November	Thanksgiving Day
Friday, November	Day after Thanksgiving
December 24 th	Christmas Eve
December 25 th	Christmas Day
(Ord. No. 2010-3, Sec. 1.)	

D. Sick Leave

1. Police Department

- a. Law enforcement officers, regardless of their titles, shall accumulate sick leave at the rate of twenty (20) working days per year beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days.
- b. Time off may be charged against accumulated sick leave only for such days that an officer is scheduled to work. No such sick leave, as provided in this section, shall be charged against any officer during any period of sickness, illness, or injury for any days which the officer is not scheduled to work.
- c. If, at the end of his term of service, upon retirement or death, whichever occurs first, any police officer has any unused accumulated sick leave, he shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death. Payment for unused sick leave in the case of a police officer, upon retirement or death, shall not exceed sixty (60) days' salary.

2. Fire Department.

- a. Firefighters shall accumulate sick leave at the rate of twenty (20) working days per year beginning one (1) year after the date of employment. If unused, sick leave shall accumulate to a maximum of sixty (60) days.
- b. Time off may be charged against accumulated sick leave only for such days that a firefighter is scheduled to work. No sick leave, as provided in this section, shall be charged against any firefighter during any period of sickness, illness, or injury for any days which the firefighter is not scheduled to work.
- c. If, at the end of his term of service, upon retirement or death, whichever occurs first, any firefighter has unused accumulated sick leave, he shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death.
- d. Payment for unused sick leave in the case of a firefighter, upon retirement or death, shall not exceed three (3) months' salary.

3. Non-uniformed employees.

- a. The city of Beebe recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, the city of Beebe provides paid sick leave to full-time employees. Eligible employees accrue sick leave at the rate of one and two-thirds (1 2/3) working days per month.
- b. Any sick leave days accumulated which are not used in any calendar year may be carried over as accumulated sick leave days for the succeeding calendar year up to a maximum of sixty (60) days.
- c. An employee may be eligible for sick leave days for the following reasons:
 - (1) Personal illness or physical incapacity;
 - (2) Quarantine of an employee by a physician or health officer;
 - (3) Illness in the immediate family which would require the employee to take care of the family member(s); or

(4) Medical, dental and optical visits.

- d. An employee who is unable to report for work due to one of the previously listed sick leave reasons shall report the reason for his absence to the employee's supervisor or some other person acting for the employee's supervisor within two (2) hours from the time the employee is expected to report for work. Sick leave with pay may not be allowed unless such report has been made as aforementioned.
- e. Employees who are absent more than three (3) consecutive days due to unconfirmed illness may be required by the supervisor or department head to submit a physician's statement.
- f. Absence for part of a day that is chargeable to sick leave in accordance with these provisions shall be deducted from accrued leave in amounts of not less than one-half (½) day increments. An employee who uses all of his or her accrued sick leave days shall thereafter be placed on inactive, without pay status.
- g. Employees will not be paid for accrued sick days upon termination of employment with the city. However, in all matters concerning sick leave for fire and police employees, strict compliance with Arkansas statutes is required.

E. Funeral or Bereavement Leave.

- 1. Funeral leave with pay up to a maximum of three (3) calendar days shall be granted to all city employees in cases of death or in the circumstances of death in the immediate family only.
- 2. Immediate Family shall include mother, father, brother, sister, son, daughter, grandparents, son-in-law, daughter-in-law, spouse, spouse's immediate family or those relatives who live in the employee's household including "step" relatives.
- 3. Travel time may be granted upon prior approval of the ____ in addition to the three (3) days where travel time of more than eight (8) hours is necessary.
- 4. The _____ may grant funeral leave of not more than one (1) day for an employee to be a pallbearer or attend a funeral of someone not within the immediate family.

- F. Maternity Leave. Employees affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment-related purposes as persons disabled for non-pregnancy-related reasons. Therefore, accrued sick leave and vacation leave, if representative of the employee, will be granted for maternity use after which leave without pay must be used.
- G. Military Leave.
1. In times of war or national emergency, full-time employees are entitled to receive a leave of absence without pay upon joining or being called into military service of the United States of America.
 2. Employees who are members of a military service organization or National Guard unit shall be entitled to a military leave of fifteen (15) days with pay plus necessary travel time. (A.C.A. 21-4-102 as amended by Act 673 of 1991)
- H. Court Duty Leave. Employees will be granted leave with pay for witness or jury duty. Employees are also permitted to retain the allowance for services from the Court for such service. To qualify for jury or witness duty leave, employees must submit to the _____ a copy of the summons or other relevant court related paperwork as early as possible upon receipt thereof. In addition, proof of service must be submitted to the employee's supervisor when the employee's period of jury or witness duty is completed.
- I. Miscellaneous Leave. The attendance of employees at seminars and training programs is considered part of their continuing professional development. Attendance at these meetings is to be pre-approved by _____. In the event employees are required to attend these meetings at a location requiring an overnight stay or travel time in excess of the employee's normal work day, overtime will not be paid. However, the city will pay all reasonable out-of-pocket expenses for lodging, travel costs, meals etc. pursuant to its regular expense policy.
- J. Employee Health Benefits. The city of Beebe provides a group health plan for all its full-time employees. Detailed information on the policy and coverage should be given to the employee when the employee is hired. Additional information may be obtained from the _____ office.
1. Occupational Injuries. All employees of the city are covered under the Arkansas State Workers' Compensation Law. Any employee incurring an "on-the-job" injury should immediately notify his supervisor, who will arrange for appropriate medical treatment and prepare the necessary reports required in order for the employee to be compensated. Rules and regulations concerning Workers' Compensation have been posted on the department bulletin boards.

2. Accidental Injury. If any full-time employee is involved in an accident (not job connected) and the injury sustained in such accident necessitates that the employee be absent from work, the employee shall be entitled to receive pay at a regular salary for the number of days accumulated sick leave credited to that employee at the time the accident occurred.

K. Donation of Annual Leave and Sick Leave.

1. Generally. In those instances where a permanent full-time employee is affected by a non-job related illness which causes the total depletion of their annual leave and sick leave, other City employees may donate annual and/or sick time to that particular employee's leave balance.
2. Specifics.
 - a. The donating employee must maintain a balance of at least 160 combined hours of annual and sick leave before the transfer.
 - b. Time will transfer hour for hour to the ill employee.
 - c. The amount of time donated by the donating employee will reduce that donating employee's final leave settlement.
 - d. The donating employee will be required to sign a form indicating the hours donated and that these hours will reduce his/her final leave settlement. This signed form will be retained in the donating employee's personnel file.
 - e. After the transfer of annual or sick leave time, the City will treat the leave time as leave time of the employee who received the donation for administrative purposes.
 - f. The Council encourages City employees who donate annual or sick leave to consult with their accountants or professional tax preparers regarding possible tax implications of their donations. (Ord. No. 2018-06, Sec. 2.)

2.48.03 Matters affecting the status of employees.

- A. Attendance. Employees shall be in attendance at their work stations in accordance with the rules and regulations established by _____. All departments shall keep daily attendance records of all employees which shall be reported to the _____ on the form and on the date specified by the _____.
- B. Work Hours.
1. Except for police officers and firefighters, work hours for all employees shall be forty (40) hours per week. Work hours for police and fire employees shall be in accordance with state statutes and departmental regulations.
 2. The city reserves the right to adjust and change hours of work, days of work and schedules in order to fulfill its responsibility to the citizens of the city of Beebe. In the event of an emergency, previously scheduled hours of work, days of work and work arrangements may be altered at the discretion of the department head. Changes in work schedules will be announced as far in advance as practicable.
 3. Whenever possible, employee work schedules shall provide a rest period (break) during each four-hour work shift. Reasonable time off for a meal will be provided.
- C. Overtime Pay.
1. Overtime will be paid for hours worked in excess of forty hours per week. The rate of pay for overtime shall be one and one-half (½) the employee's normal hourly rate.
 2. Upon the direction or approval of the _____, compensation for overtime may be made in the form of compensatory leave to the employee. The overtime record of the _____ shall be final with respect to the number of compensatory leave days earned of an employee. Compensatory leave must be taken within the calendar year earned and should be scheduled in the same manner required for vacation days.

D. Vacancies and Promotions.

1. It is the intent of the city of Beebe to hire and promote the most qualified applicant for all vacant positions. To give the employees of the city of Beebe an opportunity to apply for job vacancies, announcements of job openings will be posted on employee bulletin boards.
2. In accordance with E.E.O.C. (Equal Employment Opportunity Commission) guidelines and policies, notice of job vacancies will be advertised in the appropriate news media for a period of 7 days. A job description of each vacant position will be provided upon request. (Ord. No. 05-11, Sec. 2.)
3. The final decision regarding promotions shall be made by the Beebe Chief of Police. (Ord. No. 05-11, Sec. 3.)

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

F. Performance Evaluations.

1. To ensure that employees perform their jobs to the best of their ability, it is important that they be recognized for good performance and that they receive appropriate suggestions for improvement when necessary.
2. Consistent with this goal, an employee's performance will be evaluated by the supervisors on an on-going basis. Final evaluations are normally done annually.
3. All written performance reviews will be based on the employee's overall performance in relation to the employee's job responsibilities and will also take into account the employee's conduct, demeanor and record of attendance along with any tardiness. In addition to regular performance evaluations described above, special written performance evaluations may be conducted by the employee's supervisor at any time to advise the employee of his current level of performance and where appropriate, the existence of performance or disciplinary problems and solutions.

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

G. Job Safety.

1. Safety is largely the use of good judgment and the practice of good work habits. It requires good judgment to know the safe way and it requires good work habits to continue the safe way. If an employee is not positive of which way is the safest, he should ask his supervisor or department head for the correct method.
2. Unsafe conduct is misconduct. The following safety rules should always be observed:
 - a. Follow all departmental safety rules;
 - b. Use all mechanical safeguards on or for employee equipment;
 - c. Immediately cease using and report any faulty or potentially faulty equipment to the supervisor or department head;
 - d. Immediately report any unsafe or potentially unsafe working condition or equipment;
 - e. Immediately report any and every accident to the supervisor or department head.

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

I. Resignation/Termination.

1. Employees desiring to terminate their employment relationship with the city of Beebe are urged to notify the city at least two (2) weeks in advance of their intended termination. Such notice should preferably be given in writing to the employee's department head or supervisor. Proper notice generally allows the city sufficient time to calculate all final accrued monies due the employee for his or her final paycheck. Without adequate notice however, the employee may have to wait until after the end of the next normal pay period in order to receive such payments.
2. Employees who plan to retire are urged to provide the city with a minimum of two (2) months notice. This will allow ample time for the processing of appropriate pension forms to ensure that any retirement benefits to which an employee may be entitled to commence in a timely manner.

3. As mentioned elsewhere in this Handbook, all employment relationships with the city of Beebe are on an at-will basis. Thus, although the city of Beebe hopes that relationships with employees are long term and mutually rewarding, the city reserves the right to terminate the employment relationship of any employee at any time.

2.48.04 Standards of Conduct.

A. Conduct Towards The Public.

1. Employees of the city of Beebe shall at all times be civil, orderly and courteous in their conduct and demeanor. In each contact with the public, an employee must be aware that his appearance, actions and statements are in essence those of the city.
2. In dealing with the public, each employee must attempt to make his conduct one which inspires respect for both himself and the city and further, one which generates the cooperation and approval of the public.
3. Not everyone an employee may meet in the course of his or her duties will be courteous. However, an employee should treat the public as he would like to be treated . . . with courtesy, patience, respect and understanding. This attitude or approach to public service cannot be overemphasized.
4. When an employee is uncertain of the correct response to an inquiry from the public, he or she should refer the inquiry to the individual or the department which can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information.

B. Uniforms and Personal Appearance.

1. Uniforms or uniform allowance will be provided to personnel of certain departments as authorized by the _____. Personnel who are provided uniforms or uniform allowance shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit.
2. Employees not required to wear uniforms should dress in appropriate professional departmental attire. If an employee is not sure what is appropriate attire, then the employee should check with his supervisor or department head.

C. Unlawful Harassment.

1. The city of Beebe expressly prohibits any form of unlawful employee harassment based on race, religion, color, sex, national origin, age, handicap or status as a veteran or special disabled veteran.
2. Harassment is any annoying, persistent act or actions that single out an employee, to that employee's objection or detriment, because of race, sex, religion, national origin, age (over 40) or disability. Harassment may include any of the following:
 - a. Verbal abuse or ridicule;
 - b. Interference with an employee's work;
 - c. Displaying or distributing sexually offensive, racist or other derogatory materials;
 - d. Discriminating against any employee in work assignments or job related training because of one of the above-referenced bases;
 - e. Intimate physical contact;
 - f. Making offensive sexual, racial or other derogatory innuendoes;
 - g. Demanding favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer or any other term or condition of employment.
3. It is every employee's responsibility to insure that his or her conduct does not include or imply harassment in any form. If, however, harassment or suspected harassment has or is taking place, the following will apply:
 - a. An employee should report harassment or suspected harassment to the department head. This complaint should be made in writing;
 - b. Any time an employee has knowledge of harassment he/she shall inform the department head in writing, who will determine whether further investigation is warranted;
 - c. Each complaint shall be fully investigated and a determination of the facts and an appropriate response will be made on a case-by-case basis.
4. The city of Beebe will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action will be taken against offenders.

5. Dating and physical relationships (1) between two City employees and (2) between employees and City vendors can have an impact on the workplace. Keep in mind, too, that unwanted sexual advances and requests for sexual favors that are a condition of employment are prohibited under the City's harassment-free workplace policy contained in this Section. If a City employee is dating or in a physical relationship that falls within (1) or (2), above, the employee must immediately inform the City Human Resources Manager and City Clerk/Treasurer and, if it falls within (1), above, sign a copy execute the City's current Dating and Relationship Agreement and Acknowledgement of Harassment-Free Workplace Policy. However, if the City Council determines that the relationship interferes with the work environment, the City Council may take appropriate action to protect the City. (Ord. No. 2017-7.)

D. Guidelines For Appropriate Conduct.

1. An employee of the city of Beebe is expected to accept certain responsibilities, adhere to acceptable principals in matters of personal conduct and exhibit a high degree of personal integrity at all times. This not only involves a sincere respect for the rights and feelings of others, but also demands that both while at work and in their personal life, an employee refrain from behavior that might be harmful to the employee, his co-workers, the citizens and/or the city.
2. Whether an employee is on duty or off duty, his or her conduct reflects on the city. An employee is encouraged to observe the highest standards of professionalism at all times.
3. Types of behavior and conduct that the city considers inappropriate include, but are not limited to the following:
 - a. Falsifying employment or other city records;
 - b. Violating any city non-discrimination and/or harassment policy;
 - c. Soliciting or accepting gratuities from citizens;
 - d. Excessive absenteeism or tardiness;
 - e. Excessive, unnecessary or unauthorized use of city property;
 - f. Reporting to work intoxicated or under the influence of non-prescribed drugs and illegal manufacture, possession, use, sale, distribution or transportation of drugs;
 - g. Buying or using alcoholic beverages while on city property or using alcoholic beverages while engaged in city business on city premises, except where authorized;
 - h. Fighting or using obscene, abusive or threatening language or gestures;
 - i. Theft of property from co-workers, citizens or the city;
 - j. Unauthorized possession of firearms on city premises or while on city business;
 - k. Disregarding safety or security regulations;
 - l. Insubordination;
 - m. Neglect or carelessness resulting in damage to city property or equipment.
4. Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory and in violation of either of the above referenced items or any other city policies, rules or regulations, an employee will be subject to disciplinary action up to and including dismissal.

E. Absenteeism and Tardiness. The City of Beebe expects all of its

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

F. Inclement Weather.

1. In exceptional circumstances beyond the employee's control, such as weather causing hazardous conditions, the employee is required to contact his or her supervisor for instructions regarding job assignments for that particular work day. If an employee's department is open for business, the employee is expected to report for work. However, if, in the employee's opinion, the conditions are too hazardous for him or her to get to work safely, he or she will have the option of taking the time off as a vacation day. Regardless of the situation, an employee is expected to give his or her supervisor "proper notice" if he or she is unable to report for work.
2. "Proper notice" is defined by the city to be notice in advance of the time an employee should report for work and no later than one (1) hour thereafter if absence notice is impossible.
3. An absence of an employee from duty, including any absence of one (1) day or part thereof that is not authorized in advance by the department head or the employee's supervisor should be deemed absence without leave. Such absence shall be without pay.

G. Outside Employment or Moonlighting.

1. If an employee is considering additional employment, he or she should discuss the additional employment with his or her department head or supervisor for approval.
2. If as an employee of the city, an employee participates in additional employment, it must not interfere with the proper and effective performance of his or her job with the city. An employee's outside employment must not be of a nature that adversely effects the image of the city, resulting in embarrassment, legitimate and reasonable criticism or of a type that may be construed by the public to be an official act of the city or in any way violate these policies. City uniforms shall not be worn during outside employment unless approved in advance by the

H. Political Activity. City employees are encouraged to exercise their legal right to vote and, if necessary, reasonable time will be granted for that purpose.

I. Outside Compensation.

1. No reward, gift or other form of remuneration in addition to regular compensation shall be received from any source by employees of the city for the performance of their duties as employees of the city. If a reward, gift or other form of remuneration is made available to any employee, it shall be credited to a designated employee fund with approval of the _____.

J. Use of Narcotics, Alcohol and Tobacco.

1. Employees of the city of Beebe shall not use habit-forming drugs, narcotics or controlled substances unless such drugs are properly prescribed by a physician.
2. The consumption of alcohol or other intoxicants is prohibited while an employee is on duty. Employees are not to consume intoxicants while off duty to such a degree that it interferes with or impairs the performance of his or her duties. Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase or presence of drugs, alcohol or drug paraphernalia on city property or being reported to work with detectable levels of illegal drugs or alcohol will be subject to disciplinary action including termination.
3. Each department head or supervisor may establish smoking policies for his or her departmental employees.

K. Drug-Free Workplace.

1. It is the policy of the city of Beebe to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988 and its amendments. The use of controlled substances is inconsistent with the behavior expected of employees, subjects all employees and visitors to city facilities to unacceptable safety risks and undermines the city's ability to operate effectively and efficiently. Therefore, the unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance in the workplace or while engaged in city business for the city of Beebe or on the city's premises is strictly prohibited. Such conduct is also prohibited during non-working hours to the extent that, in the opinion of the city, it impairs an employee's ability to perform on the job or threatens the reputation or integrity of the city.

2. To educate employees on the danger of drug abuse, the city has established a drug-free awareness program. Periodically, employees will be required to attend training sessions at which the dangers of drug abuse, the city's policy regarding drugs, the availability of counseling, and the city's employee assistance program will be discussed. Employees convicted of controlled substances or related violations in the workplace must inform the city within five (5) days of such conviction or plea. Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination. At its discretion, the city may require employees who violate this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment.

L. Disciplinary Action.

Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory based on violations listed in Guidelines For Appropriate Conduct or any other city policies, rules or regulations, the employee will be subject to disciplinary action up to and including dismissal.

2. Disciplinary action may be any of the several forms listed below:
 - a. Warning or Reprimand. A reprimand is action used to alert the employee that his or her performance is not satisfactory or to call attention to the employee's violation of employment rules and/or regulations. City employees may be officially reprimanded orally or in writing and such reprimand will be entered in the employee's personnel file.
 - b. Suspension. Suspension involves the removal of an employee from his or her job. An employee may be suspended with or without pay. A suspension must be in writing. The reason for such action, the period of time for the suspension and the date the suspension is to begin and end must be noted also.
 - c. Demotion. An employee who has committed an offense or whose work record establishes grounds for demotion will be given written notice of such action. A demotion is an action that places the employee in a position of less responsibility and less pay.
 - d. Termination. A termination is a removal of an employee from city employment and shall be terminated only by the appropriate department head. (Ord. No. 2020.14, Sec. 3)

2.48.05 Miscellaneous information.

- A. Policy Statement. These employee policies and procedures outline the rights and benefits afforded all employees by the city. The City of Beebe possesses the sole right to operate and manage the affairs of the city.
- B. Severability.
 - 1. Should any of the provisions of these employee policies and procedures be determined to be contrary to federal, state, or local law, the remaining provisions of these employee policies and procedures shall remain in full force and effect.
 - 2. To the extent that any state law provides additional or different benefits or rights to employees, the provisions of these employee policies and procedures shall be deemed to include those statements of law.

- C. Departmental policies and procedures Each department head is authorized to adopt lawful oral or written policies governing the day-to-day operations of that department. Departmental policies, if in conflict with these employee policies and procedures, shall be governed by these employee policies and procedures.
- D. Change of address It is important that if an employee changes his or her home address or telephone number to notify his or her department head of this change so that personnel files may be kept up to date. This is important in case the city must mail the employee any information that it feels the employee will need, such as "withholding" statements for the employee's income taxes. Also, if there is any change in the employee's marital status, the employee should report it to his or her department head.

2.48.06 Aldermen

- A. Each ward of the city of Beebe shall have two aldermen to be elected by the voters at-large for the city of Beebe. (Ord. No. 96-4, Sec. 1.)
- B. The aldermen so elected shall be residents of the ward from which they are elected. (Ord. No. 96-4, Sec. 2.)

2.48.07 Salary for elected officials Increases of salary for elected officials of the city of Beebe, Arkansas, shall be granted at the discretion of the City Council.

Salary adjustments for elected officials of the city of Beebe, Arkansas, shall not be contingent upon or affected by salary considerations for other employees of the city. (Ord. No. 95-12, Secs. 1-2.)

2.48.09 Retirement system; funds

- A. Effective July 1, 1961, the city of Beebe does hereby elect to become a participating Public Employer in the Arkansas State Employees Retirement System under the provisions of Act No. 64 of the 1961 General Assembly. (Ord. No. 242, Sec. 1.)
- B. The city of Beebe does hereby request the Executive Secretary of the Arkansas State Employees Retirement System to do any and all things necessary to place the eligible employees of the city of Beebe under the Municipal Division of the State Employees Retirement System.
- C. Beginning July 1, 1961, each eligible employee's retirement contribution shall be deducted from his salary check in accordance with the terms of the state laws governing the Retirement System. (Ord. No. 242, Sec. 3.)
- D. Effective July 1, 1961, there is hereby appropriated from the appropriate funds of the city of Beebe the sums of money necessary to pay the city's share of the retirement contributions in accordance with the terms and provisions of the state laws governing the retirement system. (Ord. No. 242, Sec. 4.)

2.48.10 Vacancies on boards or commissions

- A. Hereafter, any vacancy on any municipal board or commission of the city of Beebe, Arkansas shall be filled by a majority vote of the governing body of the city of Beebe, Arkansas. (Ord. No. 272 L, Sec. 1)
- B. That the self-perpetuating powers of all Boards and Commissions in the city of Beebe, Arkansas are hereby repealed. (Ord. No. 272 L, Sec. 2.)

CHAPTER 2.52

AIRPORT COMMISSION

Sections:

2.52.01	Airport Commission created
2.52.02	Appointment of commissioners
2.52.03	Removal of commissioners
2.52.04	Salary of commissioners
2.52.05	Meetings of commission
2.52.06	Authority of commissioners
2.52.07	Rules and regulations
2.52.08	Estimate of funds required
2.52.09	Use of operational revenue
2.52.10	Records and reports

2.52.01 Creation of commission. There is hereby created a Municipal Airport Commission for the city of Beebe, Arkansas, to consist of five members. Said members shall be qualified electors of the State. A majority of the members shall also be residents, citizens, and electors of the city of Beebe. The members shall not hold any other elective or appointive office in the City, County, State or Federal Government nor shall they engage financially in any aeronautical enterprise while a member of the commission. At least one (1) of the five (5) member shall be fully experienced in aviation, holding some type of pilot aeronautical rating unless the City Council specifically waives this requirement. (Ord. No. 91-06 as amended by Ord. No. 91-08, Sec. 1.)

2.52.02 Appointment of commissioners. Said commissioners shall be appointed by the Mayor and confirmed by a three-fourths (3/4) vote of the elected and qualified members of the City Council. The commissioners first appointed and confirmed shall serve for terms of one (1), two (2), three (3), four (4), and five (5) years each, to be designated by the Mayor. Upon the expiration of their respective terms, their successors shall be appointed by the Mayor, subject to the approval of the City Council, for a term of five (5) years. The commissioners shall file the oath required by law in the state of Arkansas. (Ord. No. 91-06, Sec. 2.)

2.52.03 Removal of commissioners. Any commissioner appointed under the provisions of this ordinance may be removed upon a three-fourths (3/4) vote of the duly elected and qualified members of the City Council. (Ord. No. 91-06, Sec. 3.)

2.52.04 Salary of commissioners. The City Council shall have authority to fix and prescribe any salary to be paid the commissioners. (Ord. No. 91-06, Sec. 4.)

2.52.05 Meetings of commission. The Commissioners shall meet at least monthly, but other meetings may be held at any time by the commission or upon the call of the Mayor and the City Council. (Ord. No. 91-06, Sec. 5.)

2.52.06 Authority of commissioners.

- A. The commissioners shall have full and complete authority to manage, operate, improve, extend, and maintain the municipal airport and its related properties and facilities.
- B. The commissioners shall have full and complete charge of the airport and its related properties and facilities, including the right to employ or remove any and all assistants and employees of whatsoever nature, kind, or character and to fix, regulate, and pay their salaries.
- C. It is the intention of this section to vest in the commissioners unlimited authority to operate, manage, maintain, improve, and extend the municipally owned airport and its related properties and facilities, and to have full and complete charge of it. (Ord. No. 91-06, Sec. 6.)

2.52.07 Rules and regulations. The commissioners shall have such other and further powers as are by law given to the board of public affairs and the City Council of any city. They shall be governed by all existing statutes pertaining to the duties of boards of public affairs and City Councils. (Ord. No. 91-06, Sec. 7.)

2.52.08 Estimate of funds required. The board of commissioners shall submit to the city annually before the city prepares its budget, the amount of funds necessary for maintenance, operation, and management of the municipal airport and its related properties and facilities above the estimated revenue and the funds remaining on hand. (Ord. No. 91-06, Sec. 8.)

2.52.09 Use of operational revenue. All revenue derived from the operation of the airport or flying field, after paying the operating expenses and maintenance, shall be set aside and used for additional improvements on the airport or for the retirement of bonds and interest thereon issued or advancement made for the purchase and improvement of the airport or flying field. (Ord. No. 91-06, Sec. 9.)

2.52.10 Records and reports

- A. The commissioners shall keep a record of all revenues and expenditures of the airport and its related 5 20 properties and facilities and shall submit monthly reports to the mayor and city council.
- B. It shall be the duty of the airport commissioners to prepare and file an annual report of the financial affairs and conditions of the municipal airport and its related properties and

facilities, annually by the first Monday in February.

- C. The report shall be filed in the office of the clerk of the city of Beebe and shall be subject to the inspection of any citizen of the state.
- D. The report shall set out a full detailed, complete, and correct statement of all receipts of every kind since the last report, showing the source thereof, and all disbursements of every kind showing date, amount, number, and purposes of each voucher, to whom issued, and the date canceled, if canceled.
- E. The report shall show:
 - 1. the full financial conditions of the airport and its related properties and facilities;
 - 2. the status of its bonded debt, if any; and
 - 3. every other detail necessary to a full and thorough understanding from the report of the actual financial condition of the municipal airport.
- F. The report shall be verified by the airport board of commissioners.
- G. The commissioners shall also furnish such other and further reports, data, and information as may be requested by the Mayor or City Council.

CHAPTER 2.56

ADMINISTRATIVE ASSISTANT

Sections:

2.56.01	Established
2.56.02	Salary
2.56.03	Duties

2.56.01 Established Effective as of the 9th day of July, 1996, there shall be established the position of Administrative Assistant to the Mayor for the city of Beebe, Arkansas. (Ord. No. 96-12, Sec. 1.)

2.56.02 Salary The annual salary of this position shall be Sixteen Thousand Dollars (\$16,000.0), payable in a like manner and time as that of other city employees. (Ord. No. 96-12, Sec. 2.)

2.56.03 Duties The duties and responsibilities of the Administrative Assistant to the Mayor shall be as set forth in the personnel policy and as otherwise adopted by order or resolution of the City Council. (Ord. No. 96-12, Sec. 3.)

CHAPTER 2.60

ECONOMIC DEVELOPMENT PROGRAM

Sections:

- 2.60.01 Creation
- 2.60.02 Administration
- 2.60.03 Purpose of funds
- 2.60.04 Purpose of grant program
- 2.60.05 Eligibility

2.60.01 Creation There is hereby created by the city of Beebe a city of Beebe Economic Development Program. (Ord. No. 2002-5, Sec. 1.)

2.60.02 Administration The Mayor or his designee shall have the authority and responsibility to administer the grant program authorized under this ordinance. (Ord. No. 2002-5, Sec. 2.)

2.60.03 Purpose of funds The Mayor will take the necessary action to ensure that the funds to be used in the economic program are used for the purposes for which the individual grants are awarded and will further be authorized and responsible to see that the said funds are expended in accordance with all state laws and local ordinances and other local procedures and regulations of the city of Beebe, Arkansas. (Ord. No. 2002-5, Sec. 3.)

2.60.04 Purpose of grant program The city of Beebe's economic development grant program is hereby instituted for the purpose of encouraging and assisting in the location, relocation, creation, or development of a business, industry, manufacturing facility, transportation facility, or other economic unit which creates jobs, employs people, or generates economic activity. (Ord. No. 2002-5, Sec. 4.)

2.60.05 Eligibility Eligibility for the awarding of the grants will be limited to those non-profit corporations which provide satisfactory evidence of its specific involvement in one of the above-referenced economic development activities as set out in a written statement containing specific information regarding the following criteria:

- A. Type of economic activity
- B. Financing arrangements
- C. Estimated total employment
(Ord. No. 2002-5, Sec. 5.)

CHAPTER 2.64

DEFERRED COMPENSATION PLAN

Sections:

- 2.64.01 Adoption
- 2.64.02 Board of Trustees
- 2.64.03 Terms
- 2.64.04 Contract
- 2.64.05 Termination
- 2.64.06 Assets and income
- 2.64.07 Implementation

2.64.01 Adoption The city of Beebe adopts the Plan and the Trust Agreement ("Trust") for the Plan for its employees. (Ord. No. 2005-7, Sec. 1.)

2.64.02 Board of Trustees The city of Beebe acknowledges that the Executive Committee of the AML will serve as the Board of Trustees of the AML Defined Contribution and Deferred Compensation Plan ("Trustees") and shall only be responsible for the Plan and have no responsibility for the other employee benefit plans maintained by the city of Beebe. (Ord. No. 2005-7, Sec. 2.)

2.64.03 Terms The city of Beebe is authorized to sign all documents necessary to adopt the Plan and by so signing, be bound by the terms of the Plan as stated in the adoption agreement and plan and other plan documents. The city of Beebe reserves the right to amend its elections under the adoption agreement, so long as the amendment is not inconsistent with the Plan or the

Internal Revenue Code or other applicable law and is approved by the Trustees of the Plan. (Ord. No. 2005-7, Sec. 3.)

2.64.04 Contract

- A. The city of Beebe agrees that it shall abide by the terms of the Plan and the Trust, including amendments to the Plan and the Trust made by the Trustees of the Plan, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.
- B. The city of Beebe accepts the administrative services to be provided by AML and any services provided by an outside service provider as selected by the Trustees. The city of Beebe acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the participants' accounts. (Ord. No. 2005-7, Sec. 4.)

2.64.05 Termination

- A. The city may terminate its participation in the Plan, including but not limited to, its contribution requirements, by way of:
 - 1. An ordinance of the City Council terminating its participation in the Plan.
 - 2. The ordinance must specify when the participation will end.
- B. The Trustees shall determine whether the ordinance complies with the terms of the Plan, and all applicable federal and state laws. The Trustees shall also determine an appropriate effective date and shall provide appropriate forms to terminate ongoing participation. However, distributions under the Plan of existing accounts to participants will be made in accordance with the Plan.
- C. The city of Beebe acknowledges that the Plan contains provisions for involuntary Plan termination. (Ord. No. 2005-7, Sec. 5.)

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

reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, are held as part of the Plan. All contributions to the Plan shall be transferred to the Trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be transferred by the participating Employer to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan. (Ord. No. 2005-7, Sec. 6.)

CHAPTER 2.68

DRUG TESTING PROCEDURE

Sections:

- | | |
|---------|-----------------------------------|
| 2.68.01 | Drug testing policy and procedure |
| 2.68.02 | Exclusions |

2.68.01 Drug testing policy and procedure The attached drug testing policy and procedure is adopted and shall hereafter be implemented as to all employees of the city of Beebe. All city employees shall be provided a copy of the drug testing policy and procedure manual. (Ord. No. 2007-16, Sec. 1.)

2.68.02 Exclusions Elected official of the city of Beebe are governed by Arkansas State Law and therefore not within the jurisdiction of, or subject to, this ordinance. (Ord. No. 2007-16, Sec. 2.)

CHAPTER 2.72

COUNCILMEMBERS

Sections:

- 2.72.01 Compensation
- 2.72.02 Medical insurance

2.72.01 Compensation All members of the Beebe City Council shall receive their monthly sum on the 15th of the month for which services are rendered. (Ord. No. 2011-14, Sec. 1.)

2.72.02 Medical insurance Members of the Beebe City Council shall no longer be entitled to medical insurance at a cost to the city. Any member of the Beebe City Council wishing to obtain medical insurance through any medical plan the city of Beebe offers its employees may do so at his or her own expense. (Ord. No. 2009-2, Sec. 2.)

TITLE 3

FISCAL AFFAIRS

Chapters:

- 3.04 Purchases
- 3.08 City Officials Conducting Business with the City
- 3.12 Property Tax Refund
- 3.16 Promissory Note

CHAPTER 3.04

PURCHASES

Sections:

- 3.04.01 \$5,000.00 or under
- 3.04.02 Under \$20,000.00
- 3.04.03 Over \$20,000.00
- 3.04.04 Past Expenditures
- 3.04.05 Payment out of funds
- 3.04.06 Electric and insurance bills
- 3.05.07 Bills, Debts, Liabilities and Claims

3.04.01 \$5,000.00 or under The Mayor, or his duly authorized representative, shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials and other things requisite to public purposes for the city of Beebe, Arkansas, and to make all necessary contracts for work or labor to be done, or materials or necessary things to be furnished for the benefit of the city where the amount of the expenditure for any purchase or any contract does not exceed the sum of Five Thousand Dollars (\$5,000.00) if a purchase order has been completed by the purchaser and signed by the Mayor or his duly authorized representative. All purchase orders will be presented at each regular Council meeting which have been signed in the previous month. (Ord. No. 2012-11, Sec. 1.)

3.04.02 Under \$20,000.00 Where the amount of expenditures is for the purchase of fuel, utilities, salaries, lease payments, bond payment, or insurance payments and the expenditure is less than Twenty Thousand Dollars (\$20,000.00), the Mayor, or his duly authorized representative shall have exclusive power and responsibility to make those purchases. (Ord. No. 2012-11, Sec. 2.)

3.04.03 Over \$20,000.00 Where the amount of expenditure for any purchase or contract, exclusive of those items in 3.04.02, exceeds the sum of Twenty Thousand Dollars (\$20,000.00), 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 (Ord. No. 2012-11, Sec. 3.)

3.04.04 Past expenditures All such purchase, payments or expenditures as contemplated by 3.04.01 and 3.04.02 of this ordinances since March 24, 2008, shall and are hereby ratified and approved as being in compliance with the requirements of this ordinance as if this ordinance had been passed March 24, 2008. (Ord. No. 2012-11, Sec. 4.)

3.04.05 Payment out of funds The Mayor, or his duly authorized representative, may approve for payment out of the 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. The payment or disapproval of any bills, debts or liabilities not covered by a previous appropriation shall require confirmation of the governing body. (Ord. No. 95-20, Sec. 4.)

3.04.06 Electric and insurance bills The Mayor, or his duly authorized representative, shall have the exclusive power and responsibility to make payment of the electric utility bill for the city of Beebe, regardless of the amount, and to pay the insurance bills for the city of Beebe, regardless of the amount, so long as the same has been approved in the budget ordinance adopted by the city of Beebe, Arkansas. (Ord. No. 89-2, Sec. 1)

3.05.07 Bills, Debts, Liabilities and Claims The Mayor, or his duly authorized representative, shall have the power and responsibility to approve for payment out of the general fund of the City of Beebe, or disapprove any bills, debts, claims, or liabilities asserted as claims against the City of Beebe, Arkansas, up to \$25,000.00 for any bill, debt, claim, or liability asserted as a claim against the City. (Ord. No. 2016-1, Sec. 1)

Where the amount of any expenditure made pursuant to Section 1, above is above \$5,000.00, the City Attorney must consent, in writing, to the approval or disapproval of any bill, debt, claim, or liability asserted as a claim against the City. (Ord. No. 2016-1, Sec. 2)

CHAPTER 3.08

CITY OFFICIALS CONDUCTING BUSINESS WITH THE CITY

Sections:

- | | |
|---------|------------------------------------------|
| 3.08.01 | City Officials may contract for business |
| 3.08.02 | Terms |

3.08.01 City Officials may contract for business No alderman, council member, official, or municipal employee shall be interested, directly or indirectly in the profits of any contract for furnishing supplies, equipment, or services to the municipality expect as provided herein. (Ord. No. 2020-13, Sec. 2)

A council member may be approved for serving as an employee of/with the City of Beebe as long as that service does not violate any other provision of applicable law. (Ord. No. 2020-13, Sec. 3)

Aldermen, council members, officials, and municipal employees may conduct business with the City of Beebe, Arkansas, without prior approval of the City Council, if:

- (1) The purchase price for supplies of equipment is Five Thousand and no/100 Dollars (\$5,000.00) or less annually; or
- (2) The contract price for service is Five Thousand and No/100 Dollars (\$5,000.00) less annually; or
- (3) The contract price for service related to the publication of certain notices by the City and its departments by a local newspaper is Twenty Thousand and No/100 Dollars (\$20,000.00) or less annually; or
- (4) The contract price for service related to the repair and/or maintenance of City-owned vehicles is Twenty Thousand and no/100 Dollars (\$20,000.00) or less per contract.

(Ord. No. 2020-13, Sec. 4)

3.08.02 Terms All contracts for furnishing supplies, equipment, or services to the City by aldermen, council members, officials, or municipal employees in the sum of more than those amounts outlined above must be approved by the City Council prior to execution. (Ord. No. 2020-13, Sec. 5)

Where the amount of any contract for furnishing supplies, equipment, or services by the City by any alderman, council member, official, or municipal employee exceeds the sum of

Twenty Thousand and NO/100 Dollars (\$20,000.00), the competitive bidding procedure provided in Ark. Code Ann. § 14-58-303 and Ordinance No. 2012-11 shall be followed, and the City Council shall approve the bid of the alderman, council member, official, or municipal employee only if it is the lowest responsible bid, provided the Mayor or the City Council may reject any and all bids received. (Ord. No. 2020-13, Sec. 6)

Prohibited Contracts The prohibitions prescribed in this Ordinance shall not apply to contracts for furnishing supplies, equipment, or services to be performed for a municipality by a corporation in which an alderman, council member, official, or municipal employee has an interest or holds a position if that interest is not a controlling interest or if the alderman, council member, official or municipal employee does not hold any executive or managerial office in the corporation. (Ord. No. 2020-13, Sec. 7)

The herein Ordinance is to be applied retroactively to all contracts described in Sections 3 through 6 entered into between January I, 2019 through the date the herein Ordinance is passed, approved, and adopted. (Ord. No. 2020-13, Sec. 8)

CHAPTER 3.12

PROPERTY TAX REFUND

Sections:

3.12.01 Excess tax

3.12.01 Excess tax

- A. The property tax for the calendar year of 2003 which was collected in the year of 2004 is hereby reduced from 3.5 mills to 1.8 mills.
- B. The excess tax collected by the White County Tax Collector as set forth above shall be refunded to the taxpayers of Beebe, Arkansas.
- C. The Beebe Clerk/Treasurer shall cause to be published a notice and a *City of Beebe 2003 Millage Adjustment Refund* form which shall be inserted in a paper having a general circulation in the Beebe area. Said notice and adjustment refund forms shall provide that taxpayers have from April 1, 2005 until June 30, 2005 in which to request a refund. The notice shall also state that any taxpayers wishing a refund may obtain a refund form from the Beebe City Hall.
- D. The Beebe City Clerk/Treasurer, upon receiving and verifying the completed form shall issue refund checks for the excess tax paid to all Beebe taxpayers who request a refund. (Ord. No. 2005-1, Secs. 1-4.)

CHAPTER 3.16

PROMISSORY NOTE

Sections:

3.16.01 Loan
 3.16.02 Authorization
 3.16.03 Note issued
 3.16.04 Regulations
 3.16.05 Financial information
 3.16.06 Execution

3.16.01 Loan The Beebe City Council (the “City Council”) hereby finds that the Beebe water system is in need of extensive rehabilitation of the water lines which is required to continue adequate water service to the City (the “Waterworks Improvements”). The City Council further finds that the Community Bank submitted and has agreed to provide a fixed rate loan of up to \$750,000.00 with interest at the rate of 3.8% annum. The interest rate on the loan is based on the issuance of tax exempt financing pursuant to the Act. The Note shall be payable solely from the revenues derived from the water works system and shall not constitute an indebtedness of the City within the meaning of the constitutional provisions or limitations. The Note shall plainly state that it has been issued under the provisions of the Act, and that it does not constitute an indebtedness of the City within any constitutional or statutory limitations. The loan shall be subordinate to any outstanding revenue bonds issued by the City or the Beebe Water and Sewer Commission. Proceeds of the loan shall be deposited in a revenue note fund and shall be used solely for the purposes authorized in the Act. (Ord. No. 2009-7, Sec. 1.)

3.16.02 Authorization Under the authority of the laws of the state of Arkansas, including particularly the Act, the Note is hereby authorized and ordered issued in the principal amount not to exceed \$750,000.00 for the purpose of financing improvements to the city of Beebe water system and paying expenses of issuing the Note. The Note shall be dated the date of issuance and shall bear interest on the outstanding principal amount at a fixed rate of 3.8% per annum with the interest payable semi-annually. The Note shall be due no more than five (5) years from its date. The Note shall be issued in fully registered form and may be prepaid at the times and in the manner permitted in the Note. (Ord. No. 2009-7, Sec. 2.)

3.16.03 Note issued The Note shall be issued to the Lender in consideration for the loan. (Ord. No. 2009-7, Sec. 3.)

3.16.04 Regulations The City covenants with the Lender or other owner of the Note (the “Owner”) from time to time as follows:

- A. The City shall not take any action or suffer or permit any action to be taken or condition to exist which causes the interest payable on the Note to be included in gross income for federal income tax purposes. Without limiting the generality of the foregoing, the City covenants with the Owner that the proceeds of the sale of the Note will not be used directly or indirectly in such manner as to cause the Note to be treated as an “arbitrage bond” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”).
- B. The City will not use or permit the use of the Waterworks Improvements or the proceeds of the Note in such manner as to cause the Note to be a “private activity bond” within the meaning of Section 141 of the Code.
- C. None of the gross proceeds of the Note will be used (directly or indirectly) either

1. to make or finance loans to persons other than state or local government units, or
 2. in any trade or business carried on by any person other than a state or local governmental unit or other than as a member of the general public.
- D. The City will take no action which would cause the Note to be “federally guaranteed” within the meaning of the Code.
- E. The City will not reimburse itself from Note proceeds for any costs paid prior to the date the Note is issued except in compliance with United States Treasury Regulation 1.150-2. This ordinance shall constitute “official intent” for the purposes of the Regulation.
- F. The City will submit to the Secretary of the Treasury of the United States, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the Note is issued, a statement concerning the Note which contains the information required by Section 149(e) of the Code. (Ord. No. 2009-7, Sec. 4.)

3.16.05 Financial information The City shall provide such financial information to the Lender as the Lender may reasonably request. (Ord. No. 2009-7, Sec. 5.)

3.16.06 Execution The Mayor and City Clerk, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to effect the issuance, execution, and delivery of the Note, and the performance of all acts of whatever nature necessary to effect and carry out the authority conferred by this ordinance. The Mayor and City Clerk are hereby further authorized and directed, for and on behalf of the City, to execute all papers, documents, certificates, and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof. (Ord. No. 2009-7, Sec. 6.)

TITLE 4

BUSINESS LICENSES AND REGULATIONS

Chapters:

- 4.04 Electric Franchise
- 4.08 Gas Franchise
- 4.12 Telephone Franchise
- 4.16 License and Privilege Tax
- 4.20 Taxicab Service
- 4.24 Single Transaction for Sales Tax
- 4.28 Contract for Services
- 4.32 Inventory-Tracking System for Pawnshops

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
- 4.04.10 Vandalism

4.04.01 Electric franchise granted to Arkansas Power and Light Company. The city of Beebe, 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 Beebe, Arkansas, (1) to sell, furnish, transmit and distribute electric power and energy to Grantor and to all inhabitants and consumers within said limits, and (2) to construct, maintain, operate and extend a system for such purposes and to enter on, under and upon and use any and all of the streets, alleys, avenues, bridges and other public grounds and ways belonging to, or under the control of Grantor, for the purpose of erecting, maintaining, repairing, replacing and operating

poles, wires, anchors, stubs, transformers, substations, cables, conduits and other related facilities, appliances and apparatus which are necessary for, or useful in, the furnishing, sale, transmission or distribution of said electric service (hereinafter called facilities). (Ord. No. 245, Sec. 1.)

4.04.02 Rights and responsibilities of grantor and grantee.

- A. General Rights and Obligations. Grantee shall, and does by acceptance hereof, agree to provide to the city and its inhabitants adequate and reasonable electric service as a public utility and the facilities necessary to provide such service. Grantor, in recognition of the large and continuing investment necessary for Grantee to perform its obligations hereunder, and the need and duty to promptly construct its facilities, as defined above, required to serve customers, in all areas and zones of the city, consents to the construction of such facilities as defined in Section 4.04.01 in all such areas and zones, and Grantor agrees to protect by ordinance, regulation and otherwise, to the fullest extent permitted by law, and except as otherwise limited herein, the grants of rights and privileges to Grantee set forth in Section 4.04.01 from interference with, or duplication by, other persons, firms or corporations seeking to engage in the sale or distribution of electric energy.
- B. Standards and Right-of-Ways. All facilities of Grantee which may be located on public ways, places and public property, as authorized herein, shall be located so as to not unreasonably obstruct public use and travel. All of Grantee's facilities shall be constructed, operated and maintained in accordance with standards at least equivalent to the standards prescribed by the National Electrical Safety Code. Grantee, its successors and assigns, shall replace and repair, at its own expense, all excavations, holes or other damage caused or done by it to public streets, ways, places and public property in the construction, operation and maintenance of its facilities.
- C. Removal of Hazards; Clearing of Right-of-Ways. The Grantee, its successors and assigns, is hereby given the right to trim, cut or remove trees, shrubbery or growth on or in public ways, places and public property which interfere or offer hazards to the operation of Grantee's facilities used or useful for the rendition of electric service; further, Grantee is hereby given the right, authority and permission to trim, cut and remove portions of trees, shrubbery or growth growing on private property but overhanging or encroaching on public ways, places and public property which interfere or offer hazards to the construction, operation and maintenance of Grantee's facilities. (Ord. No. 245, Sec. 2-4.)

4.04.03 Termination procedure. The rights, privileges and authority hereby granted shall exist and continue from the date of passage of this ordinance, and thereafter, until termination in accordance with provisions of Section 44 of Act 324 of the 1935 Acts of the State of Arkansas, as presently enacted or hereinafter amended. (Ord. No. 245, Sec. 5.)

4.04.04 Rates. The rates which are to be charged by Grantee for electric service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from time to time, be amended by Grantee in accordance with law or by any regulatory authority having jurisdiction thereof. (Ord. No. 245, Sec. 6.)

4.04.05 City not liable for negligence of grantee. In the construction, operation, and maintenance of its facilities, said Grantee shall use reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the said Grantor from damage, injury, loss or expense caused by the negligence of the Grantee or its agents, servants, or employees, in constructing, operating and maintaining said facilities or in repaving or repairing any streets, avenues, alleys, bridges or other public grounds. (Ord. No. 245, Sec. 7.)

4.04.06 Standard of care for facilities. The Grantee shall endeavor at all times to keep its facilities in a reasonable state of repair and to conform to such practices and install such appliances and equipment as may be in keeping with the customary usage and practice in cities of similar size in this state during the time this franchise shall remain in force. (Ord. No. 245, Sec. 8.)

4.04.07 Franchise tax. Beginning in 1966, 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 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 Beebe, Arkansas. Payments shall be made by the Grantee to the Grantor in approximately equal quarterly installments beginning in January, 1966. 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 Beebe, 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. (Ord. No. 245, Sec. 9.)

4.04.08 Street lighting. Electric service furnished the Grantor for street lighting and other purposes shall be paid for by the Grantor in accordance with the applicable rate schedules of the Grantee now on file and/or as they may in the future be filed by the Grantee and approved by the Arkansas Public Service Commission or other regulatory authority having jurisdiction. The Grantee shall have the privilege of crediting any amount due Grantor with any unpaid balances due said Grantee for electric service rendered to said Grantor. (Ord. No. 245, Sec. 10.)

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. (Ord. No. 245, Sec. 11.)

4.04.10 Vandalism

- A. That it shall be and is hereby declared to be unlawful for any person or persons to damage or destroy any light globes, or any other kind of equipment or property belonging to the Arkansas Power and Light Company in the City of Beebe, Arkansas, without written permission of said company. (Ord. No. 261 L, Sec. 1.)
- B. That it shall be and is hereby declared to be unlawful for any person or persons to damage, destroy, or carry away any property or equipment belonging to the city of Beebe, Arkansas, without written permission of said City. (Ord. No. 261 L, Sec. 2.)
- C. Any person or persons violating any of the provisions of Section 1 or Section 2 of this ordinance shall upon conviction be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) and sixty (60) days in jail or both. (Ord. No. 261 L, Sec. 3.)

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 Beebe, 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 Beebe, 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.

A. The franchise tax for Arkansas Louisiana Gas Company for the year 1963 shall be \$1.00 per meter, based on the average number of domestic and commercial metes in the city of Beebe, Arkansas during the year 1962. A certified copy of this ordinance shall be furnished the Arkansas Louisiana Gas company. (Ord. No. 240, Sec. 1.)

B. The franchise tax for 1963 and future years until changed by Ordinance, shall be determined as follows:

At the close of the calendar year 1962 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 Beebe, Arkansas, and shall inform the Mayor of the results of this calculation. The franchise tax for each of these years shall be computed by multiplying the average number of meters by \$1.00 per meter. (Ord. No. 240, Sec. 2.)

C. The franchise tax for the year 1963 shall be paid by April 1, 1963, and the franchise tax for succeeding years shall be paid by March 1st of that year. (Ord. No. 240, Sec. 3.)

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 Beebe, Arkansas, (hereinafter referred to as "city"). The plant construction and appurtenances used in or incident to the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said city shall remain as now constructed, subject to such changes as may be considered necessary by the city in the exercise of its inherent powers and by the Telephone Company in the conduct of its business, and said Telephone Company shall continue to exercise its rights to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances as the business and purpose for which it is or may be incorporated may from time to time require, along, across, on, over, through, above and under all the public streets, avenues, alleys, and the public grounds and places within the limits of said city as the same from time to time may be established. (Ord. 318 S, Sec. 1.)

4.12.02 Tax imposed upon Southwestern Bell Telephone Company. For the year 1981 the Telephone Company shall pay to the City \$6,260.00. Said sum shall be paid in quarterly installments on or before the last day of each quarter in the amount of \$585.00 for the first quarter and \$1,565.00 for the second quarter and \$2,055.00 for each of the subsequent quarters. Beginning in 1982, the Telephone Company shall pay to the City, for the period January 1, 1982 through December 31, 1982 inclusive and thereafter for like periods an amount equal to 4.25% 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. (Ord. No. 318 S, Sec. 2.)

4.12.03 Tax shall be in lieu of other charges. The annual payment herein required shall be in lieu of all other licenses, charges, fees or impositions (other than the usual general or

special ad valorem taxes) which may be imposed by the city under authority conferred by law. The Telephone Company shall have the privilege of crediting such sums with any unpaid balance due said Company for telephone services rendered or facilities furnished to said city. (Ord. No. 318 S, Sec. 3.)

4.12.04 Temporary moving of lines The Telephone Company on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes. (Ord. No. 318 S, Sec. 4.)

4.12.05 Permission to trim trees Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said city so as to prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Company, all the said trimming to be done under the supervision and direction of any city official to whom said duties have been or may be delegated. (Ord. No. 318 S, Sec. 5.)

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. (Ord. No. 318 S, Sec. 6.)

4.12.07 Exclusive privileges not given Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges, nor shall it affect any prior or existing right of the Telephone Company to maintain a telephone system within the city. (Ord. No. 318 S, Sec. 7.)

CHAPTER 4.16

LICENSE AND PRIVILEGE TAX

Sections:

- | | |
|---------|-----------------------------------|
| 4.16.01 | Definitions |
| 4.16.02 | License regulations; schedule |
| 4.16.03 | Issuing licenses |
| 4.16.04 | Flea markets |
| 4.16.05 | Peddlers and House-to-House Sales |

4.16.01 Definitions

Flea market shall mean an occasional or periodic market held in an open area or within a structure where groups of individual sellers offer goods for sale to the public and the event is held more than four (4) days in any twelve (12) month period.

Flea market operator shall mean a person, family, corporation, association or other business entity, who/which promotes, authorizes and/or suffers the operation or maintenance of a flea market on their property, or on property they rent, lease or otherwise control.

Flea market vendor shall mean a person, family, corporation, association or other business entity, who/which rents, leases, pays for or otherwise occupies any amount of space, land and/or tables at a flea market for the purposes of advertising, displaying, promoting or selling new or used goods or merchandise. (Ord. No. 2011-10, Sec. 1.)

4.16.02 License regulations; schedule The businesses, occupations and activities referred to in this section shall not be carried on or conducted unless a license has been obtained and the required license fee has been paid, unless waived pursuant to subsection (E). The City Clerk or Code Enforcement officer shall request proof of insurance before granting a license for a circus, carnival, fireworks, taxicab, wrecker, waste hauler or mobile food vendor. The granting of such licenses shall be subject to a One Hundred Dollars (\$100.00) license fee. (Ord. No. 2011-10, Sec. 2.)

4.20.03 Issuing licenses The City Clerk shall issue licenses only upon a showing by the applicant of satisfaction of all requirements for issuance of the license. In addition to other requirements stated in this chapter, background checks are required of all applicants before a license shall be issued, except that no background check is required for applicants for the following licenses: amplifying licenses; automobile graveyard/junkyards; beano/games of chance/raffles conducted by organizations; food service establishments without alcohol, except that mobile food vendors, including mobile ice cream vendors, shall not be exempt from this requirement and shall be required to have background checks; food establishments/retail stores (with or without malt or vinous); flammable liquids; flea market vendors; coin-operated game machines; theater/motion picture; trucking/refuse removal; Christmas tree vendors, wrecker business/towing; and going-out-of-business sales. Failure to submit required releases for a background check is grounds for denial of a license. (Ord. No. 2011-10, Sec. 3.)

4.16.04 Fee

- A. License required No person, family, corporation, association or other business entity shall operate, suffer, permit or conduct a flea market on their property or on property they rent, lease or otherwise control without first securing a valid flea

market operator's license. No person, family, corporation, association or other business shall sell, market, merchandise, display, promote or package new or used goods at a flea market without first securing a valid flea market vendor's license. Related individuals working at the same table or tables need only obtain one (1) flea market vendor's license provided it lists all the individuals involved in selling. As used in this section, "related individuals" shall mean and include persons who are related by either affinity or consanguinity and reside at the same address.

- B. Applicability Nothing in this section shall exempt any property, use or activity from complying with any applicable provisions of other city ordinances, including, without limitation, the zoning ordinance. Further, this section shall apply to any and all flea markets, regardless of whether they are in operation at the time of adoption of this section.
- C. Terms for flea market operator license To be issued a flea market operator's license, a person, family, corporation, association or other business entity must agree to the following terms and conditions, which terms and conditions are made a part of any license issued:
1. The flea market operator will not permit any person, family, corporation, association or other business entity to sell, display, market or otherwise avail themselves of the benefits and privileges of the flea market unless the person or entity holds a valid flea market vendor's license;
 2. The flea market operator must comply with all city ordinances, including, without limitation, the city's zoning and licensing ordinances;
 3. The flea market will not open earlier than 8:00 a.m. and will not close later than 6:00 p.m., and there shall be no flea market set-up or clean-up other than between said hours;
 4. The flea market operator will advise and instruct all flea market vendors on the property to prominently display at all times the vendor's city license;
 5. The flea market operator shall exclude from participation in any flea market any person the operator knows is required to obtain a flea market vendor's license who does not present proof of such licensure;
 6. No food shall be sold at a flea market unless appropriate licenses have been obtained;

7. The flea market operator shall provide adequate parking arrangements with regard to the licensed activity and those parking arrangements shall not unreasonably impair public safety or unreasonably cause traffic congestion on public ways;
8. The flea market operator shall take reasonable steps to ensure that the licensed activity does not unreasonably impair public safety or unreasonably cause traffic congestion on public ways, including, without limitation, the hiring of traffic safety personnel (either public or private) to direct traffic if deemed necessary by the Chief of Police or his designee;
9. The flea market operator will not jeopardize or endanger the public health or safety in any way, or the health or safety of any customers at the market; nor suffer or permit any flea market vendor from doing any of the same;
10. The flea market operator will prohibit, bar and/or expel from the flea market any flea market vendor who breaches the peace or who violates any city ordinance; and
11. No outdoor flea market sales are allowed.

D. Terms for flea market vendor license To be issued a flea market vendor's license, a person, family, corporation, association or other business entity must agree to the following terms and conditions, which terms and conditions are made a part of any license issued:

1. The flea market vendor must comply with all city ordinances, including, without limitation, the city's zoning and licensing ordinances;
2. The flea market vendor will not open earlier than 8:00 a.m. and will not close later than 6:00 p.m., and there shall be no flea market set-up or clean-up other than between said hours;
3. The flea market vendor will prominently display at all times the vendor's city license;
4. The flea market vendor will not jeopardize or endanger the public health or safety in any way, or the health or safety of any customers at the market;

5. There shall be no purchasing of goods by a flea market vendor from any person, except another flea market vendor at the flea market, prior to the opening of the flea market to the general public;
6. No person under the age of eighteen (18) shall be permitted to sell goods or work as a flea market vendor unless his/her parents or guardian have given written permission;
7. There shall be no overnight parking of motor vehicles on site and no flea market vendor shall remain on site prior to opening or after closing as set forth herein;
8. The flea market vendor will not sell hazardous materials, flammable liquids, petroleum products, drug paraphernalia or illegal, counterfeit or contraband items. To the extent permitted by law, the flea market vendor will not sell firearms;
9. No foot shall be sold at a flea market unless appropriate licenses have been obtained;
10. Persons holding a valid city secondhand dealer license need not also obtain a flea market vendor's license if they wish to participate in a flea market, but they shall otherwise comply with all provisions of this section; and
11. No outdoor flea market sales are allowed.

E. Standards for denial, suspension or revocation The City Clerk in addition to other provisions of this code authorizing such action, may deny, suspend or revoke a flea market operator license upon one or more of the following grounds:

1. There has been a failure to fully complete the application forms or to pay any fee required hereunder; an incorrect statement of material fact has been made knowingly on such form; or there has been a knowing omission of material fact or additional documentation required or reasonably necessary to determine whether such license should be issued;
2. Failure to notify the City Clerk of any change of material fact set forth in the license application;

3. The applicant's flea market business or professional conduct hereunder has been the source of one or more complaints of record that have been found to be valid and the conduct relates directly to the public health, safety or welfare;
 4. The flea market has violated one of more provisions of this chapter or other city ordinances including, without limitation, the city's zoning and licensing ordinances; or
 5. The flea market operator has permitted unlicensed flea market vendors to sell, display or market goods on the property and had failed to remove or expel such vendors.
- F. Standards for renewal As part of the renewal process, the City Clerk will consider compliance from prior years, and based upon that review, may add conditions to any future license to correct, abate or limit past problems.
- G. Enforcement This section shall be enforced by the City Clerk or Code Enforcement Officer, for whom the Police Chief or his/her designee shall provide investigative and enforcement assistance. (Ord. No. 2011-10, Sec. 4.)

4.16.05 Peddlers and House-to-House Sales

- A. Any person desiring a license as an itinerant merchant, peddler, vendor, solicitor, door-to-door commercial canvasser, photographer or salesman shall file with the City Clerk-Treasurer a written application containing:
1. Applicant's name and home address;
 2. Type of license applied for;
 3. Name of employer;
 4. Last two cities worked in;
 5. Address of business or premises to be used in the city;
 6. Period for which license is desired.
- B. The applicant for license described in this section shall also file with the City Clerk-Treasurer a bond with sureties approved by the City Clerk-Treasurer in the sum of \$1,000.00. Said bond shall be made payable to the City for the use and benefit of all patrons or customers of said license. The bonds shall be conditioned for the faithful performance of the licensee's promises and contracts made in the course of applicant's business in the City and said bond shall further provide that any person injured by the breach of any obligation which said bond secures may sue on such bond in his own name to recover such damages as he may have sustained as a result of such breach.

- C. Definitions. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
1. Peddler or solicitor means any individual person, firm, company, partnership, corporation, society, religious sect, organization, or league, including, but not limited to, a trustee, receiver, agent, or similar representative of the same, who engages in peddling or soliciting, whether or not payment is collected at the time of such transaction.
 2. Peddling or soliciting means engaging in conduct whereby a person, organization, society, corporation, or its agent, member or representative seeks property, financial aid, gifts, money, or any article representing monetary value; or sells or offers to sell merchandise, goods, any article of value, service, publication, ticket, advertisement or subscription.
- D. It is unlawful to willful or knowingly make any false statement in the application for license hereunder for the purpose of defrauding the City of its just tax or license fee.
- E. There shall be a license fee of \$10.00 per day, in addition to the bond required, for all applicants pursuant to this paragraph and said fee shall be paid daily before any work is conducted by the applicant pursuant to this Section. A license pursuant to this Section may be denied or revoked for good cause, which may include, but is not limited to, a situation where the applicant or other (if applicable):
1. Knowingly causes, aids, abets, or conspires with another to cause any person to violate any of the laws of this state or the City which may affect or relate to the licensed business;
 2. Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;
 3. Is convicted of, forfeits bond upon, or pleads guilty to any offenses related to the operation of the licensed business;
 4. Makes a misrepresentation or fails to disclose a material fact to the City related to any of the obligations set forth in this division;
 5. Violates any building, safety, fire or health regulation on the premises in which the business is located after receiving warning from the City to refrain from such violations;
 6. Is in violation of a zoning regulation of the City; or
 7. Is indebted or obligated to the City for past due bond, fees, or taxes.
- F. It is hereby declared a misdemeanor for any person, firm or corporation carrying on a business, profession or occupation within the City to fail and/or refuse to comply with any of the provisions of this division. Upon conviction for such violation, the offender shall be fined in an amount not less than \$200.00 nor more than \$500.00 for each separate violation; provided, however, in no case shall the fine be in excess of double the amount of the license fee provided, together with costs." (Ord. No. 2017-10, Sec. 2).

CHAPTER 4.20

TAXICAB SERVICE

Sections:

4.20.01	Definitions
4.20.02	Operator
4.20.03	Permit
4.20.04	Insurance
4.20.05	Application
4.20.06	Judicial review
4.20.07	Minors may not operate service

4.20.01 Definitions The word “taxicab” as herein employed shall mean and refer only to motor-driven vehicles having a seating capacity not in excess of (7) passengers and used for the transportation of persons for hire. Included within the meaning of the term shall not be any vehicle having a seating capacity in excess of seven (7) passengers and employed in transporting persons over regular routes having fixed terminal or upon regular schedules of operation. (Ord. No. 281 L, Sec. 1.)

4.20.02 Operator The words “taxicab operators” herein employed shall mean and refer to any person, firm, association or corporation owning and operating a taxicab or taxicabs. (Ord. No. 281 L, Sec. 2.)

STATE LAW REFERENCE - A.C.A. 14-57-301.

4.20.03 Permit No person, firm, corporation or association shall engage in or carry on the business of operating a taxicab service without first procuring from the City council a permit so to do. The City Council is authorized to grant or to refuse such a permit or permits. (Ord. No. 281 L, Sec. 3.)

STATE LAW REFERENCE - A.C.A. 14-57-304.

4.20.04 Insurance No permit shall be issued for operation of a taxicab until owner has due proof of liability insurance. (Ord. No. 281 L, Sec. 4.)

4.20.05 Application Before granting any such permit, the City council shall require the seeker of any such permit to file with such body an application, verified by oath and setting forth the facts showing his qualifications to render the services for which he seeks the permit. Also setting the maximum charges. (Ord. No. 281 L, Sec. 5.)

STATE LAW REFERENCE - 14-57-305 and 14-57-306.

4.20.06 Judicial review Any final action of the governing body of municipality in respect of any such application shall be subject to judicial review. (Ord. No. 281 L, Sec. 6.)

STATE LAW REFERENCE - 14-57-308.

4.20.07 Minors may not operate service It shall be unlawful for any person under the age of twenty-one (21) years to operate any taxicab or jitney service for hire, and otherwise, in a city of the first class in the State of Arkansas, or to drive a jitney or taxicab as employee, partner or otherwise, for another. Before anyone can be licensed to drive a taxicab satisfactory proof must be made that the applicant must be of the age of twenty-one (21) and of good moral character. (Ord. No. 281 L, Sec. 7.)

STATE LAW REFERENCE - A.C.A. 14-57-402 and 14-57-401.

CHAPTER 4.24

SINGLE TRANSACTION FOR SALES TAX

Sections:

4.24.01	Definition
4.24.02	Transportation
4.24.03	Utility services
4.24.04	Building materials
4.24.05	Household appliances
4.24.06	Groceries

4.24.01 Definition The term “single transaction” for the purposes of the local sales tax, shall be defined according to the nature of the goods purchased, as follows.

4.24.02 Transportation When two or more devices in which, upon which or be 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, or 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 a local sales tax. (Ord. No. 343-S, Sec. 1.)

4.24.03 Utility services The charges for utility services, which are subject to the taxes levied under this ordinance, and which are furnished on a continuous service basis, whether such services are paid daily, weekly, monthly or annually, for the purposes of the local sales tax, shall be computed in daily increments, and each such daily charge increment shall be considered to be

a single transaction for the purposes of the local sales tax. (Ord. No. 343-S, Sec. 1.)

4.24.04 Building materials For sales of building materials and supplies to contractors, builders or other persons, a single transaction, for the purposes of the local sales tax, shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales (or use) tax figure has been reported and remitted to the state. (Ord. No. 343-S, Sec. 1.)

4.24.05 Household appliances When two or more items of major household appliances, commercial appliances, major equipment and machinery are sold, each individual unit shall be treated as a single transaction for the purposes of the local sales tax. (Ord. No. 343-S, Sec. 1.)

4.24.06 Groceries 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. 343-S, Sec. 1.)

CHAPTER 4.28

CONTRACT FOR SERVICES

Sections:

- 4.28.01 Contract is approved
- 4.28.02 Payment
- 4.28.03 Bids not practical

4.28.01 Contract is approved The Contract attached hereto as Exhibit A is hereby approved and adopted and the Mayor of the city of Beebe is hereby authorized and directed, along with the City Clerk, to execute the attached Contract for Services enumerated therein for industrial development for the city of Beebe, Arkansas. (Ord. No. 96-05, Sec. 1.)

4.28.02 Payment The City Clerk of the city of Beebe is authorized to pay the amount stated in the attached contract as long as the terms of the contract are being fulfilled. (Ord. No. 96-05, Sec. 2.)

4.28.03 Bids not practical The City Council declares that the solicitation of bids to provide services, which will include all those items enumerated in the attached contract, is not feasible or practical due to the fact that the BIDC already has resources available to provide immediate help for industrial development. (Ord. No. 96-05, Sec. 3.)

CHAPTER 4.32**INVENTORY-TRACKING SYSTEM FOR PAWNSHOPS****Sections:**

- 4.32.01 Maintaining system
- 4.32.02 Fine

4.32.01 Maintaining system Each and every owner or operator of a pawnshop, pawnbroker and dealer in secondhand goods doing business in the city of Beebe, Arkansas, shall, within thirty (30) days of the adoption of this ordinance, maintain an electronic inventory-tracking system which is capable of delivery and transmission of all statutorily-required information via computer to the entity designated by the Beebe Police Department. (Ord. No. 2009-14, Sec. 1.)

4.32.02 Fine The failure on the part of any owner or operator of a pawnshop, pawnbroker, or dealer in secondhand goods to comply with the provisions of this ordinance shall be deemed a misdemeanor. Upon conviction, the offender shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) for each separate offense. Each day of noncompliance with this ordinance shall be deemed a separate offense. (Ord. No. 2009-14, Sec. 2.)

TITLE 5

HEALTH AND SANITATION

Chapters:

- 5.04 Maintenance of Real Property
- 5.08 Solid Waste Collection

CHAPTER 5.04

MAINTENANCE OF REAL PROPERTY

Sections:

- 5.04.01 Unsightly or unsanitary conditions on real property
- 5.04.02 Notice required
- 5.04.03 Penalties
- 5.04.04 Permanent garbage holding structure

5.04.01 Unsightly or unsanitary conditions on real property It shall be unlawful for any person, firm, corporation, partnership, association of persons, owners, agent, occupant, or anyone having supervision or control of any ***residential, commercial or industrial*** lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the corporate limits of the city of Beebe, to suffer or permit any of the following conditions:

A. Grass, weeds, or any other plant that is not cultivated, to grow to a greater height than ***ten (10)*** inches on an average of an individual lot, tract, parcel, or to grow in rank profusion upon the premises.

B. Rubbish, trash, waste, brush, dead trees, or any other objectionable, 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 plants that are not cultivated, to grow in rank profusion, or otherwise, in, along, upon, or across the abutting sidewalk or parkway, to a height of more than ten (10) inches on the average.

D. The storage of a junk and/or abandoned automobile for a period not to exceed ***fifteen (15)*** days, unless it is in collection with an automotive sales or repair business enterprise which operates under a duly licensed and exhibited privilege license and is located in a properly zoned area.

E. The open storage of iceboxes, refrigerators, or any other appliances for a period not to exceed **fifteen (15)** days, and during storage period, all doors, latches and locks are to be removed or made inoperative in a manner to insure the safety of all citizens, unless it is in connection with an appliance sales or repair business enterprise which operates under a duly issued and exhibited privilege license and is located in a properly zoned area.

F. **The use of any area on the property that is in view of the public, stream, or drainage way for the purpose of throwing or placing of stumps, brush, litter, rubbish, or any other liquid or solid material within or along the banks of any such stream or natural drainage way.**

G. The accumulation of stagnant pools of water or allow any form of vessel that might accumulate water in which mosquitoes or other insects may breed.

H. The property to be used for illegal dumping of any solid or liquid, household, commercial, industrial, construction, or demolition waste, including but not limited to: garbage, trash, tin cans, bottles, rubbish, refuse, lumber, whether dumped, thrown, burned, spilled, or abandoned, unless required permits have been obtained.

I. Displaying, maintaining, or otherwise keeping yard sale signs posted past **7:00 AM** on the morning after a yard sale has taken place. If a yard sale has taken place on a Saturday, the person or entity having supervision over property subject to this Section shall have until **7:00 AM** on the Monday morning following the sale to comply with the terms of this Paragraph, Section, and Chapter. (Ord. No 2019-6, Sec. 2 (A-I))

5.04.02 Notice of Violations Authorized. But Not Required for Prosecution. Whenever the Mayor or his duly authorized agent or representative, determines that there are reasonable grounds to believe that there has been a violation of any provisions of this **Section, he or she may, but is not required to**, give notice of such alleged violation to the person responsible for the property, **which may include owners of the property, renters of the property and others with care and control over the property.** Such notice shall:

A. Be put in writing.

B. Include a statement **of the facts describing the violation of these provisions.**

C. Allow a maximum of five (5) business days for the owners of the property, renters of the property, and/or those with care and control of the property to remedy the violations. Said five (5) limitation may be modified and expanded by authorization of the Mayor and City Attorney, in the best interest of the City.

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

- A. By hand delivery of the notice to the owners of the property, renters of the property, and/or those with care and control of the property, if possible.
- B. By posting the notice on the front door of the building located on the property or other conspicuous place on the property; and/or
- C. By depositing the notice in the United States Post Office addressed to the owners of the property, renters of the property, and/or those with care and control of the property. (Ord. No. 2019-6, Sec. 2)

5.04.03 Penalties Any person, firm, corporation, partnership, association of persons, owners, agent, occupant, or anyone having supervision or control of any residential, commercial or industrial lot, tract, parcel of land or portion thereof occupied or unoccupied, improved or unimproved, who shall violate a provision of this Section, or fail to comply therewith, shall be guilty of an unclassified misdemeanor. No notice need be given pursuant to Subsection 5.04.02, above, before a prosecution under this Section is initiated. Violation of the provisions of this Section may be prosecuted by the issuance of a criminal warrant or by the issuance of a citation by a law enforcement officer, as required by law. Each such person, firm, corporation, partnership, association of persons, owners, agent, occupant, or anyone having supervision or control of any residential, commercial or industrial lot, tract, parcel of land or portion thereof occupied or unoccupied, improved or unimproved, shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued. Upon conviction of any such violation, such person shall be punished in the following manner:

- A. For a first offense, by a fine, not less than \$300.00 or to exceed \$500.00, for each day of the violation.
- B. For a second offense regarding the same property within a five (5) year period, a fine, not less than \$500.00 or to exceed \$1,000.00, for each day of the violation.
- C. For a third or greater offense regarding the same property within a five (5) year period, a fine, not less than \$750.00 or to exceed \$1,500.00, and/or up to thirty (30) days in jail, for each day of the violation. (Ord. No. 2019, Sec. 2)

CHAPTER 5.08

SOLID WASTE COLLECTION

Sections:

- 5.08.01 City Garbage Department
- 5.08.02 Definitions
- 5.08.03 Fees
- 5.08.04 Details of collected material

5.08.05	Burning garbage
5.08.06	Penalties
5.08.07	Service schedule
5.08.08	Rate schedule
5.08.09	Head of Department determines pick-ups
5.08.10	Waste Management of Arkansas
5.08.11	City landfill
5.08.12	Rates
5.08.13	Car wash disposal
5.08.14	Yardwaste pick-up
5.08.15	Permanent structure for garbage storage

5.08.01 City Garbage Department There is hereby created a “City Garbage Dept.” Within and for the city of Beebe, Arkansas, to be supervised and controlled by the City Council and the Mayor. The Council of the city of Beebe shall have the power to employ a foreman and such other laborers as may appear necessary to efficiently and systematically gather, transport, and dispose of all garbage inside the city limits; to demand and collect fees as herein fixed: to maintain said department, and to exercise a general supervisory control over the garbage operations of this City. (Ord. No. 271 L, Sec. 1.)

5.08.02 Definitions The word “Garbage” used in this ordinance shall include all waste matter and materials coming from human inhabitants and places of business not of a kind to run through sewers, including street filth, droppings from animals, decayed foods, flesh, vegetables and fruits; dead animals and bones; waste from slaughter houses, processing plants and factories, all used boxes, barrels, containers, waste paper and sweepings from stores, warehouses, restaurants, hotels, and other such places of business; grass, leaves, shrubbery, and small trees, discarded cans, jars, glass containers, crockery and other utensils and vessels, discarded furniture, machinery, and other such matter not to exceed 100 pounds; all houses, storehouses and warehouses trash and sweepings, as well as other unsightly and unsanitary materials and things that appear detrimental to the beauty of the city of the health of its inhabitants. (Ord. No. 271 L, Sec. 2.)

5.08.03 Fees The fees herein fixed are on a monthly basis or schedule be due and payable on the 1st day of each month at the office of the Beebe water and sewer system in the same manner as water bills are paid and shall be paid by the person owning the property or by the person paying the water bill charged to the property. In cases where one water meter serves more than one apartment or dwelling house or more than one business establishment, the fee shall be collected on a unit basis. If such are not paid at the time and in the manner herein provided, a penalty of ten per cent shall be attached and be charged against each person, and if any fee remains unpaid thirty days from its due date the city shall have the right to institute an action for its recovery. (Ord. No. 271 L, Secs. 4 and 10.)

5.08.04 Details of collected material All persons, firms or corporations having garbage to be transported as provided in this ordinance shall provide suitable metal cans with tight fitting covers and shall place them at a place on their premises where the same may be accessible for the garbage collectors, said cans or containers shall be no larger than a thirty gallon capacity and shall have suitable handles attached for the convenience of the garbage collectors.

It is made the duty of persons having garbage on their premises to place it where it may be easily reached by the city garbage employees. All waste such as limbs, grass, trees, rocks, etc. will be handled only in a box or bundled so as to be handled by one man and weighing not more than 50 lbs. per box or bundle at no extra charge. If other services are required they will be handled at a fee set by the garbage department. (Ord. No. 271 L, Secs. 6 and 9.)

5.08.05 Burning garbage It shall be unlawful for any person, firm or corporation to burn any trash or garbage except in incinerators approved by the City Health Officer, or the Chief of the Fire Dept. or to dump or throw any garbage upon any vacant lot or into the Street or alley in said City. (Ord. No. 271 L, Sec. 8.)

5.08.06 Penalties Any person, firm or corporation failing to pay the fees, and penalties provided by this ordinance or otherwise violating its provisions shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed Twenty-Five Dollars and each day of such violation shall constitute a separate offense. (Ord. No. 271 L, Sec. 12.)

5.08.07 Service schedule

A. The amounts charged to ratepayers per month for the collection of trash, garbage and waste materials, shall be as follows:

1. Residential, one (1) day a week hand collect \$7.16
2. Light Commercial, once a week hand collect \$12.46
3. Regular container Commercial is per schedule below:

Weekly Pickups/ Monthly Rates

<u>Size of Containers</u>	<u>1 Day</u>	<u>2 Day</u>	<u>3 Day</u>	<u>4 Day</u>
2 yd	41.72	68.17	-0-	-0-
4 yd	50.88	97.68	-0-	-0-
6 yd	61.05	119.05	168.92	252.34
8 yd	69.19	139.40	198.41	315.43

- B. Roll-off containers for white goods are \$475.00 per container.
- C. Roll-off container for corrugated cardboard recycle will be charged at \$50.00 month rental and \$105.00 per single load to a recycle center. (Ord. No. 95-21, Secs. 1-5.)

5.08.08 Rate schedule In any multiple family dwelling including apartments, each unit is assessed at the single family unit rate. The rate is based on a per family fee. Every family living within the limits of the City of Beebe is subject to the single family unit rate. Family also includes single persons and heads of households. (Ord. No. 295 R, Sec. 2.)

5.08.09 Head of Department determines pick-ups The Head of the Sanitation Department is authorized and required to determine the number of pick-ups necessary at each and every business. The rate of charge shall be based on his determination. (Ord. No. 295 R, Sec. 3.)

5.08.10 Waste Management of Arkansas The Mayor and City Clerk are authorized to enter into the exclusive franchise agreement attached hereto with Waste Management of Arkansas, Inc., a Delaware Corporation, giving them the exclusive right and contract to operate and maintain the service of residential and non-residential trash collection, hauling, and disposal, as well as recycling services, and providing regulations for the operation of said service.

The City Council has accepted competitive bids and finds that the bid of Waste Management of Arkansas, Inc. is the only fully responsive bid to the public bid notice and the only bidding entity that can fulfill all bid specifications. (Ord. No. 97-05, Sec. 1.)

5.08.11 City landfill

- A. The Mayor and City Clerk are authorized to enter into the attached Independent Consulting Contract with Genesis Environmental Consulting Inc. (Ord. No. 94-08, Sec. 1.)
- B. The Mayor and City Clerk are authorized to enter into the attached agreement with Winsco Construction, Inc. (Ord. No. 94-20, Sec 1.)
- C. The Mayor and City Clerk are authorized to enter into the attached independent work contract with David Michael d/b/a David Michael & Son. This Ordinance being necessary to initiate prompt and appropriate action with regard to participation in a temporary tire disposal amnesty program.(Ord. No. 94-24, Sec. 1-2.)

5.08.12 Rates Effective December 1, 1989, the following rates will be effective at the Beebe City Landfill:

6 cubic yard garbage packer	\$30.00
All 2 axle dump trucks (10 yards & up)	\$20.00
All flat bed dump trucks	\$15.00
All box bed dump trucks	\$15.00
All four wheel trailers	\$12.00
All two wheel trailers	\$10.00
Full pickup trucks	\$5.00
Half loads or less on pickup trucks	\$2.50
All cars	\$1.50

(Ord. No. 89-11, Sec. 1.)

5.08.13 Car wash disposal

- A. The word “sewage” as used in this ordinance shall be defined as waste material and matter generated from car-washes.

Businesses whose principal purpose is the cleaning of the exterior of vehicles shall be defined as “car-washes.”

“Unsanitary” shall be defined as emitting an unpleasant odor or as noxious or any condition creating a health hazard or public nuisance. (Ord. No. 346 S, Secs. 1-3.)

- B. It shall be unlawful for an owner, employer or agent of said owner of a car wash to deposit sewage in a manner that is unsanitary on public or private property within the city limits of Beebe, Arkansas. (Ord. No. 346 S, Sec. 4.)
- C. The owner shall be notified by the Chief of Police or his delegate of the violation by ordinary mail to the owner’s last-known address, or if not know, by notice attached to the building known as the car wash. The penalties, if the owner shall be found to be in violation shall begin to run from the date the notice is mailed or attached to the building.(Ord. No. 346 S, Sec. 5.)
- D. The penalty for a violation of this ordinance shall be a fine of not more than One

Hundred Dollars (\$100.00) with each day in which the ordinance is in violation constituting a separate offense. (Ord. No. 346 S, Sec. 6.)

5.08.14 Yardwaste pick-up

- A. Limbs shall not exceed 12" in diameter or eight (8) feet in length, with a limit of seventy-five (75) limbs per household, per weekly pick-up.
- B. No trash or other debris shall be mixed or commingled with yardwaste.
- C. No stumps, logs, building debris, lumber, rocks, concrete, furniture, or similar items will be picked up.
- D. Grass clippings and pine needles may be placed by the road, bagged or unbagged, for weekly pick-up. (Ord. No. 96-18, Secs. 1-5.)

5.08.15 Permanent structure for garbage storage

- A. No permanent structure to hold garbage, refuse, rubbish or other unsightly articles or things, should be placed on a permanent basis, past the front building line as defined by the Beebe Zoning Regulations in areas of the city defined as R-1 and R-2 as defined by the Beebe Zoning Code.
- B. No permanent structure to hold garbage, refuse, rubbish or other unsightly articles or things, should be placed on a permanent basis, within twenty (20) feet of the street right-of-way in areas of the city defined as R-1 and R-2 as defined by the Beebe Zoning Code.
- C. It is specifically understood that garbage bags and boxes may be placed within the areas described in (A) and (B) within twenty-four (24) hours of garbage pickup day for each residential district.
- D. If the owner or owners of any lot or other real property within the areas of the city defined as R-1 and/or R-2 as defined by the Beebe Zoning Code, after the giving of twenty (20) days' notice in writing by the Mayor or the Chief of Police or Code Enforcement Officer shall refuse or neglect to perform the duties in connection with his or their property as specified in (A) and (B) hereof, the Mayor, Chief of Police, or Code Enforcement Officer is hereby authorized to enter upon the property and have said permanent structure removed and the cost thereof shall be charged against said premises and shall constitute a lien thereon.

- E. In the event that the owner of any lot or other real property is unknown or his whereabouts is not known or he is a non-resident of this state, then a copy of the written notice hereinabove referred to shall be posted upon the premises and before any action to enforce such lien shall be had, the City Clerk shall make an affidavit setting out the facts as to unknown address or whereabouts of non-residents, and thereupon service of publication as now provided for by law against non-resident defendants may be had and the Mayor shall notify the defendant by registered letter addressed to his last known place of residence if same can be found.
- F. The lien herein provided for may be enforced at any time within 18 months after work has been done by an action in the Chancery Court. (Ord. No. 91-7, Secs. 1-6.)

TITLE 6

ANIMALS AND FOWL

Chapters:

- 6.04 General Provisions
- 6.08 Dogs
- 6.12 Livestock and Fowl
- 6.16 Miscellaneous Provisions
- 6.20 Enforcement

CHAPTER 6.04

GENERAL PROVISIONS

Sections:

- 6.04.01 Definitions
- 6.04.02 Interference with Enforcement
- 6.04.03 Cruelty to animals
- 6.04.04 Releasing animals in public places in the corporate city limits of Beebe
- 6.04.05 Keeping of innately wild animals
- 6.04.06 Veterinarian to report cases of rabies to Beebe Animal Control
- 6.04.07 Public nuisance animals
- 6.04.08 Outside animal sales
- 6.04.09 Vicious animals
- 6.04.10 Biting animals
- 6.04.11 Impoundment and destruction authorized
- 6.04.12 Reclaiming impounded animals
- 6.04.13 Acceptance of unwanted animals

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

- A. **Abandoned** A domesticated animal that an owner has forsaken entirely or neglected or refused to provide care and support.
- B. **Animal** Every vertebrate non-human species of creature.
- C. **Animal Establishments** Any pet shop, kennel, grooming shop, auction, performing animal exhibition, or other facility engaging in the handling of animals, excluding licensed veterinarians and veterinary clinic and hospitals.

- D. **Beebe Animal Control** A term that collectively refers to all City Animal Control Employees, including Officers.
- E. **Beebe Animal Facility** An animal facility operated by the City of Beebe or a facility operated by a non profit organization organized to benefit animals under section 501 (c) (3) of the Federal Internal Revenue Code.
- F. **At Large Animal** An animal that is not confined to the premises of the owner, within a house, fence, of other structure, or restrained by a leash sufficiently strong enough to prevent the animal from escaping and restricting the animal to the premises; or an animal that is not confined by leash or within an automobile when away from the premises of the owner.
- G. **Breeder** Any person, partnership, or corporation which maintains an unaltered (unsterilized) dog and breeds such animal for any consideration or profit, fee, or compensation.
- H. **Cat** Any commonly domesticated feline animal that includes both male and female gender of the species.
- I. **Direct Point Chaining** To tether or chain an animal to one fixed object such as a stake, tree, car, etc.
- J. **Dog** any commonly domesticated canine animal and includes both the male and female gender of the species.
- K. **Domesticated Animal** An animal that is socialized to humans and appropriate as a companion for humans.
- L. **Fence** A physical barrier constructed out of such a material as to provide a barrier between an animal and the public. This fencing must be not being of a material that requires electricity or batteries to operate.
- M. **Hog** A hoofed mammal of the family Suidae, order Artiodactyla, comprising boars and swine.
- N. **Innately Wild Animal** Any mammal, amphibian, reptile or fowl of a species that is wild by nature and that, because of its size, vicious nature or characteristics, is dangerous to human beings. Such animals shall include, but not limited to, lions, tigers, leopards, panthers, bears, wolves and wolf hybrids, cat hybrids, cougars, coyotes, skunks {whether deodorized or not), apes gorillas, monkeys, *foxes*, elephants, rhinoceroses, alligators, crocodiles, caimans, fowl larger than a macaw, all form of venomous reptiles and any snake that is greater than eight (8) feet in length. The terms shall also include any animal listed as an “endangered species” under the federal Endangered Species Act of 1973, as

amended, or any fowl protected by the federal Migratory Bird Treaty Act. The term innately wild animal shall not include gerbils, hamsters, guinea pigs, mice or domesticated rabbits.

- O. **Owner** An adult person or custodian possessing, harboring, keeping, or feeding for a period of five (5) days.
- P. **Pit Bull Dog** a dog is determined to be a Pit Bull Dog if any of the following apply:
 - 1. The dog is a Bull Terrier breed of dog;
 - 2. The dog is a Staffordshire Bull Terrier breed of dog;
 - 3. The dog is an American Pit Bull Terrier breed of dog;
 - 4. The dog is an American Staffordshire Terrier breed of dog;
 - 5. The dogs mixed breed or of other breeds than above listed breed or mixed breed is known as Pit Bull Dogs, or Pit Bull Terriers;
 - 6. Any dog which has the appearance and characteristics of being predominately of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier; any other breed commonly known as Pit Bulls, Pit Bull Dogs or Pit Bull Terriers; or a combination of any of these breeds.

A Pit Bull Dog is a vicious dog and vicious animal, pursuant to the Beebe Animal Control Code. (Ord. No. 2017-5, Sec. 2.)

- Q. **Public Nuisance Animal** Any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owner, to enjoyment of life or property.
- R. **Running at Large** Any animal roaming freely at will.
- S. **Stray** An animal that is regularly off the property of the owner, is not under the physical control and restraint of the owner, and is not regularly provided with food by its owner.
- T. **Sterilized** Any animal that has been spayed or neutered.
- U. **Vicious Dog** Any member of the canine family that has exhibited fierce or vicious behavior towards a person or has attacked a person or another animal with such severity as to cause physical injury or property damage. This includes, but is not limited to, any dog that is a pit bull dog, as defined in this section. (Ord. No. 2015-16.)

6.04.02 Interference with enforcement

- A. It shall be unlawful for any person to:
1. Interfere in any manner with the any Beebe Animal Control Employee while they have in their custody any animal;
 2. Remove from the Beebe Animal Facility any animal which is in the custody of the Beebe Animal Facility unless authorized by a Beebe Animal Control Employee; and/or
 3. Knowingly obstruct, impair or hinder, directly or indirectly, the lawful performance of enforcement and animal control functions of any Beebe Animal Control Employee. (Ord. No. 2015-16.)

6.04.03 Cruelty to Animals

- A. It shall be unlawful for any person to:
1. Overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry or confine in vehicle in an inhumane manner, or otherwise mistreat, any animal;
 2. Fail to provide any animal with proper food, drink, and protection from the weather or veterinary care;
 3. Abandon any animal;
 4. Intentionally poison any animal;
 5. Allow or promote any fight between animals, or to allow or permit any such fight in or upon any premises in his possession or under his control;
 6. Allow an animal to be kept in unsanitary conditions; and/or
 7. Keep or confine an animal in any other capacity than a humane manner;
 8. Molest any animal in any manner annoying, harassing or sexual.
- B. This section does not replace A.C.A. 5-62-103 or any other relevant provisions of State law.
- C. Beebe Animal Control Officers have the authority to remove any animal subject to cruelty and impound such animal. The animal shall be impounded and not released unless:
1. The owner of the animal, who will not be charged, is allowed to claim

the animal from the facility; or

2. The owner of the animal, who was charged and is found not guilty, is allowed to claim the animal from the facility.

- D. If any owner of such impounded animal pleads guilty, nolo contendere, or is found guilty of cruelty to animals, the animal shall become the property of the Beebe Animal Facility and may be available to the public for adoption. (Ord. No. 2015-16.)

6.04.04 Releasing animals in public places in the corporate city limits of Beebe

- A. It shall be unlawful for any person to knowingly release any animal in any public or private place within the city. This includes dumping of animals at the Beebe Animal Facility without prior knowledge of a Beebe Animal Control Employee.
- B. As used in this section the term “animal” shall mean any animal other than a human being; the term “public or private place” shall include all properties within the city not owned by the person charged with releasing the animal. (Ord. No. 2015-16.)

6.04.05 Keeping of Innately Wild Animals

- A. It shall be unlawful for any person to possess or harbor any innately wild animal.
- B. Affirmative Defenses.
 1. No person shall be convicted of violating this section if such person can establish a defense listed in this subsection by a preponderance of the evidence.
 2. Zoos, circuses, etc. This section shall not apply to any zoo, circus or sanctuary complying with the applicable laws and regulations and keeping such innately wild animals for the education and entertainment of the public.
- C. Domestic dogs. This section shall not apply to domestic dogs that have been duly licensed and properly treated with a vaccine which the compendium of animal rabies prevention has established is capable of effectively preventing the spread of rabies in the applicable species.
- D. Liability for Innately wild animals that attacks a person. Any person, household, or residence, which homes, keeps, harbors, or possesses an innately wild animal that attacks a person causing harm to a person or property or exhibits vicious or ferocious behavior towards a person causing fear, shall be guilty of a violation. It

is an affirmative defense to this section that the animal was provoked. Any person convicted of violating this subsection shall be fined according to the penalty section. Additionally, the convicting court shall either (1) order the animal to be surrendered to competent authority for release in an appropriate habitat or for the lawful disposition, or (2) order the humane destruction of the animal. (Ord. No. 2015-16.)

6.04.06 Veterinarian to report cases of rabies to Beebe Animal Control Every veterinarian shall promptly report to the Beebe Animal Control all cases of rabies in all animals treated by him or her from the City of Beebe, giving the name and address of the owner and owners' addresses of any animals bitten, as far as is known. A.C.A. 20-19-307, *et al.* (Ord. No. 2015-16.)

6.05.07 Public Nuisance Animals

- A. It shall be unlawful for any person, household, or residence to own or harbor a Public Nuisance Animal. Public Nuisance Animals shall include, but are not be limited to:
1. Any animal that is repeatedly found running at large.
 2. Any dog in any section of a public park or public recreation area unless the dog is controlled by a leash or similar restraint.
 3. Any animal that damages, soils, defiles or defecates on any property other than of its owner.
 4. Any animal that causes fouling of the air by noxious or offensive odors from unsanitary conditions and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
 5. Any animal in-heat that is not confined so as to prevent attraction or contact with other animals.
 6. Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right away.
 7. Any animal that chases motor vehicles in a public right-of-way.
 8. Any animal that attacks domestic animals.
 9. Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

10. Any animal in which by loud or frequent noise may disturb the peace and quiet of any person who may reside within reasonable proximity of the place where the animal is kept. Any claim of excessive noise must be validated by the Police Department or Beebe Animal Control. If said claim of excessive noise cannot be witnessed by the police officer or Beebe Animal Control, the person claiming such nuisance should file an affidavit with the Beebe District Court and be required to pay any court costs associated therewith. If the animal owner is found guilty of this offense on three separate occasions, Beebe Animal Control after the third offense shall impound the offensive animal(s) until a decision of the animal(s) fate is decided by the Beebe District Court. (Ord. No. 2015-16.)

6.04.08 Outside animal sales

- A. No person or business shall sell, exchange, barter, trade, lease, rent, give away, or display any live animal on a roadside, public right-of-way, parking lot, median, park, playground or other recreational area, flea market, or commercial or retail property adjacent to such location, that is generally accessible to the public, regardless of whether such access is authorized or not. However, the sale or exchange of hunting or cattle dogs, where a species sold or exchanged is defines as a hunting or cattle dog, is allowed at outside/outdoor flea markets. (Ord. No. 2018-07, Sec. 2.)
- B. Exception: This section shall not apply to humane societies, animal control agencies, or no-profit organizations sponsoring animal adoption events, having obtained prior approval from Beebe Animal Control. (Ord. No. 2015-16.)

6.04.09 Vicious animals It shall be unlawful to keep, harbor, own or in any way possess within the corporate city limits of Beebe, except while transporting to a veterinarian office (restrained and muzzled) within the corporate city limits:

- A. Any vicious animal or vicious dog, as defined above.
- B. Any warm-blooded, carnivorous or omnivorous, wild or exotic animal, including but not limited to non-human primates, skunks, foxes and wild and exotic cats; but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes.
- C. Any animal having a poisonous bite.
- D. Any animal that exhibits fierce or vicious behavior or that has attacked a person or animal with such severity as to cause physical injury or property damage. However, the fact that an animal has attempted to bite a person when that person provoked or teased it shall not constitute the animal's being a vicious animal. (Ord. No. 2015-16.)

6.04.10 Biting animals

- A. It is unlawful for any person bitten, family, treating physician, or veterinarian

that has knowledge of a person bitten by any animal to refuse to notify Beebe Animal Control promptly. It is further unlawful for the owner of the animal to sell, give away, transfer, transport to another area, or otherwise dispose of the animal that is known to have bitten a person until it is released by health authorities.

- B. It is unlawful for the owner of the animal to refuse or fail to comply with the written or printed instructions of the health authorities in any particular case. The written instructions will be delivered in person by health authorities or their authorized agent. If instructions cannot be delivered in person, they shall be sent by regular mail, postage paid, and addressed to the owner of the animal. The affidavit or testimony of the health authorities or the authorized agent, who delivered or mailed such instructions, shall be prima facie evidence of the receipt of the instructions by the owner of the animal. (Ord. No. 2015-16.)
- C. State law reference: Illegal acts when person bitten, A.C.A. 20-19-36.

6.04.11 Impoundment and destruction authorized

- A. The Beebe Animal Control Officer shall take into custody any animal found at large or any animal that is a vicious dog or vicious animal found kept in the city and shall impound the animal in the Beebe Animal Facility or such other place as such Beebe Animal Control Officer may designate for the purpose of impoundment.
- B. Such impounded animal shall be held for a period of five (5) business days, at the end of which time the animal may be destroyed unless custody of the animals release prior thereto as provided in this division.
- C. Such animal may be destroyed prior to the expiration of such five (5) business day waiting period when such animal has been seriously injured or seriously ill and destruction would eliminate suffering on the part of the animal and would constitute the humane solution to such animal's suffering.
- D. Such animal may be destroyed prior to the expiration of such five (5) business day waiting period when such an animal presents itself in a vicious or dangerous manner that places the public or Beebe Animal Control Employees in ongoing danger and such destruction would eliminate this threat. State law reference: Impoundment and destruction of any animal found at large, A.C.A. 14-54-1102. (Ord. No. 2017-5.)

6.04.13 Acceptance of unwanted animals

- A. Beebe Animal Control shall accept unwanted dogs from city residents upon the

payment of relinquishment fee by such resident of the required fee thereon, provided room at the facility is available. Fees shall be established by Beebe Animal Control.

- B. All animals accepted by Beebe Animal Control as provided in this section shall immediately become the property of the city.
- C. Beebe Animal Control shall accept all animals found to be at large within the corporate city limits of Beebe.
- D. It shall be unlawful for anyone to fraudulently bring an animal to the Beebe Animal Facility that was found to be at large outside the corporate city limits of Beebe by reporting that the animal was found within the corporate city limits of Beebe. (Ord. No. 2015-16.)

CHAPTER 6.08

DOGS

Sections:

- 6.08.01 Running at large prohibited
- 6.08.02 Conditions of premises
- 6.08.03 Minimum care (Dog)
- 6.08.04 Chaining or tethering of dogs
- 6.08.05 Vehicular confinement
- 6.08.06 Dogs number owned
- 6.08.07 Dogs license required
- 6.08.08 Rabies vaccination
- 6.08.09 Adopted animals sterilized
- 6.08.10 Vicious dogs

6.08.01 Running at Large Prohibited

- A. No person, household, or residence, owning, possessing, or keeping a dog shall allow such a dog to run at large within the city. (Ord. No. 2015-16.)
- B. State law references: Authority of the city to prevent dogs from running at large and providing for the destruction of the same. A.C.A. 14-54-1102.

6.08.02 Conditions of Premises It shall be unlawful for any person, household, or residence, keeping or harboring dogs to fail to keep the premises where such dogs are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of such premises to avoid said holes from holding water, urine or feces. It shall be unlawful to allow premises where dogs are kept to become unclean by failing to diligently and systematically remove all waste from the premises. (Ord. No. 2015-16.)

6.08.03 Minimum Care (Dog)

A. Facility.

1. All dogs shall have continuous access to a structurally sound, moisture-proof and windproof facility large enough to keep the dog reasonably clean and dry.
2. A facility which does not protect the dog from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section.
3. A dog's facility and bedding and other accessible space shall be maintained in a manner which minimizes the risk of the dog contracting disease, being injured or becoming infested with parasites.
4. When a dog is confined outside by means and in an enclosure, the following minimum floor space requirements shall be met:
 - i. Large dog: for a dog that is larger than 20 inches at the withers or weighs more than 50 pounds the minimum confinement area per dog is 100 square feet.
 - ii. Medium dog: for a dog that is larger than 12 inches, and up to 20 inches, at the withers that weighs over 20 pounds, and up to 50 pounds, the minimum confinement area per dog is 80 square feet.
 - iii. Small dog: For a dog that is 12 inches or less at the withers or that is 50 square feet.
 - iv. Each additional dog requires an additional 25 square feet of confinement area. (Ord. No. 2016-10)

B. Nutrition.

1. It shall be unlawful for any person keeping or harboring any dog to fail, refuse or neglect to provide such dog with clean, fresh, potable water adequate for the dog's size, age, and physical condition. This water supply shall be either free flowing or provided in a removable receptacle that is weighed or secured to prevent tipping.
2. It shall be unlawful for any person keeping or harboring any dog to fail, refuse or neglect to provide such dog with wholesome foodstuff suitable for the dog's physical condition and age and in sufficient quantities to maintain an adequate level of nutrition for the dog. (Ord. No. 2015-16.)

6.08.04 Chaining or Tethering of Dogs It shall be unlawful to chain or tether a dog in any way within the city limits. (Ord. No. 2015-16.)

6.08.05 Vehicular Confinement It shall be unlawful for any person to confine any animal in a parked vehicle if the outside air temperature is higher than 80 degrees Fahrenheit,

unless the vehicle is running and the air conditioner is working properly. Beebe Animal Control Officers or other Law Enforcement Officers shall not be liable for any damage resulting to the vehicle when such confined animals must be removed for their safety and wellbeing. (Ord. No. 2015-16.)

6.08.06 Dogs Number Owned It shall be unlawful for any person, household, or residence to own, keep or harbor more than three (4) dogs, which are 16 weeks old within the corporate city limits of Beebe and the burden of proof shall be the owners to show the age of such. (Ord. No. 2016-10.)

6.08.07 Dog License Required

- A. Any person, household, or residence, who owns, keeps, or harbors a dog in the city that is at least sixteen (16) weeks old, shall obtain a city license on an annual basis. City licenses are renewable in January of every year and license must be obtained by the January dates specified by Beebe Animal Control.
- B. No dog license shall be issued for a dog unless a licensed veterinarian has vaccinated the animal against rabies. If a dog is found without the required license the owner shall be charged with the offense of failure to license a dog.
- C. The cost of the dog license is listed in the Fee Section.
- D. Any person who fails to abide by this section be deemed guilty of a misdemeanor and upon conviction shall be subject to the fines and penalties section. (Ord. No. 2015-16.)
- E. State law reference: Authority of city to place a tax on dogs. A.C.A. 14-54-110.

6.08.08 Rabies Vaccination All dogs and cats within the City of Beebe shall be vaccinated at least once a year against rabies, unless indicated otherwise by a veterinarian. It is made the duty of all owners of dogs within this city to have the animals vaccinated against rabies. Such rabies vaccinations are required to be administered by a licensed veterinarian. (Ord. No. 2015-16.)

6.08.09 Adopted Animals- Sterilized

- A. It shall be unlawful for any pound, facility, or humane organization, or animal rescue group to release to a new owner any dog over three (3) months of age which has not been sterilized except as provided below:
 - 1. An animal which in the opinion of a veterinarian licensed to practice veterinary medicine in the State of Arkansas is medically compromised to the extent that it cannot withstand immediate sterilization may be temporarily released pursuant to a foster care agreement until such time as it can safely be sterilized or until two (2) veterinarians licensed to practice veterinary medicine in the State of Arkansas certify that it is unlikely that the animal will ever recover to the extent that it can safely be sterilized.
 - 2. At that time, ownership of the animal may be transferred to an owner who certifies that the animal will not be used for breeding.
 - 3. An owner who violates the agreement shall be subject to the penalties set forth in the penalties section. (Ord. No. 2015-16.)
- B. All animals adopted from Beebe Animal Control that fall under the above

provision of not being sterilized under the age of three (3) months will be required to be sterilized at the age of three (3) months and provide proof to the Beebe Animal Control. An owner who violates this agreement shall be subject to penalties set forth in the penalties section. (Ord. No. 2015-16.)

6.08.10 Vicious Dogs

- A. It shall be unlawful to keep, harbor, own or in any way possess a vicious dog within the corporate city limits of Beebe, except while transporting to a veterinarian office (restrained and muzzled) within the corporate city limits.
1. Determination:
 - i. A Beebe Animal Control Officer shall deem a canine to be a vicious dog if the Beebe Animal Control Officer determines that the canine satisfies the definition of vicious dog, in addition to dogs specifically enumerated as vicious dogs herein.
 - ii. A dog will be considered vicious if it is the offspring of a domestic dog and an innately wild animal. The behavior of the dog should not be considered vicious if the dog was provoked or teased. When rendering a determination pursuant to this section, any canine that reasonably resembles an innately wild animal shall be presumed to be the offspring of a domestic dog and an innately wild animal. However, this presumption may be defeated by a preponderance of evidence to the contrary. Offspring includes animals that are separated by less than three reproductive generations from an innately wild animal.
 2. Notification: The Beebe Animal Control Officer shall notify the owner by hand delivery or mailing a certified notice to the owner.
 3. Apprehending: The Beebe Animal Control Officer shall also apprehend the canine and shall not release it until the requirements have been met or until so ordered by a court of competent jurisdiction and the owner shall be responsible for all expenses incurred while animal is impounded.
 4. Release: A canine that has been apprehended shall only be released by the Beebe Animal Facility if the following condition has been met: The owner shall immediately remove the animal to a location outside the city limits that is safe for the animal and society, and shall submit a sworn affidavit as to the owner's compliance with this provision. Beebe Animal Control shall have complete discretion to determine whether or not the affidavit is sufficient and whether or not the removal is sufficient pursuant to this paragraph. (Ord. No. 2017-5.)

CHAPTER 6.12

LIVESTOCK AND FOWL

Sections:

- 6.12.01 Keeping of horses and cows
- 6.12.02 Keeping of hogs, goats or sheep
- 6.12.03 Livestock running at large prohibited
- 6.12.04 Fowl running at large prohibited

6.12.01 Keeping of Horses and Cows No person, household, or residence, shall keep any horse or cow except in an enclosed pasture containing a minimum of one (1) acre for each horse or cow.

6.12.02 Keeping of Hogs, Goats or Sheep It is hereby declared to be unlawful for any person to possess, maintain or keep any hogs, goats or sheep within the corporate city limits of Beebe or to permit any hogs, goats or sheep to run at large within the corporate city limits; except that hogs, goats and sheep in transit may be kept for a period not to exceed twenty-four (24) hours in a duly established stockyard.

6.12.03 Livestock Running at Large Prohibited No person owning, possessing or keeping livestock shall allow any such animal to run at large within the corporate city limits of Beebe.

State law references: Livestock running at large, A.C.A. 14-54-1101

6.12.04 Fowl Running at Large Prohibited It shall be unlawful for any person to permit any chickens, ducks, geese, or other animal to run at large.

CHAPTER 6.16

MISCELANIOUS PROVISIONS

Sections:

- 6.16.01 Disposal of animal remains
- 6.16.02 Fraudulent redemption

6.16.01 Disposal of animal remains All animal remains will be disposed of in a manner that is in accordance with the state law.

6.16.02 Fraudulent redemption It shall be unlawful for any person to obtain possession or provides false identification of an animal on behalf of the owner for the purpose of avoiding payment of fees, penalties, or fines, both the owner and the person shall be charged with a misdemeanor. (Ord. No. 2015-16.)

CHAPTER 6.16

ENFORCEMENT

Sections:

- 6.20.01 Citations
- 6.20.02 Fee structure
- 6.20.03 General penalties
- 6.20.04 Pit bull violation penalties

6.20.01 Citations

- A. Animal Control. The Beebe Animal Control Department, also known as the Department of Animal Control, shall be a separate department under the control of the Mayor of the City of Beebe, with its own Department Head and budget. Hiring and firing for this Department shall be in accordance with City ordinances and policy.
- B. Police Department and Beebe Animal Control Officers are hereby authorized to issue citations for any violations of these articles.
- C. If citations cannot be delivered in person, they shall be sent certified mail and addressed to the owner of the dog or other animal, if known. (Ord. No. 2015-16.)

- D. If not known, then the citation will be issued to the property owner to which the dog or other animal belongs.
- E. The affidavit or testimony of the Beebe Animal Control Officer, Police Officer or the authorized agent, who delivered or mailed such instructions, shall be prima facie evidence of the receipt of the instructions by the owner of the dog or other animal. (Ord. No. 2015-16.)

6.20.02 Fee Structure

- A. Reclaiming Fee (Standard):
 - 1. Twenty dollars (\$20) for each animal; plus five dollars (\$5) per day boarding fee for each animal.
 - 2. Reclaiming fee shall double for each recurring offense for each animal; plus five dollars (\$5) per day boarding fee for each animal.
 - 3. Pit Bull Reclaim Fee: Violators will be charged a one hundred dollar (\$100) fee.
- B. Adoption Fee: Shall be set and published by Beebe Animal Control. (Ord. No. 2015-16.)

6.20.03 General Penalties Any person who fails to abide by any of the provisions in this Chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined the following:

- A. First Offense: Any sum not less than one hundred dollars (\$100) minimum and a maximum of one thousand dollars (\$1,000).
- B. Second Offense: Any sum not less than two hundred fifty dollars (\$250) minimum and a maximum of one thousand dollars (\$1,000).
- C. Third Offense: Mandated judge appearance and a fine of not less than five hundred dollars (\$500) minimum and a maximum of two thousand five hundred dollars (\$2,500). (Ord. No. 2015-16.)

6.20.04 Pit Bull violation penalties Any person who fails to abide by any of the provisions in this Chapter and that violations relates to a Pit Bull shall be deemed guilty of a misdemeanor and upon conviction shall be fined the following:

- A. Any person violating or permitting the violation of any provision of this section shall upon conviction in the Beebe District Court be fined a sum not less than five hundred dollars

(\$500) and not more than two thousand five hundred dollars (\$2,500). The court may also sentence the defendant to imprisonment in the county jail for a period not to exceed ninety (90) days. Any such conviction shall also include seizure of the animal by Beebe Animal Control personnel, if that has already not been done, to be humanely destroyed or sent to a suitable rescue outside of the corporate city limits of Beebe, if the dog has not already been destroyed.

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 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 Open Burning
- 7.36 Fireworks
- 7.40 Peddlers and Hawkers
- 7.44 Civil Defense
- 7.48 Cemetery Care
- 7.52 Tobacco Use
- 7.56 Billboards & Signs
- 7.60 Sexually Oriented Businesses
- 7.64 Prohibited Substances and Paraphernalia
- 7.68 Debris Hauling and Removal
- 7.72 Alcoholic Beverages
- 7.76 Prohibiting Minors Consumption of Alcohol
- 7.80 Parking

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 City Clerk'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.

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 Curfew for minors

7.08.01 Curfew for minors

A. Definitions

Curfew hours means:

- a. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
- b. 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian means:

- a. a person who, under court order, is the guardian of the person of a minor; or
- b. a public or private agency with whom a minor has been placed by a court.

Minor means any person under 18 years of age.

Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent means a person who is:

- a. a natural parent, adoptive parent, or step-parent of another person; or
- b. at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

Public means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Remain means to:

- a. linger or stay; or
- b. fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Serious bodily injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ. (Ord. No. 94-9, Sec. 1.)

B. Offenses

- 1. A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.
- 2. A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- 3. The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours. (Ord. No. 94-9, Sec. 2.)

C. Defenses

1. It is a defense to prosecution under Section 2 that the minor was:
 - a. accompanied by the minor's parent or guardian;
 - b. on an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - c. in a motor vehicle involved in interstate travel;
 - d. engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - e. involved in an emergency;
 - f. on the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - g. attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city of Beebe, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city of Beebe, a civic organization, or another similar entity that takes responsibility for the minor;
 - h. exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - i. married or had been married or had disabilities of minority removed in accordance with Title 9 of the Arkansas Family Code, particularly 5 9-26-104.
2. It is a defense to prosecution under Section (2) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave. (Ord. No. 94-9, Sec. 3.)

- D. Enforcement Before taking any enforcement action under this ordinance, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this ordinance unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 3 is present. (Ord. No. 94-9, Sec. 4.)
- E. Penalties
1. A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.
 2. When required by the Arkansas Juvenile Code of 1989, as and if amended, the municipal court shall waive original jurisdiction over a minor who violates Section 2 of this ordinance and shall refer the minor to juvenile court. (Ord. No. 94-9, Sec. 5.)
- F. Within six months after the initial enforcement of this ordinance, the Mayor shall review this ordinance and submit a written report to the city council concerning the effectiveness of this ordinance and make recommendations as to the continuing need for the ordinance. The Mayor's report shall specifically include the following information;
1. The practicality of enforcing the ordinance and any problems with enforcement identified by the police department;
 2. The impact of the ordinance on crime statistics;
 3. The number of persons successfully prosecuted for a violation of the ordinance; and
 4. The city's net cost of enforcing the ordinance. (Ord. No. 94-9, Sec. 6.)

CHAPTER 7.12

LOITERING

Sections:

7.12.01	Illegal
7.12.02	Definitions
7.12.03	Penalty
7.12.04	No trespassing at schools
7.12.05	Regulating pool halls

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 1(a) that the law enforcement officer did not afford the defendant an opportunity to identify himself and explain his presence and conduct, or if it appears at trial that an explanation given by the defendant to the officer was true, and if believed by the officer at that time, would have dispelled the alarm.

7.12.03 Penalty. As set out in Ark. Stat. 41-2914, loitering is a Class C misdemeanor punishable by a maximum fine of One Hundred Dollars (\$100.00).

7.12.04 No trespassing at schools

- A. The words Beebe High School and Beebe Grade School used in this ordinance shall mean any and all property belonging to the Beebe School System in the city of Beebe, Arkansas. Also the words Arkansas State University Beebe Branch used in this ordinance shall mean any and all property belonging to the Arkansas State University Beebe Branch in the city of Beebe, Arkansas.
- B. There shall be no loading or trespassing on or around any property belonging to the Beebe School System or property belonging to the Arkansas State University Beebe Branch, in Beebe, Arkansas, between the hours of 6:00 p.m. and 6:00 a.m.
- C. Any person or persons failing to comply with the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished upon conviction in any sum not less than Ten Dollars (\$10.00) nor more than Thirty Dollars (\$30.00) and thirty days in jail or both. (Ord. No. 262L, Secs. 1-3.)

7.12.05 Regulating pool halls

- A. The words (pool hall) used in this ordinance shall mean any building or place where pool or billiards is played, where it is opened to the public for recreation.
- B. A minor who is fifteen (15) years of age or older and who shows written consent of his or her parent or guardian, may be permitted to enter any place of recreation in the city in which both pool or billiards are played and may participate in games in such place of recreation, until such time as the consent of the parent or guardian is revoked.
- C. No minor of either sex will be allowed in pool hall during school hours, if they are of school age, whether he or she is enrolled in school or not;
- D. No pool hall, recreation center, shall sell or serve on its premises any type of intoxicating beverages or knowingly allow any of intoxicating beverages to be consumed or served or shall any pool hall knowingly allow any gambling or gambling devices up on the premises.
- E. All pool halls shall be well lighted and have sufficient front glass to allow any passing person to observe activities conducted within.
- F. No pool hall shall be operated between the hours of 11:00 p.m. and 8:00 a.m.
- G. Any person failing to comply with the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished upon conviction in any sum not less than Twenty -Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) or thirty (30) days in jail, or both.
- H. Violation of this ordinance will result in the closing of said pool hall, until the Police Court Judge gives authorization to reopening of said pool hall. (Ord. No. 254L, Secs. 1-8.)

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 City Clerk. The Mayor 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 Adoption of a fire prevention code
- 7.24.02 Enforcement; definition
- 7.24.03 Storage of flammable materials
- 7.24.04 Modifications
- 7.24.05 Appeals
- 7.24.06 Penalties

7.24.01 Adoption of a fire prevention code There is hereby adopted by the governing body of the municipality, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, Abbreviated Edition, as recommended by the National Board of Fire Underwriters, being particularly the 1965 edition thereof, and the whole thereof, save and except such portions as are hereinafter deleted or amended. Not less than three (3) copies of this code have been and are now on file in the office of the Clerk of the municipality for public record and examination, and the same are hereby adopted and incorporated as fully as if set forth at length within the body of this adopting ordinance, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the corporate limits of the municipality. (Ord. No. 255, Sec. 1.)

7.24.02 Enforcement The code hereby adopted shall be enforced by the Chief of the Fire Department of the municipality.

Wherever the word "Municipality" is used in the code hereby adopted or within the body of this ordinance, it shall be held to mean the city of Beebe, Arkansas. (Ord. No. 255, Secs. 2-3.)

7.24.03 Storage of flammable materials 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 1500 feet of any dwelling 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 5 of this Ordinance. (Ord. No. 255, Sec. 4.)

7.24.04 Modifications The Chief of the Fire Department shall have 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 the way of 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 decision 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.(Ord. No. 255, Sec. 5.)

7.24.05 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 30 days from the date of the decision appealed. (Ord. No. 255, Sec. 6.)

7.24.06 Penalties

- A. 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 a 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 Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) 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 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 violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. No. 255, Sec. 7.)

CHAPTER 7.28

OUTSIDE FIRE SERVICE

Sections:

- 7.28.01 Authority to dispatch
- 7.28.02 Restrictions
- 7.28.03 Aid outside corporate limits
- 7.28.04 Fees

7.28.01 Authority to dispatch. The city of Beebe, by and through its Mayor and/or Fire Chief and/or its designated representatives, may enter into an Automatic Aid Agreement with any neighboring city or community, public institution, fire association, firm, or individual outside the Fire District limits of the city of Beebe and within a five (5) mile radius of the Fire District limits of said city as the same now or hereinafter exist, to render aid in extinguishing fires. (Ord. No. 2001-11, Sec. 1.)

7.28.02 Restrictions. If there exists a present need for the Fire Department of the city of Beebe to render assistance in the extinguishing of fire within the corporate limits of the city of Beebe, or such need develops after a call for fire, then the first obligations of said fire department shall be to render aid in extinguishing a fire within the corporate limits of the city of Beebe. (Ord. No. 2001-11, Sec. 2.)

7.28.03 Aid outside corporate limits

- A. No fire department apparatus shall be taken beyond the corporate limits of the city of Beebe, Arkansas, as the same now or hereinafter exists, to assist at any fire, or for any other purpose, except by order of the Mayor and/or fire chief of the city of Beebe, Arkansas, or their designated representative, and subject to the restrictions and conditions herein set forth.
- B. The Mayor and/or fire chief of the city of Beebe, Arkansas, or their designated representative, are authorized, in their discretion, to aid in the extinguishing of fires in other cities or town, public institutions, corporations, or other property within a reasonable distance from the city of Beebe, Arkansas, or on property immediately adjacent to the city of Beebe, Arkansas, in which there is a possibility of fire spreading within the corporate limits of the city of Beebe under the following conditions:
 - 1. 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, with approval of the city of Beebe.
 - 2. No more than one-half (½) of all of the fire fighting force of the city of Beebe, Arkansas shall attend the fire outside the corporate limits.
 - 3. No fire calls shall be made outside the city limits of the city of Beebe, Arkansas, unless the fire fighting apparatus can reach the fire on a hard surfaced

road, provided, however, the “Brush and Grass” Truck can be used off a hard surfaced road.

4. The city, incorporated town, public institution, firms, or individuals requesting assistance shall pay the following fees for the following types of fires:

Occupiable structure	\$500.00
Structure	\$300.00
All other fires	\$100.00

All fees collected hereunder shall be deposited in the General Fund at the Municipal Clerk’s office to be used to replace or add to fire equipment. (Ord. No. 91-3, Sec. 1.)

5. If there is a present need for the fire department of the city of Beebe to render assistance to the extinguishment of fire within the corporate limits of the city of Beebe, or such need develops after a call for fire service outside the corporate limits of the city of Beebe, then the first obligation of the said fire department shall be to render aid in extinguishing a fire within the corporate limits of the city of Beebe, Arkansas. (Ord. No. 89-10, Sec. 1-2.)

7.28.04 Fees If the City, incorporated town, public institution, firm, or individual requesting assistance does not pay the required fee as required by Section 2 (d), then the city of Beebe shall have an absolute lien on the property which is the subject of the alarm for the work and labor performed in responding to and fighting the fire to secure the payment of the work and labor performed. The lien shall attach to the real estate upon which the property is located and all improvements thereon.

- A. The city of Beebe shall give ten (10) days notice before the filing of the lien to the owner or agent of the property that it holds a claim against the property setting forth the amount and from whom it is due. The notice may be served by any officer authorized by law to serve process in civil actions or in any form authorized by Rule 4 of the Arkansas Rules of Civil Procedure. When served by an officer, his official return endorsed on it shall be proof of service.
- B. Whenever property is sought to be charged with a lien under this ordinance and the owner is not a resident of this state, or conceals himself or absents himself from his usual place of abode so that the required notice cannot be served upon him, the notice may be filed with the Clerk of the Circuit Court of the county wherein the property on which the lien is attached is located. When filed, the lien shall have like effect as if served upon the owner or his agent and shall be received in all courts of this state as evidence of the service of the notice.

- C. The city of Beebe shall file with the Clerk of the Circuit Court of the county in which the property to be charged with the lien is located, and within 120 days after the work and labor have been furnished and performed, a just and true account of the amount due and owing, after allowing all credits, and containing a correct description of the property to be charged with the lien, verified by affidavit.
- D. All liens created by this ordinance shall be enforced in the Circuit Court of the county wherein the property on which the lien is attached is located.
- E. All actions under this ordinance shall be commenced within 15 months of the filing of the lien. No lien shall continue to exist by virtue of the provisions of this subchapter for no more than 15 months after the lien shall be filed, unless within that time an action shall be instituted thereon.
- F. The pleadings, practice, process, and other proceedings shall be the same as in ordinary civil actions and proceedings in Circuit Courts in the state of Arkansas. The petition shall allege the facts necessary for securing a lien under this Ordinance together with a complete description of the property on which the lien is attached. (Ord. No. 89-10, Sec. 3.)

CHAPTER 7.32

OPEN BURNING

Sections:

- 7.32.01 Open burning prohibited
- 7.32.02 Penalties

7.32.01 Open burning prohibited All open burning, including burning in metal barrels or similar containers within the corporate limits of the city of Beebe is prohibited; provided that open burning shall be permitted if performed by the city of Beebe under the supervision of the Fire Chief for training purposes or for protection of the health and safety of the residents of this city. (Ord. No. 95-19, Sec. 1)

7.32.02 Penalties Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and shall be fined warning for the first offense and shall be fined \$50.00 for the second offense and shall be fined \$500.00 for each succeeding offense thereafter. (Ord. No. 95-19, Sec. 2.) STATE LAW REFERENCE: See Act 1151, 1997.

CHAPTER 7.36

FIREWORKS

Sections:

7.36.01	Shooting fireworks within the city
7.36.02	Selling fireworks within the city
7.36.03	Permit
7.36.04	Penalty
7.36.05	Zoning Code
7.36.06	Klingon Assault Group
7.36.07	Christmas Fest display
7.36.08	July 4 display by Arthur Chastain

7.36.01 Shooting fireworks within the city Fireworks shall be allowed to be ignited or set off within the city limits of the city of Beebe only on the following dates and times:

July 3rd from 8:00 a.m. to 10:00 p.m.
 July 4th at 7:00 a.m. to July 5th at 12:30 a.m.
 December 30th from 8:00 a.m. to 10:00 p.m.
 December 31st at 7:00 a.m. to January 1st at 12:30 a.m.

The dates, times, circumstances, and conditions for igniting or setting off fireworks may be temporarily modified by resolution of the Beebe City Council. (Ord. No. 2007-15, Sec. 1.)

7.36.02 Selling fireworks within the city The sale of fireworks shall be allowed within the city limits of the city of Beebe as set forth in Section 14.05.18 of the city of Beebe Zoning Code. (Ord. No. 2007-15, Sec. 2.)

7.36.03 Permit Any person or entity wishing to sell fireworks within the city of Beebe shall first obtain a permit from the Beebe Code Enforcement Officer. The fee for a permit shall be Fifty Dollars (\$50.00). (Ord. No. 2007-15, Sec 3.)

7.36.04 Penalty Any person violating 7.36.01 of this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed One Hundred Dollars (\$100.00) for the first offense and a sum of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for any subsequent offense. (Ord. No. 2007-15, Sec. 4.)

7.36.05 Zoning Code Any person violating 7.36.02 or 7.36.03 of this ordinance shall be penalized according to the Beebe Zoning Code. (Ord. No. 2007-15, Sec. 5.)

7.36.06 Klingon Assault Group Ordinance 92-7 is hereby amended to allow the Klingon Assault Group, or its designee, "Bang Brokers" of Des Arc to perform and discharge a fireworks display, which shall also be under the supervision of the Beebe Fire Department, on Monday, July 4, 1994 in conjunction with Fourth of July activities. The said Klingon Assault Group is hereby exempt from any penalties stated in this ordinance on Monday, July 4, 1994. (Ord. No. 94-7, Sec. 1-2.)

7.36.07 Christmas Fest display Ordinance 92-7 is hereby amended to allow the Beebe Chamber of Commerce, or its designee, to perform and discharge a fireworks display, which shall also be under the supervision of the Beebe Fire Department, on Friday, November 27, 1992 in conjunction with Christmas Fest activities.

The Beebe Chamber of Commerce is hereby exempt from any penalties stated in this ordinance on Friday, November 27, 1992. (Ord. No. 92-8, Secs. 1-2.)

7.36.08 July 4 display by Arthur Chastain Ordinance 92-7 is hereby amended to allow Arthur Chastain, or his designee, to perform and discharge a fireworks display, which shall also be under the supervision of the Beebe Fire Department, on Tuesday, July 4, 1995 in conjunction with Fourth of July activities.

That Arthur Chastain is hereby exempt from any penalties stated in this ordinance on Tuesday, July 4, 1995. (Ord. No. 95-17, Secs. 1-2.)

CHAPTER 7.40

PEDDLERS AND HAWKERS

Sections:

7.40.01	Required license
7.40.02	Definition
7.40.03	Exemptions
7.40.04	Fees
7.40.05	Penalties

7.40.01 Required license All peddlers and hawkers engaging in business in the limits of the city of Beebe are required to obtain a peddler's license from the City Collector prior to commencing their business in the city. (Ord. No. 298-R, Sec. 2.)

7.40.02 Definition The definition of peddlers and hawkers is whoever shall engage in the business of selling good, wares or merchandise of any description, other than articles grown, produced or manufactured by the seller himself, or by those in his employ, by going from house to house, or place to place, to sell same. Any person who continually does business in this city for a period of six months or more shall be required to pay an occupation tax and will no longer be classed a peddler or hawker. (Ord. No. 298-R, Sec. 3.)

7.40.03 Exemptions There shall be no fee required from peddles of home grown fruits and vegetables raised in this state. Further there shall be no fee required from persons 65 or over who have resided in this state for ten years and the United States for twenty-five years and who have no other source of income whatsoever. All charitable organizations exempt. (Ord. No. 298-R, Sec. 4.)

7.40.04 Fees The fee schedule for peddlers license shall be \$2.50 per day; \$5.00 per week; and \$10.00 annum. (Ord. No. 298-R, Sec. 5.)

7.40.05 Penalties Violation of this ordinance shall be punished by a fine of not less than \$5.00 nor a fine more than \$100.00 and by imprisonment of not more than three days. If the violation consists of more than one day the total fine shall not be more than \$250.00 and the total imprisonment shall not be more than ten days. (Ord. No. 298-R, Sec. 6.)

CHAPTER 7.44

CIVIL DEFENSE

Sections:

7.44.01	Policy and purpose
7.44.02	Definitions
7.44.03	City Civil Defense Agency
7.44.04	Civil Defense Advisory Council
7.44.05	Civil Defense powers of the Mayor
7.44.06	City civil Defense Organization
7.44.07	Appropriations and authority to accept services, gifts, grants and loans
7.44.08	Utilization of existing services and facilities
7.44.09	Political activity prohibited
7.44.10	Civil Defense personnel
7.44.11	Cumulative ordinance
7.44.12	Severability
7.44.13	Enforcement

7.44.01 Policy and purpose

- A. Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size, and destructiveness resulting from enemy attack, sabotage, or other natural causes, and in order to insure that preparations of this city will be adequate to deal with such disasters, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this city; it is hereby found and declared to be necessary: (1) to create an Executive Office of Civil Defense and Disaster Relief; (2) to provide for the rendering of mutual aid to other cities within the state of Arkansas, and those adjoining States, and to cooperate with the State Government with respect to carrying out Civil Defense functions,
- B. It is further declared to be the purpose of this ordinance, and the policy of this city, that all City Civil Defense functions be coordinated to the maximum extent with the comparable functions of the State Government, including its various departments and agencies; of other cities and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of this city's manpower, resources, and facilities for dealing with any disaster that may occur,
- C. It is further declared to be the purpose of this ordinance, and the policy of this city, to organize its Civil Defense organization in conformity with the Arkansas Civil Defense Plan as directed by Act 156 of 1959, which is cited as "THE ARKANSAS CIVIL DEFENSE ACT OF 1959"). (Ord. No. 238, Sec. 1.)

7.44.02 Definitions

- A. As used in this ordinance: (1) "CIVIL DEFENSE" shall mean the preparation for, and the carrying out of, all emergency functions; other than functions for which military forces are primarily responsible; to prevent, minimize, and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action, or by fire, flood, earthquake or other natural causes,
- B. "Qualified Civil Defense Worker" shall mean a Civil Defense volunteer worker, duly qualified and registered with either an Accredited Local Civil Defense Organization, or the Executive Office of Civil Defense and Disaster Relief, and who has on file in either of the afore mentioned, the following information:
 - 1. Name and address
 - 2. Date enrolled
 - 3. Loyalty Oath
 - 4. Class of Service assigned
- C. Accredited CD Organization - "Accredited Local Civil Defense Organization"

shall mean any local Civil Defense organization who has completed the requirements under this Act and has complied with the rules promulgated by the Executive Office of Civil Defense and Disaster Relief, and has received by reason thereof an Accreditation Letter from the State Department of Civil Defense. (Ord. No. 238, Sec. 2.)

7.44.03 City Civil Defense Agency

- A. There is hereby created within the City of Beebe, Arkansas, an Executive Office of Civil Defense and Disaster Relief (hereinafter called the "Office") which shall be headed by a Director of Civil Defense (hereinafter called the "Director") who shall be the head thereof, and who shall be directly responsible to the Mayor. The Director shall be appointed by the Mayor with the advice and consent of the Council.
- B. The Director and other personnel of the office shall be provided with appropriate office space, furniture, equipment, supplies, stationery, and printing in the same manner as provided for personnel of other city departments.
- C. The Director, subject to the direction and control of the Mayor, shall be the Executive Head of the office, and shall be responsible to the Mayor for carrying out the program for Civil Defense of this city. He shall coordinate the Civil Defense activities of all city departments, civic clubs, church groups, and other social organizations; and shall maintain liaison with, and cooperate with, Civil Defense agencies and organizations of other cities, counties, states, and of the federal government; and shall have such additional authority, duties, and responsibilities authorized by this ordinance and as may be prescribed by the Mayor. (Ord. No. 238, Sec. 3.)

7.44.04 Civil Defense Advisory Council There is hereby created a Civil Defense Advisory Council (hereinafter called the "Council"), the members of which shall be appointed by the Mayor, to include all city constitutional officers and five (5) citizens. The Council shall advise the Mayor and the Director on all matters pertaining to Civil Defense. The Mayor shall serve as Chairman of the Council, and the members thereof shall serve without compensation, but may be reimbursed for their reasonable and necessary expenses Incurred in the performance of their duties. (Ord. No. 238, Sec. 4.)

7.44.05 Civil Defense powers of the Mayor

- A. The Mayor shall have general direction and control of the affairs of the office, and shall be responsible for carrying out the provisions of this ordinance,
- B. In performing his duties under this ordinance, the Mayor is authorized to cooperate with the county, state and federal governments, and with private agencies in all matters pertaining to the Civil Defense of this city, state, and nation,

- C. In performing his duties under this ordinance, and to affect its policy and purpose, the Mayor is fully authorized and empowered:
1. To make, amend and rescind the necessary orders, rules, and regulations to carry out the provisions of this ordinance within the limits of the authority conferred upon him herein, with due consideration for the plans of the county and state government,
 2. To prepare a comprehensive plan and program for the Civil Defense of this city, such plan and program to be integrated into and coordinated with the Civil Defense Plan of the county government and state government to the fullest possible extent,
 3. In accordance with such plan and program for the Civil Defense of the city to procure supplies and equipment, to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of the City Civil Defense in advance of actual disaster to insure the furnishing of adequately trained and equipped forces of Civil Defense personnel in time of need,
 4. To make such studies and surveys of the industries, resources, and facilities in this city as may be necessary to ascertain the capabilities of the city for Civil Defense, and to plan for the most efficient emergency use thereof.
 5. On behalf of this city to enter into mutual aid arrangements with other cities,
 6. To delegate any administrative authority vested in him under this ordinance, and to provide for the sub-obligation of any such authority,
 7. To cooperate with the Governor and the Arkansas Office of Civil Defense and other appropriate state offices and agencies, and with the officials and agencies of other cities and counties within the State, pertaining to the Civil Defense of the state, including the direction or control of (a) blackouts and practice blackouts air-raid drills, mobilization of Civil Defense forces and other tests and exercises; (b) warnings and signals for drills or attacks, and the mechanical devices to be used in connection therewith; (c) the effective screening or extinguishing of all lights and lighting devices and appliances; (d) the conduct of civilians, and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to drills or attack; (e) public meetings or gatherings; and (f) the evacuation and reception of the civil population. (Ord. No. 238, Sec. 5.)

7.44.06 City Civil Defense Organization

- A. In accordance with (Section 9 of the Arkansas Civil Defense Act of 1959) this city may confer or authorize the conferring upon members of the auxiliary police the power of police officers, subject to such restrictions as shall be imposed,
- B. The city organization for Civil Defense shall perform Civil Defense functions within the territorial limits of the city, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provision of Section 5 of this ordinance.
- C. If any disaster as described in Section 2 hereof occurs, the city shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property; and providing emergency assistance to the victims of such disaster. The city is authorized to exercise the powers vested under this section in the light of the exigencies of the extreme emergency situation without regard to the time consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements pertaining to the performance of public work, entering into contracts, the incurring of obligations the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation and expenditure of public funds. (Ord. No. 238, Sec. 6.)

7.44.07 Appropriations and authority to accept services, gifts, grants and loans

- A. The city shall have the power to make appropriations in the manner provided by law for making appropriation for the ordinary expenses of the city for payment of expenses of the City Civil Defense Organization,
- B. Whenever the state government or any agency or officer thereof shall offer to this city services, equipment, supplies, materials, or funds by way of gifts, grant or loan, for the purpose of Civil Defense, the city, acting through the Mayor, may accept such offer and upon such acceptance, the Mayor may authorize any officer of the city to receive such services, equipment supplies, materials, or funds on behalf of this city, and subject to the terms of the offer and the rules and regulations if any, of the agency making the offer.
- C. Whenever any person, firm, or corporation shall offer to this city, services, equipment, supplies, materials, or funds by way of gift, grant or loan, for purposes of Civil Defense, the City, acting through the Mayor, may accept such offer, and upon such acceptance the Mayor of the city may authorize any officer of the city to receive such services, equipment, supplies, materials, or funds on behalf of the city, and subject to the terms of the offer. (Ord. No. 238, Sec. 7.)

7.44.08 Utilization of existing services and facilities In carrying out the provisions of this ordinance, the Mayor is directed to utilize the services, equipment, supplies, and facilities, of existing departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the Mayor, and to the Civil Defense organizations of the city upon request. (Ord. No. 238, Sec. 8.)

7.44.09 Political activity prohibited No organization for Civil Defense established under the authority of this ordinance shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes. (Ord. No. 238, Sec. 9.)

7.44.10 Civil Defense personnel

- A. No person shall be employed or associated in any capacity in the Civil Defense organization of this city, establishes under this ordinance, who advocates or has advocated a change by force or violence in the constitutional form of government of the United States or of this state, or of this city, or the overthrow of any government in the United States by force or violence or who has been convicted of, or is under indictment or information charging any subversive act against the United States, Each person who is appointed to serve in this organization for Civil Defense shall, before entering upon his duties, take an oath in writing, before a person authorized to administer oaths in this state, which oath shall be substantially as follows:

“I _____ do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the state of Arkansas, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.
And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States, or of this State, by force or violence; and that during such time as I am a member of the (name of Civil Defense Organization and location) I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States, or of this state, by force or by violence.” (Ord. No. 238, Sec. 10.)

7.44.11 Cumulative ordinance This ordinance shall not be deemed to repeal any existing ordinances on this subject, but shall be cumulative thereto. (Ord. No. 238, Sec. 11.)

7.44.12 Severability If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance declared to be severable. (Ord. No. 238, Sec. 12.)

7.44.13 Enforcement It shall be the duty of the organization for Civil Defense established pursuant to this ordinance, and of the officers thereof, to execute and enforce such orders, rules, and regulations, as may be made by the Mayor under the authority of this ordinance. Such organization shall have available for inspection at its office all orders, rules, and regulations made by the Mayor, or under his authority. (Ord. No. 238, Sec. 13.)

CHAPTER 7.48

CEMETERY CARE

Sections:

7.48.01 Contract with Clarence Ross

7.48.01 Contract with Clarence Ross The Mayor and City Clerk are authorized to enter into the attached independent work contract with Clarence Ross. He will work with regard to the opening or closing of grave sites in the City Cemetery and for the care, upkeep and maintenance of said grave sites, except mowing. (Ord. No. 96-10, Sec. 1.)

CHAPTER 7.52

TOBACCO USE

Sections:

7.52.01 Smoking prohibited
 7.52.02 Fine
 7.52.03 Dismissal
 7.52.04 Definition of building
 7.52.05 Other definitions

7.52.01 Smoking prohibited Smoking or the use of tobacco products in the Beebe City Hall, in the city of Beebe, Arkansas, or city buildings occupied in whole or part by city personnel in the city of Beebe, Arkansas, is hereby prohibited. (Ord. No. 99-7, Sec. 1.)

7.52.02 Fine Any persons convicted of violating any part of this ordinance shall be deemed guilty of a violation and shall be fined not less than Five Dollars (\$5.00) nor more than Twenty-Five Dollars (\$25.00), and each offense shall be deemed a separate offense. (Ord. No. 99-7, Sec. 2.)

7.52.03 Dismissal Intentional and continued violation of this ordinance by any city employee shall be and is hereby deemed good cause for dismissal or discharge of said employee. (Ord. No. 99-7, Sec. 3.)

7.52.04 Definition of building The definition of the term, Beebe City Hall or City Building, shall be defined as, those structures owned or occupied, or leased or rented, or controlled or utilized by the city of Beebe, Arkansas, and occupied or utilized in whole or in part by the city of Beebe, Arkansas, employees. (Ord. No. 99-7, Sec. 4.)

7.52.05 Other definitions The term "smoking" shall mean, use of any tobacco product, including a lighted cigar, cigarette, pipe or other lit tobacco product, and shall also mean the use of tobacco, whether it be chewed, dipped, or in any way placed in direct contact with the mouth. (Ord. No. 99-7, Sec. 5.)

CHAPTER 7.56

BILLBOARDS & SIGNS

Sections:

- | | |
|---------|-------------------------------------------|
| 7.56.01 | Moratorium on placement of off-site signs |
| 7.56.02 | Definition |
| 7.56.03 | Penalty |
| 7.56.04 | Off-site signs |

7.56.01 Moratorium on placement of off-site signs A one hundred and eighty (180) day moratorium is hereby declared to prohibit the construction and/or placement of off-site signs along, the following federal, state, and local streets and highways in the City of BEEBE, ARKANSAS: Highway 64 East and West, Center Street East and West, Highway 31 North and South, Dewitt Henry Drive, Highway 367. (Ord. No. 2019-07, Sec. 1)

7.56.02 Definition Off-site signs shall be defined as a sign or structure advertising or providing information for an establishment, merchandise, service, activity, or entertainment, which is not sold, produced, manufactured, offered, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising." (Ord. No. 2019-17, Sec. 2)

A "sign" referred to herein, shall mean an outdoor advertising sign, light, display, devise, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, whether the same be permanent or of a portable installation. (Ord. No. 2019-17, Sec. 3)

7.56.03 Penalty Violation of this ordinance shall result in punishment as provided in the misdemeanor provisions of the City of BEEBE, Code of Ordinances for each offense, and each day such violation continues shall constitute a separate offense. (Ord. No. 2019-17, Sec. 4)

7.56.04 Off-site signs That from the passage of this Ordinance the construction and/or placement of off-site signs along, federal, state, and local streets and highways in the City of Beebe, Arkansas, is prohibited with the sole exception of the 67 /167 Freeway highway. (Ord. No. 2020-05, Sec. 1)

Off-site signs shall be defined as a sign or structure advertising or providing information for an establishment, merchandise, service, activity, or entertainment, which is not sold produced, manufactured, offered, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising." (Ord. No. 2020-05. Sec. 2)

A "sign" referred to herein, shall mean an outdoor advertising sign, light, display, devise, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, whether the same be permanent or of a portable installation. (Ord. No. 2020-05; Sec. 3)

Violation of this ordinance shall result in punishment as provided in the misdemeanor provisions of the City of Beebe, Code of Ordinances for each offense, and each day such violation continues shall constitute a separate offense. (Ord. No. 2020-05; Sec. 4)

CHAPTER 7.60**SEXUALLY ORIENTED BUSINESSES****Sections:**

7.60.01	Rationale
7.60.02	Negative effects
7.60.03	Definitions
7.60.04	Classifications
7.60.05	License required
7.60.06	Issuance of license
7.60.07	Fees
7.60.08	Inspection
7.60.09	Expiration of license
7.60.10	Suspension
7.60.11	Revocation
7.60.12	Transfer of license
7.60.13	Hours of operation
7.60.14	Regulations pertaining to exhibition of sexually explicit films on premises
7.60.15	Loitering and exterior lighting and monitoring requirements
7.60.16	Penalties and enforcement
7.60.17	Applicability of ordinance to existing businesses
7.60.18	Prohibited activities
7.60.19	Scienter required to prove violation or business licensee liability

- 7.60.20 Failure of city of Beebe, Arkansas to meet time frame not to risk applicant/licensee rights
- 7.60.21 Location of sexually oriented businesses

7.60.01 Rationale It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety and general welfare of the citizens of the city of Beebe, Arkansas, and to establish reasonable and uniform regulation to prevent the deleterious secondary effects of sexually oriented businesses within the city of Beebe, Arkansas. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access to distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

7.60.02 Negative effects

- A. Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.
- B. Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented business, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
- C. Each of the foregoing negative secondary effects constitutes a harm which the city of Beebe, Arkansas, has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the city of Beebe, Arkansas's rationale for this ordinance, exists independent of any comparative analysis between sexually and non-sexually oriented businesses.

7.80.03 Definitions For the purposes of this ordinance, the words and phrases defined in the sections hereunder shall have the meanings herein respectively ascribed to them unless a different meaning is clearly indicated by the context.

Adult bookstore or adult video store means a commercial establishment which as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities or specified anatomical areas."

Adult cabaret means a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear semi-nude.

Adult motel means a motel, hotel, or similar commercial establishment which:

- A. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, other photographic reproductions, or live performances which are characterized by the display of "specified sexual activities" or "specified anatomical areas"; and which advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any on or off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
- B. offers a sleeping room for rent for a period of time that is less than 10 hours; or
- C. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult motion picture theater means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown to more than five persons for any form of consideration.

Characterized by means describing the essential character or quality of an item. As applied in this ordinance, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-18 or R by the Motion Picture Association of America.

Employ, employee and employment describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full time or part time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Enforcement Officer means the city of Beebe, Arkansas' Police Chief or his designee.

Establish or establishment shall mean and include any of the following:

- A. The opening or commencement of any sexually oriented business as a new business;
- B. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or
- C. The addition of any sexually oriented business to any other existing sexually oriented business.

Influential interest means any of the following

- A. the actual power to operate the sexually oriented business or control the operation, management or policies of the sexually oriented business or legal entity which operates the sexually oriented business,
- B. ownership of a financial interest of thirty percent (30%) or more of a business or of any class of voting securities of a business, or
- C. holding an office (e.g., etc.) in a legal entity which operates the sexually oriented business.

Licensee shall mean a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually oriented business license. In case of an "employee," it shall mean the person in whose name the sexually oriented business employee license has been issued.

Municipality body means the City Council of the city of Beebe, Arkansas.

Municipality type means city of Beebe, Arkansas.

Nudity or a state of nudity means the showing of the human male or female genitals, public area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

Operate or cause to operate shall mean to cause to function or to put or keep in a state of doing business. "Operator" means any person on the premises of a sexually oriented business

or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part-owner, or licensee of the business.

Person shall mean individual, proprietorship, partnership, corporation, association, or other legal entity.

Premises means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a business license pursuant to this ordinance.

Principal purpose means that the commercial establishment:

- A. has a substantial portion of its displayed merchandise which consists of said items, or
- B. has a substantial portion of the wholesale value of its displayed merchandise which consists of said items, or
- C. has a substantial portion of the revenues from the sale or rental, for any form of consideration of said items; or
- D. derives a substantial portion of its revenues from the sale or rental, for any form of consideration of said items; or
- E. maintains a substantial section of its interior business space for the sale or rental or said items; or
- F. maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion pictures, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas."

Regularly means and refers to the consistent and repeated doing of the act so described.

Semi-nude model studio means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a modeling class operated:

- A. By a college, junior college, or university supported entirely or partly by taxation;
- B. By a private college or university which maintains and operates educational programs in which credits are transferable to college, junior college, or university supported entirely or partly by taxation; or
- C. In a structure:
 - 1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
 - 2. Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class.

Semi-nude or state of semi-nudity means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at the point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

Sexual device means any three (3) dimensional object designed and marketed for stimulation of the male or female human genital organ or anus or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Sexual device shop means a commercial establishment that regularly features sexual devices. Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or service, nor shall this definition be construed to include commercial establishments which do not restrict access to any portion of their premises by reason of age.

Sexual encounter center shall mean a business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex when one or more persons is semi-nude.

Sexually oriented business means an "adult bookstore or adult video store," and "adult cabaret," an "adult motel," an "adult motion picture theater," a "semi-nude model studio," "sexual device shop," or a "sexual encounter center."

Specified anatomical areas means and includes:

- A. Less than completely and opaquely covered; human genitals, public region, buttock; and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified criminal activity means:

- A. Any of the following specified crimes for which less than five years elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:
 - 1. Sex crimes as defined in A.C.A. 5-14-101, *et seq.*
 - 2. Prostitution crimes as defined in A.C.A. 5-70-101, *et seq.*
 - 3. Obscenity crimes as defined in A.C.A. 5-68-101, *et seq.*
 - 4. Drug crimes as defined in A.C.A. 5-64-101, *et seq.*
 - 5. Racketeering as defined in A.C.A. 5-74-101, *et seq.*
- B. Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
- C. Any offense in another jurisdiction that, had the predicate act(s) been committed in Arkansas, would have constituted any of the foregoing offenses.

Substantial means at least thirty-five percent (35%) of the item(s) so modified.

Transfer of ownership or control of a sexually oriented business shall mean any of the following:

- A. The sale, lease, or sub-lease of the business;
- B. The transfer of securities which constitute an influential interest in the business, whether by sale, exchange, or similar means, or
- C. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Viewing room shall mean the room, booth, or area where a patrol of sexually oriented business would ordinarily be positioned while watching a film, video cassette, or other video reproduction. (Ord. No. 2008-9, Sec. 3.)

7.60.04 Classification The classifications for sexually oriented businesses shall be as follows:

- A. Adult bookstores or adult video stores;
- B. Adult cabarets;
- C. Adult motel;
- D. Adult motion picture theater;
- E. Semi-nude model studio;
- F. Sexual device shop;
- G. Sexual encounter center.
- H. Live viewing or dance booth

(Ord. No. 2008-9, Sec. 4.)

7.60.05 License required

- A. It shall be unlawful for any person to operate a sexually oriented business in the city of Beebe without a valid sexually oriented business license.
- B. It shall be unlawful for any person to be an "employee" as defined in this ordinance, of a sexually oriented business in the city of Beebe without a valid sexually oriented business employee license.
- C. An applicant for a sexually oriented business license or sexually oriented business employee license shall be filed in person at the office of the City Clerk/Treasurer. Application will be made on a form provided by the City Clerk/Treasurer. The application shall be signed as required by subsection (3) herein and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the information and/or items required.

1. The applicant's full true name and any other names used by the applicants in the preceding five (5) years.
2. Current business address or another mailing address of the applicant.
3. Written proof of age, in the form of a driver's license or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.
4. If the application is for a sexually oriented business license, the business name, location, legal description, mailing address and phone number of the sexually oriented business.
5. If the application is for a sexually oriented business license, the name and business address of the statutory agent or other agent authorized to receive service of process.
6. A statement of whether an applicant has been convicted of or has pled guilty or *nolo contendere* to a specified criminal activity as defined in this ordinance, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.
7. A statement of whether any sexually oriented business in which applicant has had an influential interest, has, in the previous five (5) years (and at the time during which the applicant had the influential interest):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Been subject to a court order of closure or padlocking.
8. Federal and state criminal background check.

The information provided pursuant to this ordinance shall be supplemented in writing by certified mail, return receipt requested, to the City Clerk/Treasurer within ten (10) working days of change of circumstances which would render the information originally submitted false or incomplete.

- D. An application for a sexually oriented business license shall be accompanied by a legal description of the property where the business is located and a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be

professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches. Applicants who are required to comply shall submit a diagram indicating that the interior configuration meets the requirements of those sections.

- E. If a person who wishes to operate a sexually oriented business is an individual, he or she shall sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each person with an influential interest in the business shall sign the application for a license as applicant. Each applicant must be qualified and each applicant shall be considered a licensee if a license is granted.
- F. The information provided by an applicant in connection with an application for a license under this ordinance shall be maintained by the office of the City Clerk/Treasurer on a confidential basis, and such information may be disclosed only as may be required, and only to the extent required, by court order. (Ord. No. 2008-9, Sec. 5.)

7.60.06 Issuance of license

- A. Upon the filing of a completed application the City Clerk/Treasurer shall immediately issue a temporary license to the applicant, which temporary license shall expire upon the final decision of the city of Beebe, Arkansas, to deny or grant an annual license. Within twenty (20) days of the filing date of a completed sexually oriented business license application, the City Clerk/Treasurer shall issue a license to the applicant or issue to the applicant a letter of intent to deny the application. The City Clerk/Treasurer shall issue a license unless:
 - 1. An applicant has been convicted of a felony.
 - 2. An applicant is less than eighteen (18) years of age.
 - 3. An applicant has failed to provide information as required for issuance of a license or has falsely answered a question or request for information on the application form.
 - 4. The license application fee required by this ordinance has not been paid.
 - 5. The sexually oriented business, as defined herein, is not in compliance with the interior configuration requirements or is not in compliance with locational requirements of this ordinance or the locational requirements of any other part of the city of Beebe Code.

6. Any sexually oriented business in which the applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Been subject to an order of closure or padlocking.
 7. An applicant has been convicted of or pled guilty or *nolo contendere* to a specified criminal activity, as defined in this ordinance.
- B. Upon the filing of a completed application for a sexually oriented business employee license, the City Clerk/Treasurer shall immediately issue a temporary license to the applicant, which temporary license shall expire upon the final decision of the city of Beebe Arkansas, to deny or grant an annual license. Within twenty (20) days of the filing date of a completed sexually oriented business employee license application, the City Clerk/Treasurer shall either issue a license to the applicant or issue a written notice of intent to deny the application. The City Clerk/Treasurer shall approve the issuance of a license unless:
1. The applicant is less than eighteen (18) years of age.
 2. The applicant has been convicted of a felony.
 3. The applicant has a negative background check.
 4. The applicant has failed to provide information as required or issuance of a license or has falsely answered a question or request for information of the application form.
 5. The license application fee required by this ordinance has not been paid.
 6. Any sexually oriented business in which the applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest).
 - a. Been declared by a court of law to be a nuisance; or
 - b. Been subject to an order of closure or padlocking.
 7. The applicant has been convicted of or pled guilty or *nolo contendere* to a specified criminal activity, as defined in this ordinance.

- C. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, if the license is for sexually oriented business, the address of the sexually oriented business. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be read at any time. A sexually oriented business employee shall keep the employee's license on his or her person or on the premises where the licensee is then working or performing. (Ord. No. 2008-9, Sec. 6.)

7.60.07 Fees The initial license and annual renewal fees for sexually oriented business licenses and sexually oriented business employee licenses shall be as follows

- A. Current annual rate for the initial fee for a sexually oriented business license and current annual rate for annual renewal;
- B. Current annual rate for the initially sexually oriented business employee license and current annual rate for the annual renewal.

All fees to be paid on or before June 1 of each year. (Ord. No. 2008-9, Sec. 7.)

7.60.08 Inspection

- A. Sexually oriented businesses and sexually oriented business employees shall permit the Enforcement Officer to inspect, from time to time on an occasional basis, the portions of the sexually oriented business premises where patrons are permitted, for the purpose of ensuring compliance with the specific regulations, during those times when the sexually oriented business is occupied by patrons or is open to the public. This section shall be narrowly construed by the city of Beebe, Arkansas, to authorize reasonable inspections of the licensed premises pursuant to this ordinance, but not to authorize a harassing or excessive pattern of inspections.
- B. The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation. (Ord. No. 2008-9, Sec. 8.)

7.60.09 Expiration of license

- A. Each license shall remain valid for one calendar year unless otherwise suspended or revoked. Such license may be renewed only by making application and payment of a fee as provided in this ordinance.

- B. Application for renewal should be made pursuant to the procedures set forth at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected. (Ord. No. 2008-9, Sec. 9.)

7.60.10 Suspension

- A. The city of Beebe, Arkansas, shall issue a written letter of intent to suspend a sexually oriented business license for a period not to exceed thirty (30) days if the sexually oriented business license has knowingly violated this ordinance or has knowingly allowed an employee to violate this ordinance.
- B. The city of Beebe, Arkansas, shall issue a written letter of intent to suspend a sexually oriented business employee license if the employee has knowingly violated this ordinance. (Ord. No. 2008-9, Sec. 10.)

7.60.11 Revocation

- A. The city of Beebe, Arkansas, shall issue a letter of intent to revoke a sexually oriented business license or a sexually oriented business employee license, as applicable, if the licensee knowingly violated this ordinance and the licensee's license has been suspended within the previous twelve-month (12) period.
- B. The city of Beebe, Arkansas, shall issue written intent to revoke a sexually oriented business license or a sexually oriented business employee license as applicable, if:
 - 1. The licensee has knowingly given false information in the application for the sexually oriented business license.
 - 2. The licensee has knowingly or recklessly engaged in or allowed possession, use, or sale of controlled substances on the premises.
 - 3. The licensee has knowingly or recklessly engaged in or allowed prostitution on the premises.
 - 4. The licensee has knowingly or recklessly operated the sexually oriented business during a period of time when the license was finally suspended or revoked; or
 - 5. The licensee has knowingly or recklessly engaged in or allowed any specified sexual activity to occur in or on the licensed premises.

7.60.12 Transfer of license A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the sexually oriented business license application. (Ord. No. 2008-9, Sec. 12.)

7.60.13 Hours of operation No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day. (Ord. No. 2008-9, Sec. 13.)

7.60.14 Regulations pertaining to exhibition of sexually explicit films or videos

- A. A person who operates a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 6 x 6 square feet of floor space, a film, video cassette, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.
 - 1. Each application for a sexually oriented business license shall contain a diagram of the premises showing the location of all operator's stations, viewing rooms, overhead lighting fixtures, video cameras and monitors installed for monitoring purposes and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain video reproduction equipment. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior or the premises to an accuracy of plus or minus six (6) inches. The Enforcement Officer may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
 - 2. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to this ordinance.
 - 3. The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are

permitted access at an illumination of not less than five (5) foot candles as measured at the floor level. It shall be the duty of the operator, and of any employees present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.

4. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no sexual activity occurs in or on the licensed premises.
5. It shall be the duty of the operator to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
 - a. That the occupancy of viewing rooms is limited to one person
 - b. That sexual activity on the premises is prohibited.
 - c. That the making of openings between viewing rooms is prohibited.
 - d. That violators will be required to leave the premises.
6. It shall be the duty of the operator to enforce the regulations.
7. The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed thirty-two (32) square feet of floor area. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty. (Ord. No.2008-9, Sec. 14.)

7.60.15 Loitering, exterior lighting, visibility, and monitoring requirements

- A. It shall be the duty of the operator of a sexually oriented business to:
 - 1. Post conspicuous signs stating that no loitering is permitted on such property;
 - 2. Designate one or more employees to monitor the activities of persons on such property by visually inspecting such property at least once every ninety (90) minutes or inspecting such property by use of video cameras and monitors; and
 - 3. Provide lighting of the exterior premises to provide for visual inspection or video monitoring to prohibit loitering. If used, video cameras and monitors shall operate continuously at all times that the premises are open for business. The monitors shall be installed within an operator's station.
- B. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.
- C. No sexually oriented business shall erect a fence, wall, or other barrier that prevents any portion of the parking lot(s) for the establishment from being visible from a public right-of-way. (Ord. No. 2008-9, Sec. 15.)

7.60.16 Penalties and enforcement

- A. A person who knowingly violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this ordinance shall be guilty of a Class A misdemeanor, and, upon conviction, shall be punishable by 0 days to 1 year in jail and/or 0 to \$1,000.00 fine. Each day a violation is committed, or permitted to continue, shall constitute a separate offense and shall be fined as such.
- B. The city of Beebe, Arkansas' legal counsel is hereby authorized to institute civil proceedings necessary for the enforcement of this ordinance to prosecute, restrain, or correct violations hereof. Such proceedings, including injunction, shall be brought in the name of the city of Beebe, Arkansas, provided, however, that nothing in this section and no action taken hereunder, shall be held to exclude such criminal or administrative proceedings as may be authorized by other provisions of this ordinance, or any of the laws or ordinances in force in the city

of Beebe, Arkansas, or to exempt anyone violating this code or any part of the said laws from any penalty which may be incurred. (Ord. No. 2008-9, Sec. 16.)

7.60.17 Applicability of ordinance to existing businesses It is unlawful for a sexually oriented business to knowingly violate the following regulations or to knowingly allow an employee or any other person to violate the following regulations.

- A. It shall be a violation of this ordinance for a patron, employee, or any other person to knowingly or intentionally, in a sexually oriented business, appear in a state of nudity, regardless of whether such public nudity is expressive in nature.
- B. It shall be a violation of this ordinance for a person to knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the person is an employee who, while semi-nude, remains at least six (6) feet from any patron or customer and on a stage at least eighteen (18) inches from the floor in a room of at least one thousand (1,000) square feet.
- C. It shall be a violation of this ordinance for any employee who regularly appears semi-nude in a sexually oriented business to knowingly or intentionally touch a customer or the clothing of a customer on the premises of a sexually oriented business.
- D. It shall be a violation of this ordinance for any person to sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.
- E. A sign in a form to be prescribed by the Enforcement Officer, and summarizing the provisions of paragraphs (A), (B), (C) and (D) of this section, shall be posted near the entrance of the sexually oriented business in such a manner as to be clearly visible to patrons upon entry. (Ord. No. 2008-9, Sec. 18.)

7.60.18 Scienter required to prove violation or business licensee liability This ordinance does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of this ordinance. Notwithstanding anything to the contrary, for the purposes of this ordinance, an act by an employee that constitutes grounds for suspension or revocation of that employee's license shall be imputed to the sexually oriented business licensee for the purposes of finding a violation of this ordinance, or for purposes of license denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act. (Ord. No. 2008-9, Sec. 18.)

7.60.19 Failure of the city of Beebe, Arkansas, to meet deadline not to risk applicant/licensee rights In the event that a city of Beebe, Arkansas, official is required to take an act or do a thing pursuant to this ordinance within a prescribed time, and fails to take such act or do such thing within the time prescribed, said failure shall not prevent the exercise of constitutional rights of an applicant or licensee. If the act required of the city of Beebe, Arkansas, official under this ordinance, and not completed in the time prescribed, includes approval of condition(s) necessary for approval by the city of Beebe, Arkansas, of an applicant or licensee's application for sexually oriented business license or a sexually oriented business employee's license (including a renewal), the license shall be deemed granted and the business or employee allowed to commence operations or employment the day after the deadline for the city of Beebe, Arkansas' action has passed. (Ord. No. 2008-9, Sec. 19.)

7.60.20 Location of sexually oriented businesses

- A. Sexually oriented businesses shall not be required to obtain a conditional use permit. Sexually oriented businesses shall be permitted subject to the following limitations:
- B. It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city of Beebe, unless said sexually oriented business is at least:
 - 1. Seven hundred fifty (750) feet from any parcel occupied by another sexually oriented business or by a business licensed by the state of Arkansas to sell alcohol at the premises; and
 - 2. Seven hundred fifty (750) feet from any parcel occupied by a house of worship, licensed day-care center, public or private elementary or secondary school, public bar, or any residence.
- C. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use above.
- D. Notwithstanding anything to the contrary in the city of Beebe's Code, a non-conforming sexually oriented business, lawfully existing in all respects under law prior to the effective date of this ordinance may continue to operate for three (3) years following that date in order to make a reasonable recoupment of its investment in its current location. At the conclusion of said three (3) years, the

use will no longer be recognized as a lawful non-conforming use, provided that a non-conforming sexually oriented business may apply for one or more six (6) month extensions of the original three (3) year period upon a showing financial hardship. An application for an initial extension based upon financial hardship (“hardship exception”) shall be made at least sixty (60) days before the conclusion of the aforementioned three (3) year period. If a hardship extension is granted, subsequent applications or hardship extensions shall be made at least sixty (60) days before the conclusion of the non-conforming sexually oriented business’s current extension period.

- E. An application for a hardship extension shall be filed in writing with the Enforcement Officer, and shall include evidence of purchase and improvement costs, income earned and lost, depreciation, and costs of relocation. Within ten (10) days after receiving the application, the Enforcement Officer shall schedule a public hearing on the application before the Beebe Planning and Zoning Commission, which public hearing shall be conducted within thirty (30) days after the Enforcement Officer’s receipt of the application. Notice of the time and place of such public hearing shall be published at least ten (10) days before the hearing in a newspaper of general circulation published within the city of Beebe, Arkansas, and shall contain the particular location for which the hardship extension is requested. The Beebe Planning and Zoning Commission shall issue a written decision within ten (10) days after the public hearing on the application for a hardship extension. The hardship extension shall be granted upon a showing that the non-conforming sexually oriented business is unable to recoup its investments, made prior to the effective date of this ordinance, in its current location unless the hardship extension is granted.
- F. Exterior portions of sexually oriented businesses.
 - 1. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment
 - 2. It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this ordinance.
 - 3. It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any

color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:

- a. The establishment is a part of a commercial multi-unit center; and
 - b. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.
4. Nothing in this article shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.

G. Signage

- 1. Notwithstanding any other city ordinance, code, or regulation to the contrary, it shall be unlawful for the operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one (1) primary sign and one (1) secondary sign, as provided.
- 2. Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:
 - a. Not contain any flashing lights;
 - b. Be a flat plane, rectangular in shape;
 - c. Not exceed seventy-five (75) square feet in area; and
 - d. Not exceed ten (10) feet in height or ten (10) feet in length.
- 3. Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.
- 4. Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.
- 5. Secondary signs shall have only one (1) display surface. Such display surface shall:

- a. Be a flat plane, rectangular in shape;
 - b. Not exceed twenty (20) square feet in area;
 - c. Not exceed five (5) feet in height and four (4) feet in width; and
 - d. Be affixed or attached to any wall or door of the enterprise.
6. The provisions of item (A) of subsection (2) and subsection (3) and (4) shall also apply to secondary signs. (Ord. No. 2008-9, Sec. 20.)

CHAPTER 7.64

PROHIBITED SUBSTANCES AND PARAPHERNALIA

Sections:

7.64.01	Unlawful
7.64.02	Possession
7.64.03	Exception
7.64.04	Medical purposes
7.64.05	Fine
7.64.06	Superseded
7.64.07	Definitions
7.64.08	Determining factors
7.64.09	Unlawful actions

7.64.01 Unlawful It is hereby declared to be unlawful for any person to use, possess, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give or barter any one or more of the following chemicals within the city limits of the city of Beebe, Arkansas:

- A. Salviadinorum or salvinorum A: All parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts.
- B. (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo(c)chromen-1-ol.....
Some trade or other names: HU-210

- C. 1-Pentyl-3-(1-naphthoyl) indole.....
Some trade or other names: JWH-018/spice
- D. 1-Butyl-3-(1-naphthoyl) indole.....
Some trade or other names: JWH-073
- E. 1-(3[triflouromethylphenyl]) piperazine.
Some trade or other names: TFMPP
- G. Or any similar structural analogs.
(Ord. No. 2010-5, Sec. 1.)

7.64.02 Possession If any of the aforementioned substances are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials. (Ord. No. 2010-5, Sec. 2.)

7.64.03 Exception It is not an offense under 7.64.02 of this ordinance if the person was acting at the direction of an authorized agent of the city of Beebe to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substance. (Ord. No. 2010-5, Sec. 3.)

7.64.04 Medical purposes This ordinance does not apply to any person who commits any act described in this ordinance pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act. This ordinance likewise does not apply to the inhalation of anesthesia for a medical purpose or dental purpose. (Ord. No. 2010-5, Sec. 4.)

7.64.05 Fine Any person to be in violation of this ordinance will be guilty of a misdemeanor and subject to a term of imprisonment not to exceed one (1) year and a fine not to exceed One Thousand Dollars (\$1,000.00) and/or both. (Ord. No. 2010-5, Sec. 5.)

7.64.06 Superseded If the Arkansas Legislature adopts a statute enacting criminal penalties for the possession, sale or delivery of any illegal smoking product, as defined in this ordinance, then upon the effective date of such statute, this ordinance shall be superseded said statute. However, any violation of this ordinance occurring prior to the effective date of such a state statute may be prosecuted after the effective date of such a state statute. (Ord. No. 2010-5, Sec. 6.)

7.64.07 Definitions

Controlled substance is defined in the Uniform Controlled Substances Act. A.C.A. 5-64-101, as it now exists or is hereafter amended.

Paraphernalia means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Uniform Controlled Substances Act. A.C.A. 5-64-101. It includes, but is not limited to

- A. Growing kits Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
- B. Processing kits Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- C. Isomerization devices Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
- D. Testing equipment Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
- E. Scales Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
- F. Diluents Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, used, intended for use, or designed for use in cutting controlled substances.
- G. Separators; sifters Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.
- H. Mixing devices Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.
- I. Containers Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
- J. Storage containers Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.

- K. Injecting devices Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
- L. Ingesting, inhaling device Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body, such as:
1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 2. Water pipes;
 3. Carburetion tubes and devices;
 4. Smoking and carburetion masks;
 5. Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;
 6. Miniature cocaine spoons and cocaine vials;
 7. Chamber pipes;
 8. Carburetor pipes;
 9. Electric pipes;
 10. Air-driven pipes;
 11. Chillums;
 12. Bongs;
 13. Ice pipes or chillers.
(Ord. No. 2010-7, Sec. 3.)

7.64.08 Determining factors In determining whether an object is drug paraphernalia for the purpose of enforcing this chapter, the following factors should be considered in addition to all other logically relevant factors:

- A. Statements Statements by an owner or by anyone in control of the object concerning its use.
- B. Prior convictions Prior convictions, if any, of an owner, or of anyone in control of the object under any state or federal law relating to any controlled substance.
- C. Proximity to violation The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substances Act. A.C.A. 5-64-101.
- D. Proximity to substances The proximity of the object to controlled substances.
- E. Residue The existence of any residue of controlled substances on the object.
- F. Evidence of intent Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substances Act. A.C.A. 5-64-101.
- G. Innocence of an owner The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substances Act. A.C.A. 5-64-101, should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
- H. Instructions Instructions, oral or written, provided with the object concerning its use.
- I. Descriptive materials Descriptive materials accompanying the object which explain or depict its use.
- J. Advertising National and local advertising concerning its use.
- K. Displayed The manner in which the object is displayed for sale, including its proximity to other objects commonly used or intended for use in planting, propagating, cultivation, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing testing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of Chapter 64 of the Arkansas Uniform Controlled Substances Act.

- L. Licensed distributor or dealer Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
- M. Sales ratios Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
- N. Legitimate uses The existence and scope of legitimate uses for the object in the community.
- O. Expert testimony Expert testimony concerning its use.
(Ord. No. 2010-7, Sec. 4.)

7.64.09 Unlawful actions

- A. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act. A.C.A. 5-64-101.
- B. It is unlawful for any person to deliver, possess with intent to deliver, manufacture with intent to deliver, or offer for sale drug paraphernalia, intending that the drug paraphernalia will be used, or knowing, or under circumstances where one reasonably should know that it will be used, or knowing that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act. A.C.A. 5-64-101. (Ord. No. 2010-7, Secs. 5-6.)

CHAPTER 7.68

DEBRIS HAULING AND REMOVAL

Sections:

- | | |
|---------|---------------------|
| 7.68.01 | Definitions |
| 7.68.02 | Competitive bidding |

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

Removal means and includes, but is not limited to, removal and hauling away of all trees, limbs, material and debris whenever it become necessary due to any natural disaster by resolution of the City Council. (Ord. No. 2011-8, Sec. 1.)

7.68.02 Competitive bidding It shall be and it is hereby declared that all competitive bidding shall be waived at which time any natural disaster affects the city of Beebe and its citizens in that all volunteers and workers should be allowed to assist with the removal of trees, materials, cutting of limbs, removal of debris and such within the corporate limits of the city of Beebe without the prior process of bid submission by resolution of the City Council. (Ord. No. 2011-8, Sec. 2.)

CHAPTER 7.72

ALCOHOLIC BEVERAGES

Sections:

- | | |
|---------|-------------------------------------------------------------------------------|
| 7.72.01 | Definitions |
| 7.72.02 | Hours of sale |
| 7.72.03 | Closing of premises |
| 7.72.04 | Prohibited acts |
| 7.72.05 | Fine |
| 7.72.06 | Application for Club Permit |
| 7.72.07 | Supplemental Tax Upon the Sale of Certain beverages; Disposition of Proceeds. |

7.72.01 Definitions

Commercial establishment means a bar, tavern, pub, restaurant, hotel, any combination thereof, or any for-profit entity which sells or dispenses alcoholic beverages pursuant to a permit issued by the Arkansas Alcoholic Beverage Control Commission (ABC). Commercial establishment does not include private clubs.

Hotel means every building or other structure commonly referred to as a hotel, motel, motor hotel, motor lodge, or by similar name, which is kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers or guests, whether transient, permanent, or residential, in which fifty (50) or more rooms are used for the sleeping accommodations of such guests, and having one (1) or more public dining rooms with adequate and sanitary kitchen facilities, and a seating capacity for at least fifty (50) persons, where meals are regularly served to such guests, such sleeping accommodations and dining room being conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation.

Premises includes the building which contains the commercial establishment, any attached, adjoining, adjacent or associated structures or improvements, and all attached, adjacent or adjoining parking facilities.

Restaurant includes any public or private place:

- A. Kept, used, maintained, advertised, and held out to the public or to a private or restricted membership as a place where complete meals are served and where complete meals are actually and regularly served, without sleeping accommodations; and,
- B. Such a place being provided with adequate and sanitary kitchen and dining equipment and a seating capacity of at least fifty (50) people and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests or members; and,
- C. Where at least one (1) meal per day shall be served, and the place shall be open a minimum of five (5) days per week, with the exception of holidays, vacations, and periods of redecorating. (Ord. No. 2011-9, Sec. 1.)

7.72.02 Hours of sale No alcoholic beverages shall be mixed, sold, served, delivered or consumed, nor shall any commercial establishment eligible to serve alcoholic beverages on Sunday suffer or permit the sale, service, delivery, or consumption of any alcoholic beverage, directly or indirectly, upon the premises between the hours of 12:00 a.m. (midnight) day of the week through 11:00 a.m. the next morning. (Ord. No. 2019-13)

7.72.03 Closing of premises No establishment shall remain open more than thirty (30) minutes after the excluded hours of sale begin. Thereafter, the premises shall and must remain closed and locked and the parking facilities or lot shall be closed and secured and cleared of all persons and vehicles, except for up to three (3) employees and a supervisor and those employees' and supervisor's vehicles, who clean or perform other necessary business work in and about the premises during referenced prohibited hours. No person, other than the three (3) employees and supervisor shall be permitted to remain on the premises." (Ord. No. 2019-07, Sec. 1)

7.72.04 Prohibited acts It shall be unlawful for a commercial establishment located within the corporate limits of the city, or for any employee, agent, servant, officer, official, manager, operator or owner thereof:

- A. To mix sell, serve, deliver, dispense, serve, provide or offer for sale, serving delivery, dispensing or providing, an alcoholic beverage to any person between the excluded hours of sale provided in 7.72.02; or
- B. To fail to close, lock and secure the premises as required by 7.72.03; or to be open to any, person, patron, or customer, or permit any person who is not a bona fide employee, manager, supervisor, officer, official, operator or owner of the commercial establishment to be on the premises of the establishment or club after the establishment has closed as provided in 7.72.03; or
- C. To mix, sell, deliver, serve, allow, permit, suffer, facilitate, authorize, dispense, distribute, or otherwise tolerate the consumption of alcohol beverages by any person on the premises of the commercial establishment during prohibited hours. (Ord. No. 2011-9, Sec. 4.)

7.72.05 Fine Persons violating this ordinance shall be subject to arrest if the violation is committed in the presence of a law enforcement officer. Any person convicted of violation of the provisions of this article shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) for each offense. Each infraction shall constitute a separate offense; further, the business license of any commercial establishment convicted of violating this ordinance shall be subject to revocation. The city of Beebe may also seek to have the establishment declared a public nuisance, where applicable, or other injunctive relief. (Ord. No. 2011-9, Sec. 5.)

7.72.06 Application for Club Permit Pursuant to Ark. Code Ann. § 3-9-222, as may be amended from time to time, and other provisions of Arkansas law, rules and regulations of the Arkansas Department of Finance and Administration (hereafter "DF&A") and/or rules and regulations of the Arkansas Alcoholic Beverage Control Division (hereafter "'ABC'"), applications may be made to the City Council of the City of Beebe for approval to operate private clubs within the City of Beebe. The Beebe City Council hereby designates the Clerk Treasurer of the City of Beebe to accept applications pursuant to Ark. Code Ann. § 3-9-222

(a)and designates the Chief of Police of the City of Beebe to conduct investigations regarding said applications pursuant to Ark. Code Ann. § 39-222(a). When the Chief of Police of the City of Beebe certifies, in writing, to the Beebe City Council that an applicant has provided a satisfactory application with information sufficient to warrant a hearing on the merits before ABC, the City Council shall approve said application for permit pursuant to Ark. Code Ann. § 3-9-222 (a)(2) so that the procedures in Ark. Code Ann. § 3-9-222(b) may take place. The application fee to the City of Beebe under this Section shall be \$1,500.00.

7.72.07 Supplemental Tax Upon the Sale of Certain beverages; Disposition of Proceeds
Pursuant to Ark. Code Ann. § 3-9-223(f), as may be amended from time to time, there is levied a supplemental tax of five (5) percent upon the gross proceeds or gross receipts derived from a private club licensed or permitted by the State of Arkansas from the charges to members for the preparation and serving of mixed drinks, for the cooling and serving of such beer and wine drawn from the private stocks of such member or otherwise provided for consumption. The sums derived from this supplemental tax shall be appropriated in the manner provided by Arkansas law. The City of Beebe shall maintain any information provided by the State of Arkansas in connection with any audit associated with the operation of any private club subject to the confidentiality requirements of Ark. Code Ann. § 26-18-303, as may be amended from time to time. (Ord. No. 2019-08, Sec. 3)

CHAPTER 7.76

PROHIBITING MINORS CONSUMPTION OF ALCOHOL

Sections:

7.76.01	Definitions
7.76.02	Criminal penalties and civil remedies
7.76.03	Local Authority

7.76.01 Definitions For purposes of this section, the following definitions shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. "ALCOHOL" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

- B. "ALCOHOLIC BEVERAGE" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer and which contains one-half (1/2) of one (1) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances. This term includes intoxicating beverages and low point beer as defined herein.
- C. "CODE" means the compilation of Ordinances as amended and provided in the Municipal Code of the City of Beebe, Arkansas.
- D. "GATHERING" is a party, gathering, or event where a group of two (2) or more minors have assembled or are assembling for a social occasion or social activity.
- E. "INTOXICATING BEVERAGE" includes beverages containing more than three and two-tenths percent (3.2%) alcohol by weight.
- F. "LEGAL GUARDIAN" means: (1) a person who, by court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.
- G. "LOW POINT BEER" means and includes beverages containing more than one-half (1/2) of one (1) percent alcohol by volume, and not more than three (3) and two-tenths (2/10) percent alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcohol fermentation of an infusion of
- H. barley or other grain, malt or similar products.
- I. "MINOR" means any person under twenty-one (21) years of age.
- J. "JUVENILE" means any person under eighteen (18) years of age except where otherwise specified under the section.
- K. "PARENT" means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.
- L. "PREMISES" means any residence or other private property, place, or premises, including any commercial or business premises.

- M. "RESPONSE COST" are the cost associated with responses by law enforcement, fire and other emergency response providers to a gathering, including but not limited to: (1) salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative cost attributed to such response; (2) the cost of any medical treatment for any law
- N. enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering; (3) the cost of repairing any City equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and, (4) any other allowable cost related to the enforcement of this Section.
- O. "YEARS OF AGE" continues from one birthday, such as the 17th, to but not including the day of the next, such as the 18th birthday.

7.76.02 Consumption of alcohol by minor in public place, place open to public, or place not open to public

- A. Except as otherwise permitted by law, it is unlawful for any minor to:
 - 1. Consume an alcoholic beverage at any public place or any place open to the public;
 - 2. Consume an alcoholic beverage at any place not open to the public, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian; and
 - 3. Host, permit, or allow a party, gathering, or event where minors consuming alcoholic beverages are prohibited.
- B.
 - 1. It is the duty of any person having control of premises, who knowingly hosts, permits, or allows gatherings at said premises to take place, to take all the reasonable steps to prevent the consumption of alcoholic beverages by minors at said gatherings. Reasonable steps include, but are not limited to, controlling access to alcoholic beverages at the gathering, controlling the quantity of alcoholic beverages present at the gathering, verifying the age of the persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to insure that minors do not consume alcoholic beverages while at the gathering, and supervising the activities of minors at the gathering.

2. It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage, whenever the person having control of the premises knows a minor has consumed or will consume an alcoholic beverage or reasonably should have known that a minor has consumed or will consume an alcoholic beverage, had the person having control of the premises taken all reasonable steps to prevent the consumption of alcoholic beverages by minors as set forth in subsection (C) (1) of this Section.
- C. This Section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.
 - D. Nothing in this Section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members within the supervision of parents and guardians. However, if a family member who is a minor leaves such a family gathering intoxicated and is found in said condition in a public place, then said providers of alcohol will be held responsible under this Ordinance in the same manner as if a non-family gathering had taken place.
 - E. Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious gathering intoxicated and is found in said condition in a public place, then said providers of alcohol will be held responsible in the same manner as if a non-religious gathering had taken place.
 - F. This Section shall not apply to any premises licensed by the State of Arkansas to dispense alcoholic beverages.

7.76.02 Criminal penalties and civil remedies

- A. Any person eighteen (18) years of age or older who shall violate the provisions of this Section shall be deemed guilty of an offense against the City and upon conviction thereof shall be punished for violation of an unclassified misdemeanor, with a fine of Five Hundred Dollars (\$500.00) for the first offense, with the fine doubling for each subsequent offense, or by imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment, plus all court costs and statutory penalties, as set forth by this Ordinance and otherwise by law.

- B. Any juvenile who shall violate the provisions of this Section shall be deemed guilty of an unclassified misdemeanor and punishment shall be fixed by the White County Circuit Court- Juvenile Division, pursuant to the constraints of the Arkansas Juvenile Code.
- C. Violations of this Section may be prosecuted by the City of Beebe criminally, civilly, and administratively as provided by Municipal Code and Arkansas law. Violations of this Section may be prosecuted by the Prosecuting Attorney of the 17th Judicial District in Juvenile Court. The City may seek administrative fees and response costs associated with enforcement of this Section through all remedies or procedures provided by law.

7.76.03 Local authority This Section shall not apply where prohibited or preempted by state or federal law.

CHAPTER 7.80

PARKING

Sections:

7.80.01 Off Street Parking

7.80.01 Off Street Parking Minimum Standards in 2006-6 is amended to read:

In all districts, there shall be provided at such time any building or structure is erected, enlarged, or increased in capacity, off-street parking spaces for vehicles in accordance with the following requirements. All parking spaces in all districts shall be hard surface. A minimum of four (4) inches of reinforced concrete or two (2) inches of street-grade, compacted asphalt (hot mix) shall be required.

TITLE 8

VEHICLES AND TRAFFIC

Chapters:

- 8.04 Adoption of State Laws
- 8.08 Truck Routes
- 8.12 Non-Operating Vehicles
- 8.16 Traffic Regulations
- 8.20 Outdoor Shielded Lighting

CHAPTER 8.04

ADOPTION OF STATE LAWS

Sections:

- 8.04.01 Adoption of state laws

8.04.01 Adoption of state laws The “Uniform Act Regulating Traffic on Highways of Arkansas”, as contained Title 75 of the Arkansas Statutes, three (3) copies of which are on file in the office of the City Clerk, 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

- A. Truck routes for all motor vehicles having a capacity of more than two (2) tons, and proceeding through the city, are hereby established and designated as follows:
1. Center Street a/k/a State Highway 64, City Route
 2. Main Street a/k/a State Highway 31
 3. DeWitt Henry Drive a/k/a State Highway 367
 4. West College from Main Street to Palm Street
 5. North Orange Street from Center Street to College Street
 6. North Palm Street from Center Street to College Street
 7. Illinois Street from Center Street to Cherry Street
 8. South Holly Street from Center Street South
 9. Idaho and Fir Streets

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

- B. No vehicle having a capacity of over two (2) tons may use streets within areas zoned R-1, R-2, or R-3 without first obtaining a permit from the City Engineer.
- C. Permits will be issued for the use of residential streets by vehicles having capacities over two (2) tons only when such use is necessary and no other route is available. Said permit must contain the name of driver, name of owner, destination, size of vehicle, time necessary to complete business, date and time of issue, and date and time of termination.
- D. Any person, company, or corporation violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$25.00 for each violation. (Ord. No. 305-S, Secs. 1-4)

CHAPTER 8.12**NON-OPERATING VEHICLES****Sections:**

- | | |
|---------|-------------|
| 8.12.01 | Prohibition |
| 8.12.02 | Exceptions |

8.12.03	Violators
8.12.04	Penalties
8.12.05	Definitions
8.12.06	Compliance

8.12.01 Prohibition. From and after the passage of this Ordinance, it is hereby declared to be unlawful for any person, firm, corporation, partnership or other entity to have or maintain a non-operating vehicle as hereinafter defined on any property, city street or street right of way, located within the city limits of Beebe, Arkansas. The city council governing body shall have the authority to punish, prevent, or remove any encroachment of said vehicles upon any street or right of way and to declare encroachment as public nuisance. Nuisance may be proceeded against by order of the city council or prosecution within court of jurisdiction. (Ord. No. 2019-12, Sec. 1)

8.12.02 Exceptions Nothing in this Ordinance shall be construed so as to prohibit or apply to the following:

- a. Any motor vehicle that can be started or moved under its own power on demand.
- b. Motorcycles and motorbikes.
- c. Antique automobiles provided such automobile is at least 25 years old and is restored to operating condition within 90 days from the date it was moved onto the property.
- d. Temporarily disabled motor vehicles having a current Arkansas registration provided they are restored to running condition within ninety (90) days from the date of disablement.
- e. Non-operating motor vehicles which are located upon the residential property of any person provided such vehicles are located within a completely enclosed structure or are located within a privacy fence.
- f. Any business, including but not limited to auto paint or body rebuilding shop, auto repair garage, automobile wrecking and junk yards, and auto sales and service, where non-operating vehicles are stored within a completely enclosed structure or within a completely opaque fenced area within a properly zoned district.

8.12.03 Violators A person shall be deemed in violation of the prohibitions of this Ordinance if:

- a. Such person owns or has registered to him a non-operating vehicle that is in a prohibited area within the provisions of this Ordinance.
- b. Such person owns property upon which non-operating vehicles are placed, parked or found resting in a prohibited area within the meaning of this Ordinance.

- c. It shall be prima facie that the registered owner of the motor vehicle is the owner of the motor vehicle and that the record owner of any real property is the owner of such real property. (Ord. No. 2019-12, Sec. 3)

8.12.04 Penalties Residential Property Penalties. The violation of this Ordinance is hereby declared to be an unclassified misdemeanor and shall be punishable upon conviction by a fine of not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00), and each day that the non-operating vehicle is or remains upon the property of a person in violation of this Ordinance shall constitute a separate offense.

Commercial And Industrial Property Penalties. After receiving a notice of violation from the office of Code Enforcement and given a corrective action time frame, the failure to comply shall result in the following penalties: a fine shall be assessed in the amount of \$1,000.00 and a fine of \$500.00 per day for each day that the violation shall continue. If the violation still exists at the end of the 30 day period, a lien in favor of the City of Beebe shall be placed upon the property at the White County Tax Assessor's office. (Ord. No. 2019-12, Sec. 4)

8.12.05 Definitions The following terms shall have the meaning hereinafter set forth for purposes of this Ordinance

a. For purposes of this Ordinance the term "non-operating motor vehicle" shall mean a motor vehicle which has one or more of the following characteristics:

- (i) The motor or engine is inoperative or has been removed;
- (ii) The wheels, or any of them, are removed;
- (iii) The motor vehicle has flats on two or more tires;
- (iv) Major operating components of the automobile are missing or in such damaged condition so as to make the motor vehicle useless. For purposes of this subparagraph, "major operating components" shall mean and include, but shall not limit to, windshield glass, door glass, fenders, gauges, steering wheel, tie rods, springs, drive train, engine, gear box, or rear end;
- (v) The motor vehicle does not have a current Arkansas registration (except for antique automobiles more than 25 years old); (Ord. No. 2019-12, Sec. 5)

8.12.06 Compliance Any non-conforming use of use of property at the time of passage of this Ordinance shall have up to 30 days, at the discretion of the Code Enforcement Officer, to bring the property into compliance. (Ord. No. 2019-12, Sec. 6)

CHAPTER 8.16

TRAFFIC REGULATIONS

Sections:

- 8.16.01 Adopting motor vehicle and traffic laws
- 8.16.02 General regulations
- 8.16.03 Standing or parking on lots; penalty
- 8.16.04 Moving traffic violations
- 8.16.05 Requirements for wearing protective headgear
- 8.16.06 Public intoxication/driving under influence
- 8.16.07 Breathalyzer Tester

8.16.01 Adopting motor vehicle and traffic laws

- A. There is hereby adopted by the governing body of the Municipality for the purpose of establishing a uniform Vehicle, Traffic Laws and Regulations. The Arkansas Motor Vehicle and Traffic Laws and State Highway Commission Regulations, being particularly the 1972 edition hereof, and the whole thereof, save and except such portions as are hereinafter deleted or amended. Not less than three (3) copies of this book have been and are now on file in the office of the Municipality for public record and examination, and the same are hereby adopted and incorporated as fully as if set forth at length within the body of this adopting ordinance, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the corporate limits of the Municipality.
- B. The Vehicle Traffic Laws and Commission Regulations hereby adopted shall be enforced by the Police Department of the Municipality.
- C. Wherever the word "Municipality" is used in this ordinance it shall be held to mean the city of Beebe, Arkansas.
- D. The defendant shall have thirty (30) days to appeal any decision of the Police Court to the Circuit Court. (Ord. No. 280 L, Sec. 1-4.)

8.16.02 General regulations That it shall be and is hereby declared to be unlawful for any person driving a motor vehicle, motor cycle, or motor scooter on the streets within the City of Beebe;

- A. To exceed the speed of thirty (30) miles per hour on a street, except on streets where appropriate speed limit signs are posted designating authorized speeds;
- B. To enter upon a "STOP" intersection indicated by a stop sign or light, or to enter upon any street or thoroughfare from an alley or private drive without coming to a complete stop before entering.
- C. To cross private or public property with the purpose of avoiding a stop sign or light.
- D. To stop, stand or park same:
 - (1) On a sidewalk;
 - (2) In front of a public or private driveway;
 - (3) Within an intersection;
 - (4) On a cross-walk;
 - (5) In the street behind vehicles that are authorized to park at an angle to the curb, or in the street by the side of a vehicle authorized to park parallel with the curb;
 - (6) At any angle other than the parking area angle as indicated by yellow lines on the street;
 - (7) Headed in the direction opposite to the flow of traffic traveling on the right hand side of the road;
 - (8) Any vehicle larger or longer than a three quarter ton pick-up truck in an angled parking area;
 - (9) Any truck or trailer that will obstruct more than one third of the street or alley;
 - (10) On Center Street next to the curb side of the street at any angle other than parallel with the curb;
 - (11) On the paved or main traveled part of any alley, street, or highway within the city;
 - (12) At curbs or locations where official "No Parking" signs are posted;
- E. To operate equipment that is not equipped with a factory built muffler that is in good working order to prevent excess noise and smoke. Cutouts, bypasses or any other similar devices which produces excessive or unusual noise or smoke are strictly unlawful; (Ord. No. 2019-18, Sec. 1 (A-F))

- F. To drive or operate equipment in such a manner as to indicate a wanton disregard for the safety of persons or property. (Ord. No. 2019-18, Sec. 1 (A-F))
- G. Violators of the above provisions shall be cited/arrested and prosecuted in accordance with the laws of the State of Arkansas. (Ord. No. 2019-18, Sec. 2)
- H. Persons found "guilty" of violating said provisions by a Court of law shall be subject to a fine that is not to exceed One Hundred And Sixty-Five Dollars (\$165.00). (Ord. No. 2019-18, Sec. 3)

8.16.03 Standing or parking on lots; penalty

- A. From and after the passage of this ordinance, it shall be unlawful for any one or more persons to stop, stand, park or congregate upon the parking lot or driveway of any business or religious establishment within the city of Beebe, Arkansas, after such business is closed to customers.
- B. It shall be a defense to prosecution under this ordinance that any person who shall stop, stand or park on any such parking lot does so in the course of such person's business in connection with the owner of such parking lot.
- C. Any person who shall violate any provision of this ordinance shall be guilty of a misdemeanor and shall, upon conviction be fined not more than \$100.00. (Ord. No. 321-S, Secs., 1-3.)

8.16.04 Moving traffic violations

- A. There is hereby levied and shall be collected from each defendant upon plea of guilty, nolo contendere, forfeiture of bond, or determination of guilty for all moving traffic violations, with the exception of DWI cases occurring in the Municipal Court of Beebe, Arkansas, the sum of Five Dollars (\$5.00) per case.
- B. The monies collected by the levy of this additional court cost shall be paid to the general fund of White County, Arkansas, to help defray the cost of housing inmates in the White County Detention Center. (Ord. No. 87-5, Secs. 1 and 2.)

8.16.05 Requirements for wearing protective headgear

- A. Definition A motorized bicycle shall mean every bicycle with an automatic transmission and a motor which does not displace in excess of 50 cubic centimeters. (Ord. No. 91-04, Sec. 1.)

- B. Required equipment In addition to the equipment required by state law, every driver and passenger of a motorized bicycle driven upon the public streets of the city of Beebe shall be equipped with the following additional standard equipment:
1. Protective headgear, and
 2. Protective glasses, goggles, and transparent face shields.
(Ord. No. 91-04, Sec. 2.)
- C. Penalty for violation Any person violating any portion of this Ordinance shall be guilty of a misdemeanor and shall be punished upon conviction by assessment of a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00).
(Ord. No. 91-04, Sec. 3.)

8.16.06 Public intoxication/driving under influence

- A. From and after the passage of this Ordinance, the Municipal Court of Beebe, Arkansas, shall assess as an additional item of court costs, in addition to such costs as now or may hereafter be provided by law:

For any conviction on a charge of public intoxication - \$1.00

For any conviction on a charge of driving while under the influence of intoxicants \$5.00.

- B. All such costs collected shall be managed and accounted for pursuant to Arkansas Statutes Annotated 22-706.2 et seq. (Ord. No. 87-6, Secs. 1-2.)

8.16.07 Breathalyzer

- A. The words Breathalyzer Tester used in this ordinance shall mean a portable instrument used for determining the alcohol content of the blood, by a simple breath test. Accuracy is attained by the constant relationship that exists between the concentration of alcohol in the breath and that in the blood. (Ord. No. 252 L, Sec. 1.)
- B. There is hereby authorized a Breathalyzer Tester to be used in the city of Beebe, Arkansas. (Ord. No. 252 L, Sec. 2.)
- C. Authorizing any officer of the law certified by the Arkansas State Board of Health to operate said tester. (Ord. No. 252 L, Sec. 3.)

- D. Authorizing the city of Beebe, to charge for test, any person convicted of D.W.I. or public drunk in any court of law, shall be charged Five Dollars (\$5.00) for D.W.I. and Two Dollars (\$2.00) for public drunk, provided he or she was given the test in Beebe. (Ord. No. 252 L, Sec. 4.)

CHAPTER 8.20

OUTDOOR SHIELDED LIGHTING

Sections:

- | | |
|---------|-----------------|
| 8.20.01 | Additional cost |
| 8.20.02 | Prohibitive |
| 8.20.03 | Exemption |

8.20.01 Additional cost The City Council finds that there is additional cost of shielded fixtures over non-shielded ones, factoring in the projected energy cost of operating with shielded fixtures. (Ord. No. 2006-13, Sec. 1.)

8.20.02 Prohibitive The City Council hereby determines that the cost of acquiring shielded outdoor lighting fixtures will be prohibitive. (Ord. No. 2006-13, Sec. 2.)

8.20.03 Exemption The city of Beebe hereby expressly intends to avail itself of the exemption from the requirements of the act pertaining to the purchase of shielded outdoor lighting fixtures. (Ord. No. 2006-13, Sec. 3.)

TITLE 9

STREETS AND SIDEWALKS

Chapters:

- 9.04 Streets, Alleys, Gutters or Ditches
- 9.08 Excavations and Alterations
- 9.12 New Street Construction; Obstructions
- 9.16 Fire Hydrants
- 9.20 Vacating Streets

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 Every person, firm or corporation constructing a driveway over any public ditch within the city of Beebe, Arkansas, shall provide some adequate means for the continued flow of water through said ditch; such opening shall be made by tile or other materials to be approved by the street superintendent of the city of Beebe. (Ord. No. 255 L, Sec. 1.)

Any person failing to comply with the provision of this ordinance shall be deemed guilty of a misdemeanor and shall be punished upon conviction in any sum not less than One Dollar (\$1.00) nor more than Fifteen Dollars (\$15.00), and each day that said condition shall exist shall be considered a separate offense. (Ord. No. 255 L, Sec. 2.)

CHAPTER 9.08

EXCAVATIONS AND ALTERATIONS

Sections:

9.08.01	Excavations - permit
9.08.02	Application for permit - deposit
9.08.03	Granting of permit
9.08.04	Denial of application; appeal
9.08.05	Exemption of city
9.08.06	Penalty
9.08.07	Fees

9.08.01 Excavations - permit All persons desiring to cut, alter, remove or repair any street, gutter, curb, or roadway within the City, shall first be required to file an application with the Mayor, or his designated representative, therein specifying in reasonable detail the general nature of the work to be done and the purpose therefore, together with an accurate description or address of the location where the proposed work is to be done. Applicant will be responsible for any damage to any underground utility. (Ord. No. 89-6, Sec. 1.)

9.08.02 Application for permit - deposit Upon the filing of an application, the applicant will deposit an acceptable cash or surety bond, in an amount based upon the schedule or charges hereinafter more specifically set forth, said deposit to cover the cost of making and closing the cuts, and all administrative expenses in connection therewith. Any excess shall be refunded to the applicant. (Ord. No. 89-6, Sec. 2.)

9.08.03 Granting of permit The Mayor, or his designated representative, shall grant the application within three (3) days after the filing of the application and bond unless, in his opinion, there is reason to believe the proposed cut, alteration, removal or repair may be detrimental to the public welfare or safety. If the application is granted, the City shall cut the street and remove the surfacing material. The applicant shall be responsible for additional trenching and the removal of all additional material. Said spoil or material shall be removed from the work site by the applicant. Applicant shall close the cut as follows:

- A. SB-2 gravel will be compacted to the surface immediately after repairs are completed.
- B. City shall be responsible for all resurfacing but the applicant will pay for all materials used in the resurfacing. (Ord. No. 89-6, Sec. 3.)

9.08.04 Denial of application; appeal If the application is denied, or is not acted upon within the period prescribed, the applicant may appeal to the City Council at its next regular meeting, in which event the allowance or denial of the application shall be determined by a vote of a majority of the City Council. (Ord. No. 89-6, Sec. 4.)

9.08.05 Exemption of city The city of Beebe, its agencies, boards and commissions shall be exempt from the provisions of this article requiring the filing of an application and bond, but shall be responsible for all costs incurred pursuant to this article. (Ord. No. 89-6, Sec. 5.)

9.08.06 Penalty It shall be unlawful for any person to engage in the cutting, alteration, removal or repair of any street, gutter, curb or roadway, unless authorization to do so has first been obtained from the Mayor or his designated representative. Any person who shall violate any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be purchased by a fine not to exceed Three Hundred Dollars (\$300.00). Each day that such a violation continues to exist shall constitute a separate offense. This penalty does not absolve the person from the usual charges contemplated herein had the person followed this ordinance. (Ord. No. 89-6, Sec. 6.)

9.08.07 Fees The following schedule of fees and charges shall be paid by applicants under the provisions of this article:

SCHEDULE OF CHARGES

Any street, gutter, curb, or roadway:

- A. \$50.00 per street cut.
- B. \$22.50 per foot (and fractional feet) in width for all cuts running perpendicular across a street. Cuts running parallel to a street shall be determined on a case-to-case basis depending on length. These fees are non-refundable and no cuts will be made that are less than two (2) feet in width.
- C. Trenches from the cuts shall be properly filled by applicant with SB2 above street level in order to allow for compaction to street level. Resurfacing of the street shall be by the city, however, applicant will be responsible for all costs incurred by the city and a \$50.00 deposit will be required prior to the cit commencing work. This deposit maybe refunded if the work is completed by the city standards. (Ord. No. 2009-8, Sec. 1.)

CHAPTER 9.12

NEW STREET CONSTRUCTION; OBSTRUCTIONS

Sections:

- 9.12.01 New streets; dimensions
- 9.12.02 Obstructions at street intersections

9.12.01 New streets dimensions

- A. The word street used in this ordinance means all streets to be built within the city of Beebe to be dedicated to the city for upkeep. (Ord. No. 279 L, Sec. 1.)
- B. The words right-of-way used in this ordinance means the total land to be dedicated to the city for street and ditches. (Ord. No. 279, Sec. 2.)
- C. The word base used in this ordinance shall mean the rock or stone used to hold up the street surface. (Ord. No. 279, Sec. 3.)
- D. The city of Beebe, Arkansas, is hereby authorized to accept additional streets into its street program, provided the streets meet the following specifications.
 - 1. Provided the right-of-way is 40 feet wide.
 - 2. Provided the base consist of 6 inch compressed rock or stone.
 - 3. Provided the street surface is 24 feet in width.
 - 4. Provided the street surface consists of 2 inches of hot mix.
(Ord. No. 279, Sec. 4.)
- E. The Beebe Municipal Code shall be amended to include the following provisions for the specific purpose of improving Oklahoma Street between Beech and Apple Streets: Section 9.12.01 is hereby amended to allow acceptance of the dedicated lands lying between Beech and Apple Streets otherwise known as Oklahoma Street and said lands are hereby accepted by the city of Beebe, Arkansas.

As soon as practicable, the roadway of Oklahoma Street between Apple and Beech Streets will be improved by the city of Beebe to such degree as to comply with the terms of Section 9.12.01 of the Beebe Municipal Code. (Ord. No. 01-07, Secs. 1-2.)

9.12.02 Obstructions at street intersections

- A. It shall be unlawful for a person, company, or corporation to allow or permit any type of obstruction to remain upon the property of said person, company or corporation, which obstruction is within fifteen (15) feet of any city street intersection. (Ord. No. 306- S, Sec. 1.)

- B. It shall be unlawful for any person, company or corporation to place or cause to have placed any type of obstruction within fifteen (15) feet of any city street intersection. (Ord. No. 306-S, Sec. 2.)
- C. An obstruction shall be defined as any object whatsoever which would obscure, impede or otherwise interfere with the vision of drivers upon the streets approaching an intersection. (Ord. No. 306-S, Sec. 3.)
- D. Any person, company or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$30.00. (Ord. No. 306-S, Sec. 3.)

CHAPTER 9.16

FIRE HYDRANTS

Sections:

- 9.16.01 Location
- 9.16.02 Approval for location
- 9.16.03 Appeal

9.16.01 Location For the location of all future fire hydrants within the city of Beebe, Arkansas, the spacing shall be so that there shall be no more than five hundred (500) feet distance between each. This distance shall be measured taking the shortest distance between the existing hydrant to the next proposed hydrant by the route that a fire truck might take using paved or available streets laying out the hose. (Ord. No. 99-06, Sec. 1.)

9.16.02 Approval for location In all cases approval for the location of future fire hydrants shall be by written permission of the Chief of the Beebe Fire Department. It shall be necessary for the Board of Adjustment or Planning Commission, prior to issuing its order of approval to receive the written permission of the Chief of the Beebe Fire Department for the locations of the hydrants. (Ord. No. 99-06, Sec. 2.)

9.16.03 Appeal Appeal from the written decision of the Chief shall be within thirty (30) days of the date the action of the agency or the mailing of the notice by the Chief to a private party and shall be to the Beebe City Council. Notice of appeal must be by written request, addressed to the Mayor, city of Beebe, mailed by certified mail and postmarked within the thirty day period described within. A copy of the notice shall be sent to the Beebe Board of

Adjustment or Planning Commission as the case may be and a copy to the Chief of the Fire Department. The decision of the City Council shall be final. (Ord. No. 99-06, Sec. 2.)

CHAPTER 9.20

VACATING STREETS

Sections:

9.20.01 Vacating specific streets

9.20.01 Vacating specific streets

Ord. No. 00-15	Part of Kansas Street between Blocks 1 & 6, College Addition
Ord. No. 95-24	Vacate a portion of Indiana St and all of "W" Street within City
Ord. No. 278 L	Abandoning alleyway btw Lots 56, 57, 58, & 59 in Liberty Hts
Ord. No. 300 R	Closing a dead-end portion of East Nebraska Street
Ord. No. 87-8	Vacate and abandon Badger St.
Ord. No. 2009-16	Part of Lot 6, Commerce Addition
Ord. No. 2016-11A	Part of South Cherry St. bounded on the N by E Idaho St. and on the S by East Georgia St., being the length of one city block.
Ord. No. 2019-11	City releases & vacates the part of Midyett St. that lies btw Lot 1, Block 2 & Lot 01 Block 3 of Westbrook Addition

TITLE 10

UTILITIES

Chapters:

- 10.04 Sewer Regulations
- 10.08 Sewer Design and Construction
- 10.12 Water and Sewer Rates
- 10.16 Gas and Plumbing Hookups
- 10.20 Cable Television Services
- 10.24 Cross-Connection
- 10.28 Water Purchase Contract

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 Power 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 20⁰ 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 water or groundwater.

May is permissive.

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 hydrogen ion concentration of 10^{-7} power.

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 in any dimension.

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

Sanitary sewer shall mean a sewer that 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 term is “wastewater.”

Sewer shall mean a pipe or conduit that carries wastewater.

Shall is mandatory.

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 Beebe, 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 benefitted 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 plan” or “water pollution control plant.”

Watercourses shall mean a natural or artificial channel for the passage of water either continuously or intermittently. (Ord. No. 2003-3, Art. I.)

10.04.02 Use of public sewers required

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited on public or private property within the city of Beebe 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 Beebe 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 any privy, privy vault, 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, within one hundred eighty days (180) after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the building. (Ord. No. 2003-3, Art. II.)

10.04.03 Private wastewater disposal

- A. Where a public sanitary or combined sewer is not available under the provisions of Section 10.04.02(D), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.
- 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 Ten Dollars (\$10.00) 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. This inspection shall be made within forty-eight (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 of 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 sewage disposal system, as provided in 10.04.02(D), a direct connection from the building, or the septic tank, shall be made to the public sewer within 180 days 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(s) 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. 2003-3, Art. III.)

10.04.04 Building sewers and connections

- A. No person(s) 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 Twenty Dollars (\$20.00) for residential or commercial permits, and Fifty Dollars (\$50.00) for industrial permits shall be paid to the city at the time the application is filed.

- C. All costs and expenses incidental to the installation and connection of the building sewer shall be born 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, provided both buildings are owned and operated by the same entity.
- 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 American society of Civil Engineers (ASCE) and Water Environment Federation (WEF) Manual of Practice No. FD-5 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, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- I. The connection 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 ASCE and the WEF Manual of Practice No. FD-5. 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 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;
 - 3. maintain the equipment and facilities.

Such control manhole, meters, and other monitoring appurtenances shall be lockable, and accessible by the city. (Ord. No. 2003-3, 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 stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer.
- B. Storm water 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 liquid, solid 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, interfere with any waste treatment process, constitute a

hazard to humans or animals, create a public nuisance, or create any hazard in 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, 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 life, 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 quantity 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. (65⁰ C);
2. Any water or wastes containing fats, wax, gases, or oils in excess of fifty (50) 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 65⁰ 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 KW) 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 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 as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the 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 paint, dye, wastes and vegetable tanning solutions).
 - c. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein;
9. Waters and 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 the environment.

10. Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 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 250 mg/l suspended solids in excess of 250 mg/l or oil and grease in excess of 50 mg/ 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 10.04.04, and in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving water, or which otherwise may 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. Environment 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 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 grease 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 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 10.04.11 of this ordinance.
- 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. 2003-3, Art. 5.)

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 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. 2003-3, Art. VI.)

10.04.07 Power and authority of Inspectors

- A. The Superintendent and 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 10.04.07 above, the Superintendent or 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 required in 10.04.05(J).
- C. The Superintendent and 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. 2003-3, Art VII.)

10.04.08 Penalty for violation

- A. Any person found to be violating any provision of this ordinance except Art. 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 10.04.01 of this article and/or any person who shall be found to be violating the provisions of 10.04.06 of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not more than Fifty Dollars (\$50.00) for each violation or double that sum for each repetition of such offense or violation, and if the act is continuous in nature, in

any sum not more than One Hundred Dollars (\$100.00) for each day that the same shall be unlawfully continued.

- 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. 2003-3, Art. VIII.)

CHAPTER 10.08

SEWER DESIGN AND CONSTRUCTION

Sections:

- 10.08.01 Approval of plans
- 10.08.02 General designs
- 10.08.03 Penalties

10.08.01 Approval of plans

It shall be unlawful for any person to construct or begin construction of any sanitary sewer line, main or drain within the city, or which may possibly connect to the city's sanitary sewer system until the plans and specifications therefore have been approved by the City Sewer Department, and in addition a correct copy of the complete plans have been filed for permanent record with the City Sewer Department.

This section is hereby ordained to specifically apply to any changes in sewer mains, drains and/or lines in existence at the time of the passage and approval of this section.

In addition to the provisions of this ordinance the Beebe water and sewer commission is hereby specifically authorized to make such other reasonable rules and regulations in regard to engineering, construction and/or operation of sewers, proposed or installed, necessary to make and secure uniform requirements relative to the installation of sanitary sewers, mains and/or drains to be connected or connecting into the mains of the city sanitary sewer system. Such rules and regulations so made shall be effective upon the filing of a correct copy for permanent record with the city clerk of the city and one publication in a newspaper published in the city.(Ord. No. 88-3, Secs. 2-3.)

10.08.02 General designs

A. General

1. Design Period

All sewerage facilities shall be designed for the estimated future tributary population based on a twenty year design period, except in considering parts of the systems that can be readily increased in capacity. Similarly, consideration shall be given to the maximum anticipated capacity. Similarly, consideration shall be given to the maximum anticipated capacity of institutions.

2. Materials

Any generally accepted material for sewers will be given consideration, but the material selected should be adapted to local conditions, special consideration being to the character of the industrial wastes, possibilities of septicity, exceptionally heavy external loadings, abrasion, the necessity of reducing the number of joints, soft foundations, and similar problems.

3. Joints, Infiltration, and Inflow

The method of making joints and the materials used shall be included in the specifications. Materials used for sewer joints shall have satisfactory records for preventing excessive infiltration and the entrance of roots. Leakage tests should be specified and the leakage outward (with the trench dry) or the infiltration, in case of wet trenches, should not be permitted to exceed 100 gallons per inch of sewer diameter per day per mile, for sewers 24 inches in diameter and smaller, and a flat rate of 12,000 gallons per day per mile for all larger sewers. With pressure pipe sewers the leakage allowance should not exceed 50 gallons per inch diameter per mile per day under a test head appropriate to the local conditions.

No person shall make connection of roof downspout, exterior foundation drains, area way 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.

4. Water Supply Interconnections

There must be no physical connection between a public or private potable water supply system and a sewer, sewage treatment plant, or appurtenance thereto which would permit the passage of any sewage or polluted water into the potable water supply.

5. Relation to Water Works Structures

It is the policy of the City to approve sewers in the alley easement with water lines located in the street easement. If local conditions require both sewer and water mains in the street, the mains will be located on opposite sides of the street.

6. Horizontal Separation

Whenever possible, a sewer shall be located at least 10 feet horizontally from any existing or proposed water main and 50 feet horizontally from any water well. Should local conditions require a lateral separation less than stipulated above, the

sewer may be laid closer than 10 feet to a water main provided the line is laid in a separate trench with the top of the sewer two feet lower in elevation than the bottom of the water main and both sewer and water main are cast iron or an approved equal, pressure tested to assure watertightness before backfilling. A sewer laid closer than 50 feet to a water well existing or proposed shall be cast iron or an approved equal capable of withstanding pressure.

7. Vertical Separation

Whenever sewers must cross water mains, the sewer shall be laid so that the top of the sewer pipe shall be 18 inches lower in elevation than the bottom of the water main. In the event that such vertical clearance cannot be maintained, the sewer shall be cast iron, or an approved equal, for a distance of ten (10) feet horizontally, measured at right angles to the water main, on either side of the crossing. If the sewer must cross above the water main, it shall be cast iron or equivalent as stipulated above and concrete encased as an additional public health precaution against damage from vibration at such shallow depth. (Ord. No. 88-3, Sec. 4.)

B. Size, Depth, and Velocity of Flow:

1. Size of Sewers

No public sewer shall be less than eight inches in diameter except that the use of six-inch diameter sewer may be permitted in situations where it cannot be extended and where not more than 400 feet will be installed in any one place.

2. Depth

Sewers must be designed deep enough to drain wastes from houses on both sides of the sewer and to prevent frost damage. The sewer depth should be great enough to permit extension of the sewer where such extension is possible or practical. Where, for specific reasons, shallow depths are necessary and can be justified, the sewer must be protected to prevent its being damaged. All sewers shall be designed to prevent cracking due to superimposed loads and weight of backfill material.

3. Velocity of Flow

All sewers shall be designed and constructed with hydraulic slopes sufficient to give mean velocities, when flowing full, of not less than 2.0 feet per second, (based on Kutter's or Manning's formula using an "n" value of 0.013). Use of other practical "n" values will be approved for the longer pipe sections if deemed justifiable on the basis of research or field data presented. The following are the minimum slopes which should be provided, especially where the depth of flow may be small, and are desirable minimum in all parts of the system:

SEWER SIZE

MINIMUM SLOPE IN FEET PER 100 FEET

6"	0.60
8"	0.40
10"	0.29
12"	0.22
14"	0.17
15"	0.15
16"	0.14
18"	0.12
21"	0.10
24"	0.08

Under special conditions, if full and justifiable reasons are given, slopes slightly less than those required for the 2' per second velocity when full may be permitted. Such decreased slopes will only be considered where the depth of flow will be 0.3 of the diameter or greater for the design average flow. Whenever such decreased slopes are selected the engineer must furnish with his report, his computations of the depths of flow in such pipes at minimum, average, and peak rates of flow. It is recognized that such flatter grades may cause additional sewer maintenance expense and odor nuisance. The selection of the size of pipe shall be determined on the basis of the most desirable flow characteristics obtainable.

4. Increasing Size

When sewers are increased in size, or when a smaller sewer joins a larger one, the invert of the larger sewer should be lowered sufficiently to maintain the same energy gradient. An approximate method for securing these results is to place the 0.8 depth point of both sewers at the same elevations.

5. Alignment

Sewers should be laid in straight alignment and shall be laid with uniform grade between manholes. However, where horizontal curvature is permitted, the radius of curvature shall be not less than 250 feet.

6. High Velocity Protection

In the case of sewers where the slope and volume are such that velocities exceeding 10 feet per second will be realized at average flow, drop manholes shall be used.

C. Capacities:

1. General

In determining the required capacities of sanitary sewers, the following factors should be considered:

- a. Maximum hourly quantity of domestic sewage.
- b. Additional maximum sewage or waste from industrial and institutional plants.
- c. Groundwater infiltration.

2. New Systems

A rational procedure should be used based on the area of population served by the section in question. This procedure should vary the per capita flow from that required when wide variations and extreme maximum peaks occur, such as in laterals, to that required for the larger trunk sewers where the flow is more uniform. A brief description of the procedure used for sewer design should be included with the summary of design data at the time plans are submitted for approval.

In lieu of the above, new sewage systems shall be designed on the basis of an average daily per capita flow of sewage of not less than 100 gallons per day. Lateral and submain sewers should be designed with capacities when running full, of not less than 400 gallons per capita per day with due allowance in each case for any additional sewage or waste from industrial plants and territory for future development.

Laterals should be designed on a house count for full development.

D. Manholes:

1. Location

Manholes should be installed at the end of each line; at all changes in grade, size, or alignment; at all intersections; and at distances not greater than 400 feet from sewer 15 inches or less, and 500 feet from sewers 18 to 30 inches.

2. Depth and Diameter

- a. Manholes, which have a depth in excess of four (4) feet, shall have an inside diameter at the bottom of not less than four (4) feet, and shall be constructed complete with necessary steps, and fitted with a twenty-four-inch ring and cover of standard design and material.
- b. Manholes which have a depth of less than four (4) feet may have an inside diameter at the bottom of less than four (4) feet, but not less than three (3) feet, and shall be constructed complete with the necessary step and fitted with a twenty-four-inch ring and cover of standard design and material.

3. Drop Manhole

A drop pipe shall be provided for a sewer entering a manhole at an elevation of twenty-four (24) inches or more above the manhole invert. Where the difference in elevation is less than twenty four (24) inches, the invert should be filleted to prevent solids deposition.

4. General Conditions

- a. The flow channels through manholes should be smooth and filleted to prevent solids deposition.
- b. Cast in place manholes should have a minimum wall thickness of four (4) inches.
- c. Brick and segmental block should be waterproofed on the exterior with plaster coatings; supplemented by a Bituminous Waterproofing coating where groundwater conditions are unfavorable.
- d. Solid manhole covers are to be used wherever the manhole tops may be flooded to an appreciable depth by street runoff or high water.

E. Construction and Material Specifications:

1. Main and Lateral Pipe Specifications

The pipes used in mains and laterals to connect with or connecting with the city sanitary sewer system shall be constructed of standard sewer pipe which will meet the current specifications of the American Society for Testing Materials. Such pipes shall be joined by tightly caulking with oakum and grouted or sealed with

cement mortar, or other suitable joining material.

2. Lateral Connections to one Premise only

Each dwelling or house shall have its own service lateral running to the mains of the city sanitary sewer system and two (2) or more houses shall not be connected to the main by one lateral.

3. Permit for Construction Required

Before a service line is constructed to tie into the mains of the city sewer system, (in addition to filing of the plans), a permit must be obtained from the office of the sewer system.

4. Inspection of Service Main Connections

Where the main connected to is eight (8) inches or less in diameter the service line must connect through a "wye" connection. Where the diameter of the main is greater than eight (8) inches the connection may be tapped into the main but the lateral shall not extend into the main for a distance greater than the thickness of the shell of the larger pipe so that the lateral cannot cut down the capacity of the main. In no event shall any joint be mortared or covered until inspected and approved by the city municipal sewer system inspector.

5. Service Line Specifications

The service line from the house, dwelling or building into the main shall be constructed of standard bell and spigot sewer pipe meeting the requirements of the current specifications of the American Society for Testing Materials and shall be laid substantially to grade without low places or "pockets". Such pipes shall be caulked with oakum and joined with a cement mortar or other suitable joining material to form a tight joint and shall not be covered until inspected and approved by the city municipal sewer system inspector.

6. Depth of Pipe

Sewer pipe must be laid not less than one foot below the surface of the ground if local conditions will permit. Sewer pipe on private property with less than six (6) inches of cover or in streets and alleys with less than one foot of cover must be cast iron, with standard joints caulked with oakum and lead and must be inspected by the city municipal sewer system inspector before being covered.

7. Wash Racks

Wash racks may not be connected with the city sanitary sewer system unless provided with sand traps of a design approved by the city municipal sewer system and will prevent sand and dirt from entering the mains. Such traps must be subject to the inspection of the city municipal sewer system inspector.

8. Grease traps for Commercial Businesses

Hotels, restaurants, and/or commercial businesses of any nature which have greases incidental to cooking, rendering, and/or other operations, must be equipped with an approved grease trap to prevent large amounts of grease from entering the mains of the city sanitary sewer system. Such traps shall be subject to the inspection of the city municipal sewer system inspector.

9 Turns

In the construction of either mains, laterals, or service lines, bends greater than forty-five (45) degrees shall not be used. Where it is necessary to make a ninety-degree turn in the line two (2) forty-five degree bends shall be used.

10. Grade for Smaller Laterals

Smaller laterals entering manholes must be slightly above the grade of the main sewer in order that these laterals may flow freely.

11. Installation in Soft Earth

Wherever sewer mains or laterals that are to be maintained by the city municipal sewer system are laid in soft, unsubstantial ground or quick sand, such mains must be cradled with concrete or other suitable cradle material to prevent sagging or pockets. Such installation shall be subject to inspection and approval of the city municipal sewer system committee. (Ord. No. 88-3, Sec. 4.)

10.08.03 Penalties Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction in the city municipal court shall be fined in any sum not less than five dollars (\$5.00) or more than one hundred dollars (\$100.00). Each day such violation continues shall constitute a separate offense.

In addition the city municipal sewer system shall have power to order any connection or constructions made in violation of sections or rules promulgated thereunder, removed. (Ord. No. 88-3, Sec. 5.)

CHAPTER 10.12

WATER AND SEWER RATES

Sections:

10.12.01	Water and Sewer Commission
10.12.02	Water service charges
10.12.03	Additional service charges
10.12.04	Meter deposits
10.12.05	Effective dates
10.12.06	Sewer rates
10.12.07	Vacant property
10.12.08	Compliance with federal regulations
10.12.09	Review of charges
10.12.10	Billing
10.12.11	Request for review
10.12.12	User charge system
10.12.13	Repair and maintenance of sewer lines
10.12.14	Storm drainage pipes

10.12.01 Approval of plans From and after passage of this ordinance, the Commission shall consist of five (5) members, who shall be appointed as provided by law. (Ord. No. 95-07, Sec. 1.)

10.12.02 Water service charges The schedule of rates to be charged for water uses and services furnished by the Water and Sewer Department of the City are hereby established as follows:

- A. All water usage for each user of water furnished by the Water and Sewer Department shall be measured monthly by appropriate water service meters.
- B. The minimum monthly water service charge shall be based on the size of the user's water service meter. According to the following schedule:

For service billed after the first day of the billing cycle which occurs after September 20, 2010:

<u>Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8"	\$ 9.80 per month
3/4"	\$ 14.05 per month
1"	\$ 17.54 per month
1 1/2"	\$ 33.76 per month

2"	\$ 60.77 per month
3"	\$ 87.78 per month
4"	\$114.78 per month
6"	\$141.79 per month

(Ord. No. 2010-7, Sec. 1.)

- C. For service billed after the first day of the billing cycle which occurs after September 20, 2011:

<u>Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8"	\$ 12.62 per month
3/4"	\$ 14.84 per month
1"	\$ 18.54 per month
1 1/2"	\$ 35.67 per month
2"	\$ 64.21 per month
3"	\$ 92.75 per month
4"	\$121.27 per month
6"	\$149.81 per month

(Ord. No. 2010-7, Sec. 1.)

- D. For service billed after the first day of the billing cycle which occurs after September 20, 2012:

<u>Meter Size</u>	<u>Minimum Monthly Charge</u>
less than 1"	\$ 15.64 per month
1"	\$ 19.53 per month
1 1/2"	\$ 37.58 per month
2"	\$ 67.65 per month
3"	\$ 97.72 per month
4"	\$127.77 per month
6"	\$157.84 per month

(Ord. No. 2010-7, Sec. 1.)

- E. For service billed after the first day of the billing cycle which occurs after September 15, 2015:

<u>Meter Size</u>	<u>Minimum Monthly Charge</u>
less than 1"	\$ 16.14 per month
1"	\$ 20.03 per month
1 1/2"	\$ 38.08 per month

2"	\$ 68.15 per month
3"	\$ 98.22 per month
4"	\$128.27 per month
6"	\$158.34 per month

(Ord. No. 2015-2, Sec. 1.)

The total monthly water service charges for all water users shall be based on the monthly water consumption and shall be computed in accordance with the following schedule:

- F. For service billed after the first day of the billing cycle which occurs after October 20, 2010:

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<u>Gallons of Water Consumed</u>	<u>Monthly Water Service Charge</u>
0 - 1,000	Minimum charge (Section 1.2)
over 1,000	\$3.37 per 1,000 gal.

(Ord. No. 2010-9, Sec. 1.)

- G. For service billed after the first day of the billing cycle which occurs after September 20, 2011:

<u>Gallons of Water Consumed</u>	<u>Monthly Water Service Charge</u>
0 - 1,000	Minimum charge (Section 1.2)
over 1,000	\$3.56 per 1,000 gal.

- H. For service billed after the first day of the billing cycle which occurs after September 20, 2012:

<u>Gallons of Water Consumed</u>	<u>Monthly Water Service Charge</u>
0 - 1,000	Minimum charge (Section 1.2)
over 1,000	\$3.75 per 1,000 gal.

For purposes of calculation and charges, any water consumed over any thousand gallon increment shall be computed and charged at the next 1,000 gallon increment charge. Calculations and charges shall be computed as 1,000 gallons or part thereof. (Ord. No. 2010-9, Sec. 1.)

None of the facilities or services afforded by the Water and Sewer Department shall be furnished without an equitable charge being made therefore.

The operation of the water system shall be on a fully metered basis, with a meter installed at each water service connection and there shall be but one 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 20th day after billing therefore, a 10% penalty shall be added and if any bill is not paid by the 10th day of the following month after the bill was rendered, water service shall be disconnected. (Ord. No. 97-02, Sec. 1.3)

The changes shall be made effective, for all billing, upon the first date of the billing cycle which occurs after the 20th day of April 1997, and shall be effective from and after that date. (Ord. No. 97-02, Sec. 2.)

10.12.03 Additional service charges In addition to the charges for service heretofore established or as hereinafter may be enacted or amended by the City Council of the city of Beebe, the following schedule of rates shall be made and collected:

- A. If water service is disconnected for non-payment of water service bills or any other purpose, other than error on the part of the Water and Sewer Department, a reconnection charge of \$15.00 in addition to all other lawful charges will be assessed for reconnection.
- B. For any change in water service account, a charge of \$5.00 shall be made.
- C. For the installation of a new or relocated water service, including tapping of main line, installing service line to customer's property line, and installing meter connections, a charge of \$250.00 or cost of installation, whichever is greater shall be made; provided, however, that a charge of \$500.00 or cost of installation, whichever is greater, shall be made with regard to all customers outside the city limits. (Ord. No. 2003-4, Sec. 1.)

10.12.04 Meter deposits

<u>Meter Size</u>	<u>Meter Deposit</u>
Less than 2"	\$100.00
2"	\$150.00
3"	\$250.00
4"	\$400.00
6"	\$500.00
(Ord. No. 95-23, Sec. 3.)	

10.12.05 Effective dates The changes shall be made effective, for all billing, upon the first date of the billing cycle which occurs after the 20th day of April, 1997, and shall be effective from and after that date. (Ord. No. 97-02, Sec. 4.)

10.12.06 Sewer rates

- A. The city hereby establishes as rates to be charged for services furnished by the system, which the City Council finds and declares to be fair, reasonable and necessary, to be charged to all users who contribute wastewater to the system. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the system, including replacement (OM&R). (Replacement is defined as expenditures for obtaining and installing equipment, accessories or appurtenances during the useful life of the system necessary to maintain the capacity and performance for which it was designed and constructed.)

B.

1. For sewer service billed after the first date of the billing cycle which occurs after September 20, 2010, all users of the system shall be charged monthly for OM&R as follows: \$2.51 for the first 1,000 gallons or portion thereof of metered water consumption; and \$2.51 per 1,000 gallons or portion thereof of metered water consumption thereafter.
2. For sewer service billed after the first date of the billing cycle which occurs after September 20, 2011, all users of the system shall be charged monthly for OM&R as follows: \$2.65 for the first 1,000 gallons or portion thereof of metered water consumption; and \$2.65 per 1,000 gallons or portion thereof of metered water consumption thereafter.
3. For sewer service billed after the first date of the billing cycle which occurs after September 20, 2012, all users of the system shall be charged monthly for OM&R as follows: \$2.80 for the first 1,000 gallons or portion thereof of metered water consumption; and \$2.80 per 1,000 gallons or portion thereof of metered water consumption thereafter. (Ord. No. 2010-8, Sec. 1.)

C. User Charge Methodology

$$\text{Total annual OM\&R cost in } \$/1,000 \text{ gal.} = \frac{\text{Total annual OM\&R } \$}{\text{No. of 1,000 gallons sold annually}}$$

Excessive strength charges For any user, when the biochemical oxygen demand (BOD) exceeds *250 mg/1, the suspended solids (SS) exceed 250 mg/1, or when other pollutant concentrations exceed the range of concentrations of these pollutants in normal domestic sewage, a surcharge shall be added to the basic charge. This surcharge shall be calculated by the following formula:

$$C_s = (B_c (B) + S_c (S) + P_c (P)) V_u$$

Symbols and definitions:

C_s = a surcharge for wastewaters of excessive strength.

B_c = Operation and Maintenance (O&M) cost for treatment of a unit of BOD.

B = Concentration of BOD from a user above a base level.

S_c = O&M cost for treatment of a unit of SS.

S = Concentration of SS from a user above a base level.

P_c = O&M cost for treatment of a unit of any pollutant.

P = Concentration of any pollutant from a user above a base level.

V_u = Volume contribution from a user per unit of time.

*Maximum limit for average domestic waste.

(Ord. No. 98-16, Sec. 1.)

- D. Charges for extraneous flows The costs of O&M for all flows not directly attributable to users (such as infiltration/inflow) shall be distributed among users on the same basis as O&M charges.

- E. Toxic pollutants charges Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the system's treatment works shall pay for such increased costs.

- F. Debt service The following charges represent the debt retirement for the city's indebtedness payable from system revenues (Debt Service).
 - 1. For sewer service billed on and after the first day of the billing cycle which occurs after September 20, 2010, all active users of the system shall be charged a flat monthly fee of \$4.65 plus a charge equal to \$.99 per 1,000 gallons.
 - 2. For sewer service billed on and after the first day of the billing cycle which occurs after September 20, 2011, all users of the system shall be charged a flat monthly fee of \$4.91 plus a charge equal to \$1.05 per 1,000 gallons.
 - 3. For sewer service billed on and after the first day of the billing cycle which occurs after September 20, 2012, all users of the system shall be charged a flat monthly fee of \$5.17 plus a charge equal to \$1.10 per 1,000 gallons. (Ord. No. 2010-8, Sec. 2.)

- G. Total minimum user charge
 - 1. For sewer service billed on and after the first day of the billing cycle which occurs after September 20, 2010, the minimum bill per user of the system shall be \$8.15 calculated as follows: OM&R for 1,000 gal. (minimum) (\$2.51) + Debt Service for 1,000 gal. (minimum) (\$5.64) = \$8.15.
 - 2. For sewer service billed on and after the first day of the billing cycle which occurs after September 20, 2011, the minimum bill per user of the system shall be \$8.61 calculated as follows: OM&R for 1,000 gal. (minimum) (\$2.65) + Debt Service for 1,000 gal. (minimum) (\$5.96) = \$8.61.

3. For sewer service billed on and after the first day of the billing cycle which occurs after September 20, 2012, the minimum bill per user of the system shall be \$9.07 calculated as follows: OM&R for 1,000 gal. (minimum) (\$2.80) + Debt Service for 1,000 gal. (minimum) (\$6.27) = \$9.07. (Ord. No. 2010-8, Sec. 3.)
- H. In the case of users not on a metered basis, the Beebe Water and Sewer Commission (the Commission) shall establish water consumption based on a comparison of the non-metered user with a metered user of similar class. Example: a non-metered family of four will be compared to a typical family of four with a water meter to establish water consumption. In the case of a customer whose water use is such that an appreciable percentage does not reach the system, the Commission, upon application and sufficient showing by such customer, shall determine the percentage of total water usage that reaches the system, and the computation shall be based on that percentage.
- I. All customers shall be classified by the Commission as either residential, commercial or industrial. Classification shall be on the basis of the use by the customer.

For the purpose of fixing the monthly sewer service charges under subsections (B) and (F) above for residential customers, the Commission shall base such charges on average monthly water consumption and compute the average monthly water consumption of each residential customer for the months of November and December of the year 1997 and January, February, March and April of the year 1998. Computations of average monthly water consumption for the same months for the purpose of revising the monthly sewer service charges shall be made every twelve (12) months. The revised service charges, based upon the change in the average monthly consumption, shall be effective on the bills rendered on or after the first day of July next following the date of adjusting computations. In calculating the average monthly water consumption, water consumption over any 1,000 gallon increment shall be rounded upward to the next 1,000 gallons.

In the case of commercial and industrial customers, the monthly sewer service charges under subsection (B) and (F) above shall be based on the current monthly water consumption rounded to the nearest 10 gallons.

- J. There shall be a connection charge of \$130.00 for each new connection to the system.
- K. None of the sewer facilities or services afforded by the system shall be furnished without a charge being made, therefore. (Ord. No. 98-16, Sec. 1.)

10.12.07 Vacant property Vacant unoccupied property not actually using the 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. If any sewer charge is not paid on or before the tenth (10th) day after the bill is rendered, a ten percent (10%) penalty shall be added, and if any sewer charge is not paid on or before the thirtieth (30th) day after the bill is rendered, suit shall be brought to collect the amount due, together with the expenses of collection and a reasonable attorney's fee.

Users on metered service will be billed on the same notice as water charges and will be designated as a separate entry. Users not on metered water service will be billed monthly on an individual notice for service based upon the water consumption established by the Commission.

Users with delinquent accounts of 30 days will be notified in writing by the city where, during which hours of the day, and before whom disputed bills appropriately may be considered. If the user waives the opportunity to be heard, the services will be discontinued until such bill is paid. (Ord. No. 98-16, Sec. 2.)

10.12.08 Compliance with federal regulations A financial management system shall be established and maintained by the city to document compliance with federal regulations pertaining to the bonds. Such system will account for all revenues generated and expenditures for OM&R. (Ord. No. 98-16, Sec. 3.)

10.12.09 Review of charges The City Council will review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of OM&R and the system continues to provide for the proportional distribution of OM&R costs among users and user classes. (Ord. No. 98-16, Sec. 4.)

10.12.10 Billing Each user shall be notified at least annually, in conjunction with the regular bill, of the sewer use rate and the portion of the user charges which are attributable to wastewater treatment. Costs shall be broken down to show the O&M costs attributable to that user. (Ord. No. 98-16, Sec. 5.)

10.12.11 Request for review

- A. Any user who feels his user charge is unjust and inequitable may make written application to the Commission requesting a review of his user charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the

charge is based, including how the measurements or estimates were made.

- B. Review of the request shall be made by the Commission and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period. (Ord. No. 98-16, Sec. 6.)

10.12.12 User charge system The user charge system for the system shall take precedence over any terms or conditions of agreements or contracts between the city and any of the users which are inconsistent with applicable federal regulations regarding such user charge systems. (Ord. No. 98-16, Sec. 7.)

10.12.13 Repair and maintenance of sewer lines

- A. The responsibility of ratepayers for the repair and maintenance of sewer lines shall not extend to city streets in those instances where it shall be necessary to expose a sewer line by destruction of a part of a street's surface; and, it shall henceforth be and become the responsibility of the City and at its expense to take all necessary action with regard to making available for repair that part of any sewer line which runs beneath a street of this city, including destruction and repair of such street.
- B. The city shall be solely and exclusively responsible for the repair and maintenance of sewer lines which lie beneath a city street, regardless of the characteristics of such sewer lines of the manner of original installation, and in no instance shall any ratepayer be personally or individually liable for the cost of such repair and maintenance. (Ord. No. 93-16, Secs. 1-2.)

10.12.14 Storm drainage pipes

- A. The following minimum requirements are applicable to all city easements and right-of-way for storm drainage pipes. Said pipe shall have a minimum of 12 inch inside diameter with clean-out access every 50 feet or change in direction. Where use, polymer-coated corrugated metal pipe sizes shall be hydraulically equivalent to the required pipe size.
- B. The acceptable materials for storm drains shall be reinforced concrete pipe, corrugated metal, hydraulically equivalent polymer-coated corrugated metal pipe, or smooth liner for polyethylene pipe (conform to AASHTO M294, Standard Specification for Corrugated Polyethylene Pipe including PVC Pipe).
- C. The City Inspector shall inspect and accept the tile to be installed before the City will accept and maintain responsibility for maintenance. Any variances must be approved by the City Inspector or his designated representative.

- D. A fee of Twenty-Five Dollars (\$25.00) shall be assessed by the city for each inspection referred to in Section A above, which shall be collected by the Code Enforcement Officer prior to such inspection. Before a tile can be placed in any ditch, the entire length of the ditch shall be shot for elevation and proper drainage; any tile placed and not inspected prior to having an elevation permit will be the responsibility of sub-divider or property owner to correct (Ord. No. 2008-8, Secs. 1-2.)

CHAPTER 10.16

GAS AND PLUMBING HOOKUPS

Sections:

- | | |
|----------|---------------------------------------|
| 10.16.01 | Code Enforcement Officer will inspect |
| 10.16.02 | Inspection fee |
| 10.16.03 | Permits |
| 10.16.04 | Permits to property owners |
| 10.16.05 | Fines |

10.16.01 Code Enforcement Officer will inspect It shall be the duty of the Code Enforcement Officer for the city of Beebe to inspect and test all plumbing work and all gas work for compliance with the Arkansas State Plumbing Code. (Ord. No. 91-5, Sec. 1.)

10.16.02 Inspection fee The inspection fee for plumbing hookups within the city of Beebe is increased to \$50.00 per residential inspection and \$60.00 per commercial inspection. (Ord. No. 2007-10, Sec. 1.)

10.16.03 Permits Before beginning any plumbing work or gas work in the city of Beebe, or connecting any plumbing work or gas work to the city of Beebe's utility systems, the person installing the same shall apply to the Code Enforcement Officer of the city of Beebe, or other designated officer, and obtain a permit to do such work. Applications for such permits shall be made on suitable forms provided by the Code Enforcement Officer of the city of Beebe. (Ord. No. 91-5, Sec. 4-5.)

10.16.04 Permits to property owners Permits shall only be issued to plumbers licensed with the state of Arkansas. Provided, however, a permit may be issued to a property owner to install plumbing and gas in a single family residence provided the property owner does the work himself and the building is owned and occupied by such owner as his home. (Ord. No. 91-5, Sec. 6.)

10.16.05 Fines Any person, firm, or corporation found guilty of violating any provision of this ordinance shall be subject to a fine of not less than \$50.00 nor more than \$500.00 Each day during which a violation continues shall be a separate offense. (Ord. No. 91-5, Sec. 7.)

CHAPTER 10.20**CABLE TELEVISION SERVICES****Sections:**

10.20.01	Cable Television Service established
10.20.02	Rights granted
10.20.03	Construction and maintenance should be sufficient
10.20.04	City should enforce ordinances
10.20.05	Franchise fee rate
10.20.06	Rates
10.20.07	Programming developed and selected
10.20.08	Provisions accepted in writing
10.20.09	Ordinance in effect
10.20.10	Necessary construction
10.20.11	Fines
10.20.12	F.C.C. Forms

10.20.01 Cable Television Service established That there is hereby granted to Jim Guy Tucker and James D. Anderson d/b/a Beebe Cable Vision, the non-exclusive privilege of operating and maintaining a Cable Television System within the city of Beebe, Arkansas for the purpose of supplying Cable Television Service to the city of Beebe and to its inhabitants and to all persons and corporations doing business for a period beginning on October 12, 1984 and ending on October 11, 1999. (Ord. No. 331, Sec. 1.)

10.20.02 Right granted The said Partnership is hereby granted the right, privilege, and right of way to place, maintain, construct and operate Cable Television facilities in, through, over and under all streets, alleys, avenues, sidewalks and public grounds of said city, for the purpose of furnishing Cable Television Service, and is hereby granted the right of ingress and egress thereon for the purpose aforesaid during the term of this franchise, with the right to trim all trees in said streets, alleys, sidewalks and public grounds, that may come in contact with any of its facilities. It is hereby expressly provided, however, that the powers, rights and privileges in this section two of this ordinance granted to the Partnership may, following prior approval of the City Council of the city of Beebe, Arkansas, by resolution or ordinance adopted for that purpose, be by it granted and assigned to such other persons, firms or corporations, whether publicly, privately or otherwise owned and operated to the extent and for the purpose designated in such grant or assignment. Such approval shall not be unreasonably withheld.

10.20.03 Construction and maintenance should be sufficient The Partnership shall at all times during the term of this franchise, operate and maintain efficient and properly equipped headend equipment, together with a proper and sufficient distribution system to afford Cable Television Service to the inhabitants of Beebe and all persons, firms and corporations doing business therein, unless prevented by force majeure.

The Grantee shall at all times employ ordinary care and shall install and maintain devices or systems for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.

The Grantee shall install and maintain its wire, cable, fixtures, and other equipment so as not to interfere with the equipment of any utility of the City, or any other entity lawfully and rightfully using the conduit, pole, underground or other part of the right-of-way.

The Cable Television System shall at all times conform to the construction and maintenance standards set forth below:

Methods of construction, installation, and maintenance of the City's cable television system shall comply with the National Electrical Safety Code 1975 (ANSI CI-1974) to the extent that such Code is consistent with local law affecting the construction, installation, and maintenance of electric supply and communications lines. To the extent that such Code is inconsistent with other provisions of this franchise or with local law, the latter shall govern.

Any tower constructed for use in the City's cable television system shall comply with the standards contained in Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, EIA Standards, RS-222-A as published by the Engineering Department of the Electronic Industries Association, 2001 Eye Street, N.W., Washington, D.C. 20006.

Installation and physical dimensions of any tower constructed for use in the City's cable television system shall comply with all appropriate Federal Aviation Agency regulations,

including, but not limited to, Objectives Affecting Navigable Airspace, L4 C.F.R. 77.1 et. seq., February 1965.

Any antenna structure in the City's cable television shall comply with Construction, Marking and Lighting of Antenna Structure, 47 C.F.R. 17.1 et. seq., September 1967. (FAA)

All working facilities and conditions used during construction installation and maintenance of the City's cable television system shall comply with the standards of the Occupational Safety and Health Administration.

Each cable distribution system on the public streets shall comply with all applicable laws and ordinances and governmental regulations regarding clearances above ground, and separations from other utilities, both aerial and underground.

The Grantee shall at all times use 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.

The Grantee shall construct and operate the system and related facilities in accordance with all generally accepted related industry codes, standards and recommendations, that are applicable.

All conductors, cables, towers, poles and other components of the system shall be located and constructed by the Grantee in back of street curbs so as to provide minimum interference with access by adjoining property owners to the streets and public ways nor shall any pole or other fixture of the Grantee placed in the public way interfere with the usual travel in such public way.

Neither the Grantee, its officers nor its employees shall engage in the business of selling, leasing, repairing or installing television receivers, radio receivers or accessories for such receivers within the city of Beebe during the term of this Franchise. This paragraph shall not preclude the selling, leasing, repair or installation of such convertors or other devices as may be necessary to render the Subscribers' receiver capable of receiving all channels of the Cable Television System. (Ord. No. 331, Sec. 3.)

10.20.04 City should enforce ordinances The city of Beebe shall, from time to time, make, adopt and enforce any and all necessary ordinances to protect the system and other property under the control of said Partnership and to protect said Partnership in the unrestricted enjoyment of all privileges granted under this franchise. (Ord. No. 331, Sec. 4.)

10.20.05 Franchise fee rate The Partnership shall provide one (1) full-time channel to be provided over a two (2)-way trunk between the Beebe Campus of the Arkansas State University and the System headend.

The annual Franchise fee to be paid to the City by the grantee shall be 3% of the gross revenue of the system.

The City shall have the right to inspect the Grantee's income records, the right of audit and the recommendation of any amounts determined to be payable under this ordinance; provided, however, that such audit shall take place within twelve (12) months following the close of each of the Grantee's fiscal years. Any additional amount due the City as a result of the audit shall be paid within thirty (30) days following written notice to the Grantee by the City, which notice shall include a copy of the audit report.

The City reserves the right to increase both the Franchise fee rate and the revenues on which such fee is based so as to increase Franchise payments in the event that the current Federal Communications Commission limitations as to the Franchise fee rate and the revenues on which such fee may be levied are eliminated or changed, as a result of superseding regulations or court action. Any change in Franchise fee rate or the revenues on which such fee is based shall be accomplished by amendment to this Franchise. Provided, however, that any change in Franchise Fee Rate shall be compensated by appropriate adjustments in subscriber fees (raised/lowered).

The Grantee shall keep complete and accurate books of account and records of its business and operations under and in connection with the ordinances and Franchise.

The City or its authorized agent shall have access to all books of account and records of the Grantee for the purpose of ascertaining the correctness of any and all reports and shall be given local access to all other records upon reasonable request. (Ord. No. 331, Sec. 5.)

10.20.06 Rates The initial rates charged for Cable Television Service shall be set by the Partnership and approved by the issuance of this ordinance. Said rates shall provide adequate revenues to cover the costs of operation and maintenance, debt service, plant expansion and necessary and reasonable surpluses and reserves and a reasonable profit. The subscribers' rates shall be adjusted no more frequently than annually and adjusted only as follows:

- A. Rates may be increased to cover the additional direct cost of providing new programming to all subscribers. Rates may also be increased by an additional amount which shall not exceed the percentage increase as reflected by the customer price index since the date of the last rate increase.
- B. Any rate increase in excess of the above must be approved in advance by the City. The initial charges are shown in Attachment A hereby attached and made a part of this ordinance.

The said Partnership shall make and enforce all such proper rules as to collection of delinquent bills and as to discontinue of service to delinquent consumers as it may deem necessary. (Ord. No. 331, Sec. 6.)

10.20.07 Programming developed and selected All programming shall be developed and selected by the Partnership. Suggestions by the City Council and residents of Beebe will be given the highest consideration. All programming and service carriage shall comply with state and federal law. (Ord. No. 331, Sec. 7.)

10.20.08 Provisions accepted in writing The provisions of this Franchise shall be accepted in writing by the said Partnership within thirty (30) days after the passage and publication of this ordinance, whereupon said Franchise shall be deemed to be in full force and effect. (Ord. No. 331, Sec. 8.)

10.20.09 Ordinance in effect All ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed and this ordinance shall be in full force and effect from and after its passage and publication. (Ord. No. 331, Sec. 9.)

10.20.10 Necessary construction Should any construction be necessary for Grantee to provide the cable television service authorized by this franchise, a significant portion of such construction (at least 90%) shall be accomplished within six (6) months after the effective date of this ordinance. Thereafter, Grantee shall equitably and reasonably proceed to complete the necessary construction of the distribution system within nine (9) months of the date of this ordinance. (Ord. No. 331, Sec. 10.)

10.20.11 Fines The City reserves the right, after notice of and hearing before the City Council, to fine the Partnership for its failure to comply with the provisions hereof. The City may fine the Partnership no more than the sum of \$50.00 per day for each day a violation is not cured. This shall be in addition to any other remedy the City may have to enforce in this ordinance. (Ord. No. 331, Sec. 11.)

10.20.12 F.C.C. Forms 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

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. 93-18, Secs. 1-2.)

CHAPTER 10.24

CROSS-CONNECTION

Sections:

10.24.01	Backflow prevention assembly required
10.24.02	Inspection
10.24.03	Evaluation
10.24.04	Operational tests
10.24.05	Right to enter premises
10.24.06	Written notification
10.24.07	Fine
10.24.08	Definitions
10.24.09	Engineering Report accepted

10.24.01 Backflow prevention assembly required No water service connection to any premises shall be installed or maintained by the Beebe Water and Sewer System (hereinafter "System") unless the water supply is protected as required by State laws and regulations and this ordinance. Service of water to any premises shall be discontinued by the System if a backflow prevention assembly required by this ordinance is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed or by-passed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected. (Ord. No. 98-01, Sec. 1.)

10.24.02 Inspection The customer's water system should be open for inspection at all reasonable times to authorized representatives of the System to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the System shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the State statutes and City ordinances relating to plumbing and water supplies and the regulations adopted pursuant thereto. (Ord. No. 98-01, Sec. 2.)

10.24.03 Evaluation It shall be the responsibility of the System to evaluate the hazards inherent in supplying a consumer's water system, and to determine whether pollutants or contaminants exist on the consumer's premises in such a manner as to permit contamination of the public water system. When a hazard or potential hazard to the public water system is found on the consumer's premises, the consumer shall be required to install an approved backflow prevention device at each public water service connection to the premises in accordance with the requirements of this ordinance. Where more than one type of protection is possible, the actual method utilized shall be at the discretion of the System. (Ord. No. 98-01, Sec. 3.)

10.24.04 Operational tests It shall be the duty of the customer at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made upon installation and at least once per year. In those instances where the System deems the hazard to be great enough, certified inspections may be required at more frequent intervals. Such inspections and tests shall be at the expense of the customer and shall be performed by either the assembly manufacturer's representative, System personnel or a certified tester approved by the System. The customer shall notify the System in advance when the tests are to be undertaken so that an official representative may witness the tests. These assemblies shall be repaired, overhauled or replaced at the expense of the customer whenever the assemblies are found to be defective. Records of such tests, repairs and overhauls shall be kept by the customer and made available to the System. (Ord. No. 98-1, Sec. 4.)

10.24.05 Right to enter premises For the purpose of making any inspections or otherwise discharging the duties imposed by the ordinance, authorized representatives of the System shall have the right to enter upon the premises of any consumer. Each customer, as a condition of the continued delivery of water from the public water supply, shall be considered as having implicitly consented to the entry upon the premises of such consumer. (Ord. No. 98-1, Sec. 5.)

10.24.06 Written notification Any consumer who shall violate the provisions of this ordinance shall be notified by the System in writing of such violation. Said violation should be corrected within 30 days. If violations are not corrected within this 30 day period, water supply will be discontinued and the violation will be referred to the Commission for further action. (Ord. No. 98-1, Sec. 6.)

10.24.07 Fine In addition to any other penalties provided herein, violations of this ordinance may be punishable by a fine not to exceed \$500.00 per violation. (Ord. No. 98-1, Sec. 7.)

10.24.08 Definitions

Approved Accepted by the Commission or its authorized representative as meeting an applicable specification stated in this ordinance, or as suitable for the proposed use.

Backflow The reversal of the normal flow of water caused by either back-pressure or backsiphonage.

Backpressure The flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than the intended source.

Backsiphonage The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than its intended source caused by the reduction of pressure in the potable water supply system.

Backflow Preventer An assembly or means designed to prevent backflow.

Contamination An impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

Cross-Connection Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems one of which contains potable water and the other non-potable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system.

Pollution The presence of any foreign substance in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonable affect such water for domestic use.

Potable Water Any water which, according to recognized standards, is safe for human consumption. (Ord. No. 98-1, Sec. 8.)

10.24.09 Engineering Report accepted Attached and made a part hereof is “Exhibit A,” the Preliminary Engineering Report by B&F Engineering. The City Council hereby adopts this report and its findings as its own. (Ord. No. 98-11, Sec. 1.)

CHAPTER 10.28

WATER PURCHASE CONTRACT

Sections:

- | | |
|----------|-----------|
| 10.28.01 | Agreement |
| 10.28.02 | Authority |

10.28.01 Agreement The Agreement, in substantially the form presented at the meeting at which this Ordinance is addressed, is hereby approved, and the Mayor of the City is authorized to execute the Agreement on behalf of the City, with such changes as may be approved by the Mayor consistent with the Agreement presented and the terms of this Ordinance. (Ord. No. 2020-09, Sec. 1)

It has been found that the Agreement with MAWA is plainly in the interest of the City and that its execution is essential to the development of the future supply of water to be made available to the City pursuant to the Agreement. Therefore, an emergency is declared and this Ordinance, being necessary for the preservation of the public peace, health and safety, shall be in effect on its adoption. (Ord. No. 2020-09, Sec. 3)

10.28.02 Authority

- A. The Mayor of the city of Beebe, Arkansas, is authorized to execute such writings and take such actions as may be appropriate to carry out the terms of this ordinance.
- B. Action heretofore taken by the Mayor and consistent with the purposes of this ordinance, including execution of the agreement, is hereby ratified and approved. (Ord. No. 2010-10, Sec. 2.)

TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 New Building Construction
- 11.08 Plumbing Code
- 11.12 Electrical Code
- 11.16 Housing Code
- 11.20 Condemned Structures
- 11.24 Building Code
- 11.28 Mechanical Code
- 11.32 Building Permit
- 11.36 Key Lock Box Code

CHAPTER 11.04

NEW BUILDING CONSTRUCTION

Sections:

- 11.04.01 Energy efficiency standards
- 11.04.02 Construction near Highway 67/167

11.04.01 Energy efficiency for new buildings The City Council hereby finds that it is in the best interests of the citizens of Beebe to formally adopt the *1979 Arkansas Rules and Regulations for Energy Efficiency Standards for New Building Construction* as adopted by the Arkansas Department of Energy. (Ord. No. 322, Sec. 1.)

11.04.02 Construction near Highway 67/167

- A. No building permits shall be issued for and no new construction allowed for any permanent structures within 80 feet of the southeast right-of-way of Highway 67/167 within the planning limits of the city of Beebe, White County, Arkansas.
- B. Any developments proposed hereafter shall be required to dedicate to the city of Beebe a 50 foot easement adjacent to the southeast right-of-way of U.S. Highway 67/167 to allow for the construction of the frontage road. (Ord. No. 2007-23, Secs. 1-2.)

CHAPTER 11.08

PLUMBING CODE

Sections:

- 11.08.01 Adopted
- 11.08.02 Enforcement
- 11.08.03 Appeal

11.08.01 Adopted. That there is hereby adopted by the city of Beebe, Arkansas, that certain code known as the Arkansas State Plumbing Code, being particularly the Arkansas State Plumbing Code of 1970 edition as amended thereof, and the whole thereof of which not less than

three (3) copies have been and are now on file in the office of the City Clerk of the city of Beebe, Arkansas, the same having been opened to and available for public inspection as set forth in notice by publication thereof, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date upon which the ordinance shall take effect, the provisions thereof shall be controlling within the corporate limits of the city of Beebe, Arkansas.

11.08.02 Enforcement. That in all instances where said code refers to an enforcing officer or official, the same shall be the Mayor of the city of Beebe, Arkansas, or his designated representative or officer.

11.08.03 Appeal. That in all provisions concerning appeal from the decision of the enforcing officer or official, the Board of Appeals of said code shall be the Planning Commission of the city of Beebe, Arkansas.

CHAPTER 11.12

ELECTRICAL CODE

Sections:

11.12.01	Adoption of Electrical Code
11.12.02	Electrical Inspector
11.12.03	Duties
11.12.04	Inspection
11.12.05	Standards
11.12.06	Licensing of electrician
11.12.07	Qualifications
11.12.08	Failure to comply
11.12.09	Penalties
11.12.10	License to individual
11.12.11	Fees

11.12.01 Adoption of Electrical Code. There is hereby adopted by the city of Beebe 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 Standard of the National Board of Fire Underwriters, and the same is hereby adopted and will take effect the date this ordinance is adopted. (Ord. No. 99-20, Sec. 1.)

11.12.02 Electrical Inspector The office of Electrical Inspector is hereby created and shall be appointed by the Mayor, subject to the confirmation of the City Council. The Electrical

Inspector shall have had at least two (2) years experience as an electrician, shall be of good moral character, shall be versed in the National Electric Code and pertinent city ordinances. Compensation shall be determined by the City Council. (Ord. No. 99-20, Sec. 2.)

11.12.03 Duties. The Electrical Inspector, also known as the City Electrician, shall carry out city ordinances and the National Electric Code when performing their duties. (Ord. No. 99-20, Sec. 3.)

11.12.04 Inspection The City Electrician is hereby granted the authority to enter all buildings in the performance of their duties. Upon completion of the wiring, installation or alteration of any building or structure, it shall be the duty of the person, firm or corporation having direct charge to notify the City Electrician who shall, as early as possible, inspect said building or structure. If found to be in compliance with city ordinances and the National Electric Code, a satisfactory certificate will be issued containing date and result of inspection. (Ord. No. 99-20, Sec. 4.)

11.12.05 Standards. The City Electrician will have the responsibility and authority for making interpretations of the rules as specified in the National Electrical Code Book, for deciding upon the approval of equipment, materials, construction and, where necessary, shall follow the code procedure for securing official interpretations of the code. All new construction (residential and commercial) with a 400 amp load and below will have a main disconnect breaker. (Ord. No. 99-20, Sec. 5.)

11.12.06 Licensing of electrician 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 of Beebe, Arkansas, shall have in their possession a valid occupation license from any city in the state of Arkansas. (Ord. No. 99-20, Sec. 6.)

11.12.07 Qualifications If an occupation license is issued from the city of Beebe to any person, firm or corporation desiring to perform electrical service in the city of Beebe, a valid Master Electrician's License must first be presented. (Ord. No. 99-20, Sec. 7.)

11.12.08 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 City Electrician 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 ordinance. (Ord. No. 99-20, Sec. 8.)

11.12.09 Penalties Any person, firm or corporation found guilty violating any of the provisions of this ordinance shall be subject to a fine of not less than Five Hundred Dollars (\$500.00), together with the costs of such prosecution. Each day during which violation continues shall be a separate offense. (Ord. No. 99-20, Sec. 9.)

11.12.10 License to individual. Any individual desiring to perform his own electrical work personally shall not be required to make the required occupation license, but shall be required to have an inspection by the City Electrician. 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. (Ord. No. 99-20, Sec. 10.)

11.12.11 Fees The City Electrician for the city of Beebe, Arkansas, shall collect the following fees for inspections when the building permit is issued:

Residential Electrical Inspection Fee **\$50.00/Unit**

Re-inspection fee: \$10.00

Commercial Electrical Inspection Fee: **\$60.00/Unit**

Re-inspection fee: \$10.00

Remodeling Electrical Inspection Fee: **\$25.00/Unit**

(Change meter loop and change switch box, etc.)

Re-inspection fee: \$10.00

(Ord. No. 99-20, Sec. 11.)

CHAPTER 11.16

HOUSING CODE

Sections:

- 11.16.01 Adoption of
- 11.16.02 Housing Official
- 11.16.03 Board of Appeals
- 11.16.04 Duties of Housing Official
- 11.16.05 Right of entry

11.16.01 Adoption of. There is hereby adopted by the City Council of Beebe, Arkansas, that certain code of health and housing standards known as Southern Standard Housing Code, of which not less than three (3) copies have been and are now filed in the office of the City Clerk of the City of Beebe, Arkansas, 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 on all dwellings and premises within the city limits of Beebe, Arkansas. (Ord. No. 252, Sec. 1.)

11.16.02 Building Official.

- A. The office of Building Official is hereby created.

- B. The Building Official shall be appointed by the Mayor subject to confirmation of the City Council. 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. (Ord. No. 252, Sec. 2.)

11.16.03 Board of Appeals.

- A. 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 Beebe, Arkansas. One member shall be appointed to serve one (1) year, two members to serve two (2) years, and two members to serve three (3) years.
- B. This Board shall act by majority vote of the members present.
- C. 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 Building Official in the enforcement of this ordinance. (Ord. No. 252, Sec. 3.)

11.16.04 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. (Ord. No. 252, Sec. 4.)

11.16.05 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. (Ord. No. 252, Sec. 5.)

CHAPTER 11.20

CONDEMNED STRUCTURES

Sections:

11.20.01	Unlawful
11.20.02	Condemnation required
11.20.03	Description of property, reason for condemnation
11.20.04	Notice
11.20.05	Removal
11.20.06	Duties of Building Inspector
11.20.07	Proceeds of sale
11.20.08	Enforcement of lien
11.20.09	Penalty
11.20.10	Judicial condemnation, penalty, previous sections applicable

11.20.01 Unlawful. That is 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 Beebe, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council. (Ord. No. 327 S, Sec. 1)

11.20.02 Condemnation required. That any such house, building and/or structure which is found and declared to be a nuisance by resolution of the City Council will be condemned to insure the removal thereof as herein provided. (Ord. No. 327 S, Sec. 2.)

11.20.03 Description of property, reason for condemnation. That the resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in said resolution an adequate description of the house, building and/or structure, the name or names, if known, of the owner or owners 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. 327 S, Sec. 3.)

11.20.04 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 or owners thereof, if the whereabouts of said owner or owners be known or their last known address be known, and a copy thereof shall be posted in a conspicuous place on said house, building and/or structure. Provided, that if the owner or owners of said house, building and/or structure be unknown or if his or their whereabouts or last known address be unknown, service may be had in accordance with the law providing for service of non-resident defendants in civic cases. (Ord. No. 327 S, Sec. 4.)

11.20.05 Removal. If the house, building and/or structure constituting a nuisance has not been torn down and removed or said nuisance otherwise abated within thirty (30) days after posting the true copy of the resolution at a conspicuous place on said house, building and/or structure constituting the nuisance, it will be torn down and/or removed by the Building Inspector or his duly designated representative. (Ord. No. 327 S, Sec. 5.)

11.20.06 Duties of Building Inspector. The Building Inspector or any other person or persons designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the city, to insure its removal and the abatement of the nuisance. (Ord. No. 327 S, Sec. 6.)

11.20.07 Proceeds of sale. All the proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials therefrom and all fines collected from

the provisions of this ordinance shall be paid by the person or persons collecting the same to the City Treasurer. If any such house, building and/or structure, or the saleable materials therefrom be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the City of Beebe, Arkansas, 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. 327 S, Sec. 7.)

11.20.08 Enforcement of lien. If the city has any net costs in removal of any house, building and/or structure, the city shall have a lien on the property as provided by Section 1 of Act 8 of 1983. The lien may be enforced in either one of the following manners:

- A. The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Chancery Court; or
- B. The amount of the lien herein provided may be determined at a hearing before the governing body of the municipality held after thirty (30) days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in the county wherein the said property is located for one (1) insertion per week for four (4) consecutive weeks, the determination of said governing body being subject to appeal by the property owner in the Chancery Court, and the amount so determined at said hearing, plus ten percent (10%) penalty for collection, shall be by the governing body of the municipality certified to the tax collector of the county wherein said municipality is located, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent (3%) thereof, when so collected shall be paid to the municipality by the County Tax Collector. (Ord. No. 327 S, Sec. 8.)

11.20.09 Penalty. A fine of Fifty Dollars (\$50.00) is hereby imposed against the owner or owners of any house, building and/or structure found and declared to be a nuisance by resolution of the City Council of the city of Beebe, Arkansas, thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty Dollars (\$50.00) for each said separate and distinct offense, provided the notice as herein provided in Section 11.24.04 hereof has been given within ten (10) days after said house, building and/or structure has been by resolution found and declared to be a nuisance. (Ord. No. 327 S, Sec. 9.)

11.20.10 Judicial condemnation, penalty, previous sections applicable. In the event it is deemed advisable by the City Council of the city of Beebe, Arkansas, that a particular house, building and/or structure be judicially declared to be a nuisance by a court having jurisdiction of such matters, the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the city, and the only notice to be given to the owner or owners of

any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a court of equity or Chancery Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a court of competent jurisdiction, a fine of Fifty Dollars (\$50.00) is hereby imposed against the owner or owners thereof from the date said finding is made by the court and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty Dollars (\$50.00) for each separate and distinct offense. In the event the owner or owners of any such house, building and/or structure judicially found to be a nuisance fails or refuses to abide by the orders of the court, the Building Inspector or any other person or persons referred to in Section 11.20.06 of this ordinance will take such action as provided in Section 11.20.06 hereof, and Section 11.20.07 of this ordinance will be applicable to such owner or owners. The provisions contained in the immediately preceding sentences apply independently of any action as may be taken by the court judicially declaring the nuisance. (Ord. No. 327 S, Sec. 10.)

CHAPTER 11.24

BUILDING CODE

Sections:

11.24.01	Adoption of Building Code
11.24.02	Establishment of office of Building Official
11.24.03	Duties of Building Official
11.24.04	Right of entry
11.24.05	Definitions
11.24.06	Fire limits established
11.24.07	Liabilities
11.24.08	Fees
11.24.09	Call back fees
11.24.10	Issued building permit
11.24.11	Time limit
11.24.12	Completion

11.24.01 Adoption of Building Code. There is hereby adopted by the City Council of the city of Beebe, 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 National Building Code, Abbreviated Edition, recommended by the National Board of Fire Underwriters, being particularly the 1967 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 have been and now are filed in the Office of the Clerk of the city of Beebe, Arkansas, 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 structures within the corporate limits of the city of Beebe, Arkansas. (Ord. No. 251, Sec. 1.)

11.24.02 Establishment of the office of Building Official

- A. The office of Building Official is hereby created and the executive official in charge shall be known as the Building Official.
- B. The Building Official shall be appointed by the Mayor subject to confirmation of the City Council. 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 appointment authority shall designate an acting Building Official. (Ord. No. 251, Sec. 2.)

11.24.03 Duties of Building Official It shall be the duty of the Building Official to enforce all laws relating to the construction, alteration, removal, and demolition of buildings and structures. (Ord. No. 251, Sec. 3.)

11.24.04 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. (Ord. No. 251, Sec. 4.)

11.24.05 Definitions

- A. Wherever the word “Municipality” is used in the building code, it shall be held to mean the city of Beebe, Arkansas.
- B. Whenever the term “Corporation Counsel” is used in the Building Code, it shall be held to mean the Attorney for the city of Beebe, Arkansas. (Ord. No. 251, Sec. 5.)

11.24.06 Fire limits established The fire limits of the city of Beebe, Arkansas, are hereby established as follows:

Beginning at any point within an area designated as the “Central Business District” on the official Zoning map. (Ord. No. 251, Sec. 6.)

11.24.07 Liabilities Any officer or employee of the city of Beebe, 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.

11.24.08 Fees.

- A. Building permit schedule of fees for erecting or repairing a building or structure:

<u>Cost of Work</u>		<u>Cost of Permit</u>
First	\$ 1,000	\$3.00 per M
Next	\$ 9,000	\$2.50 per M
Next	\$15,000	\$2.00 per M
Next	\$25,000	\$1.50 per M
All Over	\$50,000	\$1.25 per M

Fractions to \$1,000 are considered to be the next \$1,000 in costs.

- 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).

11.24.09 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 reinspect 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.

11.24.10 Issued building permit An applicant to whom a building permit has been issued shall have 60 days from the date of issuance of the permit to begin building. "To begin building" means that steps have been taken on the site to prepare the site and begin the building. (Ord. No. 99-11, Sec. 1.)

11.24.11 Time limit The applicant shall have a period of one year from the date of issuance of the building permit in which to complete construction. Extensions for this one year may be obtained from the City Inspector in six month increments, for at least two such extensions. However, extensions beyond the two that are hereby authorized, may be obtained only from the City Board of Adjustment. Should the City Inspector decline to grant a six month extension, appeal may be had by written letter to the Beebe Board of Adjustment within fifteen days (15) of notice of the denial of the extension permit. (Ord. No. 99-11, Sec. 2.)

11.24.12 Completion Completion of the building in question shall be presumed when the building is at least ninety percent completed and available for occupancy or usage for business purposes. Failure to complete the building within the time schedules set out herein shall subject the owner of the reality or the lessee of the property to a fine from Ten Dollars (\$10.00) to Fifty Dollars (\$50.00) per day with each day beyond the time periods indicated being considered a separate offense. (Ord. No. 99-11, Sec. 3.)

CHAPTER 11.28

MECHANICAL CODE

Sections:

11.28.01	Code adopted
11.28.02	Code amended
11.28.03	Publication
11.28.04	Penalty

11.28.01 Code adopted That there is hereby adopted by the city of Beebe the Arkansas

Mechanical Code, as recommended by the Southern Building Code Congress, being particularly the most recent edition, thereof, save and except such portions as amended in Section 2 below. These rules and regulations are adopted in an attempt to ensure safe mechanical installations including alterations, repairs, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto, so as to safeguard life, health and the public welfare. For the purpose of this ordinance, the Building Official, his or her assistants, or any individual assigned by the Mayor, shall be the "Administrative Authority," authorized to enforce the provisions of the Mechanical Code. (Ord. No. 97-16, Sec. 1.)

11.28.02 Code amended The aforementioned code shall be amended as follows:

- A. Flex duct shall be allowed only on branch lines;
- B. Flex duct shall be no longer than six (6) feet in length;
- C. Mechanically approved fittings are required for all turns;
- D. Mechanically approved fittings are required for take off;
- E. Fiber duct shall not be allowed;
- F. The following fee schedule shall be substituted for the "Schedule of Permit Fees" found at Appendix B of the Mechanical Code;

Residential Inspections:

One (1) unit	\$50.00
For each additional unit	\$10.00
Duct work/addition or partial equipment	\$25.00

Commercial Inspections:

One (1) unit	\$60.00
For each additional unit	\$15.00
Commercial vent-a-hood	\$60.00
Duct work/addition or partial equipment	\$30.00

(Ord. No. 2012-19, Sec. 1.)

(Note: One (1) unit consists of one (1) A.C. unit and one (1) heating unit or combination heat and air unit)

Inspection of alterations: The fee for inspecting alterations and additions to an existing system shall be \$15.00 unless a new unit is installed.

Re-inspection: In case it becomes necessary to make a re-inspection of a heating, ventilation, air conditioning or refrigeration system, the installer of such equipment shall pay a re-inspection fee of \$20.00.

Temporary Inspections:

When preliminary inspection is requested for purposes of permitting temporary operation of a heating, ventilating, refrigeration, or air conditioning system, or portion thereof, a fee of \$20.00 shall be paid by the contractor requesting such preliminary inspection. If the system is not approved for temporary operation on the first preliminary inspection, the usual re-inspection fee shall be charged for each subsequent preliminary inspection for such purpose. (Ord. No. 97-16, Sec. 2.)

11.28.03 Publication Three (3) copies of this code have been and are now on file in the office of the Clerk and/or Building Official of the city of Beebe, Arkansas, and the same are hereby adopted and incorporated, as amended, as fully as if set out at length herein.

From the date on which this ordinance shall take effect, the provisions of the aforementioned code shall be controlling in the construction of all buildings and other structures within the corporate limits of the city of Beebe, Arkansas, except as regulated by other ordinances of the city of Beebe Municipal Code. (Ord. No. 97-16, Sec. 3.)

11.28.04 Penalty A.C.A. 15-55-102 empowers municipal corporations to adopt ordinances to provide for the safety, health, comfort, and convenience of inhabitants of the city, violations of the Mechanical Code shall be considered a violation of this ordinance and shall be punishable as a misdemeanor offense. Violation of any of the Mechanical Code adopted as a result of this ordinance, or other provisions of this ordinance, shall be punishable by a fine up to Two Hundred Fifty Dollars (\$250.00). Each day that said violation continues, shall be a separate offense and each day subsequent to the first day of the violation shall be punishable by a fine of up to Two Hundred Fifty Dollars (\$250.00) per day. (Ord. No. 97-16, Sec. 4.)

CHAPTER 11.32

BUILDING PERMIT

Sections:

11.32.01	Building permit required
11.32.02	Applications
11.32.03	Display
11.32.04	Inspection
11.32.05	Fee
11.32.06	Force of ordinance
11.32.07	Liability of city

11.32.01 Building permit required It shall be unlawful for any person, partnership, business, or corporation to undertake or cause to be undertaken any site preparation, development, renovations, improvements, construction or relocation of a building or structure (including manufactured housing) within the city of Beebe unless a building permit has been obtained from the Code Enforcement Officer. Provisions of all other local, state and/or federal codes, ordinances and regulations shall be applicable for any project approved by the issuance of a building permit by the Permit Officer. It shall be the sole responsibility of the property owner to comply with such. (Ord. No. 2013-5, Sec. 1.)

11.32.02 Applications All applications for permits shall be made by using the attached form, or other form as may be provided by the city of Beebe and acceptable to the Code Enforcement Officer.

Permits shall be issued only after it has been determined that the proposed project to be undertaken will be in conformance with the requirements of all applicable Zoning and Building Codes in force in the city of Beebe. The Code Enforcement Officer shall require copies of all necessary permits from those governmental agencies from which approval is required by federal, state and/or local code, ordinance or regulation. It is the sole responsibility of the property owner to comply with any and all local, state or federal requirements. (Ord. No. 2013-5, Sec. 2.)

11.32.03 Display After issuance of a building permit, no changes of any kind shall be made to the application, permit or other documents submitted with the application without the written consent or approval of the Permit Officer.

The building permit shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of issuance, and be signed by the Code Enforcement Officer. (Ord. No. 2013-5, Sec. 3.)

11.32.04 Inspection During the construction period the Code Enforcement Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with applicable laws and ordinances. In the event the Code Enforcement Officer or other authorized official discovers that the work does not comply with the permit application or any applicable laws or ordinances or that there has been a false statement or misrepresentation by any applicant, the Code Enforcement Officer shall revoke the building permit.

Any construction, improvement and/or renovation covered by the permit must begin within a six (6) month period beginning from the date of issuance. Time extensions must be requested in writing for consideration and approval by the Code Enforcement Officer. If the Code Enforcement Officer determines that the delay does not warrant a time extension, a new permit must be purchased by the applicant. (Ord. No. 2013-5, Sec. 4.)

11.32.05 Fee A fee of ten cents (\$0.10) per square foot under roof shall be charged for all building permits. This fee shall be submitted at the time of application, and is non-refundable. In accordance with the prior practices of the city of Beebe, this fee shall be waived for all churches or religious organizations. All other aspects of this ordinance must still be complied with. (Ord. No. 2013-5, Sec. 5.)

11.32.06 Force of ordinance If any section, subsection, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect and for this purpose the provisions of this ordinance are hereby declared to be severable. (Ord. No. 2013-5, Sec. 6.)

11.32.07 Liability of city The granting of a building permit shall not constitute a representation, guarantee or warranty of any kind by the city of Beebe or by any official, employee or agent thereof of the practicability or safety of the proposed use and shall create no liability upon the city of Beebe, any official, employee or agent thereof. (Ord. No. 2013-5, Sec. 7.)

CHAPTER 11.36

KEY LOCK BOX CODE

Sections:

11.36.01	Definitions
11.36.02	Mandatory key boxes for fire suppression and standpipe
11.36.03	Mandatory key boxes for alarm systems
11.36.04	Mandatory key boxes for hazardous material
11.36.05	Security Padlocks
11.36.06	Applicability
11.36.07	Key lock boxes
11.36.08	Installation
11.36.09	Enforcement
11.36.10	Penalties
11.36.11	Optional Applicability
11.36.12	Repealer
11.36.13	Compliance

11.36.01 Definitions

- A. **Automatic Dialer**- A device that automatically dials and relays a prerecorded message to a central station or the fire department.
- B. **Automatic Fire Suppression System**- A system or assembly of piping, valves, controls and sprinklers which are designed and installed to comply with the NFPA standards, which utilize water, foam, CO₂, or other gas to automatically react to suppress fire.
- C. **Building**- Any structure used or intended for supporting or sheltering any occupancy.
- D. **Central Station**- An office of a private company to which remote alarm and supervisory signaling devices are transmitted and where personnel are in attendance at all times to supervise the circuits and investigate signals.
- E. **Codes Official**- Municipal Official (Fire Inspector and/or Codes Enforcement Official) or designee responsible for enforcement of this ordinance.
- F. **Fire Alarm System**- Equipment which automatically actuates a fire alarm when the detecting element is exposed to fire, smoke, abnormal rise or decrease in temperature or activation of a sprinkler or extinguishing system or manually activated device.

- G. Knox Box (Lock or Key Box)- A high security key vault, which is listed under the UL 1610, and UL 1037 standards, master, keyed with a Medeco Level 7 or equivalent lock. Locks shall be keyed to the key configuration provided by the Fire Department that provides contracted service in the city.
- H. Knox Padlock- Lock that secures perimeter or fire access gates, sprinkler systems and shut-off valves constructed of heavy-duty steel body with weather-resistant cover that is opened by the Knox master key.
- I. Standpipe System- A wet or dry system of piping, valves, outlets or related equipment designed to provide water at specified pressures and installed exclusively for the fighting of fires.

11.36.02 Mandatory key boxes for fire suppression and standpipe Each building within the City of Beebe which is protected by an automatic fire suppression or standpipe system and not manned during a 24 hour, 7 day a week operation, shall be equipped with a key box. The Key Box shall be at a location approved by the City of Beebe Codes Official (hereby referred to as Codes Official). The Key Box shall be a Knox Box type and size approved by the Codes Official.

11.36.03 Mandatory key boxes for alarm systems When a building is protected by an automatic fire alarm system {automatic dialer, central station, external audible alarm), the Codes Official shall require a key box to be installed at that location. The Key Box shall be a Knox Box type and size approved by the Codes Official.

11.36.04 Mandatory key boxes for hazardous material The Codes Official shall require a key box to be installed for any facility, firm or corporation which handles, uses, or stores hazardous materials and/or is required to prepare the emergency services material safety data sheets (MSDS) or hazardous chemical inventory forms under the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III). All pertinent documents shall be stored in a Lock Box DocUnlent Vault. This includes any facility, firm or corporation operating structures that handle, use or stores hazardous materials. The Key Box shall be a Knox Box type and size approved by the Codes Official.

11.36.05 Security Padlocks When a property contains a building or structure that is protected by a locked fence or gate, the Codes Official may require a Knox Padlock to be installed at a location approved by the Codes Official.

11.36.06 Applicability This ordinance shall not apply to owner occupied one and two family dwellings and individual townhouse units. For the purpose of this ordinance, individual townhouse units are considered single family by unit. This ordinance includes any commercial or industrial structures, multi-family residential and apartment complexes, structures that have restricted access through locked doors, governmental buildings, nursing care facilities, educational buildings, places of assembly (churches), and other at risk properties.

11.36.07 Key lock boxes The owner or operator of a structure subject to this ordinance is required at all times to keep a key(s) in the lock box that will allow access to the structure. The key boxes shall contain the following:

- A. Keys to locked points of egress, whether in interior or exterior of such buildings;
- B. Keys to locked mechanical rooms;
- C. Keys to locked elevator rooms and controls;
- D. Keys to any fence or secured areas;
- E. Keys to any other area that may be required by the Codes Official after a written notice;
- F. A card containing the emergency contact people and phone numbers for such building;
- G. Keys to areas of the building where fire alarm panels and fire protection systems are located;
- H. An inventory of the keys is to be posted inside all Lock Boxes, as per approval of the Codes Official.

Inlieu of having the interior keys in the exterior Lock Box, a second Lock Box may be located within the main lobby of the building to hold these keys.

11.36.08 Installation The Lock Box identified by the Codes Official shall be installed on the front of the building (side 1) near the main entry door and between six (6) and eight (8) feet above ground unless approved a higher or lower level by the Codes Official. A permit/registration with the City is required prior to the installation of a Knox Box in order to verify the proper mounting location and installation of said Knox Box. A permit/registration fee is not required.

11.36.09 Enforcement The Fire Code Official shall be authorized to implement rules and regulations for the use of the lock box system, shall designate the type of lock box system to be implemented within the city, and shall have the authority to require all structures to use the designated system.

11.36.10 Penalties Failure to install the box prior to occupation of the building according to the directions by the Municipal Codes Official enables the City to install said box at the owner's expense. The owner of a building so designated to install a box can appeal that determination to the City Council within 30 days after notification to do so.

11.36.11 Optional Applicability Owners or applicants of one and two family dwellings and townhouse units may utilize the Lock Box System upon consultation with and issuance of proper permits/registration by the Township Codes Official. The Key Box shall be a Knox Brand of a type and size approved by the Codes Official.

11.36.12 Repealer Any and all Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of their inconsistency. The City Council may

from time to time amend, supplement, change, modify or repeal this ordinance pursuant to the provisions of Federal, State and Local Laws.

11.36.13 Compliance Any applicable structure, as described in Section 11.36.07 above, requesting a building permit following the passage of this Ordinance shall be required to comply with the terms of this Ordinance.

TITLE 12

PARKS AND RECREATION

Chapters:

12.04 Department of Parks and Recreation

CHAPTER 12.04

DEPARTMENT OF PARKS AND RECREATION

Sections:

12.04.01	Established
12.04.02	Creation of Committee
12.04.03	Terms of office
12.04.04	Organization of Committee
12.04.05	Powers and duties
12.04.06	Removal/vacancies

12.04.01 Established From this day forward there is established the Department of Parks and Recreation of the city of Beebe, Arkansas to promote sportsmanlike conduct and fair play between adversaries in the sporting environment for the city of Beebe, Arkansas, and to provide for the physical welfare of our citizens. The department and all those associated will exhibit proper behavior which will enable the leaders and youth of our city and state to seek the loftier ideals of the human spirit. (Ord. No. 2011-3, Sec. 1.)

12.04.02 Creation of Committee There is hereby created a Parks and Recreation Committee for the city of Beebe, Arkansas, consisting of seven (7) volunteer members, as hereinafter provided. The seven (7) volunteer members of this Committee shall be appointed by the Mayor with approval of the Council to make recommendations to the director and to assist the director in carrying out various duties. The Committee shall serve at the pleasure of the Mayor and the Council. The City Council may appoint one of its own members to act as liaison between the Committee and the Council. (Ord. No. 2011-7, Sec. 1.)

12.04.03 Terms of office With the exception of the first members appointed to the Committee, the term of office for the appointed members of the Committee shall be four (4) years. The first seven (7) members appointed to the Committee shall choose their terms of office by lot, as follows:

- A. One for one (1) year;
- B. Two for two (2) years;
- C. Two for three (3) years;
- D. Two for four (4) years;

and shall immediately thereafter notify the Mayor and the City Council in writing of such allotment. Elected officers shall include, but not be limited to, Chairperson, Vice-Chairperson and Secretary. Term of elected office shall be one (1) year, commencing _____. (Ord. No. 2011-3, Sec. 3.)

12.04.04 Organization of Committee The first meeting of the Committee shall be called by the Mayor. At this meeting the Committee shall organize by electing a chairperson and a secretary of the Committee. Thereafter, the Committee shall hold regular monthly meetings on a day and hour to be fixed by the Committee. Four members of the Committee shall constitute a quorum. Special meetings may be hold upon a call of the chairperson or any four (4) members of the Committee or upon unanimous consent of all members of the Committee. (Ord. No. 2011-3, Sec. 4.)

12.04.05 Powers and duties The Park and Recreation Committee shall have the following powers and duties, in addition to such others as may be prescribed by the Council. Upon authorization of the City Council, the Park and Recreation Committee shall:

- A. Negotiate for the lease, purchase and acquisition of park and recreational sites, facilities and property, subject to the approval of the Council. The Committee may solicit or receive gifts, bequests, devises or loans for park and recreational purposes, subject to the approval of the Council.
- B. Make and recommend in writing to the Council plans for future growth, development, beautification and establishment of parks and recreational facilities in the city consistent with the future growth and development of the city of Beebe.
- C. Make a detailed and exhaustive study of the future requirements of the city for park and recreational facilities, establish and recommend in writing to the Planning Commission and the City Council a definite long-range plan for the orderly growth and development of park and recreational facilities within the city.

- D. Meet and cooperate with representatives of other governmental bodies for joint and integrated plans between various municipal bodies for the most efficient and economical use of park and recreational facilities of the different governmental units.
- E. Recommend to the City Council such acts necessary and property for the protection, operation or improvement of city parks and recreational facilities and all necessary rules and regulations, including user fees, schedules and concessions that aid in governing the use of those parks and facilities.
- F. To keep the City Council informed on the activities of the Committee, the Committee shall submit a copy of their minutes to the City Council after each meeting. The Committee shall present at least an annual progress report to the City Council at their January meeting each year. (Ord. No. 2011-3, Sec. 4.)

12.04.06 Removal/vacancies A member may be removed by the City Council after hearing for misconduct or non-performance of duty. A member who is absent from two (2) consecutive meetings without the permission of the Committee chairperson, or chairperson when absent without permission from the vice chairperson, is rebuttable presumed to be in non-performance of duty, and the City Council shall declare the position vacant unless finding otherwise following the hearing. All vacancies on the Committee shall be filled by appointment by the Mayor, with the approval of the City Council, for the unexpired term. (Ord. No. 2011-3, Sec. 5.)

TITLE 13

PLANNING

Chapters:

- 13.04 Planning Commission
- 13.08 Industrial Development
- 13.12 Flood Damage Prevention Program

CHAPTER 13.04

PLANNING COMMISSION

Sections:

- 13.04.01 Commission created
- 13.04.02 Membership
- 13.04.03 Powers and duties
- 13.04.04 Code Enforcement Officer
- 13.04.05 Subdivision plats

13.04.01 Commission created The Commission shall consist of nine (9) members, of whom at least two-thirds (2/3) shall not hold any other municipal office of appointment except membership in the Board of Adjustment or a joint planning agency. (Ord. No. 2013-8, Sec. 1.)

In accordance with the purposes and intents of the Omnibus Crime Control and Safe Streets Act of 1968, or Successor Legislation as formulated for the state of Arkansas by the Arkansas Crime and Law Enforcement Planning Division, State Department of Planning, the City Council of Beebe, Arkansas, do hereby agree to participate in regional planning activities as designated by the Arkansas Crime and Law Enforcement Planning Program, State Department of Planning and assign all planning funds, to which we would otherwise be entitled, to the White River Regional Criminal Justice Planning Council. (Ord. No. 287 L, Sec. 1.)

13.04.02 Membership The membership of the Commission shall be comprised of two (2) residents from each of the city's three (3) electoral wards, two (2) residents from outside the corporate limits but within the recorded planning jurisdiction of the city of Beebe, and one (10 at large member from any of the city's electoral wards or outside the corporate limits but within the recorded planning jurisdiction of the city of Beebe. In no event shall there be more than three (3) members of the Commission from any one electoral ward. No more than one third (1/3) of the members of the Commission may be from the recorded planning jurisdiction of the municipality. (Ord. No. 2013-8, Sec. 2.)

Subsequent to appointment, any member who removes his or her place of residence from the ward or recorded planning jurisdiction of the municipality shall thereby forfeit and relinquish his or her membership on the Commission. (Ord. No. 2013-8, Sec. 3.)

Any ward represented by more than two (2) members at the time of enactment of this ordinance, shall be subject to the provisions of Section 3 above; and, further, upon a vacancy occurring in any ward represented by more than two (2) members, subsequent appointments shall be made of residents from the three wards on a rotating basis, beginning with Ward 1 and continuing through Wards 2 and 3, as vacancies shall occur, in such manner that each ward shall thereby have equal opportunity for representation on the Commission.

13.04.03 Powers and duties The Commission is vested with all the powers and duties prescribed and set forth in Sections A.C.A. 14-56-402 through 14-56-425 of the Arkansas Statutes.

STATE LAW REFERENCE - See A.C.A. 14-56-402 et seq.

13.04.04 Code Enforcement Officer Article VII, Section 1 of the Planning and Zoning ordinance provides that the City Council shall designate an administrative officer (identified as Code Enforcement Officer herein) to administer the provisions of the Zoning Ordinance. Article VII, Section 1 of Ordinance No. 286L be amended to reflect the following addendum, to wit:

He shall perform his duties under the authority of and as directed by the Mayor. (Ord. No. 96-22, Sec. 1.)

The inspection fees collected by the Code Enforcement Officer shall be deposited into the General Fund. (Ord. No. 96-17, Sec. 1.)

13.04.05 Subdivision plats

- A. The Beebe Planning Commission shall no longer have the authority to approve of preliminary plats of final plats of subdivisions.

- B. If following a per-application conference and submission of a preliminary plat, the Planning Commission finds that the preliminary plat, together with the site improvement plan meets all requirements of the Beebe Zoning Code, it shall make a written recommendation of the City Council that the preliminary plat be approved.
- C. The City Council may by majority vote:
 - 1. Direct the Chairman of the Planning Commission to place a stamp of preliminary plat approval upon the preliminary plat;
 - 2. Return the preliminary plat to the Planning Commission for further study; or
 - 3. Deny the preliminary plat.

This action shall be taken within forty-five (45) days of recommendation by the Planning Commission, or the preliminary plat shall be deemed approved. If denied, the preliminary plat shall be returned to the subdivider with a written statement as to the reasons for denial.

The City Council's approval of a preliminary plat shall be deemed as an expression of approval of the layout submitted on the preliminary plat as a guide to the installation of streets, water, drainage, sewer, and other required improvements and utilities, the dedication of reservation of public lands, and to the preparation of a final plat. Approval of a preliminary plat shall not constitute automatic approval of a final plat.

- D. A subdivider shall submit a final plat to the Planning Commission for review within twelve (12) months of the approval of the preliminary plat by the City Council. If not submitted within such time, the preliminary plat will be deemed to have been abandoned. The Planning Commission shall review the final plat and may make a written recommendation to the City Council that the final plat be approved.
- E. The City Council may by majority vote
 - 1. Approve the final plat;
 - 2. Return the final plat to the Planning Commission for further study; or
 - 3. Deny the final plat.

This action shall be taken within forty-five (45) days of recommendation by the Planning Commission, or the final plat shall be deemed approved. If denied, the final plat shall be returned to the subdivider with a written statement as to the reasons for denial. (Ord. No. 2012-12, Secs. 1-5.)

CHAPTER 13.08

INDUSTRIAL DEVELOPMENT

Sections:

- 13.08.01 Contract approved and adopted
- 13.08.02 Terms
- 13.08.03 No solicitation of bids

13.08.01 Contract approved and adopted The Contract attached hereto as Exhibit A is hereby approved and adopted and the Mayor of the city of Beebe is hereby authorized and directed, along with the City Clerk, to execute the attached Contract for Services enumerated therein for industrial development for the city of Beebe, Arkansas. (Ord. No. 96-5, Sec. 1.)

13.08.02 Terms The City Clerk of the city of Beebe is authorized to pay the amount stated in the attached Contract as long as the terms of the Contract are being fulfilled. (Ord. No. 96-5, Sec. 2.)

13.08.04 No solicitation of bids The City Council declares that the solicitation of bids to provide services, which will include all those items enumerated in the attached Contract is not feasible or practical due to the fact that the BIDC already has resources available to provide immediate help for industrial development. (Ord. No. 96-5, Sec. 3.)

CHAPTER 13.12

FLOOD DAMAGE PREVENTION PROGRAM

Sections:

13.08.01	Statutory authority
13.08.02	Findings of fact
13.08.03	Statement of purpose
13.08.04	Lands to which this ordinance applies
13.08.05	Methods of reducing flood losses
13.08.06	Flood Damage Prevention Code adopted by reference
13.08.07	Abrogation and greater restrictions
13.08.08	Interpretation
13.08.09	Warning and disclaimer of liability
13.08.10	Compliance
13.08.11	Penalty for non-compliance

13.08.01 Statutory authority The legislature of the state of Arkansas has in A.C.A. 14-268-101, et seq., delegated the responsibility of local governmental units to adopt regulations to minimize flood losses. Therefore, the City Council of Beebe, Arkansas, does hereby ordain as follows. (Ord. No. 2012-8, Sec. 1.)

13.08.02 Finding of fact

- A. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of Beebe, Arkansas, in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for White County, Arkansas, and incorporated areas, dated May 2, 2012, with an effective Flood Insurance Rate Map (FIRM) dated May 2, 2012.
- B. These Special Flood Hazard Areas are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- C. These periodic flooding events are exacerbated by the cumulative effect of floodplain developments which cause an increase in flood heights and velocities, and by the placement of inadequately elevated, inadequately flood proofed or otherwise unprotected structures or uses vulnerable to floods into Special Flood Hazard Areas. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events. (Ord. No. 2012-8, Sec. 2.)

13.08.03 Statement of purpose The purpose of this ordinance is to promote the public health, safety and general welfare, to prevent adverse impacts from any floodplain development activities, and to minimize public and private losses due to flooding events in identified Special Flood Hazard Areas. This ordinance advances the stated purpose through provisions designed to:

- A. Protect human life and health;
- B. Protect natural floodplains against unwise development;
- C. Eliminate adverse impacts of necessary floodplain development;
- D. Minimize expenditure of public monies on flood control projects;
- E. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- F. Minimize prolonged business interruptions due to flooding events;
- G. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in Special Flood Hazard Areas;
- H. Minimize future flood blight areas to help maintain a stable tax base; and
- I. Provide for notice to potential buyers when property is in a Special Flood Hazard Area. (Ord. No. 2012-8, Sec. 3.)

13.08.04 Lands to which this ordinance applies The ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of the city of Beebe, Arkansas. (Ord. No. 2012-8, Sec. 4.)

13.08.05 Methods of reducing flood losses This ordinance uses the following methods to accomplish the stated purpose:

- A. This ordinance restricts or prohibits structures or uses in Special Flood Hazard Areas that adversely impact health, safety or property during flooding events;
- B. This ordinance requires protection against flood damage for structures or uses vulnerable to floods at the time of initial construction, or after substantial improvement of the structure, or after substantial damage has occurred;

- C. This ordinance controls the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation and transport of flood waters;
- D. This ordinance controls floodplain development (structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations and other activities) which may increase flood damage by increasing flood elevations, flood water velocities, or flood discharge patterns;
- E. This ordinance regulates the construction of flood barriers which unnaturally divert floodwaters or which may adversely impact other lands. (Ord. No. 2012-8, Sec. 5.)

13.08.06 Flood Damage Prevention Code adopted by reference There is hereby adopted by reference a Flood Damage Prevention Code for city of Beebe, Arkansas, dated March 12, 2012. The code shall include:

ARTICLE 1 DEFINITIONS

ARTICLE 2 ADMINISTRATION

ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

Three (3) copies of the referenced code shall be filed in the office of the Flood Plain Administrator, city of Beebe, and shall be available for inspection and copying by any person during normal office hours. (Ord. No. 2012-8, Sec. 6.)

13.08.07 Abrogation and greater restrictions This ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies. (Ord. No. 2012-8, Sec. 7.)

13.08.08 Interpretation In the interpretation and application of this ordinance, all provisions must:

- A. Be considered as minimum requirements;
- B. Be liberally construed in favor of the governing body; and
- C. Be deemed to neither limit nor repeal any other powers granted under state statutes. (Ord. No. 2012-8, Sec. 8.)

13.08.09 Warning and disclaimer of liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that land outside Special Flood Hazard Areas will be free from flooding, nor that strict adherence to this ordinance protects uses permitted within Special Flood Hazard Areas from all flood damages. This ordinance specifically does not create liability on the part of the community, nor any official or employee of the community, for any flood damages that result while strictly following this ordinance, or from any lawful administrative decision made under the provisions of this ordinance. (Ord. No. 2012-8, Sec. 9.)

13.08.10 Compliance Constructing, locating, substantially altering or changing the use of any structure or land after the effective date of this ordinance requires full compliance with the provisions of this ordinance and all other applicable regulations. (Ord. No. 2012-8, Sec. 10.)

13.08.11 Penalty for non-compliance Flood hazards are reduced by compliance with the provisions of this code. Accordingly, enforcement of this ordinance discourages non-compliance and is a recognized mechanism for flood hazard reduction.

- A. The Floodplain Administrator must enforce the provisions of this ordinance and is authorized to:
 - 1. Issue cease and desist orders on non-compliant floodplain development projects;
 - 2. Issue citations for non-compliance;
 - 3. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties; and
 - 4. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this ordinance.
- B.
 - 1. It is a misdemeanor to violate or fail to comply with any provision of this ordinance.
 - 2. Any person found in a court of competent jurisdiction, guilty of violating this ordinance is subject to fines of not more than Five Hundred Dollars (\$500.00) per day for each violation; in addition the defendant is subject to payment of all associated court costs and costs involved in the case. (Ord. No. 2012-8, Sec. 11.)

TITLE 14

ZONING

Chapters:

- 14.04 City Zoning Map
- 14.08 Ward Boundaries
- 14.12 Annexing, Vacating and Re-Zoning
- 14.16 Zoning Ordinance
- 14.20 Mobile Homes

CHAPTER 14.04

CITY ZONING MAP

Sections:

- 14.04.01 City zoning map adopted
- 14.04.02 Re-enactment of previous provisions
- 14.04.03 Violations and fines
- 14.04.04 Amendment to Zoning Ordinance

14.04.01 City zoning map adopted The new Zoning Map and Zoning Code/Regulations for the city of Beebe, Arkansas, be and are hereby approved and adopted for all property situated within the city of Beebe, White County, Arkansas.

The annexed property is incorporated into the existing wards of the City of Beebe as set forth in the attached plat.

As of the effective date of this ordinance, the territories so assigned and attached to wards as designated shall be considered and become a part thereof as fully as any other part of the City. (Ord. No. 2007-11, Sec. 1 & Sec. 2)

Notwithstanding anything herein to the contrary, this ordinance shall not preclude any above ground propane storage facility so long as such facility is located within a C-2 Highway Commercial District. Further, Section 14.07.06(1) of the zoning code shall now read as follows: No highly flammable or explosive liquids, solids or gases shall be stored in bulk above-ground containers unless permitted under the commercial zoning district provisions. Tanks and drums that fuel directly connecting with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provision. (Ord. No. 2010-6, Sec. 1.)

14.04.02 Re-enactment of previous provisions This Ordinance in part comes forward by re-enactment of some of the provisions of the Zoning Ordinance of the city of Beebe, Arkansas enacted May 21, 1974, as amended, and it is not the intention to repeal but rather to re-enact and continue in force without interruption such existing provisions so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this Ordinance shall not affect any action, suit or proceeding instituted or pending. (Ord. No. 347, Sec. 2.)

14.04.03 Violations and fines Any person, firm or corporation who constructs, reconstructs, uses, builds, alters, changes or moves a building or uses land in violation of the provisions of this Ordinance shall be guilty of a misdemeanor. Each day that such violations continue shall be deemed a separate offense punishable by a fine of not less than \$25.00, nor more than \$100.00, and the court, in its discretion, may require that the violation be corrected to comply with the Zoning Code. (Ord. No. 347, Sec. 3.)

14.04.04 Amendment to Zoning Ordinance

Ord. No. 97-14, Sec. 1.

Paragraph A under Section 5 entitled Amendments of the Beebe Zoning Ordinance No. 286L is amended in its entirety to read as follows:

The Beebe City Council may suggest that the Planning Commission amend the text of the Zoning Ordinance or the Planning Commission itself may desire to initiate such an amendment. In the event the City Council requests the Planning Commission or if the Planning Commission on its own initiative desires to amend the text of the Beebe Zoning Ordinance, the Planning Commission shall conduct a public hearing on the proposed textual amendment with notice of such public hearing to be published in a newspaper of general circulation in the city at least one time 15 days prior to the hearing. Following the public hearing, the proposed textual amendment may be recommended as presented or in modified form by a majority vote of the Beebe Planning Commission. Following the adoption of the proposed textual amendment, the Beebe Planning Commission shall certify the adopted amendment to the City Council for its consideration. The City Council may return the proposed textual amendment to the Planning Commission for further study or may by majority vote adopted the proposed textual amendment as recommended or by a majority vote of the City Council adopt any modified form of the proposed textual amendment to the Beebe Zoning Ordinance. In the event the Beebe Planning Commission declines to certify any recommended textual amendment to the City Council, the Beebe City Council on its own initiative may by majority vote adopt any textual amendment to the Beebe Zoning Ordinance. (Ord. No. 97-14, Sec. 1.)

CHAPTER 14.08

WARD BOUNDARIES

Sections:

- | | |
|----------|-----------------------|
| 14.08.01 | Annexation |
| 14.08.02 | Boundaries for Ward 1 |
| 14.08.03 | Boundaries for Ward 2 |
| 14.08.04 | Boundaries for Ward 3 |
| 14.08.05 | Amendments to Wards |

14.08.01 Annexation Ordinance No 339 S is hereby amended to include all that land described in Ordinance No. 339 S plus the property that was annexed into the city pursuant to Ordinance No. 89-7.

All boundaries shall be from the centerline of all named streets. (Ord. No. 89-12, Secs. 1-2.)

14.08.02 Boundaries for Ward 1 The boundaries for Ward 1 of the city of Beebe shall be as follows:

All that part of the city of Beebe east of the following line, to wit:
Beginning with the north city limits intersected by Highway 31 N (North Main Street); run south along North Main Street to College Street; then run west on College Street to Fir Street; then run south on Fir to the city limits. (Ord. No. 89-12, Sec. 3.)

14.08.03 Boundaries for Ward 2 The boundaries for Ward 2 of the city of Beebe shall be as follows:

All that part of the city of Beebe west of Ward 1 and east of the following line, to wit:
Beginning with the intersection at the extended north line of North Lemon Street and the north city limits; then run south on Lemon Street to Mississippi Street; then run west on Mississippi Street to Magnolia Street; then run south on Magnolia Street to Kansas Street; then east on Kansas Street to Lemon Street; then run south on Lemon Street to the city limits. (Ord. No. 89-12, Sec. 4.)

14.08.04 Boundaries for Ward 3 The boundaries for Ward 3 of the city of Beebe shall be as follows: All that part of the city of Beebe west of Ward 2. (Ord. No. 89-12, Sec. 5.)

14.08.05 Amendments to Wards

1. The following real property, which was annexed into the City, as referenced above, shall become part of Ward One (1):
 - A. The west forty (40) acres of the north half (N ½), Northeast quarter (NE ¼), Section twenty (20), Township five (5) North, Range Eight (8) West, City of Beebe, White County, Arkansas.
The property is commonly known and referred to as Cypress Landing S/D Phase 1. (Ord. No. 2016-9, Sec. 2)

CHAPTER 14.12

ANNEXING, VACATING AND RE-ZONING

Sections:

- 14.12.01 Annexation of property
- 14.12.02 Vacating and closing of specific areas
- 14.12.03 Rezoning of property
- 14.12.04 R-4 Low density residential district (patio homes)

14.12.01 Annexation of property

- Ord. No. 88-2 West ½ of Section 18
- Ord. No. 88-8 East half of Northwest Quarter of Section 13, Township 5 North
- Ord. No. 89-7 Southwest 1/4 of Section 17, Township 5 North
Southeast 1/4 of Section 17, Township 5 North
- Ord. No. 95-18 West ½ of Section 18
- Ord. No. 99 Northwest Quarter of Section 18
Southwest Fractional Quarter of Section 18, Township 5 North
Northwest Fractional Quarter of Section 18, Township 5 North
East half of Northwest Quarter of Section 18, Township 5 North
- Ord. No. 273 L Dodd Property
- Ord. No. 295 R Northeast Quarter of Section 18, Township 5 North
- Ord. No. 301 AC Southwest Quarter of Section 5, Township 5 North
- Ord. No. 303 S Southeast Quarter of Section 12, Township 5 North
- Ord. No. 311 S Southwest Quarter of Section 5
Right-of-way of U.S. Highway 31 through Section 5
Right-of-way of U.S. Highway 64-67 in Section 5
Southeast Quarter of Section 6
East half of Northwest Quarter of Section 7
Southwest Quarter of Section 7
Southwest Fractional Quarter of Section 7
East half of Section 7
Mississippi Street - El Paso Road in Section 7
Northwest Quarter of Section 8
- Ord. No. 320 S Southwest Quarter of Section 12
- Ord. No. 336 S Southwest Part of Section 17, Township 5 North
- Ord. No. 341 S Northeast Quarter of Section 13

Ord. No. 96-77	Part of E 3/4 of E 1/2 of NW 1/4 of Section 13, T5N, R9W
Ord. No. 96-21	E 3/4 of E 1/2 of NW 1/4 of Section 13, T5N, R9W
Ord. No. 2007-4	A portion of Hwy 67 Frontage Road, Sec. 12 to Mississippi St. to Evans Lane
Ord. No. 2007-21A	Part of SW 1/4 of Sec. 10, Twp 5 N, Range 9 West
Ord. No. 2012-20	W 40 acres of N 1/2 of Sec. 20, Twp 5 N, Range 8 West
Ord. No. 2019-9	Tract 3--Part of E 1/2 of NE 1/4 of Sec. 11, T5N, R9W
Ord. No. 2019-9	Tract 4—Part of E 1/2 of NE 1/4 Sec. 11, T5N, R9W
Ord. No. 2019-9	Tract 5—Part of E 1/2 of NE 1/4 of Sec. 11, T5N, R9W
Ord. No. 2019-9	Tract 6—Part of E 1/2 of NE 1/4 of Sec. 11, T5N, R9W
Ord. No. 2019-9	Tract 7—Part of E 1/2 of NE 1/4 of Sec. 11, T5N, R9W
Ord. No. 2019-9	Tract 8— Part of E 1/2 of NE 1/4 of Sec. 11, T5N, R9W

14.12.02 Vacating and closing specific areas

Ord. No. 325 S	Vacate and abandon Carson Subdivision
Ord. No. 2012-14	Lots 1, 2, 3, 4, 5, 6, 7, & 8 between Orange St. and Kansas St.
Ord. No. 2020-01	Vacate all rights in & to 3 portions of Colorado Street with title to vest in abutting owners

14.12.03 Rezoning of property

Ord. No. 87-7	From R-1 to C-2	Section 13
Ord. No. 87-9	From R-1 to C-2	Section 12
Ord. No. 87-10	From R-1 to C-2	Section 7
Ord. No. 87-12	From C-2 to R-1	No. Main Street to Simpson Drive
Ord. No. 87-13	From C-2 to R-3	McCulloch and Harvey Addition
Ord. No. 87-14	From R-1 to R-3	Section of McCulloch and Harvey Addition
Ord. No. 87-15	From C-1 to R-3	Westbrook Subdivision
Ord. No. 87-16	From R-1 to F-2	Section 8, Township 5 North
Ord. No. 87-18	From R-1 to R-3	NW Corner of McCulloch and Harvey Addition
Ord. No. 88-1	From R-1 to C-2	Railroad Addition
Ord. No. 88-5	From R-1 to C-2	Sections of McCulloch and Harvey Addition
Ord. No. 94-10	From C-2 to R-1	Southwest part of Block 18

Ord. No. 94-11	From R-1 to C-2	NW Corner of Section 8
Ord. No. 94-12	From R-1 to C-2	Block 7 of Westbrook Addition
Ord. No. 94-13	From C-3 to C-1	Spring Street
Ord. No. 94-14	From R-1 to C-2	NE Corner of Section 13
Ord. No. 94-15	From R-2 to R-1	NE part of Section 8
Ord. No. 94-16	From R-1 to R-2	Section 5, Township 5 North
Ord. No. 94-17	From R-1 to C-2	Lot 19 of Westbrook Addition
Ord. No. 94-18	From I to C-3	NW part of Section 17
Ord. No. 94-21	From C-2 to R-1	Lot 3, Section 8
Ord. No. 94-22	From R-1 to C-3	Southwest Spring Street
Ord. No. 94-25	From R-3 to C-3	Southeast Quarter of Section 7
Ord. No. 323 S	To C-1	Southwest Quarter of Section 12
Ord. No. 96-6	From R-1 to R-3	Block 13 of Beebe
Ord. No. 96-7	From R-1 to R-3	NE 1/4 of SE 1/4 of Section 8, T5N, R8W
Ord. No. 96-08	From C-2 to C-3	Lot 10, Block 5, Westbrook Addition
Ord. No. 96-09	From R-2 to C-2	SE 1/4 of NE 1/4 of Section 7, Twp 5 N. R8W
Ord. No. 96-11	From C-2 to R-1	Lot 3 W 1/2 of NE 1/4, Sec. 8, T5N. R8W
Ord. No. 96-16	From R-2 to R-3	Lots 1, 2, 3 and 4, Block 2, College Addition
Ord. No. 97-6	From R-1 to R-3	Block 13 of original town
Ord. No. 98-4	From R-1 to C-2	SE 1/4 of Section 12
Ord. No. 2003-9	From R-2 to R-3	1005 Carson Street
Ord. No. 2003-11	From R-1 to C-2	Highway 31 North
Ord. No. 2003-12	From R-1 to C-2	1401 East Center
Ord. No. 2003-13	From R-1 to R-2	614 California Street
Ord. No. 2003-16	From R-1 to C-2	705 West Dewitt Henry Drive
Ord. No. 2003-17	From R-1 to C-2	310 West Dewitt Henry Drive
Ord. No. 2004-2	From R-1 to C-2	1715 West Dewitt Henry Drive
Ord. No. 2004-7	From R-1 to C-2	901 Pecan
Ord. No. 2004-8	From R-1 to I-1	104 Marilyn Street
Ord. No. 2005-4	From R-2 to R-4	Lots 6 & 7 on Harrison and Mississippi Streets
Ord. No. 2005-8	From C-2 to R-3	901 Pecan St.
Ord. No. 2006-7	From R-1 to R-4	Part of Beech Street on Abington Drive
Ord. No. 2006-8	From R-2 to R-3	320 S. Main Street
Ord. No. 2006-12	From C-2 to R-4	Part of SE 1/4 of Campbell Drive
Ord. No. 2007-7	From R-1 to R-2	Part of NW 1/4 of Sec. 13, Twp 5 N, Range 9 West
Ord. No. 2007-8	From R-1 to R-2	Part of NE 1/4 of corner of Nipper St. and Fir St.

Ord. No. 2007-12	From R-1 to C-2	203 Highway 64 West
Ord. No. 2007-14	From R-1 to C-3	1808 West Center Street
Ord. No. 2007-18	From R-1 to C-2	Part of SE ¼ of Sec. 7, Twp 5 N, Range 8 West
Ord. No. 2007-21	From R-1 to C-2	1112 Access Road
Ord. No. 2008-2	From R-1 to R-4	Part of NW ¼ of Sec. 13, Twp 5 N, Range 9 West
Ord. No. 2008-3	From R-1 to R-3	Part of N ¼ of Sec. 13, Twp 5 N, Range 9 West
Ord. No. 2008-4	From C-1 to R-1	229 N. Main Street
Ord. No. 2008-5	From R-1 to R-3	Apple Blossom Farms
Ord. No. 2008-15	From R-2 to R-1	SE ¼ of Sec. 7, Twp 5 N, Range 8 West
Ord. No. 2009-6	From R-1 to R-2	NE ¼ of Sec. 8, Twp 5 N, Range 8 West
Ord. No. 2011-1	From R-1 to C-2	NE corner of Sec. 8 containing 0.38 acres
Ord. No. 2011-11	From C-2 to R-3	Part of S ½ of Sec. 7, Twp 5 N, Range 8 W.
Ord. No. 2012-1	From R-1 to C-2	7.0 acres in SE ¼ of Sec. 12, Twp 5 N, Range 9 W
Ord. No. 2012-3	From R-1 to R-2	N 105' of SE ¼ of Sec. 17, Twp 5 N, Range 8 West
Ord. No. 2012-4	From C-2 to R-3	Part of NW ¼ of Sec. 7, Twp 5 N, Range 8 West
Ord. No. 2012-5	From R-1 to C-2	Part of SW ¼ of Sec. 18, Twp 5 N, Range 8 West
Ord. No. 2012-7	From R-1 to R-4	Part of E ½ of Sec. 14, Twp 5 N, Range 9 West
Ord. No. 2013-2	From R-1 to C-2	NW corner of Sec. 13, containing 4.64 acres
Ord. No. 2013-9	From R-3 to C-2	Part of SW ¼ of Sec. 7, S Twp 5 N, Range 8 West
Ord. No. 2013-10	From R-1 to C-2	SE corner of Sec. 7, Twp 5 N, Range 8 West
Ord. No. 2012-11	From R-1 to C-2	1010 West Center Street
Ord. No. 2014-2	From R-1 to C-3	Lot 2, Block 1 of Abington Subdivision
Ord. No. 2014-4	From C-2 to R-3	321 South Main Street, Beebe, AR
Ord. No. 2014-5	From C-2 to R-3	323 South Main Street, Beebe, AR
Ord. No. 2014-6	From R-2 to R-3	Powers addition, lot four (4), N. of Des Arc St.
Ord. No. 2014-8	From R-1 to R-2	909 South Apple Street, 911 South Apple Street, 915 South Apple Street, and 102 Fox Street in Beebe, AR
Ord. No. 2014-9	From C-2 to R-1	5422 Hwy 367 South in Beebe, AR except Part of S ½ of SW ¼ Sec. 4 Twp 5 N, Range 8 W.
Ord. No. 2014-12	From R-2 to C1	303 Hwy 64 West, Beebe, AR
Ord. No. 2015-8	From R-1 to C2	131 Hwy 64 West, and NW quarter of Sec. 14, Twp 5 N, Range 9 West
Ord. No. 2015-9	From R-1 to R3	611 West California Street, Beebe, AR
Ord. No. 2016-4	From R-1 to R-4	Heather Lane, Glenn Abby Phase 2, Lots 5-13, Beebe, AR
Ord. No. 2016-8	From R-3 to C-2	E ½ of the SW ¼ of the NE ¼, Sec. 7, Twp 5 N, Range 8 West, containing 20 acres

Ord. No. 2017-1	From R-1 to C-2	1303 West Mississippi St.
Ord. No. 2017-6	From R-1 to C-2	175 Matheny Rd.
Ord. No. 2017-12	From R-1 to R-3	210 Lloyd Henderson Road
Ord. No. 2017-15	From R-1 to C-2	Parcel Id. 004-03459-606
Ord. No. 2018-05	From R-1 to C-3	900 W. Center St.
Ord. No. 2019-4	From R-1 to C-2	1108 N. Main St.
Ord. No. 2019-5	From R-1 to R-3	315 W. Alabama
Ord. No. 2019-15	From R-3 to C-2	Lots 1 & 2, Block 3, Westbrook Addition
Ord. No. 2019-15	From I-1 to C-2	Lots 3, 4, 5, 6 & 7, Block 3, Westbrook Addition
Ord. No. 2019-16	From R-1 to C-2	Part of the SW ¼ of Sec. 10, Twp 5 N, R9W
Ord. No. 2020-02	From R-1 to C-2	197 Priest Road
Ord. No. 2020-03	From R-1 to C-2	404 Highway 64 West
Ord. No. 2020-08	From R-1 to C-2	298 Highway 64 West
Ord. No. 2020-12	From R-1 to C-3	417 N. Main Street
Ord. No. 2020-15	From R-1 to C-2	Commercial area of Twin Lakes Subdivision
Ord. No. 2020-16	From R-1 to R-4	Area of Twin Lakes Subdivision

CHAPTER 14.16

ZONING ORDINANCE

Sections:

- 14.16.01 Zoning ordinance
- 14.16.02 Adopted by reference
- 14.16.03 Prior codes
- 14.16.04 Amendments

14.16.01 Zoning ordinance The new Zoning Code, Land Subdivision and Development Code, and Comprehensive Development Plan for the city of Beebe, Arkansas, be and are hereby approved and adopted for all property situated within the city of Beebe and City Planning Area, White County, Arkansas. (Ord. No. 2009-15, Sec. 1.)

14.16.02 Adopted by reference The new Zoning Code, Land Subdivision and Development Code, and Comprehensive Development Plan, dated October 26, 2009, are hereby incorporated herein and made a part of this ordinance as though fully set forth word for word. (Ord. No. 2009-15, Sec. 2.)

14.16.03 Prior codes All previous and prior Zoning Codes, Land Subdivision and Development Codes, and Comprehensive Development Plans are hereby repealed and rescinded and amendments thereto are also repealed. (Ord. No. 2009-15, Sec. 3.)

14.16.04 Amendments

Ord. No. 2019-10

Ordinance 2006-06, Chapter 14.06, Section 14.06.04. Residential lot, yard and height requirements shall be amended. The lot width at building line shall be sixty-five (65) feet and interior side yard shall be twelve (12) feet and eight (8) feet. Lot area shall be a minimum of 6,500 square feet and a maximum of 9,000 square feet. (Ord. No. 2019-10, Sec. 1)

Ordinance 2006-06, Chapter 14.06, Section 14.06.04. Residential lot, yard and height requirements shall be amended. The lot width at building line shall be sixty-five (65) feet and interior side yard shall be twelve (12) feet and eight (8) feet. Lot area shall be a minimum of 6,500 square feet and a maximum of 9,000 square feet. (Ord. No. 2019-10, Sec. 2)

Ord. No. 2009-17**ARTICLE 111. DESIGN Section 2. Suitability of land:**

No land shown as a flood zone area by the FIRM Map (Flood Insurance Rate Map) provided by FEMA shall be platted for use as residential homes or commercial buildings without a study by FEMA showing no immediate or future adverse flooding to the surrounding area. Developer shall bear all costs involved in topographic study. Any structure built within the flood plain shown on the FIRM Map shall be constructed 2 feet above the BFE (Base Flood Elevation). The BFE (Base Flood Elevation) provided by FEMA shall extend to street construction of all streets within a designated flood zone area. Any street constructed within the flood plain as shown by the FIRM Map shall be built to the BFE (Base Flood Elevation). Land subject to flooding or topographically unsuitable for residential occupancy and which the Planning Commission considers unsuitable for subdividing shall not be platted for any use that may increase the danger to health, life, or property, or aggravate erosion of flood hazard. If such land is in the proposed plat, this land shall be set aside for such use as will not cause or be affected by periodic flooding or unsuitable topographic conditions unless adequate corrective measures are formulated by the developer, approved by the Planning Commission and confirmed by the Beebe City Council.

ARTICLE 111 DESIGN; Section 5 Subdivision Design Standards. (2) (1) Street Grades
The minimum grade for all streets shall be 0.3% unless the developer offers a suitable design for draining the street of surface storm water. The maximum grade for local and collector streets shall be 12% while the maximum grade for arterial streets shall be 5%.

Street specifications: The subsurface must be graded/lowered to a compactable material or a suitable material placed on street bed and compacted to 95% prior to placing the SB2 gravel. The SB2 shall be a minimum of 8 inches placed and compacted in 2 lifts of 4 inches each with a 95% compaction on each lift. A minimum of 2 inches of rolled compacted asphalt shall be required for the finish surface.

ARTICLE V111; Section 4. Amendments

On any proposed amendments to these regulations the Planning Commission shall hold a public hearing for which fifteen (15) days' advance notice in a local newspaper of general distribution has been published. Following such hearing, the City Council may adopt the amendment or amendments as recommended by the Planning Commission or as determined by a majority vote of the City Council or the City Council may initiate an amendment upon its own as set forth by A.C.A. 14-56-423.

Ord. No. 2011-2

Section C - Community Facilities and Public Utilities (Churches) Notwithstanding anything herein to the contrary, this section shall be amended to allow churches under a Special Use Permit in any zone, therefore, eliminating the approval time required under the current Conditional Use Application.

Further, 14.06.03 Residential Districts (C) of the zoning code shall now read as follows: The R-1, R-2 and R-3 Permitted Uses current zoning codes of CU shall be and hereby is amended to SP for R-1, R-2 and R-3.

Ord. No. 2011-4

Section C - Community Facilities and Public Utilities (Churches) Notwithstanding anything herein to the contrary, this section shall be amended to allow churches under a Special Use Permit in any zone, therefore, eliminating the approval time required under the current Conditional Use Application.

Further, 14.07.03 Commercial Districts (C) of the zoning code shall now read as follows: The R-1, R-2 and R-3 Permitted Uses current zoning codes of CU shall be and hereby is amended to SP for R-1, R-2 and R-3.

Ord. No. 2011-5

Section 14.07.08 – Residential Uses in the Downtown Commercial District A-3 Notwithstanding anything herein to the contrary, this section shall be amended to read as follows: Buildings located within C-1 Downtown Commercial District may be used for residential use when all regulations are complied with. A Special Use Permit, rather than a Conditional Use Permit, must be obtained from the Code Enforcement Officer prior to buildings located within C-1 used as a resident.

Ord. No. 2011-6

Section 14.07.08 – Residential Uses in the Downtown Commercial District A-3 Notwithstanding anything herein to the contrary, this section shall be amended to omit #3 which currently reads as follows: Residential use in C-1 District is restricted to adult use only. No children under the age of 18 years of age permitted as resident. Under no circumstance shall more than two occupants be permitted per rental unit.

Ord. No. 2014-1

Section 14.07.03 – Neighborhood Commercial and Quiet Business District (C-3)

1. Antique store shall be marked as “conditionally permitted” (CU) in C-3 district.
2. Offices: professional and governmental, accounting, architecture, engineering, insurance, law, real estate and others of similar character shall be marked as “Conditionally permitted” (CU) in the C-3 district.

Ord. No. 2014-13

Article V, Section 3, Paragraph C shall read as follows: “Any such agreement between the City Council and the subdivider or his agent shall require the passage of an ordinance approving and accepting dedication of the streets, utilities, and public improvements. The subdivider or his agent shall be responsible for the publication costs associated with the ordinance.”

Ord. No. 2015-17

Following Section 14.06.04 is added the following “Note” to the chart following:

- “j. For main buildings, there shall be a rear yard depth of not less than rear yard depth outlined here or (20%) of the depth of the entire lot, whichever is smaller.”

Ord. No. 2017-2

Section 14.05.19. Privacy Fence Required Between Single-Family Residential (R-1 through R-4) Properties and Commercial and Industrial Properties.

The owner of any property inside the Beebe City limits that is commercial or industrial property must construct and maintain a five (5) to seven (7) foot solid privacy fence between the property owner’s property and any single family residential (R-1 through R-) property that the property owner’s property abuts. Any owner of property inside the Beebe City limits that is commercial or industrial property who is not in compliance with the provisions of this Section on March 27, 2017, has ninety (90) days from March 27, 2017, to comply with the provisions of this Section.

Ord. No. 2017-3

Section 14.07.08. Residential Uses in the Downtown Commercial District and for Properties Zoned C-3.

Buildings located within the C-1 Downtown Commercial District and for properties zoned C-3 may be used for residential use when all regulations are complied with. A special use permit must be obtained from the code enforcement officer prior to a building located on C-1 and C-3 zoned properties being used as a resident.

14.07.08.A. Requirements for buildings located on C-1 and C-3 zoned properties for residential use:

1. Building must comply with requirements of state fire code.
2. Adequate parking for tenants must be provided.

14.07.08.B. Restrictions for residential use buildings located on C-1 and C-3 zoned properties:

1. Sidewalks shall not be used in any use for residential purposes and no objects, outside of ornamental benches, shall be placed on the sidewalks.
2. A building may not be used for a day care.
3. Residential use is restricted to adults (over the age of 18) only, with no more than (2) residents per unit.
4. There shall be no objects placed outside or within front windows to reflect residential use, outside of window blinds/shades.
5. Every effort must be made to preserve the appearance of commercial district use. There shall be no loud noises, music, or any nuisance or annoying sounds permitted.
6. There shall be no dogs allowed that weigh over thirty-five (35) pounds. Other pets are allowed.

There shall be no grandfather uses permitted by tenants whose properties are allowed this special use by the code enforcement officer.

Ord. No. 2017-9

14.07.05. Mini-Warehouses of the Beebe Code of Ordinances is hereby amended to add the following provisions to that Section: Paragraph 6., is hereby added to the text of that Section:

6. Buildings located on properties zoned C-2 and used for Mini-Warehouses may have an attached or detached unit for residential use when all regulations are complied with. A conditional use permit must be obtained from the Beebe Planning and Zoning Commission pursuant to the procedures outlined in the Beebe Code of Ordinances prior to any unit being used as a residence. Any approval by the Commission should be on a case-by-case basis and shall take into account that this Ordinance has been enacted so that Mini-Warehouse owners may more effectively protect their property and their clients' personal property. Requirements for units to be used for residential use:

- a. The unit must comply with requirements of state fire code.
- b. Adequate parking for tenants must be provided.
- c. Sidewalks shall not be used in any use for residential purposes and no objects, outside of ornamental benches, shall be placed on the sidewalks.
- d. Residential use is restricted to adults (over the age of 18) only, with no more than two (2) residents per unit.
- e. There shall be no objects placed outside or within front windows to reflect residential use, outside of window blinds/shades.
- f. Every effort must be made to preserve the appearance of commercial district use. There shall be no loud noises, music, or any nuisance or annoying sounds permitted.
- g. There shall be no dogs allowed that weigh over thirty-five (35) pounds. Other pets are allowed.
- h. An occupancy permit must be obtained for the residential unit.
- i. A residential unit shall have brick and/or rock facing on each exterior wall that faces a City street or private drive.

Ord. No. 2018-10

Section 14.03.02. of the Beebe Code of Ordinances is hereby fully amended to read, as follows:

“Section 14.03.02. Building Permits.

a. General.

The City will issue a building permit for either the new construction or renovation of a building within the corporate limits of the City of Beebe only when the application has been approved by the Enforcement Officer as meeting the requirements of these regulations. All applications for building permits shall be accompanied by a plot plan, submitted in two copies, drawn to scale, showing the size and location of the building to

be constructed, indicating setbacks from perimeter property boundary lines, proposed off-street parking, and such other information as may be necessary to provide for the proper administration of these regulations. A record of such application and plot plan shall be filed with the Enforcement Officer. (Ord. No. 2018-10, Sec. 2.)

b. Commercial Construction.

A building permit for any commercial construction or renovation of any commercial property shall only be issued to an individual or entity holding a commercial contractor's license when the project totals fifty thousand dollars (\$50,000) or more. This threshold amount includes, but is not limited to, payment for all labor and work on the project, including supervisory work, and the costs of any and all materials needed to finish the project." (Ord. No. 2018-10, Sec. 2.)

Ord. No. 2018-09

Section 14.07.02. of the Beebe Code of Ordinances is hereby fully amended to read, as follows:

Section 14.07.02. Business Districts and Building Design.

14.07.02.01. Purpose of Each District.

a. Central Business District (C-1).

This district is the original downtown of Beebe and is used primarily to provide office space for local, regional, and national commercial activities or government; retailing and personal services of all kinds; and other intensively operated commercial uses. The regulations are designed to permit a concentrated intensive development of enumerated facilities and uses, limited by standards intended to provide light and air, insure adequate street exposure of buildings in the district, and to protect the district itself from over-intensive development of land coverage and over-congestion as related to the ultimate capacity of common public facilities which serve the entire district and existing traffic circulation street system.

b. Highway Commercial District (C-2).

This is a district usually located along major highways or arterial streets, used primarily for the retailing of durable goods, implements, heavy appliances and vehicles; providing services and lodgings for transient visitors or diners; and for

uses which because of their nature require open storage or display of goods or material; and which require large-scale advertising. As this district is frequently located in close proximity to residential areas, the regulations are designed to permit development of enumerated uses but limited by standards and requirements that are intended to protect and preserve the abutting or surrounding residential districts, and to minimize potential traffic hazards.

c. Neighborhood Commercial and Quiet Business District (C-3).

This commercial district is intended to provide a place for the types of office, service, and commercial activities that serve the regular needs and/or for the convenience of the people residing in the adjacent residential areas. Because these shops, stores and offices may be an integral part of the neighborhood closely associated with residential, religious, and recreational elements, restrictive requirements are made for light, air, use intensity and open space. These are designed not only to make the commercial uses compatible with nearby residential uses but also are intended to control the intensity of development and use. This district also permits a limited mixture of residential uses along with business and/or commercial uses in order to facilitate integration with existing development and to encourage development of mixed-use projects under controlled conditions.

Section 14.07.02.02. Commercial Building Design Standards

a. Purpose

The purpose of this section is to create a framework for ensuring that the design of buildings will either meet minimum design standards adopted by the community or be subject to public review by the Planning Commission. This section further seeks to maintain good civic design and arrangement within the commercial corridors and neighborhoods of the city, thereby assuring a desired aesthetic environment and a stable economic environment. It is the intent of this section to promote the development of buildings that:

1. Are designed to maintain a visual aesthetic that meets a consistent standard and protects the general welfare of the community;
2. Express individual design and creativity without detracting from the visual environment to the point at which the values of adjoining properties will be negatively affected;
3. Are appropriate to the context in which they reside; and

4. Generally, do not detract from the aesthetics of the location, area, and community as a whole.

b. Application and Required Information.

1. The regulations of this section (TBD) shall apply to all buildings excluding: manufactured homes, single-family dwellings, two-family dwellings, small-scale, multi-family dwellings, residential accessory structures, and industrial structures.

2. Compliance with the standards shall be triggered by the following forms of construction activity:

- i. Construction of a new building;
- ii. Modification to the exterior facade of an existing structure. (The Code Enforcement Officer shall have the authority to waive these requirements in situations where compliance would detract from the visual appearance of the building due to the planned modifications being limited to only small portions of the building.); or
- iii. When a nonconforming structure is otherwise required to come into compliance with the provisions of this Zoning Code due to destruction or other reason.

3. The following information shall be provided by the applicant to determine compliance with these regulations:

- i. Rendered drawings of the front and side facade elevations of the building;
- ii. Materials list for front and side facades, roof structures, and trim; and
- iii. Other pertinent information as may be required by the Code Enforcement Officer to determine compliance.

c. Procedures.

1. Code Enforcement Approval: The Code Enforcement Officer shall have the authority to review and approve (or deny) a building design when it meets all the following conditions:

- i. The design of the building meets all of the design standards contained in this section (TBD);
 - ii. The building does not exceed two stories in height; or
 - iii. The building is part of a building permit application or site plan review which would not otherwise require approval by the Planning Commission. If the building requires site plan review, its design shall be reviewed as part of the site plan review process. If the building does not require site plan review, its design shall be reviewed as part of the building permit review process.
- 2. Planning Commission Approval: The Planning Commission shall review building design and approve (or deny) the design under the following situations:
 - i. The design of the building does not meet all the standards contained in the Design Standards section, as determined by the Code Enforcement Officer. Such designs shall be treated as a Non-Standard Building and reviewed as such;
 - ii. The building exceeds two stories in height; or
 - iii. The building is part of a site plan review application which requires approval by the planning commission.
- d. Review of Building Design for Non-Standard Buildings.
 - 1. When a building design does not meet the design standards, it shall require review by the Planning Commission. After submission of the required information, and a review period for the Code Enforcement Officer, the design shall be placed on the agenda for the next Planning Commission meeting. The submission deadlines and review period shall conform to the Planning Commission calendar, established by the Code Enforcement Officer. To approve a design for Non-Standard Building, the Planning Commission shall be required to find the following:
 - i. No discernible public benefit would be gained by requiring an alternative design;
 - ii. The proposed design represents an innovative use of nonstandard building materials to the extent that it is in harmony with the visual aspects of the location, area, and community as a whole; and

iii. The proposed construction meets the spirit and intent of this section of the Zoning Code

e. Design Standards.

1. The following standards must be met to qualify as a Standard Commercial Building:

i. The finished facade of the front or any visible side of the building shall be composed of architectural building materials. This shall include any facade that fully faces a public street or fire apparatus access lane that is also used for public access, including internal streets developed to serve a multiple building site. The visible side of the building shall mean the forward eight (8) feet of any side perpendicular to a street and all of a side on an angle of less than ninety (90) degrees as measured from the street or fire apparatus access lane to the side of the building. Architectural building materials shall include, but not be limited to:

- a. Exterior Insulation Finish Systems (EIFS) of Dryvit
- b. Brick or Brick Panel Systems
- c. Architectural or split concrete blocks excluding precision/standard concrete blocks known as CMU
- d. Glass
- e. Pre-cast Concrete
- f. Native stone or mortar
- g. Wood
- h. Tile
- i. Stucco
- j. Aluminum Composite Panels (ACP)
- k. Hardiplank or Fiber Cement Siding

I. Metal Paneling with concealed fasteners
(May not exceed 30% of the total area of any on facade wall.)

1. Metal Siding with a sine wave pattern (May not exceed 30% of the total area
 - m. of any on facade wall.)
 - n. Other appropriate exterior grade architectural materials.
 - ii. The building plans shall designate one facade of the building as the front facade of the building. This facade shall have windows and doors, or other architectural accents, comprising no less than fifteen (15) percent of its total square footage.
 - iii. The vertical plane of the facade designated as the front facade of the building shall not be completely flat but shall be broken vertically in at least one location by a minimum of a one (1) foot differential in the vertical plane for each fifty (50) feet Horizontal surface or a minimum of one (1) time. This requirement may be met by a recessed or extended entrance.
 - iv. The front entrance of the building shall be covered and well-articulated and shall not consist solely of a door opening into a flat, vertical plane.
 - v. In general, the building shall not represent a simple boxlike structure or resemble a temporary or portable building. The building must have encased steel (rebar) in a standard concrete footing. The structure cannot be pole barn type construction.
 - vi. Mechanical equipment, whether ground-mounted or roof mounted on any portion of the building must be placed or screened in such a manner that it is not visible from any public street or fire apparatus lane that is used for public access.

f. Appeals:

Appeals of Code Enforcement Officer decisions may be made, in writing, to the Planning Commission within thirty (30) days of the Code Enforcement Officer's decision; that appeal shall be heard on the first available Planning Commission meeting date after the written notice of appeal is delivered to the

Code Enforcement Officer. Appeals of Planning Commission decisions may be made, in writing, to the City Council within thirty (30) days of the Planning Commission's decision; that appeal shall be heard by the City Council in accordance with its adopted rules.

SECTION 3: Section 14.05.04. of the Beebe Code of Ordinances is hereby fully amended to read, as follows:

14.05.04. Fences and Screens.

a. Background.

The City of Beebe is concerned that the construction of fences in yard space fronting on streets may impair the sight distance of the operator of moving vehicles on streets to the extent of creating a traffic hazard and that the erection of fences such as these may obstruct the view from dwellings placed on adjoining lots.

b. Residential.

Application for a permit to build a fence on a lot, or lots, in Residential Districts shall be made by the owner or agent of said lot, or lots, to Code Enforcement of the City of Beebe. The application shall indicate in writing or graphic means the location, height, materials, and construction method of the proposed fence. The maximum height allowed for fences in residential districts is eight (8) feet. Fences, walls and hedges shall be permitted in any required yard, or along the periphery or edge of any yard, provided that no fence, wall or hedge along the front sides, or front edge of any required front yard shall be over three and one half feet (3 1/2) in height and shall be no closer than fifteen (15) feet from the back of the curb or edge of the street. A wrought iron or chain link fence, that provides a clear line of vision, may be up to four feet (4) in height and may project or enclose any required front or side yard. Fences, hedges or walls may project into, or be located along, the side yard from the front building line of the lot to the rear lot line, provided such fences and walls (not hedges or trees) do not exceed a height of eight (8) feet, subject to the sight clearance for motorists.

c. Procedure for Residential.

Any fence or screen that obstructs vision shall not extend beyond the front building line on any lot, including corner lots. On corner lots that back up to a

side yard, and corner lots that back up to rear yards, the fence shall not be set any closer than fifteen (15) feet from the back of the curb, or edge of the street. Any fence or screen proposed for construction in a side yard facing a street or corner lot shall be subject to a finding by the Code Enforcement Officer as follows:

The Code Enforcement Officer shall review, or cause to be reviewed, the application taking into consideration:

1. The aspects of traffic hazard and view obstruction from adjoining lots; and
2. The proposed fence material and construction method in order to eliminate unsightly and dangerous fences.

Upon a finding by the Code Enforcement Officer that the proposed fence does not violate the stated concerns of the City of Beebe, the permit shall be issued.

If a permit is denied based upon the applicant's proposal, the applicant may appeal the Code Enforcement Officer's decision to the Planning Commission.

d. Commercial Office and Industrial.

Where a C-1, C-2 or C-3 District abuts a Residential District, whether in a shopping center or free standing strip development arrangement, a fence or screen shall be required. Any fence or screen constructed must not extend past the front building line on any lot nor beyond the side building line of corner lots. Said fencing or screens shall have Code Enforcement approval as to location, height, material, and construction.

e. Procedural for Commercial. Office and Industrial.

The Code Enforcement Officer shall review, or cause to be reviewed, the application taking into consideration:

1. The aspects of traffic hazard and view obstruction from adjoining lots; and
2. The proposed fence material and construction method in order to eliminate unsightly and dangerous fences.

Upon a finding by the Code Enforcement Officer that the proposed fence does not violate the stated concerns of the City of Beebe, the permit shall be issued. If a permit is denied based upon the applicant's proposal, the applicant may appeal the Code Enforcement Officer's decision to the Planning Commission.

f. Appeals.

Appeals of Code Enforcement Officer decisions may be made, in writing, to the Planning Commission within thirty (30) days of the Code Enforcement Officer's decision; that appeal shall be heard on the first available Planning Commission meeting date after the written notice of appeal is delivered to the Code Enforcement Officer. Appeals of Planning Commission decisions may be made, in writing, to the City Council within thirty (30) days of the Planning Commission's decision; that appeal shall be heard by the City Council in accordance with its adopted rules.

CHAPTER 14.20**MOBILE HOMES****Sections:**

14.20.01	Prohibitions
14.20.02	Exceptions
14.20.03	Violation

14.20.01 Prohibitions That from the passage of this Ordinance the placement of, Manufactured Homes older than ten years at time of placement is prohibited in the City of Beebe. (Ord. No. 2020-06, Sec. 1.)

14.20.02 Exceptions That Manufactured Homes and Manufactured Home parks are only permitted in R-3 zoned areas and that all Manufactured Homes prior to their placement in the City of Beebe must be inspected by City Code Enforcement Officer before being set in place to ensure that all requirements can be met (condition of home, set back dimensions, compatible with neighborhood).

14.20.03 Violation Violation of this ordinance shall result in punishment as provided in the misdemeanor provisions of the City of Beebe, Code of Ordinances for each offense, and each day such violation continues shall constitute a separate offense.

TITLE 15

SUBDIVISION REGULATIONS

Chapters:

15.04 Adopting Land Subdivision; Development Code

CHAPTER 15.04

ADOPTING LAND SUBDIVISION; DEVELOPMENT CODE

Sections:

- | | |
|----------|--------------------------------------------|
| 15.04.01 | Subdividing according to Planning Area Map |
| 15.04.02 | Adopted by reference |
| 15.04.03 | Validity |
| 15.04.04 | Penalties |
| 15.04.05 | Storm drainage |

15.04.01 Subdividing according to Planning Area Map The jurisdiction of this ordinance shall be as follows: These regulations shall apply to all forms of subdividing and lot splitting as defined in the Code and shall be applicable to all lands within the City of Beebe and to certain unincorporated areas in White County within five (5) miles of the corporate limits of the City of Beebe, as shown on the Planning Area Map included herein by reference. (Ord. No. 285 L, Sec. 3.)

15.04.02 Adopted by reference The City Council does hereby adopt by reference, pursuant to Act. No. 267 of Acts 1949, (A.C.A. 14-55-207) Public Notice having been duly given and three copies of the Code and related documents having been and presently are duly filed with the City Records, for inspection and view by the public, A “Land Subdivision and Development Code”, being a printed document titled Land Subdivision and Development Code, consisting of narrative text and one map marked as the “Planning Area Map, Beebe, Arkansas”, dated March 27, 1974, and the same are hereby adopted and incorporated herein and as an ordinance as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions therein shall be controlling in land subdivision and development matters pertinent thereto within the City of Beebe, White County, Arkansas and within the area designated on the aforementioned “Planning Area Map.” (Ord. No. 285 L, Sec. 4.)

15.04.03 Validity Any clause or provision of this Code declared invalid by the court shall not affect the validity of the regulation as a whole or any other part of the Code thereof. (Ord. No. 285 L, Sec. 5.)

15.04.04 Penalties Any person, firm, or corporation which violates any provision of these regulations or amendments thereto shall be guilty of a misdemeanor and on conviction shall be fined not less than twenty-five dollars (\$25.00). Each day that violation of these regulations is in effect shall constitute a separate offense and be subject to additional fines of twenty-five dollars (\$25.00) per day. (Ord. No. 285 L, Sec. 6.)

STATE LAW REFERENCE - A.C.A. 14-55-207.

15.04.05 Storm drainage Storm drainage for residential areas shall be designed for a five-year frequency rainfall; and for shopping center, industrial areas, and highway commercial areas, storm drainage shall be designed for a ten-year frequency. These standards shall apply to the design of outfall structures and facilities. Where street grades are extremely flat, the developer may use a two-year frequency factor if he can provide a suitable means of draining the street of surface storm water. The drainage system shall be designed and constructed to handle rainfall runoff that originates in or traverses the subdivision. (Ord. No. 2020-10, Sec. 1)

(a) Street crowns shall not be flattened or warped from one side of the street to the other for the purpose of causing water to flow from one side of the street to the other. The storm drainage system shall include curbs and gutter on all street with drop inlets spaced according to acceptable engineering design principles.

(b) In general, rainfall that cannot be handled in streets shall be put into pipe or lined channels, except major outfall channels which handle water from drainage areas beyond the subdivision being constructed.

(c) No open drainage channels shall be constructed within the area dedicated as public streets and alleys.

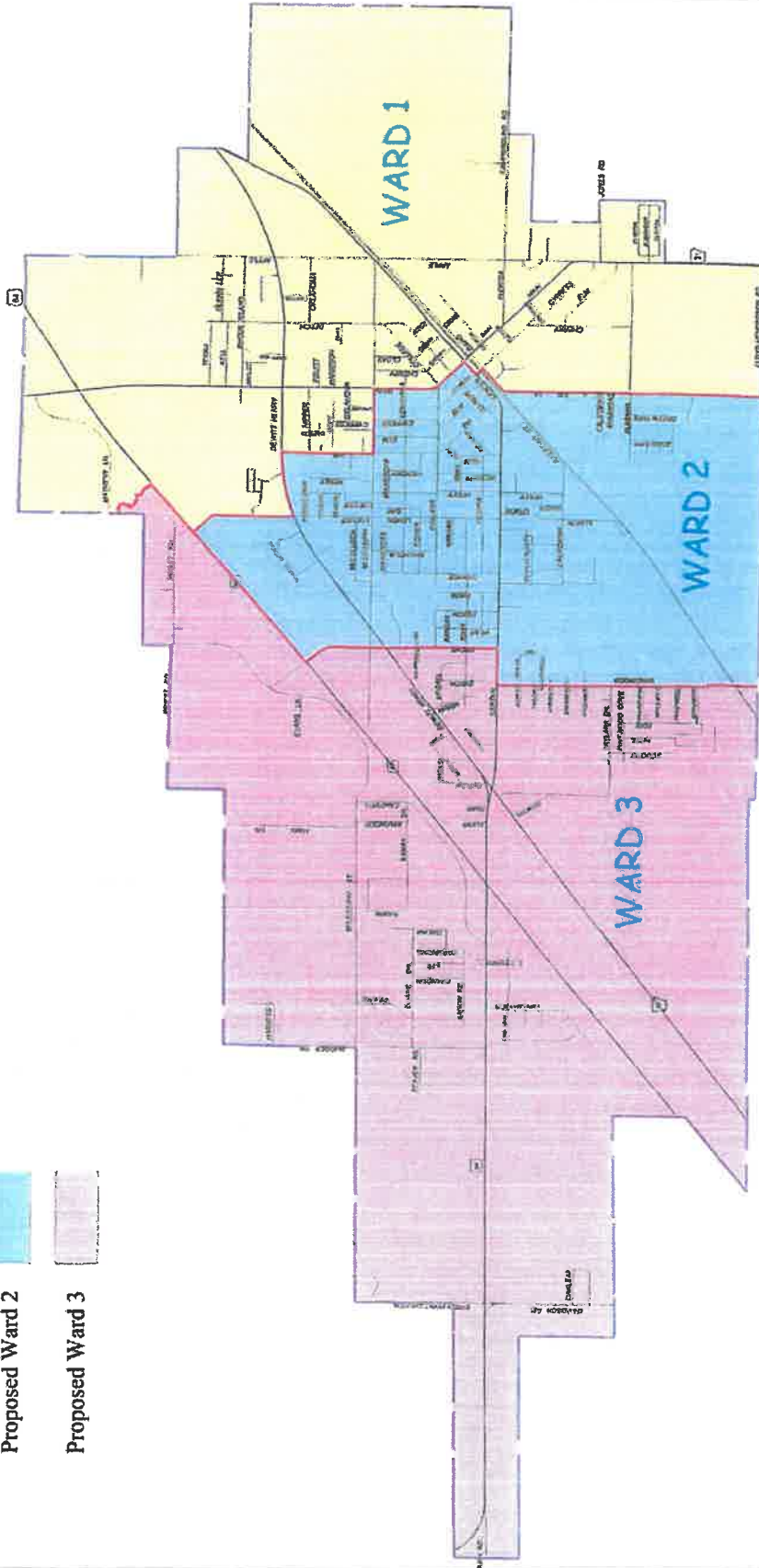
(d) The sub divider shall pay all costs of internal drainage system.
(Ord. No. 2020-10, Sec. 2)

(a) The following minimum requirements are applicable to all city easements and right-of-way for storm drainage pipes placed within a driveway, parking lot or sidewalk. Said pipes shall have a minimum of 12-inch inside diameter with clean out access every 50 feet or change in direction. Where used, polymer-coated corrugated metal pipe sizes shall be hydraulically equivalent to the required pipe size. Placement of any drainage pipe other than described above within any roadway ditch shall be prohibited unless being a part of city approved roadway curb and gutter, underground drainage system.

(b) The acceptable materials for storm drains shall be reinforced concrete pipe, corrugated metal, hydraulically equivalent polymer coated corrugated metal pipe, or smooth liner for polyethylene pipe (conform to AASHTO M294, Standard Specification for Corrugated Polyethylene Pipe including PVC Pipe.)

(c) The City Inspector shall inspect and accept the tile to be installed. Any variances must be approved by the City Inspector or his designated representative.
(Ord. No. 2020-10, Sec. 3)

- Proposed Ward 1
- Proposed Ward 2
- Proposed Ward 3



PROPOSED WARDS BEEBE, ARKANSAS

Estimated Population in

Proposed Ward 1	2,608	Over/Under	+34
Proposed Ward 2	2,544		-30
Proposed Ward 3	2,569		-5
Current City Limits	7,721		
Divided by 3	2,574		

Over/Under

2,608	+34
2,544	-30
2,569	-5
7,721	
2,574	