CONWAY

MUNICIPAL CODE

A Code of the General Ordinances

of the city of Conway, Arkansas

Date of Incorporation

October 16, 1875

Prepared with the
assistance of the

ARKANSAS MUNICIPAL LEAGUE

P. O. Box 38
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North Little Rock, Arkansas 72114
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LEGAL NOTICE

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

Pursuant to Act 209 of 1961 and Act 267 of 1949 three copies of the Conway Municipal Code are on file in the office of the Clerk/Treasurer for the inspection and view of any one interested in this ordinance. This ordinance will be considered at the meeting of the City Council on April 22, 1975.

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MAYOR

PREFACE

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

The loose-leaf binder and numbering system are designed to permit the code to be kept completely up to date. We hope this will enable the code to be of the greatest assistance to the citizens and municipal officials of the City of Conway.

ARKANSAS MUNICIPAL LEAGUE
CODE SERVICE

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ORDINANCE NO. 1

AN ORDINANCE ADOPTING AND ENACTING A NEW MUNICIPAL CODE OF ORDINANCES OF THE CITY OF CONWAY, 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 CONWAY, ARKANSAS:

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "Conway 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 April 22, 1975, 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 22nd day of April, 1975. All ordinances of a general and permanent nature not included in such Code are hereby repealed from and after the 22nd day of April, 1975 except as hereinafter provided.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 therefore;

(8) Any ordinance dedicating or accepting any subdivision plat;

(9) Any ordinance enacted after April 22, 1975.

Section 4. That whenever in such Code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore the violation of any such provision of such Code shall be punishable as provided by 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 Conway 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 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 clerk/treasurer preserved in loose-leaf form or in such other form as the City Council may consider most expedient. It shall be the express duty of the clerk/treasurer, or someone authorized by the clerk/treasurer to insert in their designated places all amendments or ordinances which indicate the intention of the City Council to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which may be from time to time repealed by the City Council. These copies of such Code shall be available for all persons desiring to examine the same.

Section 8. That it shall be unlawful for any person to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Conway to be misrepresented 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 Conway 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 Conway adopted and published. Therefore, an emergency is hereby declared to exist and this Ordinance No. 1 being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

Approved and passed this 22nd day of April, 1975.

/s/ Jim A. Hoggard
MAYOR

(SEAL)

ATTEST:

/s/ Mrs. Doris Nunn
CLERK/TREASURER

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 "Conway Municipal Code", and may be so cited. STATE LAW REFERENCE-Authority of municipalities to codify ordinances without the necessity of publishing and posting same. 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. The words "the state" or "this state" shall be construed to mean the state of Arkansas.

C*ounty*. The words "the county" or "this county" shall mean the county of Faulkner, Arkansas.

City. The words "the city" or "this city" shall mean the city of Conway, 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 Conway, Arkansas.

Other City Officials or Officers. Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., "clerk/treasurer", "police chief", etc., they shall be deemed to refer to the officials, boards, commissions and departments of the city of Conway.

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.

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.

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 or on the side of a house or lot of land lying between the property line and the street.

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

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

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 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:

1.24.01 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 shall be made by amending such provisions by specific reference to the section number of this code in the following language: "That section of the Conway Municipal Code is hereby amended to read as follows: . . ." The new provisions shall 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 shall be used: "That the Conway 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 shall 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 Conway, Arkansas, to be misrepresented thereby. Any person violating this section shall be punished as provided in 1.32.01 hereof.

Chapter 1.32
GENERAL AND SPECIFIC PENALTIES

Sections:

1.32.01 General penalty
1.32.03 Minimum bond
1.32.04 Adoption of state laws
1.32.06 Criminal Justice Fund

1.32.01 General penalty Whenever in this Municipal Code, the doing of an act or the omission to do any act or duty, is declared unlawful, and further, 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 Fifty Dollars ($250.00) for each day of continuance. Provided, for any offense committed against the code, for which there is set forth by state law a similar offense, the penalty therefore shall be not less than the minimum set forth by state law, and not greater than the maximum penalty set forth by state law for a similar offense. (Ord. No. O-81-39, Sec. 1) STATE LAW REFERENCE-For statutory provisions pertaining to penalties cities may impose, see Ark. Stats. 19-2409-19-2411

1.32.03 Minimum Bond That when a sum of money is deposited as payment of fine and costs by a person charged with an offense other than a felony or violation of ordinance which sum shall or may be applied as a fine and cost in lieu of any court appearance or as a forfeiture said sum shall be equal to the minimum fine for such offense or ordinance violation as set forth in statute or ordinance in addition to costs for each offense as from time to time established by the Legislature of the State of Arkansas and the City Council of the City of Conway, Arkansas. (Ord. No. O-81-36, Sec. 1)

1.32.04 Adoption of state laws There is hereby adopted for the City of Conway, Arkansas, for the purpose of maintaining the peace and dignity of the City of Conway, Arkansas, and its citizens, the "Arkansas Criminal Code", the same being Ark. Stats. Sections 41-101 - 413173 as amended presently and hereafter; all portions of Title 75 of the Arkansas Statutes Annotated which are designated therein as misdemeanors, offenses, or violations under Arkansas Law, and

for which a penalty is prescribed including amendments thereto both presently and hereafter passed; the portions of the Arkansas Uniform Control Substances Act, the same being Ark. Stat. Ann. Sections 82-2601- 82-2638 which designate misdemeanor offenses as amended presently or hereafter; "The Arkansas Hot Check Law" as amended presently or hereafter; except that all minimum fine provisions in the above statutes may be replaced and superseded by such minimum fine and bond schedule as the Conway City Council may enact. Not less than three (3) copies of the above have been and now are placed in the office of the Clerk/Treasurer of the City of Conway, 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 within the corporate limits of the City of Conway, Arkansas, except, that in the discretion of the City Attorney prosecutions may be made under the statutes of the State of Arkansas and in the name of the State as provided in Rule 1.5 of the Arkansas Rules of Criminal Procedure, that where there are prosecutions and convictions under the Statutes of the State of Arkansas, the cost and fee for housing sentenced prisoners prosecuted under the statutes of the State of Arkansas shall be borne by the County pursuant to ACA 12-41-506 and such fees and costs shall not be paid by the City of Conway." (Ord. No. O-81-25, Sec. 1 as amended by Ord. No. O-95-81, Sec. 1.; as amended by Ord. No. O-06-55)

The same maximum fines and penalties for the violation of the above misdemeanors, violations and offenses as are provided in the incorporated statutes in Section 1.32.04 hereof of the State of Arkansas are hereby adopted by reference as the maximum fines for the violation of the same offenses when prosecuted as ordinances of this city. (Ord. No. O-81-25, Sec. 2)

On all information, warrants for arrest, citations, or other forms of process the designation of the offense may be by citation to this ordinance and the applicable State statute or citation of the State statute alone. Whichever form of citation is used shall inform the person accused of the nature of the charge against him as required by law. (Ord. No. O-81-25, Sec. 3)

1.32.06 Criminal Justice Fund Said moneys shall be assessed by the District Court and collected by the Clerk of the District Court and be deposited in a fund to be known as the "Criminal Justice Fund" and such moneys shall be used for reimbursing the Counties for expenses incurred in incarcerating prisoners by the City of Conway, Arkansas. And for reimbursing the City of Conway, Arkansas, for expenses in incarcerating prisoners. (Ord. No. O-83-42, Sec. 1)

Chapter 1.36
REFERENDUM PETITIONS

Sections:

1.36.01 Petitions-Referendum; how filed
1.36.02 Publication of notice and hearing on petition
1.36.03 Special election
1.36.04 Ordinances defeated-How disposed of

1.36.01 Petitions-Referendum; how filed All referendum petitions under Amendment 7 to the Constitution of the state of Arkansas, must be filed with the Clerk/Treasurer no later than thirty-

one (31) days after the passage of such ordinance. (Ord. No. O-01-57, Sec. 1)

1.36.02 Publication of notice and hearing on petition Whenever any referendum petition is filed, the city council shall give notice by publication for one (1) insertion of a time not less than five (5) days after the publication of such notice at which they will hear all persons who wish to be heard on the 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 the County within thirty (30) days to review its action. (Ord. No. A-193, Sec. 2)

1.36.03 Special election If the city council 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 shall stand or be revoked. The date for such election shall be not less than ten (10) days after the order therefore has been made by the council, and said election shall be had and conducted as general municipal elections held in the city. (Ord. No. A-193, Sec. 3)

1.36.04 Ordinances defeated-How disposed of If any ordinance referred to the people is defeated at the polls, the city council shall make a note of such fact and shall expunge such ordinance from its files by erasing the same with red ink. (Ord. No. A-193, Sec. 4)

STATE LAW REFERENCE-For statutory provisions pertaining to referendum petitions, see Const., Amend. 7, and Ark. Stats. 19-2428 - 19-2430

TITLE 2
CLASSIFICATION, ADMINISTRATION AND PERSONNEL

Chapters:

2.04 City Name and Classification
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Chapter 2.04
CITY NAME AND CLASSIFICATION

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2.04.01 Name of city
2.04.02 Operation as first class city

2.04.01 Name of city The name of the city shall be “Conway". (Ord. No. A-143, Sec. 1)

2.04.02 Operation as first class city The city shall operate as a city of the first class under the Laws of the state of Arkansas. STATE LAW REFERENCE - For statutory provisions classifying municipal corporations, See A.C.A. 14-37-103.

Chapter 2.08
WARDS AND BOUNDARIES

Sections:

2.08.01 Wards, number of
2.08.02 Map of city
2.08.03 Candidates for wards

2.08.01 Wards, number of The City is divided into four (4) wards. (Henry's Digest, Sec. 841)

2.08.02 Map of city The boundaries of the four (4) wards shall be designated as follows:

Ward One (1)

That Ward One (1) of the City of Conway is to be comprised of the following lands, to wit: All property within the current city limits of the City of Conway and any future annexation of property that is located initially south and west of the following described boundaries: Beginning at the intersection of the Faulkner County Line and Prince Street follow Prince Street northeasterly to its intersection with College Avenue, thence east~~erly~~ along College Avenue to its intersection with Salem Road; thence north along Salem Road to intersection with Prince Street; follow Prince Street east to its intersection with Donaghey Avenue; continue south on Donaghey Avenue to its intersection with Favre Lane; continue West on Favre Lane to its intersection with South Salem Road; continue southerly on South Salem Road extended to the current city limit line (southern property line of Greens at Nutter Chapel), which is also the Southern line of the NE ¼ of T5N R14W S27; continue eastward approximately 3,250 feet to the NE Corner of the T5N R14W S28; thence Southward along this Section Line.

Ward Two (2)

All property within the current city limits of the City of Conway and any future annexation of property that is located initially north and east of the following described boundaries beginning at the intersection of US 64 East and the Faulkner County line; continue west on US 64 East (Oak St) to its intersection with Van Ronkle Street; continue westward on Van Ronkle across Union Pacific Rail Road to its intersection with Parkway Street; continue northward on Parkway Street to its intersection with Prince Street; continue west on Prince Street to its intersection with Salem Road; thence north along Salem Road to its intersection with the Union Pacific Railroad; Continue northeasterly along the railroad perpendicular to the approximate intersection of Nob Hill Road and Charlie Dayer Drive; continue north and west along Nob Hill Road to an unnamed connector road between Nob Hill Road and Millers View to the its intersection with Clearwell Road; continue west on Clearwell Road to the city limits or the west line of 6N R14W S34; continue north approximately 310 feet; thence leaving the west line westerly 150 feet (see O-92-01); continue north along city limit line established in O-92-01 to the centerline of Old Morrilton Hwy (US 64W); continue westerly along Old Morrilton Highway approximately 233 feet (see O-01-53); thence north along city limit line established in O-01-53; thence west along established city limit boundary in O-01-53 to the intersection of the west line of 6N R14W S34; continue north on the west line to the intersection with center line (median) of Interstate 40; continue northwesterly along Interstate 40 to the Faulkner County Line (Cadron Creek).;

Ward Three (3)

That Ward Three (3) of the City of Conway is to be comprised of the following lands, to wit: All property within the current city limits of the City of Conway and any future annexation of property that is located initially north and west and then south of the following described boundaries: Beginning at the intersection of the Faulkner County Line and Prince Street follow Prince Street northeasterly to its intersection with College Avenue, thence east along College Avenue to its intersection with Salem Road; thence north along Salem Road to its intersection

with the Union Pacific Railroad; Continue northeasterly along the railroad perpendicular to the approximate intersection of Nob Hill Road and Charlie Dayer Drive; continue north and west along Nob Hill Road to an unnamed connector road between Nob Hill Road and Millers View to the intersection with Clearwell Road; continue west on Clearwell Road to the city limits or the west line of 6N R14W S34; continue north approximately 310 feet; thence leaving the west line westerly 150 feet (see O-92-01); continue north along city limit line established in O-92-01 to the centerline of Old Morrilton Hwy (US 64W); continue westerly along Old Morrilton Highway approximately 233 feet (see O-01-53); thence north along city limit line established in O-01-53; thence west along established city limit boundary in O-01-53 to the intersection of the west line of 6N R14W S34; continue north on the west line to the intersection with center line (median) of Interstate 40; continue northwesterly along Interstate 40 to the Faulkner County Line (Cadron Creek);

Ward Four (4)

That Ward Four (4) of the City of Conway is to be comprised of the following lands, to wit: All property within the current city limits of the City of Conway and any future annexation of property that is located initially south and west of the following described boundaries beginning at the intersection of US 64 East and the Faulkner County line; continue westward on US 64 East (Oak St) to its intersection with Van Ronkle Street; continue westward on Van Ronkle across the Union Pacific Railroad to its intersection with Parkway Street; continue northward on Parkway Street to its intersection with Prince Street; continue westward on Prince Street to its intersection with Donaghey Avenue; continue South on Donaghey Avenue to its intersection with Favre Lane; continue west on Favre Lane to its intersection with South Salem Road; continue southerly on South Salem Road extended to the current city limit line (southern property line of Greens at Nutter Chapel), which is also the Southern line of the NE ¼ of T5N R14W S27; continue eastward approximately 3,250 feet to the NE Corner of the T5N R14W S28; thence Southward along this Section Line.

The 2010 census has been completed and the population figures for the City of Conway have been made available which supports this redistricting of Wards. (Ord. No. O-01-95, Sec. 1 as amended by Ord. No. O-11-78)

2.08.03 Candidates for wards Candidates in the election conducted in 2002 for office positions becoming effective January 1, 2003, shall file and seek election in the above described Wards. Pursuant to A.C.A. 14-43-311 (c) (2), it shall be lawful to continue the same number or wards or readjust existing wards without affecting the terms of office of incumbent aldermen and those aldermen who remain in their old ward, or part thereof, shall continue in office. (Ord. No. O-01-95, Sec. 2.)

Chapter 2.12
CITY COUNCIL

Sections:

2.12.01 Council Meetings - Regular
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2.12.04 Excused Absence
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2.12.10 Placing on Agenda
2.12.11 Penalty for Violation of Sections 2.12.08 - 2.12.10
2.12.12 Planning-Related Items on Agenda
2.12.13 Committees
2.12.14 Conducting Business with the City
2.12.15 Election of Aldermen

2.12.01 Council Meetings - Regular All regular meetings of the Council shall be held at the municipal building on the second and fourth Tuesday of each month.

2.12.02 Council Meetings - Special Special meetings of the Council may be held upon the call of the Mayor, whatever, in his opinion, it shall be necessary, or upon request of three (3) members of the Council by giving at least three (3) days' notice of such special meeting, by giving notice in writing which notice shall be served personally or through the mails, to all members of the Council, which notice shall state the time of the meeting and purpose thereof.

STATE LAW REFERENCE-For similar provisions of state laws, See A.C.A. 14-43-301.

2.12.03 Attendance at Council Meetings For the purpose of insuring attendance at all regular meetings, a member of the City Council of Conway, Arkansas, will forfeit one-half (½) of the monthly salary of said Alderman for each absence without cause. (Ord. No. O-75-2, Sec. 1 as amended by Ord. No. O-78-10, Secs. 1 and 2)

2.12.04 Second Absences Cause as stated in Section 2.12.03 shall mean illness which confines the member to home or hospital or any absence from the city due to an emergency. (Ord. No. O-75-2, Sec. 2)

2.12.05 Number of Absences Allowed Three (3) absences shall be allowed each city council member for any one calendar year without fine for the purpose of business or vacation, (Ord. No. O-75-2, Sec. 3)

2.12.06 Notice of absence; collection of fines Notice of intended absence shall be filed with the Clerk/Treasurer who shall keep a log of attendance. Fines shall be collected by the Clerk/Treasurer and kept in a special fund for a purpose to be determined by the Council as a whole. (Ord. No. O-75-2, Sec. 4)

2.12.07 Order of Business At all meetings of the Council the following shall be the order of Business unless the Council by a majority vote shall order otherwise:

A. Call to order

B. Roll call
C. Reading of minutes of the previous meeting
D. Reports of boards and standing committees
E. Reports of special committees
F. Unfinished business
G. New business
H. Announcements
I. Adjournment

2.12.08 Agenda Required All matters including but not limited to ordinances, resolutions, appointment to commissions and boards and any other matters to be brought before the City Council must be specifically set out and identified by subject matter or in the event of appointments, the names of the individuals to be appointed must be specifically set out in an agenda of the meeting at which said subject matter is to be presented for vote. (Ord. No. O-76-9, Sec. 1)

2.12.09 Prior Notice Every member of the City Council and the news media operating in the city are to be provided with a copy of the agenda not less than eight (8) hours prior to any regularly scheduled meeting or any special or called meeting of the City Council. (Ord. No. O-76-9, Sec. 2)

2.12.10 Placing on Agenda Matters to be placed on the agenda are to be called into the Mayor's office on later than 5:00 p.m. on the Thursday preceding any Council meeting. In addition, any matter requiring Council action as set out herein, will be placed on the agenda if proposed or introduced at the regular Council meeting just past. (Ord. No. O-87-04, Sec. 1)

2.12.11 Penalty for Violation of 2.12.08 - 2.12.10 The above and foregoing requirements are mandatory, and unless strictly and specifically complied with, any vote on any matter will be null and void. (Ord. No. O-76-09, Sec. 4)

2.12.12 Planning-Related Items on Agenda

A. For the purposes of this ordinance, "planning-related items" shall include, but not be limited to: zoning, conditional uses (items that require prior Planning Commission action), variances for parking lots, variances for signs, variances from the overlay district ordinance, waivers for boundary street improvements and alley/street/easement abandonment (items that do not require prior Planning Commission action).

B. Submissions of planning items by applicants to be placed on the agenda of the Conway City Council for a regular meeting must be made in writing with all necessary paperwork no later than noon on Tuesday the week before the regular Council meeting on which the agenda item is desired to appear. Items so submitted with all appropriate paperwork shall be deemed "on the agenda."

C. Any planning item that has been placed on the agenda either by an applicant or

automatically by the Planning Commission may be postponed until the next regular City Council meeting by written request of the applicant no later than noon on Thursday before the Council meeting on which agenda the item was to be discussed. The item can only be postponed one time at the request of the applicant.

D. Any planning item that has been placed on the agenda may be withdrawn by the applicant at anytime subject to the restriction that the application shall then be terminated as to the approval process. Any planning item whose withdrawal from the City Council agenda has terminated the approval process and that also requires Planning Commission approval must, if approval is still sought by the applicant, return to the Planning Commission subject to its rules and procedures for resubmittal. Any planning item whose withdrawal from the City Council agenda has terminated the approval process and that does not require prior Planning Commission approval shall not be placed on the City Council agenda again for consideration for a period of not less than one (1) year except the Council shall be two-thirds vote of the entire Council approve resubmittal in a shorter time.

E. Any planning item that has been considered by the City Council and fails to receive a majority vote when the question is put to the Council shall be deemed terminated as to the approval process. The item may be resubmitted for consideration according to the procedures outlines in (D).

F. The Council reserves the right to hold any items in committee for further consideration. (Ord. No. O-03-52, Secs. 1-6.)

2.12.13 Committees That all aldermen duly elected in the city of Conway, Arkansas, shall serve on committees of the City Council as follows:

A. There shall be eight (8) committees formed by the City Council of Conway:

1. Police Committee
2. Fire Committee
3. Street Committee
4. Sanitation Committee
5. Parks and Recreation Committee
6. Airport Commission
7. Planning and Zoning Committee
8. Budget and Finance Committee

B. There shall be eight (8) aldermen of the city of Conway, Arkansas, on each committee and each alderman shall serve as chairman of one committee. The Mayor shall further appoint chairmen of each committee for the upcoming year by December 15th of each year. (Ord. No. O-87-03, Sec. 1)

2.12.14 Conducting business with the city That all members of the City Council are hereby eligible to conduct business with the city of Conway, Arkansas, under the same terms and conditions as any private citizen.

That any contract or business transaction with any member of the City Council shall be governed by the same legal requirements as any contract with a private citizen. (Ord. No. O-87-20)

2.12.15 Election of aldermen Of the two (2) aldermen elected to serve each ward, one (1) shall be elected at-large and one (1) shall be elected by ward.

Of each ward, the Position 2 alderman shall be elected at-large and the Position 1 alderman shall be elected by ward.

This ordinance shall take effect and be in force on the 1st day of January, 1993. (Ord. No. O-90-19, Secs. 1, 2 and 3)

Chapter 2.16
CLERK/TREASURER

Sections:

2.16.01 Office combined
2.16.02 Duties

2.16.01 Office combined The person holding the office of City Clerk of the city shall, in addition to his duties as such City Clerk, perform the duties and shall hold the office of City Treasurer, and shall be designated as "Clerk/Treasurer of the city of Conway, Arkansas". (Ord. No. A-427, Sec. 1)

2.16.02 Duties The duties, obligations and responsibilities of such Clerk/Treasurer shall be those which are now or may hereafter be designated by law or by the City Council as the duties, obligations and responsibilities of each of said offices, whether designated to either such office separately or to both of said offices as herein combined. (Ord. No. A-427, Sec. 2)

STATE LAW REFERENCE-For statutory provisions pertaining to City Clerks and Treasurers, see A.C.A. 14-43-313 – 14-43-506, and 24-12-121.

Chapter 2.20
DISTRICT COURT

Sections:

2.20.01 District Court created; jurisdiction of
2.20.02 District Judge
2.20.03 Assessment of court costs and collection of fines
2.20.04 General Powers

2.20.05 Background check fee under five years
2.20.06 Background check fee in excess of five years
2.20.07 Collected Funds
2.20.08 Warrant Fee
2.20.09 Allocation

2.20.01 District Court created; jurisdiction of There is hereby created in and for the city a District Court which shall be known as the "District Court of Conway, Arkansas". Such court shall be a court of record, with a seal as provided by law. Said District Court shall exercise all jurisdiction now conferred upon it or which may hereafter be conferred upon it by the laws of the state of Arkansas and more particularly by Act No. 60 of the Acts of the General Assembly of the state of Arkansas for the year 1927 and the amendments thereto. (Ord. No. A-161, Sec. 1)

2.20.02 District Judge Said District Court shall be held by one (1) District Judge whose term of office shall be for four (4) years and until his successor is elected and qualified.
The District Judge shall possess all of the qualifications now prescribed by the general laws of the state of Arkansas in such cases. (Ord. No. A-161, Sec. 2)

2.20.03 Assessment of court costs and collection of fines

A. From and after the passage of this ordinance, the District Court Judge shall assess as costs against a person prosecuted by the City Attorney or his Deputy City Attorney for violations of state laws committed within the corporate limits of the city, and for all violations of the ordinances of the city, the sum of Ten Dollars ($10.00) for so long as said sum does not exceed those costs which are allowed prosecuting attorneys or their deputies in this state in criminal cases prosecuted by said Prosecuting Attorney. All costs so assessed shall be paid to the city of Conway. (Ord. No. O-81-29, Sec. 1)

B. That there is hereby authorized an alternative method of time payment allocation of fines and court costs by the Conway District Court whereby all time payments shall be allocated fifty percent (50%) to court costs and fifty percent (50%) to fines. Whenever either court costs or fines are fully paid, all remaining time payments shall be allocated to remaining amounts due. (Ord. No. O-93-55, Sec. 1)

C. The city of Conway hereby designates the District Court as primarily responsibility for collection of fines assessed in the District Court effective March 21, 2005. Such collections shall take place during normal business hours of operation. The Faulkner County Sheriff's office shall be designated to accept collections at night and on weekends, as they have done in the past. (Ord. No. O-05-21, Sec. 1.)

2.20.04 General Powers All other matters pertaining to said court including costs of actions, penalties, fines, fees and forfeitures and all other matters not herein specifically provided for shall be governed by the general laws of the state of Arkansas pertaining to such courts and such

general provisions are hereby adopted unless changed by other ordinances of this city whether already enacted or hereafter passed. (Ord. No. O-81-30, Sec. 1)

2.20.05 Background check fee under five years There is hereby authorized and implemented a $10.00 background check fee for each and every individual for whom the Conway District Court performs a background check which is authorized by law and is for a period of time which is five (5) years or less. (Ord. No. O-99-38, Sec. 1.)

2.20.06 Background check fee in excess of five years There is hereby authorized and implemented a $25.00 background check fee for each and every individual for whom the Conway District Court performs a background check which is authorized by law and is for a period of time which is in excess of Five (5) years. (Ord. No. O-99-38, Sec. 2.)

2.20.07 Collected Funds That all funds collected from these fees shall be paid over to the city treasury and earmarked for the exclusive use of the Conway District Court. (Ord. No. O-99-38, Sec. 3.)

2.20.08 Warrant Fee There is hereby implemented a $50.00 warrant fee, as authorized in A.C.A. 14-52-202, for each and every warrant served by the Conway Police Department at the direction of the District Court of Faulkner County. This fee is in addition to all other fees that are implemented by the Conway District Court. (Ord. No. O-01-103, Sec. 1.)

2.20.09 Allocation

A. Sixty percent (60%) of the funds collected from this warrant fee shall be earmarked for the exclusive use of the Conway Police Department for Law Enforcement equipment.

B. Forty percent (40%) of the funds collected from this warrant fee shall be earmarked for the exclusive use of the Conway District Court for equipment, bailiffs, or support personnel. (Ord. No. O-99-17, Secs. 4-5.)

Chapter 2.24
CITY ATTORNEY

Sections:

2.24.01 Duties

2.24.01 Duties. The duties of the City Attorney of the city are hereby declared to be as follows: The City Attorney shall represent the city in all actions both civil and criminal; advise with the city officials at any time amended; prepare all ordinances, resolutions, legal papers, blank forms and notices requested by any city official in the discharge of his official duties or required by ordinances of the city and to file information for the arrest of any person for the violation of any ordinance of such city or of the laws of this state which are violated within the limits of such city. (Henry's Digest, Sec. 46)

Chapter 2.28
CIVIL SERVICE COMMISSION

Sections:

2.28.01 Civil Service Commission established
2.28.03 Terms
2.28.04 Qualifications
2.28.05 Powers
2.28.06 Enforcing rules

2.28.01 Civil Service Commission established The Uniform Employee Code, Ord. No. O-01-13, any ordinance and amendment thereto specifically Ord. No. O-01-47, Ord. No. O-02-48, and Ord. No. O-05-83, and resolutions, rules and/or regulations pertinent thereto specifically Res. R-02-17, and any and all codes, ordinances, resolutions, rules and regulations that have even promulgated by the city to govern the uniform employees of the city of those issues and procedures which shall be hence forth under the authority of the Civil Service Commission as created by Ord. No. O-06-24 are hereby repealed in their entirety. (Ord. No. O-06-42, Sec. 1)

2.28.03 Terms The appointments and terms of service of the Civil Service Commissioners shall be pursuant to A.C.A. 14-51-201 as follows:

A. One (1) shall hold office until the first Monday in April of the second year after his or her appointment;

B. One (1) shall hold office until the first Monday in April of the fourth year after his or her appointment;

C. One (1) shall hold office until the first Monday in April of the sixth year after his or her appointment;

D. One (1) shall hold office until the first Monday in April of the eight year after his or her appointment;

E. One (1) shall hold office until the first Monday in April of the tenth year after his or her appointment. (Ord. No. O-06-51, Sec. 2)

2.28.04 Qualifications Commissioners shall meet the requirements and qualifications enumerated in A.C.A. 14-51-202, as amended, as follows:

A. The Commissioners shall be citizens of the state of Arkansas and residents of the city for more than three(3) years preceding their appointments.

B. No person on the Commission shall hold, or be a candidate for, any political office under any national, state, county, or municipal government or be

connected in any way in any official capacity with any political party or political organization.

C. No person shall be eligible as a member of the Board who at the time of this election shall hold any office.

D. The Commissioners shall be familiar with these statutes, civil rights laws, and all other state and federal public employment laws. (Ord. No. O-06-51, Sec. 3)

2.28.05 Powers The Civil Service Commission shall conduct its affairs, derive its powers and be governed by the requirements of A.C.A. 14-51-201 – 311, as amended. (Ord. No. O-06-51, Sec. 4)

2.28.06 Enforcing rules Pursuant to A.C.A. 14-51-301, the Commission provided for in this ordinance shall be prescribe, amend, and enforce rules and regulations governing the Fire and Police Departments. (Ord. No. O-06-51)

Chapter 2.32
ABSENCE FROM WORK BY CITY EMPLOYEES

Sections:

2.32.01 System Established
2.32.02 Definitions
2.32.03 Annual leave
2.32.04 Sick leave
2.32.05 Brief periods of absence and tardiness
2.32.06 Leave without pay
2.32.07 Absence without leave
2.32.08 Court appearance by police

2.32.01 System established In order to establish an orderly and equitable system of annual leave and absence from work due to illness and other emergencies of the full time employees of the various departments of the city, the following rules and regulations relating thereto are hereby promulgated. (Ord. No. A-474, Sec. 1)

2.32.02 Definitions The following words and/or terms when used in this ordinance, shall have the meaning set forth herein:

A. Annual Leave. Annual leave shall be a specified period of time off from an employee's regular position of employment, with pay, to which said employee shall become entitled, as hereinafter set forth.

B. Sick Leave. Sick leave shall be a period of time off from an employee's regular employment, in addition to annual leave, accruing at the rate hereinafter specified, which said employee may take only for the purpose of recuperating from sickness

or injury, as hereinafter defined.

C. Sickness. Sickness, as used herein, shall include, but shall not be limited to any disorder, malady or disease, which affects the mental or physical health of an employee to such a degree that said employee is unable to perform the ordinary duties required of him by his employment.

D. Injury. As used herein "injury" shall include, but shall not be limited to, all accidental bodily injuries of whatever kind or nature, which an employee may sustain, while within or without the course of his employment, which incapacitates said employee to such a degree that he is no longer able to perform the ordinary duties required of him by his employment.

E. Emergency Leave. Emergency leave shall be a period of time off from an employee's regular employment, in addition to annual leave and sick leave, which an employee may be granted when, in the sound discretion of his supervisor or department head, an emergency is deemed to exist of such a nature as to require the employee to be absent from his employment.

F. Holidays. All employees other than firemen and policemen, who receive equalization pay of the city, shall observe the hereinafter set forth holidays, and unless an exemption is granted to their respective department, by the mayor on the request of the department director:

New Year's Day - January 1
Robert E. Lee's Birthday/ Martin Luther King Jr. Day - January 16
George Washington's Birthday - 3rd Monday in February
Memorial Day - Last Monday in May
Independence Day - July 4
Labor Day - 1st Monday in September
Veteran's Day - November 11
Thanksgiving Day - 4th Thursday in November
Christmas Eve - December 24
Christmas Day - December 25
Employee's Birthday: Employee is granted one holiday to observe his or her birthday, but not necessarily the birthday itself.

It is the specific intention of this chapter to provide the employees as set forth above are to receive those holidays as established by the state legislature, and in the event that such holidays are changed by the legislature, the employees are to observe the holidays as set by the legislature. (Ord. No. O-76-35, Secs. 1 & 2)

2.32.03 Annual Leave

A. No employee shall be eligible to take annual leave unless and until he shall have been continuously employed for a term of one (1) year by that department of the

city by which he is employed and he shall then be entitled to annual leave for a term which shall be computed as follows: For each full calendar month such employee shall have been continuously employed during the preceding calendar year he shall be entitled to one-twelfth (1/12) of the full annual leave for members of the department by which such employee is employed.

B. Each calendar year each person who shall have been an employee of the public works department or the sanitation department of the city for and during the full calendar year last past shall be entitled to annual leave with pay for a term equal to ten (10) working days during the calendar year.

C. Each calendar year the clerk/treasurer of the city, the city inspector, the District Court clerk, each person who shall have been an employee of the fire department or the police department of the city for and during the full calendar year last past shall be entitled to annual leave with pay for a term of two calendar weeks.

D. Any employee desiring to take his annual leave shall submit his written request therefore to the superintendent or chief officer of the department of which he is an employee, using appropriate forms prescribed therefore. The time or times of vacations for all employees of any department shall be determined by the superintendent or chief officer thereof, having due regard for the needs of the department and the welfare of the employees. Except in cases of emergency, the approval of annual leave will be obtained in advance of the absence. In emergency situations the employee must notify his department head of the emergency within a reasonable time after the beginning of his regularly assigned shift on the first day of absence and request leave. All requests for annual leave shall specify the length of time desired, except in emergency situations where circumstances do not permit. The supervisor or department head shall advise the employee whether his request for leave is approved or denied. Employees will be encouraged to request a continuous period of at least one (1) week annual leave each year for vacation purposes. Short periods of leave will also be granted for attending to personal business, which shall be counted as part of the annual leave time of that employee.

E. In order that all employees shall be given the opportunity for a reasonable vacation period and to permit them to use all annual leave they might otherwise forfeit, each department head shall establish for his department a leave schedule for the entire leave year. Leave will be scheduled to avoid having an excessive number of employees on leave at the same time and to insure that a sufficient number of personnel will be on duty to maintain essential operations. Leave schedules shall be flexible so as to allow for leave for emergency situations which may occur, and when changes are made in a leave schedule the changes must be based on factors that are reasonable and equitable for all persons concerned. Short periods of leave taken for personal business or unforeseen emergencies may be substituted for corresponding periods of scheduled leave.

F. Each department head may require the employees of his department to take annual leave at times as may be required by the needs of the department. Such required use of annual leave will be based upon factors that are reasonable, equitable, and do not discriminate among employees. Circumstances within the contemplation of this provision are, for example, times when an employee's services cannot be utilized fully because of a breakdown of equipment, repair of machinery, inventory, fire, adverse weather conditions preventing satisfactory utilization of the employees time or work, or similar conditions. In all cases where employees are required to take leave the department head shall make proper notation thereon upon the employee's employment records.

G. If any employee shall fail to take the full annual leave granted to him in any calendar year he may carry the unused portion thereof forward into the next succeeding calendar year, but in no instance shall an employee be permitted to carry forward more than fifty per cent (50%) of his annual leave for the year just ended. In the event any employee shall carry a portion of his annual leave forward into the next succeeding calendar year he must take such carried over annual leave during the first six (6) months of said succeeding year or he shall lose the same. It shall be mandatory that each employee shall take fifty per cent (50%) of his annual vacation each calendar year, to be taken in one continuous term. Upon the termination of employment of any employee the earned annual leave of that employee which shall not have been taken may then be taken. (Ord. No. A-474, Sec. 3 as amended by Ord. No. O-78-6, Sec. 1)

2.32.04 Sick leave

A. Sick leave will be granted to employees when they are incapacitated for the performance of their duties by sickness, injury, or pregnancy, and confinement for medical, dental, or optical examination or treatment, or when a member of the immediate family of the employee is afflicted with a contagious disease which is ruled subject to quarantine by local health authorities. All employees of the city shall be entitled to sick leave with full pay. Sick leave shall annually accrue at the rate of one-half (1/2) day for each month of continuous employment by the same department during each calendar year, plus one (1) day for each year of continuous employment in excess of six (6) years.

B. If an employee shall fail to take or utilize all of the sick leave to which he is entitled in any calendar year he may carry forward the unused portion thereof until he shall have accumulated a maximum of sixty (60) days. All accumulated and unused sick leave of an employee shall be forfeited upon termination of the employment of that employee, unless he shall present to his department head the certificate of a duly licensed and practicing physician attesting that such employee is in fact ill or injured to the extent that he was, at the time of such termination, prevented from being gainfully employed, and it shall be the duty of such terminated employee to have an examination made of himself, at his sole expense, by the physician who is on the board of trustees of the pension and relief fund for

the department by which said employee was employed at least one (1) time each seven (7) days for the time during which said employee is being paid for accumulated sick leave stating that such employee continues to be ill or injured to the extent that he is prevented from being gainfully employed.

C. Any absence from work in excess of one (1) day due to an alleged sickness or injury shall be denied as sick leave unless the employee shall present to the head of the department the certificate of a duly licensed and practicing physician, attesting to such illness or injury. A medical certificate will not ordinarily be required for absences of less than one (1) day. However, an employee who is absent frequently for short periods because of illness may be advised to obtain a physical check up from a qualified physician. When there is reason to believe that an employee is abusing the use of sick leave, a medical certificate may be required for absences of less than one (1) day.

D. Sick leave is a qualified right of the employees to be used only in accordance with announced policies and instructions. It is within the discretion of the department head to ascertain whether the reason for absence justifies approval of the request for sick leave. When an employee is unable to report for work because of an incapacitating illness he will notify his department head within two hours after the beginning of the assigned shift on the first day of absence. Such notification may be made by telephone, word of another employee, or by any means available. Notification shall include nature and extent of illness, expected time of return to duty, and address during the period of absence. It shall be the duty of the employee to keep his department head informed of the extent of his illness and the time of his expected return to duty, and failure to do so may result in a charge of absence from work without leave.

E. Application for sick leave of more than one (1) day shall be made upon the form provided therefore within two (2) days after return to duty. Sick leave of more than one (1) day must be supported by a statement by a registered and practicing physician that the employee was incapacitated to perform his usual duties and must cover all absences beyond the first day. In some instances where employees are not attended by a physician, a statement by the employee certifying that he was incapacitated for duty may be accepted in lieu of a medical certificate, but such statement must be filed within two (2) days after return to duty. Unjustified leave may be changed to annual leave or absence without leave, and, when appropriate, disciplinary action may be taken.

F. Sick leave may be granted to an employee who, because of illness or injury, is unable to return to work following a period of non-pay status.

G. Employees on extended leave (including sick leave for maternity reasons) at the time advance notice of reduction in force or displacement is received may be continued on sick leave for the duration of the illness, not in excess of the extent of the notice period. Sick leave may not be substituted for annual leave after the

last day in a duty status.

H. Sick leave may not be granted retroactively to cover any period of absence without pay which has been applied for and approved in advance. Advance sick leave may be granted retroactively within administrative discretion except as specifically prohibited above.

I. If an employee sustains an accidental injury arising out of and in the course of his employment which results in the temporary total disability of such employee he may be paid his full salary or wage for a term not exceeding three (3) months, upon presentation of the certificate of a duly licensed and practicing physician that such injury has resulted in the total temporary disability of said employee. Provided, however, it shall be the duty of such employee, at his sole expense, to have an examination made of himself at least once each thirty (30) days by a duly licensed and practicing physician and if he shall have recovered from such disability it shall be the duty of the head of the department employing such employee to stop payment of such salary or wage as a disability and to place said employee back in service, and the time of his disability shall be considered as continuous service in his position. It is specifically provided that the within provision is intended to be and shall be in addition to and not in lieu of or in substitution for the provisions for retirement for temporary total disability as may now or hereafter be provided in any pension and relief act or ordinance now or hereafter enacted by or effective in the city, but it is intended that an employee so injured shall be specifically prohibited from obtaining payment of wages, salary or benefits under both this ordinance and any pension and relief act or ordinance for the same injury, and to that end and extent the two (2) enactments shall be mutually exclusive. (Ord. No. A-474, Sec. 4)

2.32.05 Brief periods of absence and tardiness Unavoidable or necessary absence from duty and tardiness for less than one (1) hour, may be excused for adequate reason by the employee's department head. If this privilege is abused such absence will be charged to the employee's annual leave or disciplinary action may be taken. If the absence is charged to annual leave the charge shall be made in multiples of one (1) hour. If the leave charge exceeds the period of absence or tardiness the employee will not be required to work during the additional period covered by leave. (Ord. No. A-474, Sec. 5)

2.32.06 Leave without pay

A. Leave without pay is temporary absence from duty in a non-pay status granted upon the employee's request. It shall not be imposed as a penalty, nor shall an employee be required to request leave without pay in lieu of suspension. No employee shall be able to demand leave without pay as a matter of right, but such leave is hereby specifically made a privilege. Each request for leave without pay shall be closely examined for the purpose of ascertaining that the benefit of the city and the serious needs of the employee are sufficient to offset the costs and administrative inconveniences which result from the retention of an employee in a

leave without pay status.

B. Leave without pay for an extended period of time shall not be granted except when there is a reasonable expectation that the employee will return to work or duty at the expiration of the approved period. "Reasonable expectation to return to duty" shall mean that the employee will return to work in the same or a similar position, title, grade and salary in the same department as was the case when the employee began such leave, and it shall further be apparent that such leave will result in the employee's increased job ability, or protection or improvement of the employee's health, or the retention of a desirable employee.

C. All requests for leave without pay shall be submitted in advance of the time when leave without pay is to be in effect. Such requests shall be submitted to and shall be acted upon by the head of the department employing the employee making such request, and such action shall be deemed final. In acting upon such requests all department heads shall keep in mind the needs of his department and the welfare of the employee. (Ord. No. A-474, Sec. 6)

2.32.07 Absence without leave All unauthorized absence from duty on regular work days will be considered absence without leave. Department heads are responsible for controlling absence without leave and for initiating disciplinary action against offending employees, including removal for abandonment of position and suspension, where appropriate. (Ord. No. A-474, Sec. 7)

2.32.08 Court appearance by police Any uniformed employee of the Conway Police Department who is required to appear in Conway District Court as a witness at a time when said employee is off-duty, shall be paid for two hours at said employee's regular rate of pay plus one-half of his regular rate of pay. (Ord. No. 0-79-02, Sec. 1)

Chapter 2.36
UNCLAIMED PROPERTY

Sections:

2.36.01 Disposal
2.36.02 Sale
2.36.03 Proceeds of sale to owner
2.36.04 Proceeds remaining after six months

2.36.01 Disposal. The police chief, under the direction hereinafter set out is hereby authorized and directed to dispose of at public auction all unclaimed personal property rightfully coming into the hands of his office and to dispose of other confiscated property confiscated under the orders of the District Court with the exception of confiscated liquor.

STATE LAW REFERENCE-For procedure relating to liquor, see Ark. Stats. 48-926 - 48-929.1

2.36.02 Sale All unclaimed personal property coming into the hands of the police chief will be

held by the police chief for a period of six (6) weeks or longer and the police chief, if property remains unclaimed, shall periodically advertise such property in some newspaper of general circulation in the city once each week for three (3) consecutive weeks setting forth in notice the time for the sale which shall not be earlier than five (5) days after the last publishing of the notice and later than ten (10) days thereafter, designating an easily accessible place for the sale thereof, and giving a complete list and description of unclaimed articles to be sold. The police chief shall have the right to refuse any and all bids not satisfactory and will then proceed to advertise these items for sale at a later date. Terms of such sale shall be for cash only. Nothing in this chapter shall prohibit any person who properly identifies any of the property as being his own before the sale from claiming and having property restored to him.

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

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

CHAPTER 2.40
SOCIAL SECURITY COVERAGE

Sections:

2.40.01 Contract
2.40.02 Withholding taxes from wages
2.40.03 Clerk to match amount withheld

2.40.01 Contract The city clerk 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: Except the employees of the fire department. (Ord. No. A-261, Sec. 1)

2.40.02 Withholding taxes from wages The city clerk is further authorized and directed to deduct and withhold social security taxes or payments from the wages and salaries of the officials and employees of the city; except no deductions shall be made from those officials and employees that are not covered by social security. (Ord. No. A-261, Sec. 2)

2.40.03 Clerk to match amount withheld 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 and remit the total and necessary amount to the authorized state agency, for further remittance to the Federal Social Security Administrator. (Ord. No. A-261, Sec. 3)

Chapter 2.44
CIVIL DEFENSE AGENCY

Sections:

2.44.01	Policy and Purpose
2.44.02	Definitions
2.44.03	Powers of the Mayor
2.44.04	Director of Civil Defense
2.44.05	Duties of Director
2.44.06	Advisory Council
2.44.07	Duties
2.44.08	Mutual Aid Arrangements
2.44.09	Appropriations and authority to accept services, gifts, grants, and loans
2.44.10	Utilization of existing services and facilities
2.44.11	Political activity prohibited
2.44.12	Civil Defense Personnel

2.44.01 Policy and Purpose

A. Because of the existing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile action, or from fire, flood, earthquake, or other natural causes, and in order to insure that preparations of this city will be adequate to deal with such disaster, and generally to provide for the common defense and to protect the public health, peace, and welfare and safety, to preserve the lives and property of the people of this city, it is hereby found and declared to be necessary:

1. To create a city civil defense agency;

2. To provide for the rendering of mutual aid to other cities within the state, 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 chapter and the policy of this city that all civil defense functions of this city 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 chapter and the policy of the city to

organize its civil defense organization in conformity with the Arkansas Civil Defense Plan as directed by Act 321 of 1953, which is cited as "The Arkansas Civil Defense Act of 1953". (Ord. No. A-323, Sec. 1)

2.44.02 Definitions As used in this chapter, "civil defense" means 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. These functions include, without limitation, fire fighting services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical, and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services (civilian war aid), emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions. (Ord. No. A-323, Sec. 2)

2.44.03 Powers of the Mayor The mayor of the city shall be responsible for and have general direction and control of the civil defense of this city. In addition to the powers and duties the Mayor now has, he shall have such additional powers granted and conferred by this chapter not inconsistent with other ordinances of this city. (Ord. No. A-323, Sec. 3)

2.44.04 Director of Civil Defense The Mayor, with the consent of the city council, is hereby authorized to appoint a director of civil defense, who shall perform such duties as are imposed upon him by this chapter, and as are delegated to him by the Mayor when not contrary to other ordinances of this city. (Ord. No. A-323, Sec. 4)

2.44.05 Duties of Director The director shall coordinate the activities of all organizations for civil defense within this city and shall maintain liaison with and cooperate with the civil defense agencies and organizations within the state and with the state government. (Ord. No. A-323, Sec. 5)

2.44.06 Advisory Council There is hereby created a civil defense Advisory Council consisting of five (5) citizens, appointed by the mayor and confirmed by the City Council who 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. (Ord. No. A-323, Sec. 6)

2.44.07 Duties

A. In performing his duties under this chapter, the Mayor, or the director of civil defense when such authority is delegated to him by the Mayor, is authorized to cooperate with the state government, with other cities and counties, and with private agencies in all matters pertaining to the civil defense of this city and of the state.

B. In performing his duties under this chapter and to effect its policy and purpose,

the Mayor is further authorized and empowered:

1. To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this chapter within the limits of the authority conferred upon him herein, with due consideration of the plans of the 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 plans of the state government and of other cities and counties within the state to the fullest extent;

3. In accordance with such plan and program for the civil defense of this city, to institute training programs and public information programs, and to take all other preparatory steps including the partial or full mobilization of civil defense organization, 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 and counties within this state and also with civil defense agencies or organizations in other states for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. Such mutual aid arrangements may be made subject to the approval of the Governor, or of the State Director of Civil Defense;

6. To delegate any administrative authority vested in him under this chapter, and to provide for the sub-delegation of any such authority;

7. To cooperate with the Governor and the Arkansas Office of Emergency Service 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. black-outs and practice blackout, 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. shutting off water mains, gas mains, electric power connections and the suspension of all other utility services,

e. the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior and subsequent to drills or attack,

f. public meetings or gatherings,

g. the evacuation and reception of the civilian population. (Ord. No. A-323, Sec. 7)

2.44.08 Mutual Aid Arrangements

A. The director of the organization for civil defense may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the State Civil Defense plan and program, and in time of emergency it shall be the duty of each local organization for civil defense to render assistance in accordance with the provisions of such mutual aid arrangements.

B. The director of the organization for civil defense, may, subject to the approval of the Governor, enter into mutual aid arrangements with civil defense agencies or organizations in other states for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. (Ord. No. A-323, Sec. 8)

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

A. 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, grants, or loans, for purposes 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.

B. 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 other funds on behalf of the city, and subject to the terms of the offer. (Ord. No. A-323, Sec. 9)

2.44.10 Utilization of existing services and facilities In carrying out the provisions of this chapter, the Mayor is directed to utilize the services, equipment, supplies and facilities of existing departments, offices, and agencies of the city, to the maximum extent practicable, and the officers and personnel of all such 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. A-323, Sec. 10)

2.44.11 Political activity prohibited No organization for civil defense established under the authority of this chapter shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes. (Ord. No. A-323, Sec. 11)

2.44.12 Civil defense personnel No person shall be employed or associated in any capacity in the civil defense organization of this city established under this chapter who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or of this state, or in 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 the 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 Civil Defense agency of the city, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United State or of this state by force or violence." (Ord. No. A-323, Sec. 12)

Chapter 2.48
CITY BOARDS AND COMMISSIONS

Sections:

2.48.01 Policy
2.48.02 Record
2.48.03 Notice
2.48.04 Nomination and selection of members
2.48.05 Recognition of boards and commissions
2.48.06 Regulations for all boards and commissions
2.48.07 Law

2.48.01 Policy That it is the public policy of the city of Conway that members of boards and commissions of the city of Conway be in attendance if possible at all meetings of said boards and commissions. (Ord. No. O-87-16, Sec. 1)

2.48.02 Record That the chairman of each board and commission of the city of Conway shall

maintain attendance records on all members of his or her respective board or commission, and upon any member being absent three (3) times without an excused absence within one (1) year, then the chairman of said board or commission shall advise the Mayor of the city of Conway of the member's absence. (Ord. No. O-87-16, Sec. 2)

2.48.03 Notice That upon receiving notice from the chairman of a city board or commission, the Mayor of the city of Conway shall cause notice to be given to the member who has been absent for three (3) meetings within one (1) year asking said member to resign from his position. (Ord. No. O-87-16, Sec. 3)

2.48.04 Nomination and selection of members The city of Conway adopts the following procedures for nomination and selection of new members for all city boards and commission:

A. **Step 1**

Not less than ninety (90) days before the end of calendar year:

The Mayor's office will publish a legal notice in a newspaper circulated in the area served by the board or commission to include the following information for all city boards and commissions for whom new members must be selected in the upcoming year:

1. Name of board or commission
2. Purpose of board or commission
3. Names of members of boards or commissions and the dates of their terms
4. Invitations to submit nominations in writing, to include name, address, and completed nomination form of person nominated and the name and address of the person making the nomination.
5. Term of office
6. Eligibility requirements
7. General responsibilities of the position(s)
8. Statement encouraging nominations from each of the diverse segments of the population served
9. Closing date of nomination period which will be not less than thirty (30) days from the date of publication of first legal notice.
10. Name and mailing address of where to submit nomination.
11. Notification that nomination forms may be obtained in the office of the City Clerk.

B. **Step 2**

Not less than sixty (60) days before the end of the calendar year:

1. The nomination period will close.
2. The proper official body, be it the board or commission or Mayor's office, will begin review of nominations.

C. **Step 3**

Not less than thirty (30) days before the end of the calendar year:

The proper official body will close the nominee(s), submit name of nominee(s) in writing to the City Council, and release the name(s) to the news media.

D. **Step 4**
Not less than ten (10) days before the end of the calendar year:
After taking the nominee(s) under advisement, the City Council shall approve or reject the nominee(s) at a regularly scheduled meeting.

E. **Step 5**
Not more than five (5) days after City Council action:
The Mayor's office shall notify the board or commission of the City Council's action in writing.

In the event the nominee(s) is rejected by the City Council, the board or commission or Mayor's office shall immediately return to the original pool of nominees and within ten (10) days publicly announce and submit in writing to the Council the name of another nominee(s). The City Council shall then have a maximum of twenty (20) days in which to consider the new nominee(s) or it must consider the new nominee(s) at its next regularly scheduled meeting in the event that no regular meeting is scheduled within the twenty (20) day period, and complete its action and thereafter shall notify the board or commission in writing of its action. This procedure may be repeated until a member is duly qualified.

In the event that a vacancy occurs on a board or commission before the expiration of a term, the same nomination and selection procedure shall apply with the Mayor's office implementing **Step 1** within ten (10) days after the vacancy is declared. The Mayor's office shall have thirty (30) days to accept nominations and the proper body shall thirty (30) days to review nominations. The new nominee shall be chosen, submitted to the City Council, and publicly revealed no more than sixty days from the date **Step 1** began. The Council shall complete its action on the nominee within twenty (20) days of written notice of the nominee(s)
and the Mayor's office shall notify the board or commission of its action in writing within five (5) days of the date of the action. In the event the nominee(s) is rejected, the same procedure for rejected nominations as provided above shall apply.

If sufficient time to complete this procedure is not available prior to the expiration of a term of office after passage of this ordinance, the proper body may apply to fill any vacancy so occurring by adhering as closely to these procedures as possible.

The Conway Corporation Board of Directors, because of its "arm length" relationship with the city, will be exempt from the provisions of this section in regards to the date and time of the process and shall handle their own nomination process. They are encouraged to follow the same procedures for notice,

nomination, and selection if not at the same date and time. (Ord. No. O-05-50, Sec. 1.)

2.48.05 Recognition of boards and commissions The city of Conway recognizes the following primary city boards and commissions:

1. Conway Planning Commission
2. Board of Zoning Adjustment
3. Advertising & Promotion Commission
4. Conway Corporation Board of Directors
5. Conway Civil Service Commission
6. Old Conway Design Review Board

The city of Conway further recognizes the following local community boards and commissions:

1. Board of Education of the Conway Public Schools
2. Board of Directors of the Conway Regional Medical Center
3. Quorum Court of Faulkner County
4. any board or commission created under the authority of Faulkner County

The city of Conway further designates all other city boards, commission, advisory committees, etc. as non-primary City Boards and Commissions. (Ord. No. O-08-47)

2.48.06 Regulations for all boards and commissions The city of Conway further formally adopts the following regulations for all primary city boards and commissions:

A. Expiration dates of terms on all boards and commissions shall be staggered except as provided otherwise by law.

B. All boards and commissions shall have a minimum of seven (7) members except as otherwise provided by law or enacting ordinance.

C. The length of term in years shall be no longer than the number of members on the board with multiple terms expiring at the same time being allowable if the terms are staggered such that no more than half of the member's terms expire at the same time except as otherwise provided by law.

D. Service on all board and commissions whose standard terms of service are four years or longer shall be limited to one (1) term with two exceptions. 1.) Members who are appointed to serve the remainder of an unexpired term are eligible for appointment to a full term. 2.) Former members are eligible to serve another term on the same board or commission once they have been off that board or commission for a length of time equal to one standard term of service on that same body.

Service on boards or commissions whose standard length of service is less than four years is limited to two terms if reappointed. Members of boards or commissions whose term of service is less than four years who are appointed to serve the remainder of an unexpired term are eligible for appointment to a full initial term and may be reappointed one time in accordance with the above statement. (Ord. No. O-08-47)

E. Members of primary city boards or commission can serve only on one (1) primary city board or commission or local community boards or commissions at the time of their appointment except as otherwise provided by law. Primary city board or commission members can not be appointed to other primary city boards or commission during their service. Appointments to and/or service on a non-primary city board or commission does not exclude a person from concurrent service on a primary city board or commission. Members of primary city boards or commission if subsequently appointed or elected to a local community board or commission are not required to resign their position on a primary city board or commission.

F. Each board and commission should have written bylaws or operating procedures which outline how that board or commission conducts its basic operations – a copy of which should be on file in the office of the City Clerk and the Mayor's office.

G. Each board and commission shall be responsible for filing an annual report with the City Clerk and the Mayor's office which would include the following information:

1. Summary of yearly activities and operations, goals and major decisions made by the board;
2. Financial audits where applicable;
3. Copy of current bylaws and procedures;
4. Budget where applicable.

H. The City Clerk and/or the office of the Mayor shall keep an up-to-date set of records on all boards and commissions to include such information as a current list of all members and membership dates of boards and commissions and specific locations appropriate for each board shall be deemed the repository of the board's minutes, audits, bylaws and procedures, and annual reports. (Ord. No. O-05-50, Sec. 2.)

2.48.07 Law For purposes of these regulations, ordinances by which these boards or commission are created and/or by which their operations are governed shall be deemed law. (Ord. No. O-05-50, Sec. 3.)

Chapter 2.52
EMPLOYEE HANDBOOK AND BENEFITS

Sections:

2.52.01 Handbook title
2.52.02 Adopted by reference
2.52.04 Deferred Compensation Plan
2.52.05 Board of Trustees
2.52.06 Documents
2.52.07 Administrative services
2.52.08 Termination
2.52.09 Dental insurance policy
2.52.10 Amendments

2.52.01 Handbook title A handbook entitled "Employee Handbook, City of Conway, Personnel Policy," has been examined by the City Council and found to be needed for the fair and impartial implementation of personnel policies. (Ord. No. O-09-05)

2.52.02 Adopted by reference This policy shall be adopted herein by reference as set forth in the document entitled "Amended Employee Handbook, city of Conway, Personnel Policies." Three (3) copies of the Amended Employee Handbook, city of Conway, Personnel Policies shall be and are hereafter kept on file in the office of the Clerk/Treasurer. (O-10-66)

2.52.04 Deferred Compensation Plan The city adopts the Plan and the Trust Agreement ("Trust") for the Plan for its employees. (Ord. No. O-01-120, Sec. 1.)

2.52.05 Board of Trustees The city 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 be responsible only for the Plan and have no responsibility for other employee benefit plans maintained by the city of Conway. (Ord. No. O-01-120, Sec. 2.)

2.52.06 Documents The city is authorized to sign all documents necessary to adopt the Plan and by so signing, is bound by the terms of the Plan as stated in the Adoption Agreement and other Plan documents. The city 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. O-01-120, Sec. 3.)

2.52.07 Administrative services

A. The city 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 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 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. O-01-120, Sec. 4.)

2.52.08 Termination

A. The city may terminate its participation in the Plan, including but not limited to its contribution requirements, by an ordinance of the City Council terminating its participation in the Plan, which ordinance must specify when said participation will end.

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 shall be made in accordance with the Plan.

B. The city acknowledges that the Plan contains provisions for involuntary termination of the Plan. (Ord. No. O-01-120, Sec. 5.)

2.52.09 Dental insurance policy It does hereby waive the bidding process for the purchase of group dental insurance from Delta Dental of Little Rock, Arkansas. (Ord. No. O-01-119, Sec. 1.)

2.52.10 Amendments to Handbook

Section II: Employment Benefits, Vacation Benefits, Cash Out Options, page 37, is revised. Amended by (Ord. No. O-10-10, Sec. 1)

Section II: Employment Benefits, Surviving Spouse Dependent Eligibility to participate in the City's Health Care Plan, page 50, is added. Amended by (Ord. No. O-10-66, Sec. 1)

Section I: General Purchasing Policies and Procedures is deleted and replaced with City of Conway Purchasing Policies and Procedure. Amended by (Ord. No. O-10-125, Sec. 1)

Section II: Employment Benefits, Bereavement Leave policy is revised to clarify bereavement leave. Amended by (Ord. No. O-10-10, Sec. 1)

Section II: Employment Benefits, Retirement and Pension Plans is revised. Amended by (Ord. No. O-10-125, Sec. 1)

Section II: Employment Benefits, Bereavement Leave policy is revised to clarify bereavement leave as three days, 24 hours or 1 day, 8 hours. Amended by (Ord. No. O-10-125 Sec. 1)

Section I: Employment Benefits, Retirement and Pension Plans is revised to include the percentage police officers and firefighters contribute to LOPFI and the sections that do not apply to uniformed employees, Departing Employees, are omitted. Amended by (Ord. No. O-10-125, Sec. 1)

Section I: Employment Policies, General Purchasing Policies and Procedures is deleted and replaced with City of Conway Purchasing Policies and Procedure. As amended by (Ord. No. O-10-125, Sec. 1)

Chapter 2.56
POLICE DEPARTMENT RULES AND REGULATIONS

Sections:

2.56.01 Adopted
2.56.02 Copies on file
2.56.03 Residence requirement
2.56.04 Organization
2.56.05 Bonding agent fee
2.56.06 Applicant fingerprinting fee
2.56.07 Background check fee
2.56.08 Collected funds
2.56.09 Warrant fee
2.56.10 Deferred Retirement Option Plan

2.56.01 Adopted That pursuant to Arkansas Code Annotated, Section 14-51-302, the Rules and Regulations as set out in a final draft dated May 16, 1992, by the Chief of Police of the Conway Police Department are hereby adopted by reference herein, as if set out word for word. (Ord. No. O-0-92-30, Sec. 1)

2.56.02 Copies on file That three (3) copies of said Rules and Regulations shall be on file with the Clerk/Treasurer of the city of Conway. (Ord. No. O-0-92-30, Sec. 3)

2.56.03 Residence requirement All Conway Police and Fire personnel shall be required to reside within twenty-five (25) miles of the corporate limits of Conway, Arkansas. (Ord. No. O-99-29, Sec. 1.)

2.56.04 Organization

A. The positions of Assistant Chief of Police and three Captains be eliminated.

B. Four new Commander positions be created and assigned the following responsibilities: Patrol, Investigations, Support, and Traffic.

C. The current occupants will be assigned one of the four Commander positions by the Mayor with the advise of the "Interim Chief of Police."

D. The pay scales for the affected positions would stay at the current grade/step until such time as the new Chief of Police would submit a reorganization plan.(Ord. No. O-00-75, Secs. 1-4)

2.56.05 Bonding agent fee There is hereby authorized and implemented, a $10.00 Bonding Agent Fee, as authorized in A.C.A. 14-52-111 for each and every bond received by the Conway Police Department in lieu of actual bonds for appearance at the Conway District Court. This fee is in addition to all other fees that are implemented by the Conway District Court. (Ord. No. O-99-28, Sec. 1.)

2.56.06 Applicant fingerprinting fee There is hereby authorized and implemented a $5.00 applicant fingerprinting fee for each and every applicant fingerprint card that is completed by the Conway Police Department in the applicant process or any other process. However, this section shall not apply to fingerprinting procedures carried out in the ordinary course of a criminal investigation, arrest or booking. (Ord. No. O-99-28, Sec. 2.)

2.56.07 Background check fee There is hereby authorized and implemented a $10.00 Background Check Fee for each and every individual for whom the Conway Police Department performs a background check which is authorized by law but is not performed in the course of and in the furtherance of regular law enforcement purposes. (Ord. No. O-99-28, Sec. 3)

2.56.08 Collected funds All funds collected from these fees shall be paid over to the city treasury and earmarked for the exclusive use of the Conway Police Department. (Ord. No. O-99-28, Sec. 4)

2.56.09 Warrant fee There is hereby implemented a $50.00 warrant fee, as authorized by Act 1427 of 2001 and A.C.A. 14-52-202, for each and every warrant served by the Conway Police Department at the direction of the District Court of Faulkner County. This fee is in addition to all other fees that are implemented by the District Court of Faulkner County.
(Ord. No. O-01-103, Sec. 1)

2.56.10 Deferred Retirement Option Plan

A. The duration of participation in the Arkansas Police Officers' Deferred Option Plan for active police officers is hereby extended from the current limit of five (5) years to a duration not to exceed ten (10) years.

B. This extension shall apply to all active members and all members on the deferred retirement option plan.

C. This extension has been approved by a majority vote of the Conway Policeman's Pension and Relief Fund Board of Trustees.

D. The interest credited after the first five (5) years on DROP shall be two (2) percentage points below the rate of return of the investment portfolio, as provided

by A.C.A. 24-11-434(b)(2)(D) and any subsequent amendments to state law.

E. Participants shall forfeit a portion of the extended service benefits earned under the Arkansas Police Officers' Deferred Option Plan beyond the first five (5) years of participation should the participant terminate employment during the extended service time, absent death or disability, in such percentages as provided in A.C.A. 24-11-435(i). (Ord. No. O-02-46, Secs. 1-5)

Chapter 2.60
FIRE DEPARTMENT

Sections:

2.60.01 Fire Chief
2.60.02 Rules
2.60.03 Fire Marshall
2.60.04 Lock boxes
2.60.05 Qualifications for positions
2.60.06 Fire Department training facility
2.60.07 Deferred Retirement Option Plan
2.60.08 Conway Fire Permit

2.60.01 Fire Chief That pursuant to A.C.A. Section 14-51-304, the position of Deputy Fire Chief is hereby created and vacancies in said position shall be filled in the manner utilized for filling the position of Fire Chief. (Ord. No. O-93-24, Sec. 1)

2.60.02 Rules That the Conway Civil Service Commission shall adopt any rules and regulations necessary to facilitate the addition of this position to the Conway Fire Department. (Ord. No. O-93-24, Sec. 2)

2.60.03 Fire Marshal

A. The Chief of the Fire Department is hereby authorized to delegate the duties and responsibilities of Fire Marshal to a current member of the department who holds the position of division chief.

B. The Fire Marshal shall be responsible for the detection and prevention of arson, the enforcement of the laws relating to arson and other burning, and enforcement of the city and state fire prevention codes.

C. The Fire Marshal shall have successfully completed a course of study for law enforcement officers approved by the Arkansas Commission on Law Enforcement Standards and Training.

D. The Fire Marshal shall have successfully completed an eighty-hour fire and arson

investigation course offered by the National Fire Academy, or the Arkansas Fire Training Academy, or an equivalent course.

E. The Fire Marshal shall have completed a one-week fire safety inspection class offered by the National Fire Academy, or the Arkansas Fire Training Academy, or an equivalent class.

F. The Fire Marshal is hereby authorized and empowered to carry a weapon and to make arrests for violations of the laws relating to arson and other unlawful burning. (Ord. No. O-02-162, Secs. 1-6.)

2.60.04 Lock boxes

A. The following structures shall be equipped with a key lock box at or near the main entrance or such other location required by the Fire Chief:

1. Commercial or industrial structures protected by an automatic fire alarm system or automatic suppression system, and that are secured in a manner that restricts access by the Conway Fire Department during an emergency;

2. All institutions, including, but not limited to, public and private schools, colleges and universities, hospitals, state agencies, human development centers and nursing care facilities.
3. All subdivisions and multi-family units that are secured in such a manner that restricts access by the Conway Fire Department during an emergency.

4. All new commercial/residential buildings that are equipped with an elevator:

   a. The Knox Authorization order form can be obtained from Conway Fire Department located at 1401 Caldwell between 8:00am -4:00pm.
   b. The Elevator/Lobby key box shall be Standard Elevator Box 1400 series.
   c. The Elevator/Lobby key box shall be mounted to the right side of the elevator door at least 5 feet above ground level.
   d. If multiple elevators exist in the building, please contact Fire Marshal's Division at 501-450-6148 for placement. Only 1 per building is required.
   e. Elevator door (drop key) and Fire Department run key must be obtained by owner from the elevator installation company.
   (Amended by Ord. No. O-12-84, Sec. 1)

B. All newly constructed structures subject to this ordinance shall have the key lock box installed and operational prior to the issuance of a certificate of occupancy permit. All structures in existence on the effective date of this ordinance and subject to this ordinance shall have one year from the effective date of this section

to have a key lock box installed and operational.

C. The Fire Chief has designated that the Knox Box type of key lock box system is to be implemented within the city and shall have the authority to require all structures subject to this ordinance to use the designated system.

D. The owner or operator of a structure required to have a key lock box shall at all times keep a key in the lock box that will allow for access to the structure.

E. The Fire Chief shall be authorized to implement rules and regulations for the use of the lock box system.

F. Any person in violation of this ordinance shall be guilty of an unclassified misdemeanor, and upon conviction, shall be punished by a fine of not less than Fifty Dollars ($50.00) and no more than One Hundred Dollars ($100.00) and if such violation be continued, each day's violation shall be a separate offense. (Ord. No. O-04-25, Sec. 1.)

2.60.05 Qualifications for positions

A. No person shall be eligible for appointment to any position on the Conway Fire Department who has not arrived at the age of twenty-one (21) years or who, except as provided in (B) and (C) of this ordinance, has arrived at the age of thirty-two (32) years;

Section (A) shall not apply to:

B. Any person who has at least two (2) years of previous experience as a full-time paid firefighter with another Fire Department and whose years of experience as a full-time paid firefighter when subtracted from the person's age leaves a remainder of not more than thirty-two (32) years; or

C. Any person who is applying for a position with the Conway Fire Department in which the primary functions of the job involve duties administrative, managerial, or supervisory in nature. (Ord. No. O-05-23, Secs. 1-3.)

2.60.06 Fire Department training facility

A. Requests for use of the city of Conway Fire Department training facility must be in writing and shall be approved at the discretion of the Conway Fire Department.

B. The city of Conway shall charge private industries and/or any for-profit entity a rate of Two Hundred Dollars ($200.00) a day for the use of the Conway Fire Department training facility. Said rate shall be for the facility only and shall be charged for any day or portion of a day used. Materials, water, supplies or props shall be charged to user on an actual cost reimbursement method in additional to

the daily fee.

C. This fee is intended to cover the cost of upkeep and maintenance of the facility and will be receipted to the Conway Fire Department training operating budget (01.115.335).

D. The city of Conway, Conway Fire Department and all city of Conway employees will be released from any liability which could arise in any manner resulting from the use of the facility. (Ord. No. O-05,-95, Secs. 1-4.)

2.60.07 Deferred Retirement Option Plan

A. The duration of participation in the Arkansas Fire Fighters' Deferred Retirement Option Plan is hereby extended from the current limit of five (5) years to a limit not to exceed ten (10) years.

B. The extension applies to all active full-paid fire fighters and all members on the plan.

C. The extension has been approved by a majority of votes of all Board of Trustees of the Pension and Relief Fund.

D. The interest credited after the first five (5) years on the plan shall be two (2) percentage points below the rate of return of the investment portfolio of the fund, and shall not be determined under subdivision (e)(2) of emended A.C.A. 24-11-830, but the interest rate credited shall no be less than zero percent (0%).

E. Seventy-five percent (75%) of the monthly retirement benefits that would have been payable had the member elected to cease employment and receive a service reinstatement shall be paid into the plan account. (Ord. No. O-06-95, Secs. 1-5)

2.60.08 Conway Fire Permit

Anyone doing work in the City of Conway that will require a special inspection from the Fire Marshal's Division with the Conway Fire Department for a Certificate to Occupy will be required to have a Fire Permit. This will include but not limited to Sprinkler, Alarm and Ventilation/ Hood suppression installations. To obtain this permit you must provide the name of contractor, contact information, license number, and proof of insurance. You can obtain this permit by coming by the Central Fire Station at 1401 Caldwell during normal business hours, 8:00AM-4:00PM.

We understand that this is a new process and we are willing to work through any problems that may occur but we are also trying to get competent workmanship into the Life Safety aspect of the Fire codes. Failure to provide this permit prior to inspection will be an automatic rejection of the inspection. If it is a blatant disregard for this ordinance; the Code Enforcement Officers will

be notified. The permit will only be good for the particular job address that we are inspecting. This permit was approved via Ordinance No. O-12-78 with an effective date of January 1, 2013.

A. FIRE PROTECTION SYSTEMS AND INSPECTIONS FOR COMMERCIAL PROJECTS

Fire Marshal's Office: 501-450-6148

1. When calling for an inspection, please provide the information listed below.
   a. Name of Project
   b. Project Address
   c. Type of Inspection
   d. Point of Contact – Name and Telephone Number

2. Actions that must be completed prior to moving ANY combustible materials to the jobsite:
   a. Street signs have to be in place (temporary or permanent).
   b. All fire department access roads in place per code.
   c. Water supply in place (all hydrants that are on reviewed plans).

3. Inspections that have to be completed prior to Certificate of Occupancy are:
   a. Rough Fire Sprinkler System Inspection (sprinkler company must set up this appointment).
   b. Rough Fire Alarm System Inspection (alarm company must set up this appointment).
   c. Final Fire Sprinkler System Inspection (sprinkler company must set up this appointment).
   d. Final Fire Alarm System Inspection (alarm company must set up this appointment).
   e. Kitchen Hood Extinguishing System Inspection (extinguishing company must set up this appointment).
   f. Final Fire Building and Site Inspection
      1. Fire Lane Inspection
      2. Gate Inspection
      3. Knox Box Inspection

B. Rough Fire Sprinkler System Inspections

1. Inspections shall be scheduled by the fire sprinkler contractor.
2. Verify the installing contractor has a valid Conway Fire Marshal's "Fire Permit" on site.
3. Consult the Approved Plans and verify the following.

   a. Proper type of piping.

b. Confirm the installation of the piping does not have excessive change of directions that are not indicated on approved plans. (Excessive use of extra fittings, such as elbows may affect hydraulic calculations).
c. Proper size of piping.
d. Proper piping hangers and supports with correct spacing.
e. Proper clearance of fire sprinklers from ALL obstructions.
f. Check for correct distances between the fire sprinklers, off of walls, maximum coverage per fire sprinkler, and distance below roof deck.
g. Check for installation of orifice in inspector's test.
h. Check to ensure fire sprinklers are not painted.
i. Access panels shall be provided for all valves located inside a wall or concealed space. Signage shall be provided on the outside of access panel.

4. Verify the following when inspecting the Fire Department Connection :

   a. Fire Department Connection shall be within 100' of a fire hydrant.
   b. Fire Department Connection (wall mount) shall be installed between 24 and 48 inches above finished outside grade.
   c. Verify fire department connection is not obstructed by any obstructions (electrical transformers, gas meters, landscaping, etc).
   d. Verify size of Fire Department Connection = 2" or smaller pipe riser requires single 2 ½ wall mount FDC with locking cap or plug (NO REMOTE).
   e. 2 ½ or greater pipe riser requires 5" Storz connection with 30 degree turn down and locking cap (wall mount or remote).
   f. Remote Fire Department Connection shall be installed between 18 and 36 inches above finish grade.
   g. Locking caps or plugs can be directly obtained from the Knox Corporation (www.knoxbox.com). No application or signature is required from the fire department.
   h. Remote FDC shall be painted safety red except for the locking cap and assembly.

5. ALL SPRINKLER PIPE MUST BE EXPOSED DURING THIS INSPECTION.
6. Nothing shall be supported by the sprinkler piping.

C. Rough Fire Alarm Inspection

1. Inspection shall be scheduled by the fire alarm contractor.
2. Verify the installing contractor has a valid Conway Fire Marshal's Office "Fire Permit "on site. No fire inspections will be conducted until permit is produced.

3. Wiring is per NFPA 72 and National Electrical Code. (wrapping fire alarm wiring around steel nails, connecting it to ceiling grid wire support wires, and using metal staples are not approved methods of securing or supporting fire alarm wiring).
4. All fire alarm device components shall be installed per NFPA 72 code requirements.
5. Verify location of all fire alarm system devices (pull stations, detectors, panel, etc.).
6. Verify that the location of fire alarm control panel is in a temperature control space.
7. Duct detectors are required for units that exceed 2000 cfm or units that share an area that exceed 2000 cfm collectively.
    a. Unit must shut down on activation of the duct detector.
    b. Activation of the duct detector a supervisory signal shall be sent to the panel.

D. Final Fire Sprinkler System Inspection

1. Inspection shall be scheduled by the fire sprinkler contractor.
2. Verify the installing contractor has a Conway Fire Marshal's "Fire Permit" on site. No fire inspections will be conducted until permit is produced.
3. Verify hydrostatic test of all piping at 200 psi for 2 hours has been completed and witnessed by fire department official.
4. Where a tenant improvement addition or modification is made to an existing fire sprinkler system affecting more than 20 fire sprinklers, the new portion shall be isolated and hydrostatically tested at 200 psi for 2 hours.
5. Tenant improvement modifications affecting 20 or fewer fire sprinklers shall not require hydrostatic testing.
6. Verify tamper switch and flow switch components are installed.
7. Verify that all required fire sprinkler system signage is in place.
    a. Main drain
    b. Access panels
    c. Control valves
    d. Inspectors test
    e. Fire Department Connection
    f. Hydraulic Placard

8. Verify that spare fire sprinkler cabinet is installed and has correct contents.
9. Walk through building to verify.
    a. Proper placement, type, temperature of fire sprinklers
    b. Fire sprinklers are free of all obstructions, including building elements
    c. Sprinklers are not painted
    d. Sprinkler escutcheons are properly installed
    e. Activation test of fire alarm system notification appliances and electric bell on fire sprinkler system water flow through inspector's test valve. Alarms shall activate in 90 seconds or less.

E. Final Fire Alarm Inspection

1. Verify the installing contractor has a Conway Fire Marshal's Office "Fire Permit". No fire inspections will be conducted until permit is produced.
2. Verify the proper location and type, of all fire alarm notification appliances.
3. Observe fire alarm system functional tests of all fire alarm devices.
4. Observe activation test of fire sprinkler control tamper and flow switches.
5. If a kitchen hood extinguishing system is installed, then observe function tests of the fire alarm system notification appliances on kitchen hood extinguishing system activations.
6. Verify the proper size of the batteries and verify that batteries are date marked with both month and year.
7. Verify duct detectors shut down unit on activation of the duct detector, activation of the duct detector a supervisory signal shall be received at the fire alarm control panel.
8. Verify that all signals are received at the fire alarm control panel.
9. Verify that all signals are received at the annunciator, if applicable.
10. Verify that all signals were received at the off- site monitoring company and Conway Emergency Operations Center.

F. Commercial Cooking Hoods

1. Verify the following:
   a. Location of manual pull station.
   b. Signage for manual pull station.
   c. Location, size, and type of extinguishing agent.
   d. Proper pipe support.
   e. Verify link installation placement, type, and temperature.
   f. Observe deactivation of all fuel sources under the hood during all tests (Electric, Gas).
   g. Observe deactivation of "make-up" air on test activation of system (Exhaust air shall remain working).
   h. Observe activation of fire alarm system notification appliances on kitchen hood extinguishing system activation on all function tests and verify that signals are received at the fire alarm control panel.
   i. Verify proper placement of Class "K" fire extinguisher. It shall be tagged, mounted, and located within 30 feet of cooking equipment.

G. Final Building and Site Inspection

1. Verify proper location of Lock Box (KNOX BOX).
   a. Knox Box shall be directly obtained from the Knox Corporation (www.knoxbox.com). No application or signature is required from the fire department.
   b. If the building has a monitored FIRE alarm or a sprinkler system in the building, then a Knox Box is required to be installed on the building.
2. Verify the placement of fire extinguishers.
   a. One every 75' travel distance, one every 3000 square feet.

b. Verify proper location. Fire extinguishers shall be installed a maximum travel distance of every 75' and if possible near break-rooms and kitchens.
c. All fire extinguishers shall be service tagged with month / year and mounted a minimum of 3'6" and a maximum 5' to the top of the fire extinguisher above finish floor grade. Shall be unobstructed from access or view.
d. Provide fire extinguisher signage as required.

3. Verify required exterior and interior building door signage.

    a. "SPRINKLER ROOM" or "RISER ROOM" on all doors that give access to the fire sprinkler riser.
    b. "FA" or "FIRE ALARM" on all doors that give access to the fire alarm control panel.
    c. "STAIRWELL" on all doors that give access or exterior egress to stairway.
    d. This lettering can be accomplished with self adhesive characters, stencil, or a sign with minimum four inch high characters in contrast to the door colors.

4. Fire lanes shall be appropriately marked in ONE of these two options:
    a. Provide approved signs at least eighty feet on center.
    b. Paint curbs Federal Safety Red. Provide lettering on curb at least 80' on center; marked NO PARKING FIRE LANE in four inch white block letters on the vertical face of the curb.

5. Gate Inspections
    a. All gates limiting access will be required to provide emergency access controls for Fire Department entry.
    b. Please consult Fire Marshal's Office at 501-450-6148 for specifics on emergency access controls and code requirements.

H. <u>Address Numbering</u>

"NEW" buildings, excluding existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is legible from the street or road fronting the property. Addressing as follows.

1. Single family homes, Duplex
    a. Minimum 4" high with 5/8" brush stoke with contrasting background.

2. Multi-Family Complex, (apartments, condos, townhomes) and Commercial Business
    a. Minimum 12" high with 2" brush stroke and contrasting background.
    b. Buildings less than 150' require one set per building.
    c. Buildings more than 150' require two sets per building on opposite ends.

d. Apartment numbers are to be a minimum of 4" high with 5/8" brush stroke with contrasting background.

3. Shopping Center, High Rise Buildings (3 floors and above), Large Office, Warehouse
    a. Minimum 12" high with 2" brush stroke with contrasting background.
    b. Visible from ALL access directions.
    c. Suite numbers are required over front entrance minimum 4" high with 5/8" brush stroke with contrasting background.
    d. Suite numbers are required on rear exits and must be a minimum of 4" high with 5/8" brush stroke with contrasting background.

4. Marquee and Monument
    a. Address installed on a marquee or monument located next to the street will require numbers 12" high with 2" brush stroke located at a minimum of 3' above finished grade, numbers should contrast with background.
    (Ordinance No. O-12-78)

Chapter 2.64
ELECTIONS FOR MUNICIPAL OFFICE

Sections:

2.64.01 Independent
2.64.02 Publication
2.64.03 Petitions

2.64.01 Independent That independent candidates for municipal office for the city of Conway shall file petitions for nominations as independent candidates with the County Clerk no later than noon on the day before the preferential primary election, as authorized by A.C.A. 14-42-206 (e)(1). (Ord. No. O-00-06, Sec. 1.)

2.64.02 Publication This ordinance shall be published at least once per week for two consecutive weeks immediately following adoption of the ordinance in a newspaper having a general circulation in the city of Conway. (Ord. No. O-00-06, Sec. 2.)

2.64.03 Petitions All petitions for nomination for municipal office shall otherwise comply with the requirements set out in A.C.A. 14-42-206 and any other applicable state law. (Ord. No. O-03-168 and Ord. No. O-08-15)

Chapter 2.68
CODE ENFORCEMENT OFFICER

Sections:

2.68.01 Position

2.68.02 Transfer of funds
2.68.03 Powers

2.68.01 Position The city of Conway is desirous to fund the position of Code Enforcement Officer. (Ord. No. O-01-27, Sec. 1.)

2.68.02 Transfer of funds

A. The sum of $49,612 is hereby transferred from the Permits and Inspections budget to the Police Department budget.

B. The sum of $6,504 is hereby transferred from the Permits and Inspections budget for the inappropriate general reserve (Ord. No. O-01-27, Secs. 2-3.)

2.68.023 Powers The Code Enforcement Officers of the office of the City Inspector shall have such powers and shall do and perform such acts and duties as may be now or hereafter required by any ordinance of the city of Conway, including enforcing any code provisions for which criminal penalties are provided, by either issuing a citation in a form prescribed by Rule 5.3, Arkansas Rules of Criminal Procedure or seeking an arrest warrant through the City Attorney's Office. (Ord. No. O-99-06, Sec. 1.)

Chapter 2.72
COMMUNITY DEVELOPMENT ADVISORY BOARD

Sections:

2.72.01 Established
2.72.02 Terms of members
2.72.03 Duties

2.72.01 Established A Conway Community Development Advisory Board to consist of seven members to be appointed by the Mayor with the confirmation of the Council is hereby established. To be eligible for nomination, a person must be a resident of Conway. Each member shall serve a term of three years beginning in January of the year for which he or she is appointed. (Ord. No. O-01-121, Sec. 1.)

2.72.02 Terms of members The initially appointed members of the Board shall serve as follows: Two for three (3) years, two for two (2) years, and three for one (1) year. Length of the initial terms shall be set by lot. (Ord. No. O-01-121, Sec. 2.)

2.72.03 Duties Duties of the Board shall be to advise the Community Development Block Grant Director on locations for community development, locations where such development is appropriate and most productive use of the CDBG revenues received from the Department of Housing and Urban Development, as well as to assist the CDBG director in determining appropriate policies for use of the revenues. (Ord. No. O-01-121, Sec. 3.)

Chapter 2.76
MUNICIPAL RECORD RETENTION

Sections:

2.76.01 Policy of record retention and disposal
2.76.02 State Statutes
2.76.03 Permanent Maintenance
2.76.04 Police Department Records

2.76.01 Policy of record retention and disposal The city of Conway shall seek to comply with any specific state statutes regarding municipal records, including A.C.A. 14-2-210, *et seq.* (Ord. No. O-05-140, Sec. 1.)

2.76.02 State statutes The city of Conway shall seek to comply with any specific state statutes regarding municipal records, including A.C.A. 14-2-201, *et seq.* (Ord. No. O-05-140, Sec. 2.)

2.76.03 Permanent maintenance The following records shall be maintained permanently in either the original or electronic format as required by law:

A. Ordinances
B. City Council minutes
C. Resolutions
D. Annual financial audits
E. Year-end financial statements
(Ord. No. O-05-140, Sec. 3.)

2.76.04 Police Department records Police Department records shall be maintained in accordance with A.C.A. 14-2-204 and other applicable statutes. (Ord. No. O-05-140, Sec. 4.)

TITLE 3
FISCAL AFFAIRS

Chapters:

3.04 Purchases
3.08 Local Sales and Use Tax
3.16 Capitalization and Asset Management Policy
3.20 Food and Beverage Tax
3.24 Enforcement and Collection of A&P Tax
3.82 Identity Theft Prevention Program
3.83 Treatment of Address Discrepancies

Chapter 3.04
PURCHASES

Sections:

3.04.01 Under Ten Thousand Dollars ($10,000)
3.04.02 Ten Thousand Dollars ($10.000) and over
3.04.03 Approval of payments and Exemptions Under State Law
3.04.04 Sale or exchange of supplies, materials or equipment valued at less than Five Thousand Dollars ($5,000.00)
3.04.05 Purchases at state bid prices

3.04.01 Under Ten Thousand Dollars ($10,000.00) The Mayor, or his duly authorized representative, shall have exclusive power and responsibility of making purchases of all supplies, apparatus, equipment and materials for the city of Conway where the total expenditure therefore is below the sum of Ten Thousand Dollars ($10,000.00). (Ord. No. O-95-52, Sec. 1)

3.04.02 Ten Thousand Dollars ($10,000.00) and over Where the amount of expenditure for any purchase or contract exceeds the sum of Ten Thousand Dollars ($10,000.00), the Mayor, or his duly authorized representative, shall invite competitive bids thereon by legal advertisement in any local newspaper. Bids received pursuant to said advertisement shall be opened and read on the date 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. O-95-52, Sec. 1)

3.04.03 Approval of Payments and Exemptions under State Law The Mayor or his duly authorized representative may approve for payment out of funds previously appropriated for that purpose, or disapprove any bills, debts or liabilities asserted as claims against the city provided the City Council shall approve or disapprove any bills, debts or liabilities asserted as claims against the City when that amount exceeds Fifty Thousand Dollars ($50,000.00). Each approval or disapproval shall require confirmation by a majority of the members of the City Council. (Ord. No. O-85-35, Sec. 1)

Exemptions:
The bidding requirements under the City of Conway's ordinances, municipal code and purchasing policies and procedures are subject to any exemptions granted by state law, including, but not limited to, exclusions set out in Ark. Code Ann. 14-58-303 and 14-58-104. (Ord. No. O-12-17, Sec. 1)

3.04.04 Sale or exchange of supplies, materials or equipment valued at less than Five Thousand Dollars ($5,000.00) That the Mayor or his duly authorized representative, may sell or exchange any municipal supplies, materials or equipment without competitive bidding if such supplies, materials or equipment have a value of less than Five Thousand Dollars ($5,000.00). That no supplies, materials or equipment shall be disposed of as one (1) unit without competitive bids therefore if the value thereof exceeds the sum of Five Thousand dollars ($5,000.00); provided, however, if the Mayor shall certify, in writing, to the governing body that, in his opinion, the fair market value of such item or lot (to be disposed of in one (1) unit) is less than Five Thousand dollars ($5,000.00), the same may be sold by the Mayor without competitive bidding. (Ord. No. O-85-35, Sec. 5 as amended by Ord. No. O-93-01, Sec. 1)

3.04.05 Purchases at state bid prices. Purchases at state bid prices shall be exempt from the provisions of this ordinance. (Ord. No. O-85-35, Sec. 6)

Chapter 3.08
LOCAL SALES AND USE TAX

Sections:

3.08.01 Levies
3.08.03 Defining single transaction

3.08.01 Levies.

A. There is hereby levied a local sales (gross receipts) and use tax at the rate of one percent (I%) of the receipts from the sale at retail within the City of Conway, Arkansas, on all items which are subject to taxation under the Arkansas Gross Receipts Tax Act of 1941, Act 386 of 1941 of the Acts of Arkansas, as said Act has been heretofore or may be amended, and under the Arkansas Compensation Tax Act of 1949, Act 487 of the 1949 Acts of Arkansas, as said Act has been heretofore or may be amended and by Act 990 of 1975 as amended by Act 133 of 1981 of the Acts of Arkansas. (Ord. No. O-81-42, Sec. 1)

B.

1. That under the authority of the Authorizing Legislation, there is hereby levied a one-half percent (.5%) tax on the gross receipts from the sale at retail within the City of Conway all items which are subject to the Arkansas Gross Receipts Tax Act of 1941, as amended (A.C.A. Section 26-52-10, et seq.) and the imposition of an excise (or use) tax on the storage, use or other consumption within the City of tangible personable property subject to the

Arkansas Compensating Tax Act of 1949, as amended (A.C.A. Section 26-53-101, et seq.) at a rate of one-half percent (.5%) of the sale price of the property or in case of leases or rentals, of the lease or rental price (collectively, the "Sales and Use Tax"). The Sales and Use Tax shall be levied and collected only to a maximum tax of Twenty-Five Dollars ($25.00) for each single transaction. This tax shall be used to retire bonds issued for capital improvement as authorized by A.C.A. Section 14-164-327 and to otherwise fund capital improvements. (Ord. No. O-93-32, Sec. 1)

2. "Single Transaction" is defined according to the nature of the goods purchased as outlined in Ordinance No. O-87-17. (Ord. No. O-93-32, Sec.2)

3.08.03 Defining single transaction The term "single transaction" for the purpose of the local sales tax, shall be defined according to the nature of the good purchased, as follows:

A. When two (2) or more devices in which, upon which or by which any person or property is, or may be, transported or drawn, including but not limited to on-road vehicles, whether required to be licensed or not, off-road vehicles, farm vehicles, airplanes, water vessels, motor vehicles, or non-motorized vehicles and mobile homes are sold to a person by a seller, each individual unit, whether part of a "fleet" sale or not, shall be treated as a single transaction for the purpose of the local sales tax.

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

C. **(Repealed as of March 31, 1996)** For sales of building materials and supplies to contractors, builders or other persons, a single transaction, for the purpose of the local sales tax, shall be considered as the sale of all components of the building or structure rather than based on single invoices, receipts or statements, except that household appliances not built into the structure so as to constitute a fixture shall not be a part of the sale of the building or structure. (Ord. No. O-95-60, Sec. 2)

That from the effective date of this section, the City shall only accept invoices for rebates for single transactions as currently defined under Subsection “C" of Section 3.08.03 which are dated between January 1, 1994 and March 31, 1996. (Ord. No. O-95-60, Sec. 3)

That the city shall not accept any invoices for rebates for single transactions as currently defined under Subsection “C" after September 30, 1996. (Ord. No.O-95-60, Sec. 4)

D. When two (2) or more items of major household appliances, commercial appliances, major equipment and machinery are sold, each individual unit shall be treated as a single transaction for the purpose of the local sales tax.

E. For groceries, drug items, dry goods and other tangible personal property and/or services not otherwise expressly covered in this section, a single transaction shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales tax figure has been reported and remitted to the state. (Ord. No. O-83-17, Sec. 1)

Chapter 3.16
CAPITALIZATION AND ASSET MANAGEMENT POLICY

Sections:

3.16.01 Adopted

3.16.01 Adopted The city of Conway shall adopt the attached Asset Management Policy – Capitalization and Asset Management Policy – Disposals. (Ord. No. O-05-85, Sec. 1.)

Chapter 3.20
FOOD AND BEVERAGE TAX

Sections:

3.20.01 Tax levied
3.20.02 Payment
3.20.03 Authorization
3.20.04 Collection of taxes

3.20.01 Tax levied The city of Conway shall levy a one percent (1.00%) tax upon prepared food and beverages as authorized by state law. Of this levy, twenty-five percent (or $0.25) shall be used at the discretion of the Commission, and seventy-five percent (or $0.75) shall be used by the Commission at the direction of the Mayor upon approval of the City Council for the development, purchase and construction of the Conway Parks and Recreation Facilities. (Ord. No. O-05-97, Sec. 1.)

In order to provide adequate security for the payment of the Park Improvement Bonds and the Trail Improvement Bonds, it is necessary that the temporary nature of A&P Tax No. 2 extended be eliminated and A&P Tax No. 2 extended to the date of final payment of any park improvement bonds or trail improvement bonds. (Ord. No. O-07-54)

3.20.02 Payment The one percent tax described in this section shall be paid by the persons, firms and corporations liable therefore and shall be collected by the Commission or by a

designated agent of the Commission in the same manner and at the same time as the tax levied by the Arkansas Gross Receipts Act, A.C.A. 26-52-101, *et seq.* (Ord. No. O-05-98, Sec. 2.)

3.20.03 Authorization The Commission is hereby authorized to:

A. Assess penalties and interest against taxpayers who fail to timely report or pay the tax. The penalty is equal to five percent (5%) of the unpaid tax amount per month not to exceed a total assessment of thirty-five percent (35%) of the unpaid tax. Simple interest on unpaid taxes shall be assessed at the rate of ten percent (10%) per annum.

B. Assess unpaid or unreported tax within three (3) years of the date the tax is due.

C. Provide for judicial relief from proposed assessments in accordance with state law (A.C.A. 26-75-603(d))

D. Issue certificates of indebtedness in accordance with state law.

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

F. In addition to any civil penalties provided or imposed by statute or ordinance, any person or entity liable for payment of said tax which fails to file the said report or which fails to pay the said tax for a period of sixty (60) days or more after the end of any month for which a report or payment of tax is due, shall be guilty of a violation and shall be fined in the sum not to exceed One Hundred Dollars ($100.00). If said violation continues, said person or entity shall be fined in a sum not to exceed One Hundred Dollars ($100.00) for each additional thirty-day period said violation continues. (Ord. No. O-05-98, Sec. 3.)

3.20.04 Collection of taxes

A. The effective date for the commencement of collections of the gross receipts taxes authorized under Ord. No. O-05-97 and O-05-98 to be November 1, 2005. No taxes are authorized to be collected under these ordinances until this time.

B. The Mayor and City Clerk in conjunction with the Advertising and Promotion Commission shall create for approval of the Conway City Council regulations governing the collection, accounting, and auditing, of these taxes and the enforcement of the collections of these taxes. (Ord. No. O-05-131, Secs. 1-2.)

Chapter 3.24
ENFORCEMENT AND COLLECTION OF A&P TAX

Sections:

3.24.01 Title and purpose
3.24.02 Applications of ordinances
3.24.03 Definitions
3.24.04 Administration and regulations
3.24.05 Permits
3.24.06 Application for permit
3.24.07 Permits not assignable, display required and expiration
3.24.08 Discontinuance of business-unpaid taxes
3.24.09 Revocation or suspension; renewal
3.24.10 Preparation of returns; payments of A&P tax
3.24.11 Discount for prompt payment
3.24.12 Additional penalties and tax
3.24.13 Examinations and investigations
3.24.14 Time limitation for assessment, collection, refunds and prosecution
3.24.15 Notice requirements
3.24.16 Assessment and collection of taxes generally
3.24.17 Proposed assessments
3.24.18 Taxpayer relief
3.24.19 Hearing on proposed assessments
3.24.20 Judicial relief
3.24.21 Issuance of certificate of indebtedness and exception
3.24.22 Injunction proceedings
3.24.23 Settlement or compromise of liability controversies
3.24.24 Release of property from lien
3.24.25 Violations
3.24.26 Criminal penalties
3.24.27 Severability
3.24.28 Commencement of enforcement

3.24.01 Title and purpose This ordinance shall be known and may be cited as the city of Conway A & P Gross Receipts Tax Collection and Enforcement ordinance.

The purpose of this ordinance is to provide the procedures for the enforcement and collection of the taxes levied and administered by the city with the adoption of Ord. No. O-00-01, Ord. No. O-05-97, Ord. No. O-05-98, and Ord. No. O-05-131 pursuant to Act 185 of 1965, and as subsequently amended. (Ord. No. O-05-142, Sec. 1.)

3.24.02 Applications of ordinances The provisions of this ordinance shall be cumulative to the Arkansas Gross Receipts Acts of 1941, A.C.A. 26-52-101, *et seq.* and the Arkansas Tax Procedure Act 26-18-101, *et. seq.*, the provisions of which so far as is practicable, shall be deemed incorporated herein as applicable with respect to the enforcement and collection of the A&P tax. (Ord. No. O-05-142, Sec. 2.)

3.24.03 Definitions The following word, and phrases, except where the context clearly indicates the application of different meaning, when used in this ordinance shall have the following meanings:
A&P tax means the gross receipts tax levied by the city pursuant to Act 185 of 1965 and as subsequently amended.

Assessment means a tax is assessed when it is recorded as the liability of a taxpayer on the Commission's records. The assessment becomes a first assessment following the decision of the Commission or a hearing officer, if the assessment is protested.
Business agent means the designated agent of the Commission in charge of its books, accounts, and financial affairs and is authorized to act on behalf of the Commission in the performance of its duties.

Business entity means a corporation, associated partnership, joint venture, limited liability company, limited liability partnership trust or other legal business entity.

Commission means the city Advertising and Promotion Commission of Conway, Arkansas, and any representative designated by the Commission to perform any function hereunder.

Commission offices means the address and offices designated by the Commission as its official place of business.

City means the city Conway, Arkansas.

Delinquency date means the A&P tax is delinquent and subject to penalty on the first day of the month following the month it was due.

Due date means the A&P tax is due and payable on the first day of each calendar month following the month the tax is imposed on gross receipts.

Discount date means the date by which early payment of the A&P tax would allow to the taxpayer a discount, spelled out by provisions herein, off the full remittance of the tax for the month.

Person means any natural person, firm, corporation or other business entity.

Taxpayer means any person liable to remit the A&P tax.
(Ord. No. O-05-142, Sec. 3.)

3.24.04 Administration and regulations The administration of this ordinance is vested in the Commission and the Commission shall promulgate rules and regulations and prescribe all forms as are necessary or required for the enforcement and collection of the A&P tax. (Ord. No. O-05-142, Sec. 4.)

3.24.05 Permits

A. It shall be unlawful for any person to transact in the city a business which is subject to the A&P tax prior to the issuance and receipt of an A&P tax permit from the Commission.

B. A separate A&P tax permit must be obtained from the Commission for each location whereat the person conducts a business which is subject to the A&P tax.

C. An A&P tax permit shall have no stated terms.
(Ord. No. O-05-142, Sec. 5.)

3.24.06 Application for permit Any person transacting in the city a business which is subject to the A&P tax shall file with the Commission an application for an A&P tax permit to conduct that business, the form and contents of which applications shall be as prescribed by the Commission from time to time. (Ord. No. O-05-142, Sec. 6.)

3.24.07 Permits not assignable, display required and expiration

A. The A&P tax permit shall not assignable and shall be valid only for the person in whose name it is issued and for the location thereon designated.

B. The A&P tax permit shall at all times be conspicuously displayed at the location thereon assigned.

C. The A&P tax permit shall expire at the time of cessation of the business of the taxpayer at the location designated thereon.

D. It shall be unlawful for any person subject to the A&P tax to transact business within the city when their A&P tax permit is expired. (Ord. No. O-05-142, Sec. 7.)

3.24.08 Discontinuance of business-unpaid taxes

A. Any taxpayer operating under an A&P tax permit, upon discontinuance of the business at the location thereon, shall return the A&P tax permit to the Commission for cancellation together with remittance of any unpaid and accrued A&P taxes.

B. Failure to surrender the A&P tax permit and pay any and all accrued A&P taxes shall be sufficient cause for the Commission to refuse the issuance of any A&P tax permit in the future to the taxpayer.

C. In the case of the sale of any business which is subject to the A&P tax, the A&P tax shall be deemed to be due and payable at the time of the sale of fixtures and equipment incident to the business and shall constitute a lien against the said

fixtures and equipment in the hands of the purchaser of the business until all A&P taxes have been paid. (Ord. No. O-05-142, Sec. 8.)

3.24.09 Revocation or suspension; renewal

A. Whenever a person to whom an A&P tax permit has been issued fails to comply with any provision of this ordinance, including any rule or regulation prescribed by the Commission from time to time, the Commission shall give notice to the person of an intention to revoke the A&P permit.

1. The person may, within ten (10) consecutive days after receipt of the Notice of Intent to Revoke the A&P tax permit, apply to the Commission for a hearing.

2. The hearing shall be conducted at a time and place to be designated by the Commission before such person as is designated by the Commission to conduct such hearing and the taxpayer shall be entitled to introduce testimony and be represented by counsel, and the designated representative of the Commission shall determine at the hearing whether the taxpayer A&P tax permit should be revoked.

3. Failure of the person to appear at the hearing shall be grounds for the Commission, acting through its designated representative, to revoke the taxpayers A&P tax permit.

C. The person shall be entitled, within thirty (30) consecutive days from the date of the revocation of the taxpayer's A&P tax permit, to appeal to the Circuit Court of Faulkner County, Arkansas, where the action shall be tried de novo.

D. It shall be unlawful any person subject to the A&P tax to transact business within the city when their A&P is revoked or suspended.

E. Any revoked or suspended permit may be renewed upon the filing of proper returns and the payment of all A&P taxes due or removal of any other cause of revocation or suspension. (Ord. No. O-05-142, Sec. 9.)

3.24.10 Preparation of returns; payments of A&P tax

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

B. It shall be the duty of the taxpayers on or before the discount date or twentieth day of each calendar month to deliver to the Commission, upon forms prescribed and

furnished by the Commission, returns under oath showing the total combined gross receipts or gross proceeds which are subject to the A&P tax for the preceding calendar month and the amount of tax due. The tax due shall be remitted with the return.

C. If not paid on or before the discount date or the twentieth (20th) day of the calendar month, the full amount of the A&P tax shall be due from that date; provided, however, no penalty for delinquency shall be assessed if payment thereof is made on or before the delinquency date or the first day of the calendar month next following. (Ord. No. O-05-142, Sec. 10.)

3.24.11 Discount for prompt payment

A. If the return is delivered on or before the discount date or the twentieth (20th) day of the calendar month following the month the tax is imposed on gross receipts, the taxpayer may remit therewith to the Commission ninety-eight percent (98%) of the A&P tax due on or before the discount date. A return is "delivered" on the date it is postmarked if it is delivered by the U.S. Postal Service.

B. Failure of the taxpayer to remit the A&P tax on or before the discount date shall cause the taxpayer to forfeit his claim to the discount and the taxpayer must remit to the Commission one hundred percent (100% of the amount of the A&P tax due, plus any penalty and interest accrued thereon). (Ord. No. O-05-142, Sec. 11.)

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

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

B. In addition to any penalty assessed hereunder, simple interest on any paid A&P tax shall be assessed at the rate of ten percent (10%) per annum from the delinquency date. (Ord. No. O-05-142, Sec. 12.)

3.24.13 Examinations and investigations

A. In the administration of this ordinance, the Commission or its designated representatives, for the purpose of determining the accuracy of a return or fixing any liability hereunder, may make an examination or investigation of the place of business, the tangible personal property, equipment, facilities, and the books, records, papers, vouchers, accounts, and documents of any taxpayer or other

person. Every taxpayer or other person and his agents and employees shall exhibit to the Commission or its designated representative these places and items and facilitate any examination or investigation.

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

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

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

D. In the administration of this ordinance, the Commission, its Executive Director, or its designated representative may:

1. Administer oaths, conduct hearing, and compel by summons the attendance of witness testimony, and the production of any books, records, papers, or other data of any person or taxpayer, or

2.

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

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

E.

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

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

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

F.

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

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

G.

1. The cost of producing records of a thirty party required by a summons shall be borne by the taxpayer if he requests the summons to be issued.

2. If the Commission or its designated representatives initiate the summons for third-party records, the Commission shall bear the reasonable cost of producing the records. The Commission or its designated representatives may later assess the cost against any delinquent or deficient taxpayer as determined by the records. (Ord. No. O-05-142, Sec. 13.)

3.24.14 Time limitations for assessments, collection, refunds and prosecution

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

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

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

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

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

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

G. No person shall be prosecuted, tried, or punished for any of the various criminal offenses arising under the provisions of this ordinance unless the indictment of the taxpayer is instituted within six (6) years after the commission of the offense. (Ord. No. O-05-412, Sec. 14.)

3.24.15 Notice requirements

A.

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

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

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

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

C. The Commission and any taxpayer may, by written agreement, provide for any other reasonable means of giving notice.

D. All notice shall be in writing. (Ord. No. O-05-142, Sec. 15.)

3.24.16 Assessment and collection of taxes generally

A.

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

2. The assessment shall be made by recording the liability of the taxpayer in the offices of the Commission in accordance with rules or regulation prescribed by the Commission.
3. Upon request of the taxpayer, the Commission shall furnish the taxpayer a copy of the record of the assessment.

B.

1. The Commission shall collect all A&P taxes imposed by law.

2. As soon as practicable after the making of assessment of the A&P tax, the Commission shall give notice to each person liable for the unpaid tax, stating the amount and demanding payment within ten (10) days.

3. Upon receipt of notice and demand from the Commission, the person liable for the tax shall pay the stated amount including any interest, additions to tax, and assessable penalties at the place and time stated in the notice and demand. (Ord. No. O-05-142, Sec. 16.)

3.24.17 Proposed assessment

A.

1. If any taxpayer fails to file any return as required hereunder, the Commission from any information in its possession or obtainable by it, may determine the correct amount of tax for the taxable period. If a return has been filed, the Commission or its designated representative shall examine the return and make any audit or investigation that is considered necessary.

2. When no return has been filed and the Commission determines that there is an A&P tax due for the taxable period or when a return has been filed and the Commission determines that the A&P tax disclosed by the return is less than the tax disclosed by its examination, the Commission shall propose the assessment of additional tax plus penalties, as the case may be, and shall give notice of the proposed assessment to the taxpayer. The notice shall explain the basis of the proposed assessment and shall state the final assessment, as provided herein, will be made if the taxpayer does not protest the proposed assessment as provided hereby. The taxpayer

does not have to protest the proposed assessment to later be entitled to exercise the right to seek a judicial review of the assessment.

B. Any demand for additional payment of the A&P tax which is made as the result of a verification of a mathematical error on the return shall not be deemed to be a proposed assessment under the provision of this section and shall not be subject to the hearing or appeal provisions of this section. (Ord. No. O-05-142, Sec. 17.)

3.24.18 Taxpayer relief

A. Any taxpayer who wishes to seek administrative relief from any proposed assessment of taxes or proposed notice of disallowance of a claim for refund by the Commission shall follow the procedure provided by this section.

B.

1. A taxpayer may at his option either request the Commission to consider his request for relief solely upon written documents furnished by the taxpayer or upon the written documents and any evidence produced by the taxpayer at a hearing.

2. A taxpayer who requests the Commission to render its decision based on written documents is not entitled by law to any other administrative hearing prior to the Commission's rendering of its decision and, if necessary, the issuing of a final assessment and demand for payment or issuing of a certificate of indebtedness.

C. Within thirty (30) days after service of notice of the proposed assessment, the taxpayer may file with the Commission a written protest under oath, signed by himself or his authorized agent, setting forth the taxpayer's reasons for opposing the proposed assessment.

D. The Commission may, in its discretion extend the time for filing a protest for any period of time not to exceed an additional ninety-day period. (Ord. No. O-05-142, Sec. 18.)

3.24.19 Hearing on proposed assessments

A.

1. The Commission's business agent or other designated representative shall serve as a hearing officer to review all written protests submitted by taxpayers, hold all hearings, and make written findings as to the applicability of proposed assessments.

2. Decisions of the hearing officer shall be final unless revised by the Commission.

3. The hearing on written and oral protests and determinations made by the hearing officer shall not be subject to the provisions of the Arkansas Administrative Procedure Act 25-15-201, *et seq.*

B. The actual hearing of the written protest shall be held in the Commission's offices or other location set forth in the notice thereof to the taxpayer.

C.

1. The hearing officer shall set the time and place for hearing on the written protest, and shall give the taxpayer reasonable notice thereof.
2. At the hearing the taxpayer may be represented by an authorized representative and may present evidence in support of his position.

3. After the hearing officer shall render hid decision in writing and shall serve copies upon both the taxpayer and the Commission.

4.

a. If the proposed assessment is sustained, in whole or part the taxpayer may request in writing, within twenty (20) days of the mailing of the decision, that the Commission revise the decision of the hearing officer.

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

c. A taxpayer may seek relief from the final decision of the hearing officer or the Commission on a final assessment of a tax deficiency by following the procedure set forth in 3.20.20.

D.

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

a. Is in the best interest of the taxpayer and the Commission

b. Is agreed by both parties

c. Is not officially unsound or administratively burdensome, and

d. Is in compliance with state law.

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

3. Any person who enters into a contract with the Commission to provide services to conduct bearings by telephone, video, or other electronic means shall be subject to the laws of the state of Arkansas. (Ord. No. O-05-142, Sec. 19.)

3.24.10 Judicial relief

A. Within thirty (30) days after the issuance and service on the taxpayer of the notice and demand for payment of a deficiency in tax established by (1) an audit determination that is not protested by the taxpayer, or (2) a final determination of the hearing officer or the Commission; taxpayer may seek judicial relief from the final determination by either:

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

2.

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

b. The bond shall be subject to the condition that the taxpayer shall file suit within "thirty" (30) days after filing of the bond, shall faithfully and diligently prosecute the suit to a final determination, and shall pay any deficiency found by the court to be due and any court cost assessed against him.

c. A taxpayer's failure to file suit, diligently prosecute the suit, or pay any tax deficiency and court costs, as required by subsection (A) of this section, shall result in the forfeiture of the bond in the amount of the assessment and assessed court costs.

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

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

D. In any court proceedings under this section the prevailing party may be awarded a judgment for court cases. (Ord. No. O-05-142, Sec. 20.)

3.24.21 Issuance of certificate of indebtedness and exception

A.

1.

a. If a taxpayer does not timely and properly pursue his remedies seeking relief from a decision of the Commission or hearing officer and a final assessment is made against the taxpayer, or if the taxpayer fails to pay the deficiency assessed upon notice and demand, then the Commission through its authorized representative shall, as soon as practicable thereafter, issue to the Circuit Clerk of any county of the state in which the taxpayer's business is located a certificate of indebtedness certifying that the person named therein is indebted to the Commission for the amount of the tax established by the Commission as due.

b. If a taxpayer has a delinquent A&P tax liability to the Commission of less than One Thousand Dollars ($1,000.00), the Commission or its hearing officer may enter into an agreement with the taxpayer to allow the taxpayer to pay the delinquency in installments. The Commission or its hearing office may choose not to issue a certificate of indebtedness during the period of the installment agreement if he determines that it is in the best interest of the Commission.

2. The Circuit Clerk shall enter immediately upon the Circuit Court judgment docket:

a. The name of the delinquent taxpayer
b. The amount certified as being due
c. The name of the tax, and
d. The date of entry upon the judgment docket.

3.

a. The entry of the certificate of indebtedness shall have the same force and effect as the entry of a judgment rendered by the Circuit Court. This entry shall constitute the Commission lien upon the title of any real and personal property of the taxpayers in the county where the certificate of indebtedness is recorded.

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

c. The certificate of indebted ness authorized by this subsection shall continue in force for ten (10) years from the date of recording and shall automatically expire after the ten-year period has run. Actions on the lien on the certificate of indebtedness shall be commenced within ten (10) years after the date of recording of the certificate, and not afterward.

B.

1. After entry of the certificate, the Circuit Clerk shall issue a writ of execution directed to the Commission, authorizing the Commission to levy upon and against all real and personal property of the taxpayer.

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

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

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

C.

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

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

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

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

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

D.

1. In addition to the remedies provided in subsections (B) and (C) of this section, the Commission may direct the Circuit Clerk to issue a writ of execution directed to the Sheriff of any county authorizing the Sheriff to levy upon and against all real and personal property of the taxpayer. The writ shall be issued, served and executed in the same manner as provided for in the issuance and service of executions rendered by the Circuit Courts of this state.

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

3. The Commission may contract with persons inside or outside the state to help the Commission collect delinquencies of resident or non-resident taxpayers. (Ord. No. O-05-142, Sec. 21.)

3.24.22 Injunction proceedings When a return required hereunder has not been filed or does not furnish all the information required by the Commission or when the A&P taxes imposed by law have not been paid or when any required license or permit has not been secured, the Commission may institute any necessary action or proceeding in a court of competent jurisdiction in Faulkner County to enjoin the person or taxpayers from continuing operations until the report or return has been filed, required licenses or permits secured, or taxes paid as required. The injunction shall be issued without a bond being required from the Commission. (Ord. No. O-05-142, Sec. 22.)

3.24.23 Settlement or compromise of liability controversies

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

1. The controversy is over the amount of tax due; or

2. The inability to pay results from the insolvency of the taxpayer.

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

1. If the taxpayer's failure to pay the tax is satisfactorily explained to the Commission; or

2. If the failure results from a mistake by the taxpayer of either the law or the facts subjecting him to such tax; or

3. If the inability to pay the interest or penalty results from the insolvency or bankruptcy of the taxpayer.

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

D. The Commission shall promulgate rules and regulations establishing guidelines for determining whether a proposed offer of compromise is adequate and acceptable to resolve a tax dispute. (Ord. No. O-05-142, Sec. 23.)

3.24.24 Release of property from lien

A. Upon written application by any person, the Commission may release any property from the lien imposed by any assessment, order, judgment, or certificate of indebtedness obtained by or from any levy made by it if:

1. Either full payment is made to the Commission of the sum it considers adequate consideration for the release; or

2. Adequate security deposit is made with the Commission to secure the payment of the debt evidenced by the lien.

B. When the Commission determines that its assessment certificate of indebtedness or judgment is clouding the title of property because of error in the description of properties or similarity in names, the Commission may issue a release without the payment of any consideration.

C. The Commission's release shall be given under its seal and filed in the office of the Circuit Clerk in the county in which the lien is filed, or it shall be recorded in any office which conveyances of real estate may be recorded. (Ord. No. O-05-142, Sec. 24.)

3.24.25 Violations Any person subject to the A&P tax who is transacting business within the city without a valid A&P tax permit shall be guilty of a violation which shall be punishable up to a Five Hundred Dollar ($500.00) fine. Each day a person transacts business within the city without a valid A&P permit shall constitute a separate violation. (Ord. No. O-05-142, Sec. 25.)

3.24.26 Criminal penalties Sanctions for any taxpayer who willfully attempts to evade or defeat the payment of the A&P tax or who assist any taxpayer to evade or defeat the payment, or otherwise fails to file a report, fails to pay the tax, or makes a false or fraudulent report, return, statement, claim, application or other instrument required by the Commission in connection with the A&P tax or makes a false answer to any question from the Commission or its designed representative concerning the A&P tax, neglects to answer a subpoena to appear and answer questions about records for the A&P tax, or who acts or fails to act in conformance with the provision of the Arkansas Tax Procedure Act as that Act applies to the A&P tax, shall be subject to penalties set forth in A.C.A. 26-18-101 to 105; 26-10-201 to 212 (Michie Repl. 1997 and Supp. 1999), as they exist on the date of the passage of this ordinance, or as they may be amended by the General Assembly and are in effect on the date of any such violation. (Ord. No. O-05-142, Sec. 26.)

3.24.27 Severability The provision of this ordinance are hereby declared to be severable. If any provision shall be held to be invalid or to be inapplicable to any persons or circumstances, such invalidity or inapplicability shall not affect the remainder of the provisions of this ordinance. (Ord. No. O-05-142, Sec. 27.)

3.24.28 Commencement of enforcement The effective date of this ordinance shall be governed by the emergency clause, and enforcement of this ordinance shall be suspended until November 1, 2005, however all A&P permits shall be displayed by December 1, 2005. (Ord. No. O-05-142, Sec. 28.)

Chapter 3.82
Identity Theft Prevention Program

Sections:

3.82.01 Short Title
3.82.02 Purpose
3.82.03 Definitions
3.82.04 Findings
3.82.05 Process of Establishing a Covered Account
3.82.06 Access to Covered Account Information
3.82.07 Credit Card Payments
3.82.08 Sources and Types of Red Flags

3.82.09 Prevention and Mitigation of Identity Theft
3.82.10 Updating the Program
3.82.11 Program Administration
3.82.12 Outside Service Providers

3.82.01 Short Title This article shall be known as the Identity Theft Prevention Program.

3.82.02 Purpose The purpose of this Article is to comply with 16 CR § 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such re flags in a manner that will prevent identity theft.

3.82.03 Definitions For purposes of this Article, the following definitions apply*:

a) 'City' means the City of Conway, Arkansas
b) 'Covered account' means personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and (ii) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.
c) 'Credit' means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.
d) 'Creditor' means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.
e) 'Customer' means an person that has covered account with a creditor.
f) 'Identity theft' means a fraud committed or attempted using identifying information of another person without authority.
g) 'Person' means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.
h) 'Personal Identifying Information' means a person's credit card account information, debit card information, bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.
i) 'Red flag' means a pattern, practice, or specific activity that indicates the possible existence of identity theft.
j) "service provider' means a person that provides a service directly to the city.

**Other than "city" and "personal identifying information", definitions provided in this section are based on the definitions provided in 16 CFR § 681.2.*

3.82.04 Findings

1. The city is a creditor pursuant to 16 CFR § 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears
2. Covered accounts offered to customers for the provision of city services include sanitation service fees, building and inspection permits and related fees, and potentially business and occupation license fees.
3. The City has not had previous experience with identity theft related to covered accounts but is required by the Federal Trade Commission to adopt ordinances of this nature.
4. The process of opening a new covered account, restoring an existing covered account, making payments on such accounts, have been identified as potential processes in which identity theft could occur.
5. The city limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the city's computer system and is not otherwise recorded.
6. The city determines that there is a risk of identity theft occurring in the following ways:
    a. Use by an applicant of another person's personal identifying information to establish a new covered account;
    b. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
    c. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts;
    d. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment.

3.82.04 Process of Establishing a Covered Account

1. As a precondition to opening a covered account in the City, each applicant shall provide the city with personal identifying information of the customer: (1) a valid government issued identification card containing a photograph of the customer or, for customers who are not natural persons, a photograph of the customer's agent opening the account; or (2) if deemed necessary by the department, such applicant shall also provide any information necessary providing the service for which the covered account is created to access the applicant's consumer credit report. Such information shall be entered directly into the city's computer system and shall not otherwise be recorded.
2. each account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The city may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs.

3.82.05 Access to Covered Account Information

1. access to customer accounts shall be password protected and shall be limited to authorized city personnel.
2. such password(s) shall be changed by the director of the department providing the service for which the covered account is created, or if department director is not available by the director of information technology, or department director designee on a regular basis,

shall be at least 8 characters in length and shall contain letters, numbers and symbols.

3. any unauthorized access to or other breach of customer accounts is to be reported immediately to the Mayor and Department Head and the password changed immediately.
4. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the Mayor or department Head and the City Attorney.

.**3.82.07 Credit Card Payments**

1. in the event that credit card payments that are made over the internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.
2. all credit card payments made over the telephone or the city's website shall be entered directly into the customer's account information in the computer data base.
3. account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered accounts.

3.82.08 Sources and Types of Red Flags all employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

1. Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include but are not limited to:
    a. A fraud or active duty alert that is included with a consumer report;
    b. A notice of credit freeze in response to a request for a consumer report;
    c. A notice of address discrepancy provided by a consumer reporting agency;
    d. Indication of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
        i. A recent and significant increase in the volume of inquiries;
        ii. An unusual number of recently established credit relationships;
        iii. A material change in the use of credit, especially with respect to recently established credit relationships; or
        iv. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

2. Suspicious documents. Examples of suspicious documents include:
    a. Documents provided for identification that appear to be altered or forged;
    b. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
    c. Identification on which the information is inconsistent with information provided by the applicant or customer;
    d. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a

signature card or a recent check; or

e. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

3. Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:
    a. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:
        i. The address does not match any address in the consumer report; or
        ii. The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
    b. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth
    c. Personal identifying information or a phone number of address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.
    d. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.
    e. The SSN provided is the same as that submitted by other applicants or customers.
    f. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.
    g. The applicant tor customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
    h. Personal identifying information is not consistent with personal indentifying information that is on file with the financial institution or creditor.
    i. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

4. unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:
    a. Shortly following the notice of a change of address for an account, city receives a request for the addition of authorized users on the account.
    b. A new revolving credit account is used in a manner commonly associated with known patters of fraud patters. For example:
        i. The customer fails to make the first payment or makes an initial payment but no subsequent payments.
    c. An account is used in a manner that Is not consistent with established patters of activity on the account. There is, for example:
        i. Nonpayment when there is no history of late or missed payments;
        ii. A material change in purchasing or spending patters;
    d. An account that has been inactive for a long period of time is used, taking into consideration the type of account, the expected pattern of usage and other relevant

factors.

e. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
f. The city is notified that the customer is not receiving paper account statements.
g. The city is notified of unauthorized charges or transactions in connection with a customer's account.
h. The city is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.

5. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts.

3.82.09 Prevention and Mitigation of Identity Theft

1. In the event that any city employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probably, such employee shall immediately report such red flags to Mayor or Department Head. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Mayor, who may in his or her discretion determine that no further action is necessary. If the Mayor in his or her discretion determines that further actions is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the Mayor:

    a. Contact the customer;
    b. Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account:
        i. Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
        ii. Close the account;
    c. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector the event that the customer's account has been accessed without authorization and such access has cause additional charges to accrue;
    d. Notify a debt collector within a reasonable time and to use best efforts to do so within 24 hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
    e. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing

personal identifying information; or

f. Take other appropriate action to prevent or t=mitigate identity theft.

2. In the event that any city employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probably, such employee shall immediately report such red flags to the Mayor or the Department Head. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Mayor, who may in his discretion determine that no further action is necessary. If the Mayor in his or her discretion determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the Mayor.

    a. Request additional identifying information from the applicant;
    b. Deny the application for the new account;
    c. Notify law enforcement of possible identity theft; or
    d. Take other appropriate action to prevent or mitigate identity theft.

3.82.10 Updating the Program The city council shall annually review and , as deemed necessary by the council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the city and its covered accounts from identity theft. In so doing, the city council shall consider the following factors and exercise its discretion in amending the program:

1. The city's experiences with identity theft;
2. updates in methods of identity theft;
3. \updates in customary methods used to detect, prevent and mitigate identity theft;
4. \updates in the types of accounts that the city offers or maintains; and
5. updates in service provider arrangements.

3.82.11 Program Administration The City Clerk-Treasurer is responsible for oversight of the program and for program implementation. The Mayor is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of Mayor, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the city council for consideration by the council.

1. the City Clerk-Treasurer will report to the Mayor at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:
    a. the effectiveness of the policies and procedures of city in addressing the risk of identity theft in connection with the opening of covered accounts;

b. service provider arrangements;
c. significant incidents involving identity theft and management's response; and
d. recommendations for material changes to the Program.

3.82.12 Outside Service Providers In the event that the city engages a service provider to perform an activity in connection with on or more covered accounts the City Clerk-Treasurer shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flats that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft. (Ord. No. O-09-60)

Chapter 3.83
Treatment of Address Discrepancies

Sections:

3.83.01 Short Title
3.83.02 Purpose
3.83.03 Definitions
3.83.04 Policy
3.83.05 Furnishing Consumer's Address to Consumer Reporting Agency
3.83.06 Methods of Confirming Consumer Addresses

3.83.01 Short Title Treatment of Address Discrepancies

3.83.02 Purpose Pursuant to 16 CFR § 681.1, the purpose of this Article is to establish a process by which the city will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the city has received a notice of address discrepancy.

Definitions For the purpose of this article, the following definitions apply:

1. 'Notice of address discrepancy' means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. § 1681(c)(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address (es) in the agency's file for the consumer.
2. 'City' means City of Conway, Arkansas.

3.83.04 Policy In the event that the city receives a notice of address discrepancy, the city employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

1. Compare the information in the consumer report with:
   a. Information the city obtains and uses to verify a consumer's identity in

accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. § 5318(l);

   b. Information the city maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
   c. Information the city obtains from third-party sources that are deemed reliable by the relevant city employee; or

2. Verify the information in the consumer report with the consumer.

3.83.05 Furnishing Consumer's Address to Consumer Reporting Agency

1. In the event that the city reasonably confirms that an address provided by a consumer to the city is accurate, the city is required to provide such address to the consumer reporting agency from which the city received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:
   a. The city is able to form a reasonable belief that the consumer report relates to the consumer about whom the city requested the report;
   b. The city establishes a continuing relation with the consumer; and
   c. The city regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.
2. such information shall be provided to the consumer reporting agency as part of the information regularly provided by the city to such agency for the reporting period in which the city establishes a relationship with the customer.

3.83.06 Methods of Confirming Consumer Addresses The city employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

1. Verifying the address with the consumer;
2. Reviewing the city's records to verify the consumer's address;
3. Verifying the address through third party sources; or
4. Using other reasonable processes.

(Ord. No. O-09-60)

TITLE 4
BUSINESS LICENSES AND REGULATIONS

Chapters:

4.04 Advertising
4.08 Ambulance Service
4.12 Beverage Permit
4.28 Skating Rinks
4.32 Sunday Sales
4.36 Taxicabs
4.40 Electric Franchise
4.42 Electric Plant Lease
4.44 Gas Franchise Taxes
4.48 Telephone Franchise
4.52 Payment by Act 9 Industries
4.56 Wrecker Franchise
4.60 Yard Sales
4.64 Cable Television
4.72 Alltel Communications Franchise
4.76 Pawnshops
4.80 Franchise to Conway Regional Medical Center
4.84 Franchise to LightCore
4.85 Ice Cream Vendors

Chapter 4.04
ADVERTISING

Sections:

4.04.01 Billboards, license for required
4.04.02 Billboards, construction of regulated
4.04.03 Billboards defined
4.04.04 Unlawful to distribute advertising matter without license
4.04.05 Application for permit
4.04.06 Permits, fees for
4.04.07 Certain properties excepted
4.04.08 Permits, how granted
4.04.09 Penalty

4.04.01 Billboards, license for required. It shall be unlawful to erect any billboard, post any bills, notices or advertisements, of any kind whatsoever, except legal notices, upon any building, fence, telegraph or telephone poles, or structures of any kind in the city except as provided in Sections 4.04.02 and 4.04.03 hereof. (Ord. No. A-148, Sec. 1)

4.04.02 Billboards, construction of regulated. Any person, firm or corporation who shall desire to erect or maintain any billboard, or boards in the city of the dimensions of not more than 24 feet long and 11 feet high, shall first obtain the permission of the mayor to place or erect and maintain such billboard or billboards, and after securing the permission of the mayor and before the erection, placing or maintaining said billboard or billboards, shall pay as an annual license the sum of Five ($5.00) Dollars for each and every billboard so placed, erected or maintained. Billboards whose dimensions are greater than those given above shall be placed, erected or maintained only after securing the permission of the mayor of the city and shall pay an annual license of Ten ($10.00) Dollars for each and every such billboard so erected or maintained. The annual license shall be paid to the clerk/treasurer of the city and his receipt taken therefore. (Ord. No. A-148, Sec. 2)

4.04.03 Billboards defined. A billboard is hereby defined as any board wall, fence, building or other structure made of any kind of material, whatsoever, on which any bills may be posted, provided, however, that nothing shall be construed as preventing any owner or lessee of any building from placing an advertisement or sign on said building advertising the kind of business being conducted there. (Ord. No. A-148, Sec. 3)

4.04.04 Unlawful to distribute advertising matter without license. It shall be unlawful for any person, firm or corporation to engage in outdoor advertising or to post or distribute bills, circulars, bulletins, or use other means of outdoor advertising, or to post or distribute advertising literature of any nature whatsoever in any manner on the streets of the city without first obtaining a license therefore. (Ord. No. A-168, Sec. 1)

4.04.05 Application for permit. Every person, firm or corporation before engaging in such advertising as mentioned in Sec. 4.04.04 shall make an application for a permit for such advertising to the clerk/treasurer of the city in which application the applicant shall give the following information: name, address, type of advertising, method of advertising, location of advertising, and quantity and period of advertising. (Ord. No. A-168, Sec. 2)

4.04.06 Permits, fees for. Upon said application being properly filed with said clerk/treasurer same shall be submitted to the mayor for approval, and if such application be approved by the mayor, a license fee for such advertising shall be determined for such applicant by the mayor said fee not to be less than the sum of Two ($2.00) Dollars nor more than Fifty ($50.00) Dollars for each day, for the period of time as specified in said application. (Ord. No. A-168, Sec. 3)

4.04.07 Certain properties excepted. Specifically excepted herein is advertising done by any person, firm or corporation upon property of which such person, firm, or corporation is in lawful possession. (Henry's Digest, Sec. 10)

4.04.08 Permits, how granted. Upon payment by such applicant of the fee as determined by the mayor, the applicant will be furnished with a permit stating the period, quantity, type, and location of the advertising to be done by the applicant. (Ord. No. A-168, Sec. 4)

4.04.09 Penalties Every person, firm or corporation violating any of the provisions of Sections 4.04.04 to 4.04.08 inclusive, shall be deemed guilty of a misdemeanor upon conviction in

District Court shall be fined in any sum not less than Five ($5.00) Dollars nor more than Fifty ($50.00) Dollars. (Ord. No. A-168, Sec. 5)

CHAPTER 4.08
AMBULANCE SERVICE

Sections:

4.08.01 Definitions
4.08.02 Exclusive franchise recognized
4.08.03 Purpose and general intent
4.08.04 Operation on fee or for-hire basis
4.08.05 Exemptions
4.08.06 Medical director generally
4.08.07 Intracity ambulance service
4.08.08 Deviation from medical protocol
4.08.09 Control by the City Council
4.08.10 Management options and mandatory requirement
4.08.11 Physician supervision and medical quality control
4.08.12 Standards of production and performance
4.08.13 First Responder Program
4.08.14 Vehicle permits
4.08.15 Ambulance and dispatch personnel certification required
4.08.16 Insurance
4.08.17 Fees
4.08.18 Patient management and management of scene
4.08.19 Protocol for determining destination facility
4.08.20 Medical audit and investigation of consumer complaints
4.08.21 Provision for special use licensure
4.08.22 Conflict of intersect
4.08.23 Penalty

4.08.01 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:

Advanced Life Support (ALS) means a level of emergency services provided by an emergency Medical Technician-Paramedic (EMT-P) trained at the level of Advanced Life Support, including resuscitation techniques such as intubations, intravenous access and cardiac monitoring.

Ambulance means any motor vehicle equipped with facilities to convey infirm or injured persons in a reclining position.

Ambulance Authority or the Authority means the City Council for the city of Conway. The ambulance authority includes the Metropolitan Emergency Medical Service, or "MEMS."

Ambulance Contractor or Contractor means the private ambulance company, if any, that contracts with the authority to provide ambulance services to the city operating alone or pursuant to any inter-local agreements approved by the Mayor and/or city Council with the county, adjoining counties and other municipalities within the counties.

Ambulance Control Center means the facility designated by the authority from which all ambulance are dispatched and controlled.

Ambulance District means any of the geographic subdivisions of the city and other contracted areas established for ambulance service planning and evaluation purposes by the ambulance authority.

Ambulance Patient means any person who is ill, infirm, injured or otherwise incapacitated, bedridden or helpless and requires or requests ambulance service or helicopter rescue service to or from a hospital, physician's office, nursing home or other health care facility.

Ambulance Personnel means paramedics and emergency medical technicians.

Ambulance run means a patient transport by ambulance on a for-hire fee for service or prepaid capitation basis.

Ambulance Service means any business or service established to transport patients from one (1) place to another within the city or other contracted areas by an ambulance.

Ambulance Service Area means that area which is contained within the boundaries of the municipal limits of the city and the area of those jurisdictions participating by inter-local agreement in the MEMS' System.

Arkansas Emergency Physicians I Foundation or AEPF, Inc. means the non-profit professional and charitable organization composed of licensed physicians, a majority of whom are regularly engaged in full-time professional practice of emergency medicine. This term may apply to this organization, or any similar organization or a separate board created by the city.

Basic Life Support (BLS) means a physician licensed under the Arkansas Medial Practices Act (A.C.A. 17-93-201, et seq.) and certified by the AEPF, Inc., or the American College of Emergency Physicians, or operating under the suspension of such a physician.

Dispatcher means any person who works in the ambulance control center and dispatches ambulances.

Driver means any person who is certified by the license officer to drive ambulances in the city.

Emergency Medical Technician or EMT means any person certified by the state as an emergency medical technician.

Exclusive Franchise means the exclusive right to engage in all emergency and non-emergency

intercity patient transports and intercity and inter-country patient transports originating from within the city. This definition also includes the authority's operating area as established by inter local agreement.

First Responder means any person capable of providing qualified first responder emergency care required by the AEPF, Inc.

Intercity patient transport means an ambulance run which transports a patient from a point within the city to another city, or from another city to a point inside the city.

Intercity patient transport means an ambulance run which transports patient from one point to another within the city.
License officer means the authorized agent of the city.

Life-threatening emergency means any situation posing immediate threat to human life as determined in accordance with AEPF, Inc. protocols.

Medical audit means an official inquiry into the circumstances involving an ambulance run on request from service.

Medical control means medical direction given ambulance personnel by a base station physician through direct voice contact.

Medical protocol means any diagnosis-specific or problem-oriented written statement of standard procedure, or algorithm, approved by the AEPF, Inc. as the normal standard used to determine level of response, pre-arrival instruction and of pre-hospital care for the given clinical condition.

Non-life threatening emergency means an emergency situation which does not pose an immediate threat to human life as determined in accordance with AEPF, Inc. protocols.

Operations contractor means the person, if any, granted an exclusive contract by the ambulance authority to operate the city ambulance service system.

Paramedic means a person certified by the state as a paramedic.

Response time means the actual elapsed time between receipt of notification at he EMS control center that an ambulance is needed at an identifiable location and the arrival of an ambulance at that location.

Run Code 1-Presumptive designation means an ALS ambulance service request designated as a time critical, life-threatening emergency situation by a dispatcher as designated in accordance with AEPF, Inc. telephone and dispatch protocols.

Run Codes, other-Presumptive designation means any ambulance service request for ambulance transportation of a person whose apparent condition cannot appropriately be designated as either

code 1 or 2 as designated in accordance with AEPF, Inc. telephone and dispatch protocols. This includes routine non-emergency transports. The response to this ambulance service request may be either ALS or BLS, as designated in accordance with AEPF, Inc. telephone and dispatch protocols.

Senior paramedic in charge means that individual among the certified personnel on board an ambulance unit who is not the driver and who is a paramedic currently certified under state law, and who is designated by his employer or immediate supervisor as the individual in command of the ambulance and its operation.

Special use permit means a permit issued by the license officer to hospitals serving the public for the provision of specialized mobile intensive care services to clinically defined patient populations (such as neonatal transport), and permits issued pursuant to 4.08.21 (C).

System status management means the formal and orderly process of continuously locating ambulance units available for dispatch among post locations throughout the geographic area being served to maintain the best possible readiness configuration at all times. (Ord. No. O-06-33, Sec. 1).

4.08.02 Exclusive franchise recognized By resolution adoption by the City council on January 19, 2004, the city of Conway has awarded an exclusive franchise to MEMS to provide an advanced life support (ALS) ambulance service on a fee for service basis in the city of Conway for a term of five (5) years. Said resolution is hereby ratified and confirmed in all respects. (Ord. No. O-06-33, Sec. 2.)

4.08.03 Purpose and General Intent

A. Purpose. It is the purpose of this article to establish a regulated ambulance service system that can provide each ambulance patient with the best possible chance of survival without disability or preventable complication.

B. General Intent. It is the intent of the City council of the city that:

1. Exclusivity is mandatory because it is neither fair nor financially feasible require a high level of emergency performance from one (1) ambulance company while simultaneously allowing other ambulance companies to select certain preferred non-emergency business.

2. Substantive regulation requiring clinical excellence and city-wide lifesavings response time performance cannot reasonably be imposed on a unsubsidized ambulance company without simultaneously granting that ambulance company an exclusive contract to furnish all ambulance service, both emergency and non-emergency, to residents of the city.

3. The ambulance authority may select a private ambulance company for an exclusive contract to provide ambulance personnel to operate the ambulance

service in the city. The ambulance company shall provide the ambulance personnel necessary to operate the equipment owned by the authority and to provide those management functions delegated to it under contract by the ambulance authority. The ambulance authority shall own, or serve, as a primary lessee of all ambulance and communication equipment, do all billings and collections and shall provide all administrative oversight for the ambulance service system. Nothing in this paragraph shall prevent the ambulance authority from operating the ambulance eservice and providing its own personnel.

4. This article will:

   a. Furnish *bona fide* monitoring and medical control of present ambulance operations.
   b. Allow the city to contract with Arkansas Emergency Physicians' Foundation to develop written medical standards, protocols, controls, audits, and system evaluation and to provide complete medical control over and evaluation of the city ambulance service system.
   c. Require the development of a first responder program.

5. The ambulance authority shall be require to:

   a. Designate a single EMS control center in the city or county from where all ambulance, dispatching shall take place.
   b. Purchase an appropriate complete communication and recording system.
   c. Design the communication system and control center operation to allow for full time recording of all ambulance-related radio and telephone traffic. (Ord. No. O-06-33, Sec. 3)

4.08.04 Operation on fee or for-hire basis Except as provided herein, no person, or entity, public or private, shall operate an ambulance to transport the sick, injured or infirm on a fee or for-hire basis, regardless of whether an emergency or routine non-emergency patient transport, upon any street within the city or other contracted areas. (Ord. No.. O-06-33, Sec. 4)

4.08.05 Exemptions An ambulance service license shall not be required for ambulance services which are:

A. Owned and operated by an agency of the United States government.

B. Rendering requested assistance to ambulance currently licensed in cases of disaster or major emergency too great for local resources, or in response to provisions of a written mutual aid agreement approved by the ambulance authority.

C. Engaged in inter-county or intercity patient transport to or from facilities within the city and its franchise area extended by inter-local agreement but which ambulance run begins and ends anywhere outside the city and its franchise area.

D. rendering ambulance services under contract with the authority.

E. Private companies which use an ambulance solely for the transportation of their employees for illness or injury sustained while performing their work.

F. Operating a privately owned ambulance designed especially for the transportation of the infirm or physically handicapped where the ambulance is used solely for the benefit of the owner and not for-hire on a fee for service or prepaid basis.

G. Ambulances owned and operated by a licensed hospital and used exclusively for specialized mobile intensive care or for institutional transfers of their own admitted patients, or residents, provided such hospital shall apply for and receive a special use mobile intensive care license or be eligible for grandfather licensing, as provided for herein. Such special use permit is non-transferable by the hospital. (Ord. No. O-06-33, Sec. 5)

4.08.06 Medical director generally The medical director shall be a licensed physician selected by the AEPF, Inc., or a similar organization. He or she shall serve at the pleasure of same. (Ord. No. O-06-33, Sec. 6)

4.08.07 Intra-city Ambulance Service It shall be unlawful for any person, or entity public or private, to operate an intra-city ambulance service which provides emergency or non-emergency pre-hospital care or patient transports except as specifically allowed pursuant to the provisions of this article. (Ord. No. O-06-33, Sec. 7)

4.08.08 Deviation from medical protocol Base stations physicians may, for cause, deviate from approved medical protocol in a specific case where authorized deviation is warranted by special circumstances. (Ord. No. O-06-33, Sec. 8)

4.08.09 Control by the City Council The authority is authorized to operate the city ambulance service system under the supervision and control of the City Council. (Ord. No. O-06-33, Sec. 9)

4.08.10 Management options and mandatory requirements Mandatory requirements for exclusive contract method are as follows:

A. The ambulance authority shall operate, or cause to be operated, a licensed ambulance service system for the city, and for neighboring areas, if appropriate contractual relationships can be developed with those neighboring areas for the equitable sharing of equipment costs, operating costs, medical costs, control and audit costs and management costs. The service operated by the authority shall have the following characteristics:

1. The services rendered must at all times be in compliance wit the provisions of this article.

2. All emergency equipment utilized in this service must be owned by or

leased to the authority as primary lessee.

3. All billing or collection functions, including but not limited to all legal proceedings which are necessary, shall be performed by the authority.

B. The authority shall own, or be primary lessee of, all ambulance and communication equipment, do all billings and collections and shall provide administrative oversight for the ambulance service system. The AEPF, Inc. shall provide all medical advice, medical controls, medical audit and medical oversight. (Ord. No. O-06-33, Sec. 10)

4.08.11 Physician supervision and medical quality control

A. Advisory contract The Mayor may contract with AEPF, Inc., or any similar organization to provide medical advice to the authority and physician supervision and medical quality control over the city ambulance service system.

B. AEPF, Inc. generally

1. Powers and duties. The powers and duties of the AEPF, Inc. are generally to provide the authority with information about the necessary elements of the city ambulance service system and to:

a. Establish reasonable standards of production and patient care, including standards for vehicles and on-board equipment.
b. Make official recommendations to the authority and to the City Council
c. Establish medical protocols.
d. Establish standards, procedures and protocols for the operations of the EMS control center.
e. Establish procedures and protocols for first responder medical care.
f. Establish standards and procedures governing the reliable provision of twenty-four-hour medical control.

2. Medical Audits

a. the AEPF, Inc., or similar organization, shall perform medical audits when requested by the license officer, at the request of the authority, the Mayor, any member of the City Council, any certified paramedic, any licensed physician, or any member of the authority in accordance with the terms and conditions of its contract with the city.
b. A medical audit performed upon the request of an authorized party and which is related to a particular incident, rather than to a concern about a general protocol or system procedure, shall be

initiated by a review of all tape recordings, dispatch records, patient report forms, and hospital records related to that incident. If, in the opinion of the auditing physician, additional inquiry or action is appropriate, an oral review of the matter shall be conducted by the auditing physician. The person whose performance is the subject of such audit shall be notified of the time and place of such oral review, and the person whose performance is the subject of the audit may not e excluded for the oral review.

c. The medical audit procedure is intended to be educational and positive and not vindictive or punitive. Any individual whose actions are under review may not be excluded from the audit process and shall have the right to appear and be heard.

3. Medical Director The medical director shall implement the policy established by the AEPF, Inc. and upon approval of the AEPF, Inc. and the authority, may appoint an assistant to the medical director who shall serve in that capacity at the pleasure of the medical director.

4. Annual report The medical director and the chairman of the authority shall make a written report to the Board of Directors on January 1 of each year detailing the status of the ambulance service system.

C. Radio communication

1. The ambulance authority shall ensure that at all times its field personnel have direct access by reliable radio communications to medical consultation and direction concerning the care of patients in the field. To ensure that reliable medical communications exist at all times and to ensure that all medical communications are appropriately monitored for backup purposes, the ambulance authority shall furnish or otherwise acquire reliable medical communications system.

2. All medical control radio traffic shall be continuously recorded by the ambulance control center. All tapes shall be retained for one hundred twenty (120) days and may then be recycled.

D. Run reports and audits A copy of the approved run report form, approved by the ambulance authority, shall be left with the emergency receiving facility to which each patient is delivered. The receiving facility physician may request a medical audit to be performed relative to the pre-hospital or inter-hospital care of that patient. Ambulance personnel involved directly in the handling of an audited case after notification from the medical director shall attend the audits of that case. Failure to attend the medical audit proceedings without good cause is grounds for disciplinary action by the executive director.

E. Appeals The AEPF shall make their findings and recommendations to the director of operations, who shall be responsible for any disciplinary action taken against ambulance personnel. Such action may be appealed to the executive director. In the case of Fire Department first responders, the AEPF shall make their findings and recommendations to the Fire Chief, who shall be responsible for any disciplinary action taken against Fire Department personnel, in accordance with the city personnel policy and departmental rules and regulations. (Ord. No. O-06-33, Sec. 11)

4.08.12 Standards of production and performance the ambulance authority shall follow the following as minimum standards:

A. Equipment and management capability Each and every ambulance and all onboard equipment utilized by the authority in performing services which are the subject of this article shall comply with applicable standards required for licensure. The authority shall maintain the equipment and shall employ sufficient backup equipment to ensure that a safe level of reserve equipment capacity is available to provide peak period ambulance coverage even at times when unusual occurrences of equipment breakdown and routine equipment maintenance coincide.

B. Personnel The authority shall ensure:

1. That two (2) persons certified under state law are on board each ambulance on ALS (Code 1 or 2) ambulance runs or available for dispatch, at least one (1) of which is certified as a paramedic, and the other of which is certified as a paramedic or emergency medical technician (EMT).

2. If only one (1) person on board is a certified paramedic, that person shall not function as the driver while the patient is on board. Every BLS ambulance subject to regulation under this article is required to have on board two (2) EMT's, one to drive and the other to attend. The authority shall establish and maintain sufficient management capability to ensure that equipment and personnel utilized are managed in an efficient and effective manner to produce the desired clinical performance and response time performance on a routine basis.

C. Clinical performance The clinical performance of the authority and its personnel shall be consistent with and shall conform to the operating procedures and medical protocols adopted by the AEPF, Inc. where clinical performance deficiencies are discovered, the authority shall demonstrate an aggressive and effective manner to correct the deficiencies in a timely manner.

D. Response time performance

1. Code 1 calls (life threatening emergencies)

   a. The Fire Department shall furnish a diligent good faith effort to manage all available resources to achieve a four-minute maximum response time for a trained first responder to a Code 1.

   b. The authority shall furnish a diligent good faith effort to maintain an eight-minute (8:59) maximum response time for an advanced life support paramedic ambulance. The authority shall employ enough personnel, acquire enough equipment an manage its resources in the manner necessary to meet the eight-minute response time standard on not less than ninety (90) percent of all presumptively designated Code 1 calls originating each month from within the city limits.

   c. Where an ambulance unit is dispatched from a non-transporting first-response-only status its response time may be counted as the authority ambulance response time even though the patient was transported by a different ambulance. In addition, the response time of a neighboring ambulance service responding by mutual aid request may also be counted as the authority's ambulance response time, provided the level of life support capability furnished by the neighboring ambulance service is comparable to that required under this article, as determined by the AEPF, Inc., and provided that reliance upon neighboring ambulance service operators is only an occasional event and not a routine method of operation of the authority.

2. Code 2 calls (non-life threatening emergencies) The authority shall establish a 12-minute (12/59) advanced life support paramedic ambulance response time standard for Code 2 calls on not les than 2 calls originating each month from within the city limits.

3. Other run codes (non-life threatening) The authority's response to other run codes shall be reasonable, but in every case where a conflicting demand for resources occurs, response to Code 1 and Code 2 Calls shall take precedence over requests for other service requests. Furthermore, the authority shall display sound judgment in developing its system status management plans to preserve a safe level of emergency response capability at all times by delaying units become available whenever the service until additional ambulance units become available whenever the number of remaining ambulance units available for dispatch falls below a reasonably established safe level of emergency reserve capacity, as determined by historical demand analyses.

4. Retrospective Designation For purposes of this subsection, the

designation of a run as Code 1, Code 2, or other shall be made by the authority's system status management personnel at the point of dispatch on a presumptive basis and no retrospective alteration of such designation shall be allowed. However, runs originally designated as Code 2, or other may be retrospectively re-designated upward by the executive director, if the executive director disputes the original designation, and the authority board requests a determination from the AEPF who then reviews and determines that the original designation was improper, given the information available to the EMS control center personnel at the time of the presumptive designation of the run code type.

5. Exempt Calls Certain types of calls may be excluded as specified by the medical director and the executive director on a standard from signed by both. Such records are maintained in the office of the operations manager.

6. Community Response Time In addition to the response time performance standard required under this section for Run Code 1 and Run Code 2 calls, the authority shall furnish and manage its resources in the many necessary to provide reliable emergency and no-emergency ambulance service throughout the entire city and shall perform its system status management and system status planning operations so as to minimize the differences in the respective average emergency-response-time performances among the various ambulance districts of the city to the greatest practical extent. In addition, the authority shall take such steps as necessary to reduce or eliminate any continuing pattern of apparent discrimination in the average response time performance to any given ambulance district or portion thereof.

E. Continuous physician medical control required The authority shall be responsible for ensuring that its field personnel at all times have access to qualified medical control and direction concerning the care of patients in the field by a base station physician or nurse. All medical control and direction shall be available by reliable radio communications, according to the communications standards and other standards of medical control set forth herein.

F. Data systems and reporting The ambulance authority shall comply at all times with the data system and reporting standards required by the AEPF, Inc. and applicable statutes.

G. In-service training program required The authority is required to furnish or otherwise make available without charge to this employees an in-service training program which conforms to the standards for in-service training adopted by the AEPF, Inc. all ambulance personnel are required to attend these in-service training programs in accordance with the guidelines promulgated by the AEPF, Inc.

H. Fully centralized dispatch required All dispatching movements of ambulance units subject to regulation under this article shall be directed from the designated EMS control center. It is unlawful to dispatch or control any ambulance unit subject to regulation under this article from any location other than the designated EMS control center. At all times, the EMS control center shall have full authority to direct the positioning, movements and run responses of all manned ambulance units, and to activate on-call crews following the then current system status management procedures.

I. Refusal to render emergency care prohibited It is a violation of this article to fail to respond to a call to provide emergency ambulance service, to render first-aid treatment as is necessary, or to otherwise refuse to provide any emergency ambulance services within the scope of the ambulance operations, provided that these services are not required if the patient refuses to consent to treatment. (Ord. No. O-06-33)

4.08.13 First responder program

A. The city will continue to provide "emergency first responder" program and personnel, provided this service shall maintain at least EMT certification, as certified by the State Health Department.

B. The ambulance authority's communication center personnel shall request first responder units provided by the city. The fire Department will maintain control over the use of fire apparatus as first responders, and shall be advised by the ambulance system dispatch personnel as to the need for such "first responder" response. The director of operations or his designee shall be advised by the Conway Fire Department's officer in charge or their designee of the non-availability and resumption of availability of first responders. The Fire Department shall retain control over the decision to divert fire apparatus from first responder activity in the event such units are needed for fire purposes.

C. The ambulance authority shall make its training program available to first responder programs. The city will use its best efforts to have its first responder personnel avail themselves of this training.

D. The ambulance authority, at the option of the city, will bill its patients for the first responder expendable use and replace such expendables on a one-for-one basis.

E. The ambulance authority will full cooperate will the city's communication center in establishing radio monitoring capability of the ambulance service system's activities and all necessary communication linkages between the various emergency provider organizations' operations. (Ord. No. O-06-33, Sec. 13)

4.08.14 Vehicle permits It shall be unlawful for any person subject to regulation by this article to operate an ambulance or helicopter service unless a currently valid state vehicle permit has

been issued.

4.08.15 Ambulance and dispatch personnel certification required

A. General requirements for ambulance personnel Every ALS ambulance subject to regulation under this article is required to have on-board each ambulance unit at least two (2) personnel certified under these regulations. At least one (1) person must be certified as a paramedic and the other person must be certified as both driver and as either a paramedic or an emergency medical technician (EMT). If an ambulance unit is manned by one (1) paramedic and one (1) EMT, the EMT shall serve as driver even if both persons possess ambulance driver certifications. In such cases, the paramedic shall be responsible for directing patient care and ambulance operations in general at all times. If two (2) paramedics serve on the same unit, one (1) shall be designated as senior paramedic in charge, by the director of operations or the shift supervisor. Every BLS ambulance subject to regulation under this article is required to have on board two (2) EMT's, one to drive and the other to attend. No person shall be employed or otherwise permitted to drive or attend ambulances subject to this chapter, unless he shall hold a currently valid state certification and is nationally registered as a paramedic, or EMT. It shall be unlawful for any person to serve on an ambulance or helicopter rescue unit as ambulance personnel unless that person has in his possession a currently valid state license and is approved for work by the AEPF, Inc.

B. General responsibilities for dispatcher Any person employed for the purpose of receiving telephone or other requests or ambulance service and for dispatching ambulances in the city ambulance service system is required to receive emergency medical dispatch training as provided by or equal to that provided by the authority. (Ord. No. O-06-33, Sec. 15)

4.08.16 Insurance

A. The authority shall maintain the following insurance:

1. Automobile liability insurance in an amount not less than One Hundred Thousand Dollars ($100,000.00) for injury to or death of, one (1) person, by reason of the carelessness or negligence of the driver of such ambulance, and Three Hundred Thousand dollars ($300,000.00) for injury to, or death of, more than one, (1) person, resulting from any single accident, by reason of the carelessness or negligence of the driver of such ambulance, and Fifty Thousand dollars ($50,000.00) for damage to property resulting from any single accident, by reason of the carelessness or negligence of the driver of such ambulance, issued by an insurance company licensed to do business in the state for each and every ambulance owned or operated, or both owned and operated by the ambulance authority, providing for the payment of damages:

a. For injury to or death of individuals in accidents resulting from any cause for which the owner of the vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or his agent; and

b. For the loss or damage to the property of another under like circumstances.

2. Uninsured motorist coverage in an amount equal to the bodily injury liability limits asset forth in paragraph (1) above.

3. Malpractice insurance providing a limitation on each claim of not less than Five Hundred Thousand dollars ($500,000.00)

4. A one-million-dollar umbrella policy providing additional coverage to all underlying liability policies.

B. The insurance policies shall be submitted to the City Attorney for approval. Satisfactory evidence that such insurance is all times in force and effect shall be furnished to the City Attorney, in such form as he may specify.

C. Every insurance policy required hereunder shall contain a provision for a continuing liability there under to the full amount thereof, notwithstanding any recovery thereon, that the liability of the insurer shall not be affected by bankruptcy of the assured, and that until the policy is revoked or expires, the insurance company will not be relieved from liability on account of non-payment of premium, failure to renew license at the end of the year, or any act or omission of the name assured. Such policy of insurance shall be further conditioned for the payment of any judgments up to the limits of the policy recovered against any person other than the owner, his agent, or employee, who may operate the same with the consent or acquiescence of the owner.

D. Every insurance policy shall extend for the period to be covered by the license applied for, and the insurer shall be obligated to give not less than thirty (30) days' written notice to the insured before any cancellation or termination thereof earlier than its expiration date. The cancellation or other termination of nay such policy shall automatically revoke and terminate the permits issued for the ambulances covered by such policy, unless another insurance policy complying with the provisions of this section is provided and in effect at the time of such cancellation or termination.

E. Each insurance policy shall name the city, and AEPF, Inc., in addition to the operator of the vehicle. (Ord. No. O-06-33, Sec. 16)

4.08.17 Fees The city and AEPF, Inc., or other similar organization, shall negotiate the fees to be paid for the services provided by AEPF in this article. The city may assess this amount as a

fee to be assessed the authority from revenues. (Ord. No. O-06-33, Sec. 17)

4.08.18 Patient management and management of scene Authority for patient management in a medical emergency shall be invested in the senior paramedic. Authority for the management of the scene of a medical emergency shall e vested in the senior paramedic until appropriate public safety officials arrive on the scene and take control. The scene of a medical emergency shall be managed in a manner described to minimize the risk of death or health impairment to the patient and to other persons who may be exposed to the risks as a result of the emergency condition, and priorities shall be placed upon the interests of those persons exposed to the more serious risks of life and health. Public safety officials shall ordinarily consult the senior paramedic in charge at the scene in the determination of relevant risk factors. In the event a licensed physician appears on the scene and desires to assume direction and control of patient care, the licensed physician may do so if the base station physician releases the paramedic from responsibility for directing patient care and the physician who is on scene continues care in the ambulance to the hospital. (Ord. No. O-06-33, Sec. 18)

4.08.19 Protocol for determining destination facility

A. For all calls designated as other than code 1 or 2, the patient shall be delivered to the destination of the patient's choice. However, in case where the patient is incompetent or unable to make a choice, the patient shall be delivered to the destination requested by the appropriate party acting on behalf of the patient.

B. For all designated as Code 1 or Code 2 calls, or which, during the course of a transfer become a Code 1 cal, the patient shall be delivered to the destination of the patient's choice. However, if the patient is incompetent or unable to make a choice, the patient shall be delivered to the destination requested by the appropriate person acting on behalf of the patient shall be delivered to the nearest medically appropriate emergency receiving facility.

C. No Code 1 or code 2 patients shall be delivered to an emergency receiving facility when that facility has informed the EMS Control Center that is emergency receiving capabilities are then temporarily overloaded or are for any reason temporarily inappropriate for receipt of Code 1 or Code 2 patients. The EMS Control Center shall maintain sufficient communications with all hospitals so that all overload conditions are known to the control center and shall communicate this information to the paramedic operating in that general are, prior to the occurrence of an emergency incident where this information will be needed.

D. No Code 1 or Code 2 type patients shall be delivered to an emergency receiving facility which does not have twenty-four-our physician coverage of emergency services.

E. Other provisions of this section notwithstanding, for calls retrospectively designated as Code 1, the patient shall be delivered to the appropriate emergency receiving facility in conformance with disease-specific, or problem-specific

transport protocols then currently in effect and approved bye the AEPF, inc. (Ord. No. O-06-33)

4.08.20 Medical audit and investigation of consumer complaints

A. The medical audit process shall be conducted under the supervision of the medical director each medical audit hearing shall be directly supervised by a physician appointed by the medical director pursuant to the terms and conditions of the contract between the city and AEPF, Inc., or other similar organization. A medical audit shall be performed at the request of the executive director, the chairman of the authority, the Mayor, any member of the City Council, any certified paramedic, any licensed physician, or any member of the ambulance authority board.

B. In addition to medical audits performed upon request, the AEPF, Inc. shall also conduct additional selected audits chosen on a diagnosis specific or problem oriented basis to periodically assess the ambulance service system's ability to deal effectively with specific clinical conditions. These audits shall be periodically performed by reviewing random selection of cases of each type desired. Furthermore, AEPF, Inc. physicians may periodically ride as observers on ambulances to directly observe care rendered, and such observations shall be a form of medical audit for evaluation purposes.

C. The executive director and the AEPF, Inc. shall establish procedures for formal investigation of consumer complaints. The authority and its employees shall cooperate fully with all investigations, and shall answer, in writing, if requested, any inquiries by the AEPF, Inc. concerning such investigations. The chairman of the authority or the executive director may instruct the staff of the authority to conduct an investigation on their behalf.

D. if, as a result of findings from a medical audit process, the AEPF, Inc. believes that a certified paramedic or EMT should have his state certification revoked, suspended, or subjected to special restrictions as necessary to protect the public health and safety, a written recommendation shall be made to the executive director. he shall make any additional necessary investigation and shall then determine and implement any necessary and appropriate action. (Ord. No. O-06-33, Sec. 20)

4.08.21 Provisions for special use licensure

A. Upon application to and approval by the AEPF, Inc. special use licenses may be issued to licensed hospitals for provisions of specialized mobile intensive care services, and to private companies for purposes restricted to the emergency care and transport of the company's own employees.

B. Applicants for specialized mobile intensive care licensure must be hospitals,

departments of hospitals or the ambulance authority.

C. Central Arkansas Radiation Therapy Institute (CARTI) is granted a limited special use permit for purposes of continuing their transportation of CARTI patients fro, and returning to, CARTI facilities. Such permits for this medically necessary transportation may be restricted under this article depending upon the extent of future expansion of these services.

D. Applications for such specialized licensure shall be made on such forms as may be described, prepared, or prescribed by the license officer, and shall contain the information as is necessary and appropriate to all an informed judgment on the request by the AEPF, Inc. No fee shall be required for the processing of application for such special licensure.

E. The AEPF, Inc. shall not arbitrarily or without cause withhold its authorization for the issuance of a special license, provided, however, that licenses so issued shall be clearly restricted tot eh special purposes defined herein, and provided there exists a clinical necessity for the special service to be offered, and provided that in the case of such special licensure for purposes other than specialized mobile the intensive care, the applicant is able to demonstrate compelling reasons for allowing the draining off of fee for service revenues which would otherwise be available to support advanced life support production capacity to serve the city and other contracted areas. However, because the population served by the city ambulance service system is, at best, too small to optimized advanced life support service economies of scale, the mere presence of a desire to operate a transfer service which does not provide specialized mobile intensive care shall not, by itself, constitute a compelling reason to allow the draining off of needed financial resources to support essential advanced life support production capacity. (Ord. No. O-06-33, Sec. 21)

4.08.22 Conflict of interest It shall be unlawful to be employed or act as a paramedic, EMT, EN, dispatcher, or an ambulance driver while simultaneously being employed by or representing any other person engaged in the provision of the usual services of a funeral home, mortuary, or undertaking concern. (Ord. No. O-06-33, Sec. 22)

4.08.23 Penalty Any person convicted of a violation of any of the provisions of this article shall be fined not less than Fifty dollars ($50.00) nor more than Five Hundred dollars ($500.00). Each day that any violation of, or failure to comply with, this article is committed or permitted to continue shall constitute a separate and distinct offense under this section and shall be punishable as such hereunder. Each ambulance run unlawfully performed shall be considered a separate offense. Each hour of illegally rendered standby services shall be considered a separate offense. Each incident of willful falsification of data by a licensee shall be considered a separate offense. Each ambulance run for which records are willfully omitted shall be considered a separate offense. Each instance of willful participation in the committing of an offense by an individual working as a paramedic, EMT, or dispatcher shall also be considered a separate offense. (Ord. No. O-06-33, Sec. 23)

Chapter 4.12
Beverage Permit

Sections:

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4.12.19 Penalty

4.12.01 Applicability

A. It is hereby declared that the business of distributing, selling, serving, or dispensing, any controlled beverage within the City of Conway, is a privilege, and for the exercise of such privilege there are hereby imposed the regulations, requirements, restrictions, fees, and taxes as set forth in this ordinance

B. These general provisions shall apply to all permittees in addition to any specific provisions under individual headings for each type of permit. (Ord. No. O-10-18, Sec. 1)

4.12.02 Definitions

Alcoholic Beverages – means all intoxicating liquors of any sort, including beer and wine.
City – means the City of Conway, Arkansas.
Controlled Beverages – means all beverages of any kind subject to regulation under any alcoholic beverage control law of the State of Arkansas and this ordinance.
On-premises consumption – means the sale or dispensing of alcoholic beverages by the drink or in broken or unsealed containers for consumption on the premises where sold or dispensed.
Permit – means any authorization issued by the Alcoholic Beverage Control Division of the State of Arkansas and/or by the city pursuant to any Arkansas Alcoholic Beverage Control Division regulation and/or this Ordinance whether described as a permit, license or otherwise.

Permittee – means the person to whom a permit or license to sell, dispense, or distribute alcohol

has been granted.
Person – means any natural person, partnership, association, corporation, syndicate, or company.
Police Chief – means the Chief of Police of the Conway Police Department or his/her designee.
Private Club – means a nonprofit corporation organized and existing under the laws of this state authorized to serve alcohol by the State of Arkansas and the Alcoholic Beverage Control Division.
State – means the State of Arkansas.
Supplemental Privilege Permit – a permit issued by the City of Conway for the privilege of operating a private club within the city, a Supplemental Privilege Permit is required which shall be in addition to any regular business privilege license.
Supplemental Privilege Permit fee – a fee established by the City of Conway for the privilege of operating a private club within the city, there is hereby levied an annual supplemental Privilege Permit fee in the amount of fifty dollars ($50.00). (Ord. No. O-10-18, Sec. 2)

Section 4.12.03 Permits Required

A. It shall be unlawful for any person to engage in the business of distributing, selling, or dispensing within any Private Club, any controlled beverage, within the city without a permit issued by the city, or with an expired permit.

B. The provisions of this section shall not apply to the manufacture, sale, and distribution of wines or vinous liquors manufactured, sold, and distributed by residents of Arkansas. (Ord. No. O-10-18, Sec. 3)

Section 4.12.04 Application for Permits

A. Application for permit required by this section shall be in writing on a form prescribed by the city and shall be accompanied by the required fee and a copy of the applicant's state permit. No city permit will be issued until applicant has received a state permit.

B. It shall be unlawful for any person to make any false statement or representation in any application required by this section or to give any false answer to any question contained therein.

C. Permits required by this section shall run for a calendar year. Annual permit renewal fees shall be due and payable on December 1st of each year for the succeeding year beginning January 1st.

D. the city will not issue or renew any permits pursuant to this section until all outstanding Advertising & Promotion taxes and /or supplemental beverage taxes, if applicable, are paid.

E. All permits issued by the city pursuant to this section shall be prominently displayed on the permitted premises by the permittee in the same manner as required by the state for state permits.

F. When any state permit is revoked by the state or required to be returned to the state for any reason, the city permit shall be returned to the city. The city will restore the permit

upon proof that the state permit has been restored to the applicant, provided that no reclaimed permit will be restored to an applicant until all outstanding advertising & Promotion taxes and /or supplemental beverages taxes, if applicable, are paid.

G. All fees taxes and penalties received by the city pursuant to this chapter shall be used for general purposes within the City of Conway pursuant to A.C.A. 3-9-223(f).

H. Permits shall not be transferable or assignable unless and until approval is granted by the Alcoholic Beverage Control Division and notice is provided to the City of Conway and all other requirements of this ordinance are met. (Ord. No. O-10-18, Sec. 4)

Section 4.12.05 Right of City to Inspect Records The City clerk/treasurer or Chief of Police or his/her designee of the City of Conway shall have the right to inspect and examine the records of any permittee subject to any tax or permit fee based on gross sales or receipts pursuant to A.C.A. 3-2-211 and any other employee information required pursuant to the regulations of Alcoholic Beverage Control Division, Title 1, Subtitle G, Section 1.79(37). (Ord. No. O-10-18, Sec. 5)

Section 4.12.06 Qualifications of Applicants Persons to whom a State Alcohol Permit has been issued are presumed qualified to hold a City Alcoholic beverage Permit. (Ord. No. O-10-18, Sec. 6)

Section 4.12.07 Fraud and Misrepresentation by Applicant

A. Any person who acquires a permit or a renewal of same in violation of this section by any misrepresentation or fraudulent statement shall be deemed guilty of an offense and upon conviction thereof shall be punished in accordance with the penalties outlined in this section.

B. Any untrue or misleading information contained ink, or material omission left out of, an original, renewal or transfer Application for a permit shall be cause for the denial thereof and, if any Permit has been granted under these circumstances, there shall be cause for the revocation of the same. (Ord. No. O-10-18, Sec. 7)

Section 4.12.08 Issuance of Permit; Payment of Fee

A. All Permits must be obtained and fees paid not later than two weeks from the date of the delivery of the Application to the City and, if not so obtained, the issuance granted by the City shall lapse.

B. When a Permit has been issued and the Applicant has deposited with the City the required fee, the fee shall be paid to the City clerk/Treasurer and a Permit issued. (Ord. No. O-10-18, Sec. 8)

Section 4.12.09 Business Opening within Six Months from Permit; Issuance Required All holders of Permits shall, within six months after the issuance of the Permit, open for business the establishment referred to in the Permit and begin dispensing the products authorized by the Permit. Failure to open the establishment and begin business as referred to above within the six-

month period shall serve as automatic forfeiture and cancellation of the unused Permit, and no refund of Permit fees shall be made to the Permit holder. (Ord. No. O-10-18, Sec. 9)

Section 4.12.10 Effect of Failure to Operate Business for Six Consecutive Months any holder of a Permit who shall begin the operation of the business dispensing the products as authorized in the Permit, but who shall, for a period of six (6) consecutive months thereafter, cease to operate the business or dispensing the products authorized in the Permit, shall upon completion of the six (6) month period automatically forfeit the Permit, which Permit shall, by virtue of that failure to operate, be canceled without the necessity of any further action of the City. (Ord. No. O-10-18, Sec. 10)

Section 4.12.11 Dispensing Alcoholic beverages Outside of Permitted Premises It shall be unlawful for any alcoholic beverage to be dispensed, or otherwise provided outside of the enclosed building, premise or place of business permitted for such, except as permitted by this section. (Ord. No. O-10-18, Sec. 11)

Section 4.12.12 Same; Payment Dates; Proration all Permit fees shall be paid between December 1st and December 31st of each year. Permits obtained after July 1st of each year shall pay one half of the annual fee. Delinquent Permit fees shall be subject to a delinquent penalty of twenty-five (25%) percent of the Permit fee for each thirty (30) day period the fee remains unpaid. (Ord. No. O-10-18, Sec. 12)

Section 4.12.13 Term of Permit No Permit shall issue for more than the remainder of the calendar year, and shall expire at midnight, December 31 of each year. In case of the revocation or surrender of such Permit before the expiration of such calendar year period, the holder thereof shall not be entitled to receive any refund whatsoever. (Ord. No. O-10-18, Sec. 13)

Section 4.12.14 Transferability of Permits

A. Alcoholic Beverage Permits shall not be transferable, except as otherwise provided herein.

B. All Applications for transfer of locations shall comply with the provisions herein set forth governing new Permits. (Ord. No. O-10-18, Sec. 14)

Section 4.12.15 Notice of Transfer of Business Should any Alcoholic Beverage Permit holder make a request to the Alcoholic Beverage Control Division to transfer their permit to another location, individual or organization, the Police Chief shall be notified in writing of such request within seven (7) days. (Ord. No. O-10-18, Sec. 15)

Section 4.12.16 Display of Permit Every person or organization issued a Permit pursuant to this section shall be required to display this Permit in the same location as is displayed the State Controlled Beverage Permit. (Ord. No. O-10-18, Sec. 16)

Section 4.12.17 Suspension or Revocation of Permit

A. Whenever the State shall revoke any Alcohol Beverage Permit, the City Permit to deal in such products shall thereupon be automatically revoked without any action by the City or any municipal officer.

B. should any person, firm or corporation that operates a business which is subject to the requirements of the Advertising & Promotion tax ordinance, codified at chapter 7.60 of the Conway Municipal Code, and its enabling statutes, failed to obtain any permits required for that type of business, then the City Alcohol Beverage Permit shall thereupon be automatically revoked.

C. Should any person, firm or corporation that operates a business which is subject to the requirements of the Advertising & Promotions tax ordinance, codified at Chapter 7.60 of Conway Municipal Code, and its enabling statutes, become subject to unsatisfied Certificates of Indebtedness filed pursuant to the Advertising & Promotions ordinance and statutes, then the City Alcohol Beverage Permit shall thereupon be automatically revoked. (Ord. No. O-10-18, Sec. 17)

Section 4.12.18 Types of Permits/Fees/Specific Provisions/Hours of Operation

A. Private Club Permits; Supplemental Privilege Permit

1. **Private Club Permit**. Authorizes the purchase of any controlled beverages from persons holding an off-premises retail liquor or beer permit who have been designated by the director of the State Alcoholic Beverage Control Board as a private club distributor, and authorizes the dispensing of such beverages for consumption on the premises of the private club to members and guests only of the private club.
2. **Supplemental Privilege Permit**. For the privilege of operating a private club within the city, a Supplemental Privilege Permit is required which shall be in addition to any regular business license.
3. **Supplemental Privilege Permit fee**. For the privilege of operating a private club within the city, there is hereby levied an annual supplemental Privilege Permit fee of $50.00.
4. **Supplemental Beverage Tax**. In addition to the Supplemental Privilege Permit fee, there is hereby imposed and levied a city supplemental tax of five percent (5%) upon the annual gross receipts which are derived by such private club from charges to the members and/or their guests for the following services:
   a. For the preparation and serving of mixed drinks, and
   b. for the cooling and serving of beer, light wine, and wine.
   c. The city's supplemental beverage tax is in addition to the state supplemental tax on private clubs and shall be paid to the City Clerk/Treasurer's Office, shall be due monthly at the same time that the state supplemental tax is due, and shall be accompanied by one copy of the state supplemental tax return. If any permittee shall fail to remit the supplemental tax within the time period that the state tax is due, a penalty of 10% of the tax due shall be due and payable tin addition to the tax. (As amended by Ord. No. O-11-54)

5. **Hours of Operation**. Hours of operation shall be in conformance with state statute, including Title 3 of the Arkansas Code relating to Alcoholic Beverages. (Ord. No. O-10-18, Sec. 18)

Section 4.12.19 Penalty Any person violating the provisions of this ordinance or any person who makes a false affidavit or statement or report or application to the city as part of the procedures of this ordinance shall be deemed guilty of a misdemeanor and upon conviction be fined in an amount not more than %500.00. if a violation is found to be continuing in nature, then the fine shall be not more than $250.00 for each day the violation is found to have occurred. (Ord. No. O-10-18, Sec. 19)

Chapter 4.28
SKATING RINKS

Sections:

4.28.01 Construction of floors
4.28.02 Hours of operation
4.28.03 Students
4.28.05 Definition
4.28.06 Penalty

4.28.01 Construction of floors. It shall be the duty of any and all persons operating any skating rink within the city to provide the said skating rink with a floor consisting of at least two (2) layers of one inch (1") flooring, and to fill in the space under said floor with sand or dirt so as to effectively deaden the sound and noise made by skating thereon. (Ord. No. 170, Sec. 1)

4.28.02 Hours of operation. It shall be unlawful for any person to operate or keep open or permit skating in any skating rink in said city later than 10:00 o'clock at night, or earlier than 9:00 o'clock in the morning. (Ord. No. 170, Sec. 2)

4.28.03 Students. It shall be unlawful for any person or persons owning or operating any skating rink in said city to encourage or permit any school children or students of any school or college to visit or patronize said rink when by the rules of any such school or college such students are forbidden to visit or patronize such rink, and notice of such rules has been given by the school or college authorities to the owner of or person operating such rink. (Ord. No. 170, Sec. 3)

4.28.05 Definition. Any building, room platform, floor or place, which is used by or kept for the public or individuals for skating is hereby declared to be a skating rink within the meaning of this ordinance. (Ord. No. A-170, Sec. 5)

4.28.06 Penalty. Any person or persons whether as owner or agents, lessee or employer or owner of any skating rink, who shall violate the provisions of Sections 4.28.01 – 4.28.05 shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum of not less than One Dollar ($1.00) nor more than Fifteen Dollars ($15.00) and each day that any person

or persons may so violate any of the provisions of any of said sections shall be deemed a separate offense and punishable as such. (Ord. No. A-170, Sec. 6)

Chapter 4.32
SUNDAY SALES

Sections:

4.32.01 Sunday work prohibited, exceptions
4.32.02 Religious exception
4.32.03 Injunctive relief
4.32.04 Penalty

4.32.01 Sunday work prohibited, exceptions. No person, association or corporation in the City of Conway shall do or perform any labor or work, or cause or permit the same to be done or performed by his or its agents, employees or servants, in order to sell, dispose of, barter, trade, deal in or give away or offer to sell or display to the public for sale any articles of merchandise on Sunday, except that the following or similar items may be sold:

A. Milk, bread, cakes, pastries, fresh fruits, bacon, eggs, coffee, tea, cooked meats and fish (not packaged in cans, jars or bottles), slaw, salads, cheese, preserves, pickles and relishes;

B. Cut flowers, shrubbery and growing plants;

C. Drugs and medical supplies, and all other such items as are customarily used for the relief of pain and the preservation of health; toilet goods and razor blades; baby foods, school supplies, flashlights and flashlight bulbs and batteries; insecticides, charcoals, lighter fluids, matches, tennis balls, golf balls, baseballs, softballs, bats, gloves, basketballs, footballs, baby supplies and camera supplies;

D. Cigars, cigarettes and all other forms of tobacco; candy, gum, ice cream, ice cream salt, soft drinks, soft drink mixes, and sodas; ice, small arms ammunition, live bait, artificial bait, fishing supplies and equipment, except rods, reels, motors and/or boats;

E. Newspapers, stationary (limited to writing supplies and related items only), greeting cards, paper goods (limited to recreational supplies only), periodicals, magazines and books;

F. Gasoline, oil, greases and motor vehicle parts or equipment necessary to the operation of a motor vehicle, or legally required thereon;

G. Professional services and the following businesses may be conducted: hotels, motels, restaurants, theaters, athletic events, public utilities, parks and recreational and cultural facilities, hospitals, undertaking establishments and annual trade

shows and exhibitions;

H. In places of business open on Sunday to sell the above enumerated articles, displays of other articles not herein permitted to be sold shall be restricted by appropriate signs or other devices indicating that items other than those permitted to be sold as hereinabove set forth may not be sold. (Ord. No. A-155, Sec. 1)

4.32.02 Religious exception. No natural person shall be subject to the criminal or injunctive provisions of this ordinance if that such natural person conscientiously observes a day other than Sunday as a day of rest in accordance with the requirements of his religious faith and abstains on such day from selling, or offering for sale, any items which may not be sold on Sunday under the provisions of this ordinance. (Ord. No. A-155, Sec. 2)

4.32.03 Injunctive relief. It is hereby declared that the sales of any articles on Sunday prohibited by this ordinance shall be, and is declared to be a public nuisance, and any store or other establishment wherein such sales or offers of sales are made in violation of this ordinance is hereby declared to be a public nuisance, and any citizen of this city may enjoin said nuisance in the Chancery Court. The issuance of an injunction shall not relieve a person from criminal prosecution for violation of the provisions of this ordinance, but such remedy of injunction shall be in addition to liability to criminal prosecution. (Ord. No. A-155, Sec. 3)

4.32.04 Penalty. Every person, association or corporation who shall violate this ordinance shall be guilty of a misdemeanor and shall upon conviction therefore be fined in a sum of not less than Twenty-Five Dollars ($25.00), nor more than One Hundred Dollars ($100.00). Each day on which the sale of a prohibited item is made shall be deemed to constitute a separate offense. (Ord. No. A-155, Sec. 4)

Chapter 4.36
TAXICABS

Sections:

4.36.01 Operation of declared to be a privilege
4.36.02 Licensee must have liability insurance
4.36.03 Licensing period and fee
4.36.04 Information to be filed by applicants
4.36.05 License
4.36.06 Exchange of vehicle
4.36.07 Driver's license
4.36.08 Zones and charges
4.36.09 Terminal
4.36.10 Revocation of license
4.36.11 Penalty

4.36.01 Operation of declared to be a privilege. That the operation of taxicabs within the corporate limits of the city is hereby declared to be a privilege and subject to the following

regulations. (Ord. No. A-415, Sec. 2)

4.36.02 Licensee must have liability insurance Before any license for the operation of a taxicab within the city of Conway shall be issued to any person, firm or corporation, such applicant for said license shall procure public liability insurance issued by some reliable insurance company or companies licensed to do business in the state of Arkansas in such amounts as are required by the laws of the state of Arkansas for the operation of a motor vehicle.

Said public liability insurance must be continued in full force and effect for so long as such person, firm or corporation is licensed by said city to operate a taxicab. Proof of such insurance, in the form of a Certificate of Insurance or a true copy of the insurance policy issued by the company or companies writing such insurance, must accompany the application for at the time the person, firm or corporation applies for said license. Such proof of insurance must show the name of the person, firm or corporation to whom such insurance is issued, the limits of coverage of said insurance, the issue and expiration date of insurance, the policy number and the complete description of the particular vehicle which is insured under the policy. In the event of vehicles belonging to one person, firm or corporation, shall be insured with one (1) insurance company under a single, or blanket policy, the complete description of all vehicles insured there under must be shown in the said proof of insurance.

If, at any time and for any reason, during the licensing period, said insurance is canceled by the issuing company or allowed to lapse by the insured, the license to operate each taxicab insured under such canceled or lapsed insurance policy previously issued to such person, firm or corporation shall be revoked and shall become of no further force and effect unless such owner shall procure insurance as above required in such time that the taxicab or taxicabs insured under such policy or policies of insurance which has lapsed or have been canceled shall at no time be without proper insurance as herein required.

Each insurance policy shall include a representation by the insurance carrier that notice of cancellation will be sent to the Mayor's office at least ten (10) days prior to cancellation. In the event any person, firm or corporation exchanges any licensed and insured vehicle for an unlicensed and uninsured vehicle during any licensing period, such person, firm or corporation shall furnish proof of transfer of insurance in the same manner as set forth for proving insurance coverage above. (Ord. No. 01-118, Sec. 1.)

4.36.03 Licensing period and fee. The licensing period for the operation of a taxicab is hereby declared to be the twelve (12) month period beginning each July lst and ending each June 30th next thereafter. No license to operate a taxicab shall under any circumstances be issued for longer than the above mentioned period. Any person, firm or corporation applying for a license to operate a taxicab during any licensing period shall be required to pay, in advance, the same license fee which is paid for the entire licensing period. Any person, firm or corporation who, for any reason whatsoever, has his license revoked during the licensing period, or for any other reason discontinue the operation of a licensed vehicle, shall not be entitled to recover any portion of the license fee theretofore paid upon such vehicle. The license fee for the operation of taxicabs in said city in the amount of Ten Dollars no/100 ($10.00) for each licensing period is hereby imposed upon each person, firm or corporation operating such taxicab with the City of Conway and such license fee is hereby imposed upon each separate vehicle being operated by

such person, firm or corporation. Payment of said license fee shall be made at the time of application for said license and no application for such license shall be accepted by the Clerk/Treasurer nor considered by the City Council until said license fee is paid in full. No license to operate a taxicab within the said city shall be granted to any person under twenty-one (21) years of age. (Ord. No. A-415, Sec. 4 as amended by Ord. No. 0-78-24, Sec. 1)

4.36.04 Information to be filed by applicants. Any person, firm or corporation desiring to operate a taxicab in the City of Conway shall file with the Clerk/Treasurer of said city, at least two (2) weeks prior to the start of any licensing period, a written and duly motorized application therefore, upon such form or forms as may now or hereafter be prescribed by said city, containing the following information:

A. Full name and business address of such applicant;

B. Complete description of vehicle for which a license is desired: (Make, model, style, motor or identification number and color, etc.);

C. Name and address of insurance carrier and limits of coverage. (Proof of insurance must be attached to said application) (Ord. No. A-415, Sec. 5)

4.36.05 License. Each application shall be numbered by the Clerk/Treasurer as they are filed, such numbering to begin with the number one (1). A separate application shall and must be filed for each vehicle desired to be licensed and said application must be made by the actual owner of said vehicle. The Clerk/Treasurer at the first meeting of the City Council, held after the filing of said application, shall present same to the council for its approval, and, upon approval, said Clerk/Treasurer will issue to the applicant a license, in the form as is now or may hereafter be prescribed for the operation of said taxicab. The license so issued will bear a license number which is to correspond with the number placed on the application at the time it was received. This license number must, before applicant shall be permitted to begin operation of said taxicab, be legibly printed or applied in easily visible colors, on the outside of each side and rear of said taxicab, in numbers five (5) inches in height and three (3) inches in width. No such license issued for a vehicle may be transferred to any vehicle and is valid only for the vehicle described in said application. (Ord. No. 0-80-13, Sec. 1)

4.36.06 Exchange of vehicle. Should the owner of any licensed taxicab sell, exchange or otherwise dispose of said vehicle, he shall immediately surrender, to the Clerk/Treasurer of said city, the license issued for such vehicle for cancellation, and should the owner of such vehicle desire a license for another vehicle obtained in place of the sold or exchanged vehicle, he shall file a proper application in the same manner as for the original license, and, upon approval of such application by the City Council, a new license shall be issued to said applicant; provided, however, that there is hereby imposed a fee in the amount of Ten ($10.00) Dollars for such license, said fee to be paid at the time of such application. Such license shall be valid for the remainder of the twelve month licensing period only. Should any owner of any previously licensed taxicab sell such taxicab to any other person, firm or corporation who desires to continue the operation of said taxicab within the city, such owner shall immediately notify the clerk/treasurer and surrender his license for cancellation. The new owner of said taxicab may then apply for a new license, in his name, in accordance with and subject to the regulations

heretofore imposed. The city, in no way, guarantees that such new owner will be issued a license because of the fact that the taxicab, at the time of the sale, was licensed. (Ord. No. A-415, Sec. 7)

4.36.07 Driver's license. All persons desiring to drive a taxicab for hire in the city of Conway, whether such person is the owner of such taxicab or an employee of said owner, must, before being permitted to drive such taxicab, obtain a license authorizing him to drive such taxicab. Application for such license to drive a taxicab must be filed with the Clerk/Treasurer of said city on the form as may now or hereafter be prescribed by said city and a license fee in the amount of Five ($5.00) Dollars must accompany such application. The licensing period is hereby declared to be the twelve month period beginning each July 1st and ending on the following June 30th. Such application for a license to drive a taxicab shall contain at least the following information:

A. Full name and residence address of applicant
B. Current age and date of birth of applicant
C. Experience in driving an automobile
D. Number of applicant's current For Hire Arkansas Chauffeurs License (such license must be presented with application as proof of license)

The Clerk/Treasurer will, at the next regular meeting of the City Council present such applications for license to drive a taxicab for approval by said Council. After approval of such application by the affirmative vote of a majority of the members of said Council, the clerk/treasurer will issue to the applicant a license authorizing applicant to drive said taxicab for the remainder of the licensing period. No person may drive a taxicab between the time his application is filed and the time such application is approved without first obtaining the written permission of the chief of the Police Department, but in no instance shall such permission be granted for a period in excess of thirty (30) days. In the event such application is denied by the Council, the Clerk/Treasurer will immediately refund to such applicant the Five Dollar ($5.00) license fee. No person under the age of twenty-one (21) years shall be licensed to drive a taxicab in the city of Conway, Arkansas. Any license to drive a taxicab issued by said city may, for good and reasonable cause, be revoked at any time by the city and, in the event of such revocation, the licensee may not recover the license for the remaining portion of the licensing period. The license issued to the applicant must be carried on the person of the licensee at all times when engaged in driving such taxicab and the licensee is further required to present said license to any law enforcement officer or any elected city official of the city of Conway when so requested. (Ord. No. A-415, Sec. 8)

4.36.08 Zones and charges. For the purpose of setting the maximum fares which can be charged by taxicab operators in the city of Conway, the city is hereby divided into zones as shown on the map provided in Appendix A and be reference a part of this ordinance.

A. For transporting one passenger from a point of origin in one zone to a destination within the same zone or to a destination in another zone, the maximum charge for each trip shall be determined by the schedule of fare rates shown in Appendix B VII and by reference a part of this ordinance based on the zone map in Appendix A VII. (Ord. No. 0-05-51, Sec. 1.)

B. The zone boundaries shown on the map in Appendix A shall include both sides of the street, avenue, or road designated. Any trip originating on the street, avenue, or road boundary shall be considered as originating in the zone nearest the point of destination. Any trip terminating in the street, avenue, or road designated as a zone boundary shall be considered as terminating in the zone nearest the point of origin.

C. Waiting time up to four (4) minutes and fifty-nine (59) seconds shall not be charged. At five (5) minutes a charge of $1.50 may be applied u to nine (9) minutes and fifty-nine (59) seconds, or fraction thereof. From ten (10) minutes up to fourteen (14) minutes and fifty-nine (59) seconds, or fraction thereof, may be assessed an additional charge of $1.50. Upon waiting fifteen (15), the charge may convert to an hourly rate prorated at $5.00 on the quarter hour, or fraction thereof.

D. A taxicab employed on an hourly basis may be $20.00 for the first hour, or fraction thereof and $5.00 for each additional fifteen minutes, or fraction thereof.

E. A rush hour surcharge of $1.00 per trip is allowed from 7:00 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:00 p.m. on weekdays.

F. The Zone Map and Zone Fare Schedule in a form approved by the Mayor must be posted in the interior of the taxicab in clear view of the passenger.
(Ord. No.O-01-72, Sec. 2.)

4.36.09 Terminal. All persons, firms or corporations operating any taxicab service in the city of Conway shall have a fixed terminal or place of business, at which terminal shall be maintained a constantly attended telephone at all reasonable business hours and all calls for taxicab service shall be answered and rendered to the public without favor or discrimination. Said operators shall not permit any person to partake of alcoholic beverages within his place of business and shall further take all necessary steps and actions to maintain a reasonably clean and sanitary space to be used as a waiting room for the public. Such operator of a taxicab service shall insure that said waiting room is free of all things, material or person, whose presence would be objectionable to the public in general. (Ord. No. A-415, Sec. 10)

4.36.10 Revocation of license. In addition to the foregoing provisions, should the owner, operator or driver of any taxicab within the city of Conway be convicted of any offense growing out of the transportation, procuring of, possession of for sale, sale or manufacture of any intoxicating beverage, or for the operating or driving of any taxicab upon any street or highway while under the influence, to any degree whatsoever, of any alcoholic beverage, or any offense involving moral turpitude, or any felony, or should the City Council, secure any evidence, satisfactory to said Council, that any owner, operator or driver of any taxicab is engaged in or interested in any of the above mentioned violations, then in any such event, the license issued to any such owner, operator or driver shall, by a majority vote of the City Council, be revoked, and in case of such revocation, the holder of such license shall not be issued another license to operate or drive a taxicab during the remainder of the current licensing period. (Ord. No. A-415, Sec. 11)

4.36.11 Penalty. Any person, firm or corporation violating any of the several provisions of this ordinance shall, upon conviction, be fined in any sum of not less than Ten ($10.00) Dollars nor more than One Hundred ($100.00) Dollars for each such offense and each day such violation shall be permitted to continue shall be considered a separate offense and shall be punishable as such. Upon a second, or subsequent, conviction for violation of the provisions of this ordinance, the license issued to the operator, owner or driver of any taxicab so involved in such violation, after five (5) days written notice to the holder of said license, may be revoked by the affirmative vote of a majority of the members of the City Council, and in case of such revocation, the holder of any such license shall not be issued another license for the driving or operating of any taxicab within the then licensing period. (Ord. No. A-415, Sec. 12)

Chapter 4.40
ELECTRIC FRANCHISE

Sections:

4.40.01 Definitions
4.40.02 Privilege of operating facility
4.40.03 Rights of Corporation
4.40.04 Maintaining plant
4.40.05 Protecting plant
4.40.06 Authority
4.40.07 Franchise payments
4.40.08 Rates
4.40.09 Contracts

4.40.01 Definitions The following definitions apply unless the context specifically indicates otherwise:

City shall be the city of Conway, Arkansas.

City Council shall be the City Council of the city of Conway, Arkansas.

Corporation (Corp.) shall be the Conway Corporation.

Electric Plant shall include all property, equipment and apparatus of every kind and nature, whether now owned or hereafter acquired and whether owned totally or in part, by the city of Conway, Arkansas, and/or Conway Corporation, which is necessary and/or incidental to the supplying of electric service within the city of Conway, Arkansas and elsewhere, including, but not limited to generators and auxiliary equipment (whether owned in whole or in part), buildings, fixtures, substations, transmission and distribution pole lines, transformers, service wires and metering equipment.

Electric Service shall be the necessary power and energy delivered to a pre-determined metering point and, in the case of street lighting, shall include operation and maintenance of fixtures.

Force Majeure shall mean any cause or causes beyond the control of Corporation including, but not limited to, acts of God, or the public enemy, failure of Corporation's facilities, flood, earthquake, storm, lightning, fire, epidemic, war, embargo, riot, civil disturbance, strikes, picketing, lockouts or other labor disputes or disturbances, sabotage, or restraint or prevention of performance by act of any Court, regulatory body or defense agency, which by the exercise of due diligence and foresight Corporation could not reasonably have been expected to avoid. (Ord. No. O-05-163, Sec. 1.)

4.40.02 Privilege of operating facility There is hereby granted to the Conway Corporation, a corporation organized under order of the Circuit Court of Faulkner County, and under Certificate of Incorporation, issued by the Clerk of the Circuit Court of Faulkner County on the 7th day of May, 1929, the exclusive privilege of operating and maintaining an Electric Plant within or without the city of Conway, Arkansas, for the purpose of supplying electric power and energy generated at its generating plants owned totally or in part by it or purchased by it from other sources for Electric Service to the city and to its inhabitants and to all persons and corporations doing business therein for a period beginning on January 1, 2006, and ending on December 31, 2036. It is expressly provided, however, that Conway Corporation may enter into contracts or agreements as provided in 4.43.06 for the purchase by it of electric power or energy. (Ord. No. O-05-163, Sec. 2.)

4.40.03 Rights of Corporation Conway Corporation is hereby granted the exclusive right, privilege and right of way to place, maintain, construct and operate Electric Plant facilities in, through, over and under all streets, alleys, avenues, sidewalks and public grounds of the city for the purpose of furnishing Electric 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 Electric Plant facilities. The Corporation, its employees, agents and contractors will have the right of access to customers' premises at all reasonable times for the purpose of installing, reading, inspecting or repairing any meter or devices owned by the Corporation or for the purpose of removing its property. (Ord. No. O-05-163, Sec. 3.)

4.40.04 Maintaining plant Corporation shall at all times during the term of this franchise keep in constant force and effect power purchase and/or exchange agreements, operate and maintain efficient and properly equipped electric generating plants owned totally or in part by it, together with a proper and sufficient distribution system to afford Electric Service to the inhabitants of the city and all person, firms and corporations doing business therein, and for street lights in said city during the term of this franchise, and shall sufficiently and properly supply and maintain said Electric Service at all times whether it be generated and produced by its electric generating plants or be purchased from other sources, unless prevented by Force Majeure. (Ord. No. O-05-163, Sec. 4.)

4.40.05 Protecting plant The city shall, from time to time, make, adopt and enforce any and all necessary ordinances to protect the Electric Plant and other property under the control of said Corporation and to protect Corporation in the sole and exclusive and unrestricted enjoyment of all privileges granted under this franchise. (Ord. No. O-05-163, Sec. 5.)

4.40.06 Authority The city makes this assignment to Conway Corporation under authority of Act 764 of 1995 and Conway Corporation is deemed an instrumentality of the city for such purpose. The authority of the city to enter into contracts for the purchase of power and energy, generation and the supply, management and transmission of power and energy is hereby delegated to Conway Corporation. If such contracts or agreements require the signature of the Mayor and have been recommended by Conway Corporation then he is granted that authority. (Ord. No. O-05-163, Sec. 6.)

4.40.07 Franchise payments

A. Corporation shall, at all times during the term of this franchise, maintain in good condition all street lights now being maintained in the city, together with all equipment necessary therefore, and shall furnish all Electric Service necessary to keep said street lights burning at the proper time, free of any charge whatever to the city, and from time to time, as its gross income shall increase, Corporation shall install, equip, maintain and furnish Electric Service, free of charge, for all additional street lights that may be added by the Corporation.

B. In addition, Conway Corporation shall pay to the city of Conway a franchise fee equal to 2.5% of the retail electric sales to all customers excluding city of Conway and Conway Corporation, provided however, that gross revenues shall not include

1. any tax, fee or assessment of any kind imposed by the city or any other governmental entity or

2. net un-recovered bad debts.

   The city agrees that all amounts paid by the franchisee as a tax under 4.43.07(B) may be added to the price of Electric Services and collected from the customers as an external cost. All amounts paid by franchisee may be separately stated on the customer's bills. The amount pair or contributed in 4.43.07(A) and (B) are the total franchise fee to be paid to the city by Conway Corporation. (Ord. No. 0-05-163, Sec. 7.)

3. Forty percent (40%) of the processed of the franchise fee collected pursuant to Ord. No. O-05-163 retroactive to that date of its inception shall be segregated and specifically earmarked for the payment of all or a portion of capital projects that will enhance or augment desirable economic development, including the acquisition of real property and rights-of-way for construction of by purchase, lease or where specifically authorized by state law, the exercise of eminent domain, road and highway improvements, water service, wastewater treatment and any expansion of utility infrastructure, including electric, cable, gas or telephone. (Ord. No. O-06-50, Sec. 1.)

4. The type of desirable economic development contemplated pursuant to this ordinance includes, but is not limited to:

   a. Manufacturers classified in sectors 31-33 in the North American Industry Classification System, as in effect January 1, 2003.

   b. Business primarily engaged in the design and development of prepackaged software, digital content production and preservation, computer processing and data preparation services, or information retrieval services.

   c. Distribution centers or intermodal facilities;

   d. Office sector business;

   e. National or regional corporate headquarters, North American Industry Classification System Code 551114, as in effect January 1, 2005;

   f. Firms primarily engaged in commercial, physical, and biological research as classified in the North American Industry Classification System Code 541710, as in effect January 1, 2005;

   g. Scientific and technical services businesses.

   Provided further, that the business proposes to pay wages in excess of one hundred ten percent (110%) of the county or state average wage, whichever is less. (Ord. No. O-06-50, Sec. 2)

5. It is specifically contemplated and is the intent of the city that the proceeds described above shall only be utilized for capital and infrastructure projects that will result in public use of such facilities and other public advantages and benefits and said proceeds are not intended to be used in a manner inconsistent with any state law or Article 12, Section 5 of the Arkansas Constitution. (Ord. No. O-06-50, Sec. 3)

4.40.08 Rates The rates charged for Electric Service shall be set by Corporation subject to the approval of the City Council. 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. (Ord. No. O-05-163, Sec. 8.)

That the retail rates for electric service attached to and hereby made a part of this ordinance are adopted as the rates to be charged for electric service in the city of Conway, Arkansas as fair and equitable rates for electric service. These rates are to be collected by the Conway Corporation beginning with billings rendered after April 1, 1998. (Ord. No. O-98-39, Sec 1.)

4.40.09 Contracts Conway Corporation shall have the right to enter into negotiated contracts with institutional and industrial customers so long as the negotiated rate 1)does not exceed that provided in Ord. No. 98-39 or the subsequent rate card approved by the City Council; 2) is fully compensatory for that class of customer; and 3) is subject to all fuel and service adjustments, taxes and fees applicable to that class of customer. (Ord. No. O-99-84, Sec. 1.)

ELECTRIC RATE SCHEDULE
RESIDENTIAL SERVICE

Availability- At any point on the existing secondary distribution system.

Application- For residential service to single family residences or individual family apartments supplied through one meter, including incidental family use, on the appurtenant premises. This rate schedule is not applicable to commercial type use on the appurtenant premises such as a beauty shop or auto repair shop. Where a portion of the residence premises (not separately metered) is used for non-residential purposes, the predominant use of the service, as determined by the Corporation, shall determine the rate schedule applicable to all service. Service is for the use of the customer and may not be shared and may not be resold to others.

Character of Service- Service will normally be single phase, 60 Hz., at approximately 120/240 volts. Three-phase service may be made available under provisions of Corporation regulations.

Net Monthly Rate- Summer rates will apply to billing months of June through September and winter rates will apply for the billing months of October through May.

Summer Rates		**Winter Rate**	
Customer Charge	$6.00	Customer Charge	$6.00
All KWH	$.06730 each	First 1,000 KWH	$.05900 each
Minimum	$6 per month.	Over 1,000 KWH	$.03700 each

Cost of Power Adjustment - The above energy charges will be increased or decreased to reflect to the nearest one-thousandth (.001) mill per KWH the change in the cost of fuel and purchased power incurred by the Corporation for the supply of service hereunder, above or below 32.00 mills per KWH.

Taxes - The above rates are subject to all local, state and federal taxes and franchise fees which are currently in effect or any taxes which are imposed by laws or ordinances on or after the effective date of this rate schedule.

Payment - The net bill, computed in accordance with the net monthly rate, shall be due and payable upon presentation and shall apply for a period of twenty (20) days. A gross bill in the amount of the net bill plus 2 ½ % will be due after twenty (20) days on all bills in excess of $100.00. (Ord. No. 0-05-143.)

SMALL COMMERCIAL SERVICE

Availability At any point on the existing secondary distribution system.

Application To all electric service, for which no specific schedule is provided, supplied at one point of delivery and measured through one kilowatt hour meter. Not applicable to resale or shared service.
Character of Service - Single or three-phase, 60 Hz., at one standard delivery voltage required by customer and available at customer's service location.

Net Monthly Rate - Summer rates will apply to billing months of June through September and winter rates will apply for the billing months of October through May.

Summer Rates		**Winter Rates**	
Customer Charge	$11.00	Customer Charge	$11.00
Demand Charge	$ 7.00 per KW	Demand Charge	$7.00 per KW
Energy Charge	$.04250 per KWH	Energy Charge	$.03700 per KWH

Minimum - $11.00 plus $1.50 per KW times the highest demand established in the twelve (12) months ending with the current month.

Cost of Power Adjustment - The above energy charges will be increased–or decreased to reflect to the nearest one-thousandth (.001) mill per KWH the change in the cost of fuel and purchased power incurred by the Corporation for the supply of service hereunder, above or below 32.00 mills per KWH.

Demand - The demand in KW, as shown by or computed from readings on the Corporation demand meter, for the 15-minute period of customer's greatest use during the month.

Taxes - The above rates are subject to all local, state and federal taxes and franchise fees which are currently in effect, or any taxes which are imposed by laws or ordinances on or after the effective date of this rate schedule.

Payment - The net bill, computed in accordance with the net monthly rate, shall be due and payable upon presentation and shall apply for a period of twenty (20) days. A gross bill in the amount of the net bill plus 2 ½ % will be due after twenty (20) days on all bills in excess of $100.00. (Ord. No. 0-05-143.)

LARGE GENERAL SERVICE

Availability - At any point on existing system having adequate capacity and suitable voltage for delivery of service.

Application - To all electric service required by customer on the premises, when supplied at one

delivery point and measured through one kilowatt hour meter. Not applicable to temporary, resale or shared service.

Character of Service - Three-phase, 60 Hz., at one standard delivery voltage required by customer and available at customer's service location.

Net Monthly Rate –

Demand Charge	$700.00
Each KW of Demand in Excess of 100 KW	$ 7.00 per KW
Energy Charge	$ .03700 per KWH

Minimum - The demand charge for the current month, but not less than $1.75 per KW of the highest demand established during the twelve (12) months ending with the current month.

Cost of Power Adjustment - The above energy charges will be increased or decreased to reflect to the nearest one-thousandth (.001) mill per KWH the change in the cost of fuel and purchased power incurred by the Corporation for the supply of service hereunder, above or below 32.00 mills per KWH.

Demand - The demand in KW, as shown by or computed from readings on the Corporation demand meter, for the 15-minute period of customer's greatest use during the month, but in no event less than 100 KW. Demand measurement may be made by a KVA demand meter or equivalent. The demand charge will be calculated on the higher of the registration of the KW or the registration in KVA time 0.9.

Taxes - The above rates are subject to all local, state and federal taxes and franchise fees which are currently in effect, or any taxes which are imposed by laws or ordinances on or after the effective date of this rate schedule.

Payment - The net bill, computed in accordance with the net monthly rate, shall be due and payable upon presentation and shall apply for a period of twenty (20) days. A gross bill in the amount of the net bill plus 2 ½ % will be due after twenty (20) days on all bills. (Ord. No. 0-05-143.)

LARGE POWER SERVICE

Availability - At any point on existing system having adequate capacity and suitable voltage for delivery of service.

Application - To all electric service required by customer on the premises, for which no specific schedule is provided, when supplied at one delivery point and measured through one kilowatt hour meter. No applicable to temporary, resale or shared service.

Character of Service - Three-phase, 60 Hz., at one standard delivery voltage required by customer and available at customer's service location.

Net Monthly Rate

Demand Charge	$7,000.00*
Each KW of Demand in Excess of 1,000 KW	$ 7.00* per KW
Energy Charge	$ .03250** per KWH

Minimum - The demand charge for the current month, but not less than $1.75 per KW of the highest demand established during the twelve (12) months ending with the current month.

Cost of Power Adjustment – The above energy charges will be increased or decreased to reflect to the nearest one-thousandth (.001) mill per KWH the change in the cost of fuel and purchased power incurred by the Corporation for the supply of service hereunder, above or below 32.00 mills per KWH.

Demand –The demand, in KW, as shown by or computed from the readings on the Corporation's demand meter, for the 15-minute period of customer's greatest use during the month, but in no event less than 1,000 KW. Demand measurement may be made by a KVA demand meter or equivalent. The demand charge will be calculated on the higher of the registration in KW or the registration in KVA times 0.9.

Taxes – The above rates are subject to all local, state and federal taxes and franchise fees which are currently in effect, or any taxes which are imposed by laws or ordinances on or after the effective date of this rate schedule.

Payment – The net bill, computed in accordance with the net monthly rate, shall be due and payable upon presentation and shall apply for a period of twenty (20) days. A gross bill in the amount of the net bill plus 2 ½ % will be due after twenty (20) days on all bills.

* This rate is subject to a 5% discount for service at primary voltage (13.8 KV).
** This rate is subject to a 5% discount for service at primary voltage (13.8 KV) when KW load is in excess of 10,000 KW. (Ord. No. 0-05-143.)

INSTITUTIONAL SERVICE

Availability – At any point on existing system, having adequate capacity and suitable voltage for delivery of service.

Application – To all institutional campuses with distribution systems served through one kilowatt hour meter and supplied at one delivery point.*

*At Corporation's option, delivery may be made at more than one point through more than one kilowatt hour meter. In this instance, meters will be added together on a non-simultaneous basis and billed as if measured through one kilowatt hour meter.

Character of Service – Three-phase, 60 Hz., at one standard delivery voltage required by customer and available at customer's service location.

Net Monthly Rate

Demand Charge	$7.00 per KW
Energy Charge	$ .03700 per KWH

Minimum - The demand charge for the current month, but not less than $3.50 per KW of the highest demand established during the twelve (12) months ending with the current month.

Cost of Power Adjustment - The above energy charges will be increased or decreased to reflect to the nearest one-thousandth (.001) mill per KWH the change in the cost of fuel and purchased power incurred by the Corporation for the supply of power hereunder, above or below 32.00 mills per KWH.

Demand- The demand, in KW, as shown by or computed from the readings on the Corporation demand meter for the 15-minute period of customer's greatest use during the month.

Taxes - The above rates are subject to all local, state and federal taxes and franchise fees which are currently in effect, or any taxes which are imposed by laws or ordinances on or after the effective date of this rate schedule.

Payment - The net bill, computed in accordance with the net monthly rate, shall be due and payable upon presentation and shall apply for a period of twenty (20) days. A gross bill in the amount of the net bill plus 2 ½ % will be due after twenty (20) days on all bills in excess of $100.00. (Ord. No. 0-05-143.)

CHURCH SANCTUARY SERVICE

Availability - At any point on existing system having adequate capacity and suitable voltage for delivery of service.

Application - To all electric service required by church sanctuaries and appurtenances thereto on the premises, when supplied at one delivery point and measured through one kilowatt hour meter.
Not applicable to temporary, resale or shared service.

Character of Service - Single or three-phase, 60 Hz., at one standard delivery voltage required by customer and available at customer's service location.

Net Monthly Rate - Summer rates will apply to billing months of June through September and winter rates will apply for the billing months of October through May.

Summer Rates		**Winter Rates**	
Customer Charge	$11.00	Customer Charge	$11.00
Demand Charge	$ 3.75 per KW	Demand Charge	$ 3.75 per KW
Energy Charge	$.04695 per KWH	Energy Charge	$.03650 per KWH

Minimum - $11.00 per month.

Cost of Power Adjustment - The above energy charge will be increased or decreased to reflect the nearest one-thousandth (.001) mill per KWH the change in the cost of fuel and purchased power incurred by the Corporation for the supply of power hereunder, above or below 16.00 mills per KWH.

Load - The KW, as shown by or computed from readings on the Corporation demand meter, for the 15-minute period of customer's greatest use during the month.

Taxes - The above rates are subject to all local, state and Federal taxes which are currently in effect, or any taxes which are imposed by laws or ordinances on or after the effective date of this rate schedule.
Payment - The net bill, computed in accordance with the net monthly rate, shall be due and payable upon presentation and shall apply for a period of twenty (20) days. A gross bill in the amount of the net bill plus 2 ½ % will be due after twenty (20) days on all bills in excess of $100.00.

NIGHT TIME OUTDOOR LIGHTING SERVICE

Availability - At any point to any customer on the existing secondary distribution system.

Application - To un-metered automatically controlled outdoor lighting service operating all night. Corporation will install, own, operate and maintain lamp fixtures, including any necessary lamp replacements. All necessary service maintenance and lamp renewals will be furnished at Corporation's expense.

Net Monthly Rate -

Nightwatchers (Area Lighting)		
175 watt mercury vapor	per month	$ 6.95
Floodlighting Service		
400 watt mercury vapor lamp	per month	$13.75
1000 watt mercury vapor lamp	per month	258.00
250 watt high pressure sodium lamp	per month	$11.95
400 watt high pressure sodium lamp	per month	$18.00
1000 watt high pressure sodium lamp	per month	$32.50

For any type of outdoor lights adopted for use by Conway Corporation after the passage of this ordinance, Conway Corporation shall adopt rates for such lights. The rate for such services shall not be less than the associated variable costs.

Taxes - The above rates are subject to all local, state and federal taxes and franchise fees which are currently in effect or any taxes which are imposed by laws or ordinances on or after the effective date of this rate schedule.

Payment - The net bill, computed in accordance with the net monthly rate, shall be due and payable upon presentation and shall apply for a period of twenty (20) days. A gross bill in the amount of the net bill plus 2 ½ % will be due after twenty (20) days on all bills in excess of $100.00

RESIDENTIAL CONTROLLED AIR CONDITIONING SERVICE

Availability - Available to any customer receiving service under Residential Rate who desires to take service under the conditions specified herein.

Application - Applicable to any customer who has a central air conditioning system with a connected compressor load of three (3) KVA or more and agreeing to permit Company to install a control device so that Company can control the operation of the air conditioning compressor during periods of Company's peak load conditions and during emergency conditions.

Credit - The customer will receive a credit of $1.90 per KVA of connected compressor capacity controlled per month for three (3) months. The credit shall be applied to the customer's bill for the billing months of July, August and September. Said credit shall not exceed 20% of the customer's bill before the application of the credit.

Other Provisions

A. The Company shall have the right to interrupt service to the compressor unit for approximately fifteen (15) minutes per hour during peak load conditions from June 1 through September 15 each year or a maximum of thirty (30) minutes per hour during emergency conditions.

B. It is the responsibility of the customer to maintain his air conditioning unit and to keep his unit in good repair and working order.

C. The Company shall not be responsible for repair or maintenance of the customer's air conditioning unit. The Company shall be responsible for the repair and maintenance of the control unit.

D. If there is evidence of alteration or tampering with the Company's control unit, customer will reimburse Company for the cost of replacement or repair of the control unit and the credit to the customer's bill during the past six (6) months, if any, and Company may cancel agreement and remove its control unit.

Contract Period - Not less than one year.

COMMERCIAL SERVICE CONTROLLED AIR CONDITIONING SERVICE

Availability - Available upon installation of the appropriate equipment and facilities to any customer receiving service under Rate Schedule other than Residential, and who has a central air conditioning system(s) with a connected compressor load of at least three (3) KVA. This rate

schedule is limited to customers on whose air conditioning unit(s) the radio control device can be readily installed in the thermostatic control circuit for the air conditioning compressor(s).

Application - applicable to any customer receiving service under the rate schedule named in the availability clause above who has a central air conditioning system with a connected compressor load of three (3) KVA or more and agreeing to permit Company to install a control device so that Company can control the operation of the air conditioning compressor during periods of company's peak load conditions and during emergency conditions.
exceeds 1,000 KW and where customer has requested optional interruptible service during on-peak or emergency condition periods.

Credit - the customer will receive a credit of $1.00 per KVA of connected compressor capacity controlled per month for three (3) months. The credit shall be applied to the customer's bill for the billing months of July, August and September. Said credit shall not exceed 20% of the customer's bill before the application of the credit.

Other Provisions

A. The Company shall have the right to interrupt service to the compressor unit for approximately 15 minutes per hour during peak load conditions from June 1 through September 15 each year or a maximum of 30 minutes per hour during emergency conditions.

B. It is the responsibility of the customer to maintain his air conditioning unit and to keep his unit in good repair and working order.

C. The Company shall not be responsible for repair or maintenance of the customer's air conditioning unit. The Company shall be responsible for the repair and maintenance of the control unit.

D. If there is evidence of alteration or tampering with Company's control unit, customer will reimburse Company for the cost of replacement or repair of the control unit and the credit to the customer's bill during the past six months, if ay, and Company may cancel agreement and remove its control unit.

Contract period - Not less than one year.

Optional Interruptible Rate

A. The optional interruptible rate attached to and hereby made a part of this chapter is adopted as a rate which can be made available as an option to a rate established in Ordinance O-84-41.

B. The City Council hereby ascertains and declares that since we are in the peak notification period, there is immediate need for the adoption of the herewith attached rate, and that adoption of said rate is necessary to protect the health and

welfare of the inhabitants of the City of Conway; and that, therefore, and emergency exists and this ordinance shall take effect and be in force from and after its passage and publication.

Availability - At any point on the existing system having adequate capacity and suitable voltage for delivery of service.

Application - To all electric service required by customer on a singe or adjacent premises, when supplied and measured at delivery points connected to interruptible loads, where such connected load exceeds 1,000 KW and where customer has requested optional interruptible service during on-peak or emergency condition periods.

Character of Service - Three phase, 60 Hz, at one standard delivery voltage required by customer and available at customer's service location.

Net Monthly Rate:

Each KW of Demand	$6.75 per KW
Energy Charge	$ .02870 per KW

Load - The billing demand is the maximum demand established during restricted hours in the previous twelve (12) months. For either a new customer or an existing customer electing this rate, the beginning billing demand shall be the customer peak demand established during any period until the first period when customer load is restricted, computed from readings on the Corporation demand meter, for the fifteen (15) minute period of customer's greatest usage during the restricted hours. Load measurement may be made by a KVA demand meter or equivalent, in which event on KVA as registered will be considered as 0.90 KW.

Peak Condition Restricted Hours - Restricted hours are those on-peak hours during any weekday (Monday through Friday) for the period May through September where customer has been notified of such a condition.

Peak Notification - Notification will be given to customer not less than forty-five (45) minutes before such restricted hours.

Emergency Condition Restricted Hours - An Emergency Condition can occur at any time as a result of generator-forced outages, severe weather conditions or other unexpected events.

Emergency Notification - Notification will be given to customer not less than twelve (12) hours prior to expecting customer to reduce its load.

Cost of Power Adjustment - The above energy charges will be increased or decreased to reflect to the nearest one-thousandth (.001) mill per KWH the change in the cost of fuel and purchased power incurred by the Corporation for the supply of service hereunder, above or below 16.00 mills per KWH.

Taxes - The above rates are subject to all local, state and federal taxes which are currently in

effect or any taxes which are imposed by laws or ordinances on or after the effective date of this rate schedule.

Payment: The net bill, computed in accordance with the net monthly rate, shall be due and payable upon presentation and shall apply for a period of twenty days. A gross bill in the amount of the net bill plus 2 ½ % will be due after twenty (20) days on all bills in excess of $100.00.

Contract Period - The contract period shall be not less than–five (5) years.

MUNICIPAL SERVICE

Availability - At any point on the existing secondary distribution system.
Application – To all electric service for facilities of the city of Conway, for which no specific schedule is provided, supplied at one point of delivery and measured through one kilowatt hour meter. Not applicable to resale or shared service.

Character of Service – Single or three phase, 60 Hz., at one standard delivery voltage required by customer and available at customer's service location.

Net Monthly Rate

Customer charge	$11.00
Demand charge	$ 7.00 per KW
Energy charge	$.04900 per KWH

Minimum $11.00 plus $1.50 per KW times the highest demand established in the twelve

Cost of Power Adjustment - The above energy charges will be increased–or decreased to reflect to the nearest one-thousandth (.001) mill per KWH the change in the cost of fuel and purchased power incurred by the Corporation for the supply of service hereunder, above or below 32.00 mills per KWH.

Demand – The demand, in KW, as shown by or computed from readings on the Corporation demand meter, for the 15 minute period of customer's greatest use during the month.

Taxes - The above rates are subject to all local, state and federal taxes which are currently in effect or any taxes which are imposed by laws or ordinances on or after the effective date of this rate schedule.

Payment - The net bill, computed in accordance with the net monthly rate, shall be due and payable upon presentation . (Ord. No. O-05-143.)

Chapter 4.42
ELECTRIC PLANT LEASE

Sections:

4.42.01 Lease

4.42.01 Lease That the city of Conway, Arkansas does hereby lease unto the Conway Corporation the Electric Facilities owned by said city, said lease being as is hereinafter set out, and the Mayor and Clerk/Treasurer of said city shall be, and they are hereby, authorized and directed to execute, acknowledge and deliver the same in the name and on behalf of the City of Conway and to affix thereto the corporate seal of the city of Conway, said lease being as follows, to-wit:

LEASE

The following lease made and entered into by and between the city of Conway, Arkansas, hereinafter designated as Lessor, and Conway Corporation, hereinafter designated as Lessee, WITNESSETH:

Unless the context specifically indicates otherwise, the following words and/or terms, when used in this ordinance, shall have the following meaning:

Electric Plant shall include all property, equipment and apparatus of every kind and nature, whether now owned or hereafter acquired and whether owned totally or in part, by the city of Conway, Arkansas, and/or Conway Corporation, which is necessary and/or incidental to the supplying of electric service within the city of Conway, Arkansas and elsewhere, including, but not limited to generators and auxiliary equipment (whether owned in whole or in part), buildings, fixtures, substations, transmission and distribution pole lines, transformers, service wires and metering equipment.

Electric Service shall be the necessary power and energy delivered to a pre-determined metering point and, in the case of street lighting, shall include operation and maintenance of fixtures.

Force Majeure shall mean any cause or causes beyond the control of Corporation including, but not limited to, acts of God, or the public enemy, failure of Corporation's facilities, flood, earthquake, storm, lightning, fire, epidemic, war, embargo, riot, civil disturbance, strikes, picketing, lockouts or other labor disputes or disturbances, sabotage, or restraint or prevention of performance by act of any Court, regulatory body or defense agency, which by the exercise of due diligence and foresight Corporation could not reasonably have been expected to avoid.

> The Lessor does hereby lease and rent for the consideration hereinafter set forth unto the Lessee all real estate and personal property, located inside or outside of the city of Conway including buildings, substations, and all property in the definition of "Electric Plant" above, whether owned currently or acquired after the date of this lease.

For a term beginning on January 1, 2006 and ending December 31, 2036.

And for the rent of said property, the Lessee agrees and promises to pay to the Lessor the sum of One Hundred Twenty Thousand ($120,000.00) Dollars per year which rental shall be paid in equal monthly installments during the term of this lease. The Lessor agrees to pay for all utility services provided to its facilities by Lessee unless specifically excluded by the franchise agreement.

The Lessee agrees that it will at all times, during the period of this Lease, maintain the said Electric Plant in a high degree of efficiency, and that it will at its own expense, from time to time, replace and substitute by exchange worn out or defective or inadequate portions of the Electric Plant to the end that the said Electric Plant shall at all times during the term of this Lease and at the termination thereof be in as good condition for giving service as same are
now in, necessary wear and tear alone being excepted. It is expressly provided that the Conway Corporation shall have full power and authority to remove, salvage, destroy, sell or otherwise dispose of, any and all equipment and facilities which, in its discretion, are no longer required for, of utility to, or benefit to the Electric Plant.

At the expiration of the term of this Lease, all property and the Electric Plant hereby leased, together with any additions thereto or replacements thereof, made by said Corporation and all supplies and all other net assets of Corporation, shall be surrendered to the city of Conway.

Lessee further agrees that it will, during the term of this Lease, make all necessary additions and extensions to the Electric Plant and that it will, through its own production or by purchase, make available to customers, such additional Electric Service as shall be necessary to take care of any increased electric loads caused by the growth of the city of Conway, or otherwise, during the term of this Lease; provided, however, that Lessee shall not be responsible for power and energy shortages caused by Force Majeure, failure of equipment or governmental intervention.

The Lessee shall at all times during the term of this lease keep an accurate set of books in conformance with the Federal Regulatory Commission System of Accounts, showing all receipts and expenditures of said Corporation, and said books shall at all times be open to inspection by the City of Conway, or its designated agents.

IN WITNESS WHEREOF, this lease has been executed on behalf of the city of Conway, and the corporate seal of said city affixed hereto by its Mayor and Clerk/Treasurer hereunto duly authorized by ordinance of the City Council of the city of Conway, and has been executed by the Conway Corporation and the corporate seal of said Conway Corporation affixed hereto by its Chairman and its Secretary, hereunto duly authorized by resolution of the Board of Directors of the said Conway Corporation on this 20th day of December, 2005; it being distinctly understood and agreed, however, that neither the said Mayor nor Clerk/ Treasurer, nor the said Chairman nor the said Secretary of the Conway

Corporation shall in any manner be personally liable or responsible hereunder. (Ord. No. O-05-162, Sec. 1)

Chapter 4.44
GAS FRANCHISE TAXES

Sections:

4.44.01 Franchise tax
4.44.02 Terms of condition
4.44.03 Rate schedule
4.44.04 No liability to the city
4.44.05 Removal of system

4.44.01 Franchise tax Arkla shall pay to Conway, Arkansas, the sum of 4.25% of the gross revenues it receives for the operation of the system within the corporate boundaries of Conway, Arkansas. All such payments shall be made monthly. The tax herein levied shall be in
lieu of any other occupation tax, license tax, excise tax and any other character of municipal tax or fee (excepting the general ad valorem taxes and special millage taxes) which are now and might in the future be imposed by Conway, Arkansas under authority conferred upon the city by law. (Ord. No. O-99-121, Sec. 1.)

4.44.02 Terms of condition Nothing herein shall be construed to alter or change the terms or conditions of the present franchise under which Arkla is operating. (Ord. No. O-99-121, Sec. 2.)

4.44.03 Rate schedule Nothing herein shall be construed to alter or change the present rate schedule under which Arkla is now operating, except by order of the Arkansas Public Service commission or other legally constituted bodies. (Ord. No. O-99-121, Sec. 3.)

4.44.04 No liability to the city The city assumes no maintenance responsibility for the Arkla gas distribution system and appurtenances. The city shall not be responsible for damage to the Arkla gas distribution system and appurtenances by the city or by utility (public or franchised private) crews while performing normal maintenance work in the public right-of-way, easements or public grounds or places. The city assumes no liability for personal injury or property damage as a result of the placement of any gas distribution system and appurtenances and Arkla shall indemnify and hold the city harmless from actions, claims, costs, damages and expenses to which the city may be subjected arising out of the placement of any gas distribution system and appurtenances in the public right-of-way or easement or in any public ground or place. (Ord. No. O-99-121, Sec. 4.)

4.44.05 Removal of system Upon notice from the appropriate city department (as established by the Mayor), Arkla shall remove gas distribution system and appurtenances from the public right-of-way, easements, or public ground or place at their own expense for any public improvement project or if the situation becomes a public nuisance. (Ord. No. O-

99-121, Sec. 5.)

CHAPTER 4.48
TELEPHONE FRANCHISE

Sections:

4.48.01 Authority granted for operation of telephone system
4.48.02 Tax imposed upon Southwestern Bell Telephone Company
4.48.03 Tax shall be in lieu of other charges
4.48.04 Temporary moving of lines
4.48.05 Permission to trim trees
4.48.06 Ordinance does not require or permit electric light or power wire attachments
4.48.07 Exclusive privileges not given
4.48.08 Coordination with City Engineer
4.48.09 Maintenance responsibility
4.48.10 Installation adjustment costs
4.48.11 Reimbursement of direct costs
4.48.12 Ordinance to take effect

4.48.01 Authority granted for operation of telephone system. The Southwestern Bell Telephone Company, its successors and assigns (herein 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 Conway, State of Arkansas, (herein 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 right to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances as the business and purposes 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 may be established. (Ord. No. 99-120, Sec. 1.)

4.48.02 Tax imposed upon Southwestern Bell Telephone Company. The Telephone Company shall pay to the city for the period January 1, 2000 to December 31, 2000 inclusive and thereafter for like periods an amount equal to 4.25% of local exchange access line charges collected in the corporate limits of the city for the previous calendar year. Said sum to be paid in equal quarterly installments on or before the last day of March, June, September and December of each year. (Ord. No. O-99-120, Sec. 2.)

4.48.03 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. O-99-120, Sec. 3.)

4.48.04 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. O-99-120, Sec. 4.)

4.48.05 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. O-99-120, Sec. 5.)

4.48.06 Ordinance does not require or permit electric light or power wire attachments. Nothing in this ordinance contained 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. O-99-120, Sec. 6.)

4.48.07 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 rights of the Telephone Company to maintain a telephone system within the city. (Ord. No. O-99-120, Sec. 7.)

4.48.08 Coordination with City Engineer All new installations of telephone plant construction and/or appurtenances that cross drainage channels shall be coordinated with the City Engineer in advance of placement. Any damage to streets, sidewalks, driveways, curbs, gutters or other infrastructure taking place due to placement of telephone plant construction and/or appurtenances shall be repaired by the Telephone Company at their expense. (Ord. No. O-99-120, Sec. 8.)

4.48.09 Maintenance responsibility The city assumes no maintenance responsibility for any plant construction and/or appurtenances. The city shall not be responsible for negligent damage to any plant construction and/or appurtenances by the city or by utility (public or franchised private) crews while performing normal maintenance work in the public right-of-way, public easements or public grounds and places. the city assumes no liability for personal injury or property damage as a result of the placement of any plant construction and/or appurtenances. (Ord. No. O-99-120, Sec. 9.)

4.48.10 Installation adjustment costs Upon notice from the appropriate city department (as established by the Mayor), the Telephone Company shall remove plant construction and/or appurtenances from the public right-of-way, public easements and public grounds and

places at their own expense for any public improvement project or if the situation is deemed by a court to be a public nuisance. As a matter of policy, the city will seek to minimize current and future installation adjustment costs for the Telephone company by such measures as regular and systematic consultation in public works planning, advance engineering to the extent feasible, and careful consideration of public utility needs and installations in both planning and design. (Ord. No. O-99-120, Sec. 10.)

4.48.11 Reimbursement of direct costs The city will also reimburse the Telephone Company for the direct costs of required adjustments when the Telephone Company can demonstrate that the Telephone company acquired the right-of-way or otherwise occupied it prior to the dedication of the right-of-way either to the city of Conway or to any other unit of local government. Adjustment costs shall be reimbursed, when appropriate, under an agreement between the city and the Telephone Company for the particular project. such agreement shall describe the scope of the Telephone Company's adjustment work and allocate costs. The cost allocation shall not require the city to reimburse for betterments which are only occasioned by the adjustment required. (Ord. No. O-99-120, Sec. 11.)

4.48.12 Ordinance to take effect The said Telephone company shall have ninety (90) days from and after its passage and approval to file its written acceptance of this ordinance with the City Clerk, and upon such acceptance being filed, this ordinance shall be considered as taking effect and being in force from and after the date of its passage and approval by the Mayor. The ordinance shall continue in effect and be in force until terminated by the city or the Telephone Company as of the end of any year after giving one (1) year's written notice of intention to terminate. (Ord. No. O-99-120, Sec. 12.)

Chapter 4.52
PAYMENT BY ACT 9 INDUSTRIES

Sections:

4.52.01 Payment by Act 9 industries

4.52.01 Payment by Act 9 industries It shall be the policy of the city of Conway that any agreement negotiated with the city after November 14, 2000, regarding payments made in lieu of ad valorem taxes, including whether such payments are to be made and, if made, in what amounts, shall be negotiated and contracted by the city of Conway and the industrial concerns involved on a case-by-case basis. All existing provisions negotiated prior to November 14, 2000, shall continue to apply in all other cases. Provided, however, that nothing herein shall in any way affect the rights or obligations of any of the parties to any agreements, whether written or oral, existing on the date of enactment of this ordinance. (Ord. No. O-00-144, Sec. 1)

Chapter 4.56
WRECKER FRANCHISE

Sections:

4.56.01 Procedure for awarding franchise
4.56.02 Duties of franchisee and rates for service
4.56.03 Penalties

4.56.01 Procedure for awarding franchise The City of Conway desires to maintain quality wrecker service to the public utilizing the streets within the corporate limits of the city when circumstances require the City to initiate a call for wrecker services. This agreement, between the City and the providers of wrecker services, is for the purpose of addressing the respective needs and to provide for the maximum benefit of the traveling public.

Four wrecker services will enter into an agreement and shall collectively pay to the City the sum of TWENTY THOUSAND ($20,000) DOLLARS annually, with the total payment being due on or before December 1st of each year.

The signed wrecker service providers shall provide services as set out in Conway Municipal Code, Ordinances: O-04-49, O-04-85 and, O-04-122. The procedures and term of the franchise agreement shall be governed by the principles set out in Resolutions No. R-04-20 and No. R-04-29.

4.56.02 Duties of franchisee and rates for service. The Franchisee shall be required to provide and perform the following services:

A. The Franchisee shall provide a base of operations and storage inside the territorial jurisdiction of the city of Conway and with easy accessibility to the public. The said storage area must provide security for vehicles stored. The Franchisee must, at a minimum, enclose the said storage area with a suitable fence at least six (6) feet in height with lockable gate(s) with two (2) feet barbed wire on top or razor wire on top. (Ord. No. O-04-85, Sec. 1.)

B. The Franchisee will be required to sweep and haul away all debris, glass, and metal parts of automobiles damaged at the scene of an accident. Clean up fees if needed will never exceed $20.00 per call. (O-09-140)

C. The Franchisee shall maintain service 24 hours per day each day during the term of the Franchise, holidays not excepted, throughout all the City.

D. The Franchisee and all his employees while providing contract services will be subject to the supervision of the City Police Department and its patrolmen who will inspect the area after any accident to see that the Franchisee has performed his services satisfactorily.

E. Franchisee and his employees will be required to provide services authorized

in the Franchisee courteously and with the attitude that their service is an extension of city government and that their dealings with the public will be carried out with the utmost respect for the citizens with whom they come in contact.

When the city of Conway has an official hold on a vehicle, the agent or owner will have to secure a release from the Conway Police Department. the storage fees for vehicles held for forfeiture by the city of Conway will be $1.00 per day. the Franchisee shall not release such a held vehicle until a properly executed official release shall have been presented to the Franchisee. (Ord. No. O-00-139, Sec. 3.)
When the city of Conway has no official hold on the car in custody of the Franchisee, the Franchisee shall provide a copy of the list of permissible and actual charges to the owner or agent of the car in custody upon vehicle redemption. This list will have a space in which the agent or owner of the car in custody will sign that he has read the list. (Ord. No. O-04-122, Sec. 2.)

F. The list of charges provided by the Police Department or by the Franchisee shall contain a request to the effect that any complaints concerning the services provided by the Franchisee should be made to the office of the Police Chief, telephone number 501-450-6126. (Ord. No. O-00-139, Sec. 4)

G. The Franchisee herein granted will be subject to cancellation at any time by the Franchisee or the city of Conway upon written notice within 60 days prior to the effective date of said cancellation; provided that, the Franchise automatically will expire one (1) year from its date of adoption.

H. The Franchisee will be required to have or to have available radio dispatched equipment of the following specifications:

2 – One (1) ton light duty wreckers
1 – Twenty (25) ton rated wrecker with tandem rear axles
1 – One and one half (1.5) ton or heavier rollback (flatbed)
(Ord. No. O-04-122, Sec. 4.)

This Franchise provides for the removal of cars from public and private areas inside the city limits of Conway, Arkansas.

I. The city of Conway, Arkansas must be listed as a Certificate Holder on the Franchisee Insurance Certificate. All franchisee's wrecker service insurance must meet or exceed the limits required by the Arkansas Towing and Recovery Board. If any franchisee's wrecker service insurance is terminated during the franchise period, the franchisee will be terminated immediately, unless a new Insurance Certificate is furnished with the same requirements with no lapses in coverage.
(Ord. No. O-04-49, Sec. 1.)

J. The franchisee shall be in good standing with the Arkansas Towing and Recover Board. (Ord. No. O-04-49, Sec. 1.)

Cars to be officially held

In this category of cars, the Franchisee is functioning as a governmental entity and so shall meticulously follow the terms and conditions of the Franchise, taking care to do so with the spirit of public service and courtesy.

Cars hauled but not officially held

Cars services by the Franchisee in this category are to be treated as customers or clients of the government and the Franchisee. By virtue of this Franchise, cars are towed or serviced by the Franchisee by mere fact of the owner of the car not having indicated a preference as to what wrecker service to use and/or the car needed to be towed. But there is not official claim on care in this category. Inasmuch as the city lends its faith and image to the Franchisee in calling the contract wrecker, the Franchisee shall charge no more than the amounts provided in the franchise.

Junk cars: Cars that are unable to be moved from private property and ordered by the city to be moved by the Franchisee will be handled as officially held cars.

Charges:

The following will be the fees allowed to be charged for service. No charges for services beyond those specified is allowed. If services are performed for which no charges are provided, such will be considered the cost of doing business in the public sector.

A. All passenger vehicles and trucks up to one (1) ton shall be charged no more than the total of $75.00 per tow in town. Additionally, a winch charge of $40.00 per each ½ hour per wrecker shall be incurred. (O-09-140)

B. All trucks having a rating of one (1) ton or more and/or having a dual wheel arrangement on a single rear axle shall be charged no more than a total of $75.00 per tow in town. Additionally, a winch charge of $50.00 per each ½ hour per wrecker shall be incurred.

C. All trucks having a rating of more than one (1) ton and/or having a single dual wheel arrangement shall be charged no more than a total of $75.00 per tow in town. Additionally, a winch charge of $50.00 each ½ hour per wrecker shall be incurred.

D. In the event the Franchisee is required to remain at the site of the tow origination for a period which exceeds thirty (30) minutes from the time of wrecker truck arrival, an additional maximum charge of $50.00 may be assessed for class (A)and (B) vehicles previously described. If the vehicle is

class (C) or (D) as previously described, the said additional maximum charge allowed to be assessed shall be $125.00. (O-09-140)

E. The Franchisee may charge an Administrative Fee of up to $25.00 as authorized by state law. (O-09-140)

F. The tow charges will be increased five percent (5%) a year each year starting December 1, 2009, until December 1, 2014. (O-09-140)

Storage:

A. A maximum of $25.00 per 24 hour day on all vehicles, except tractor-trailers, or any part thereof for outdoor storage. If the owner or any appropriate law enforcement personnel requests indoor storage of said vehicle, a maximum of $25.00 per 24 hour day charge on all vehicles, except tractor-trailers, or any part thereof may be assessed. Additionally a $10.00 charge will be assessed for vehicles in need of inclement weather covering (tarps). (O-09-140)

B. Tractor-trailers or heavy dump trucks shall be stored for $50.00 per 24 hour day, or any part thereof. (Ord. No. O-04-49)

C. After a vehicle has been placed in the storage area, the Franchisee(s) may charge a maximum of $30.00 to release said vehicle if said release occurs between the hours of 6:00 p.m. and 8:00 a.m. or is said release occurs on Sundays or holidays.

All wrecker calls for city-owned vehicles shall be directed to the Franchisee(s) and shall be handled by the Franchisee9s) free of charge with the exception of large vehicles classes in categories "C" and "D" of the Charges section above which shall be charged up to the maximum current charge as allowed by ordinance. (Ord. No. O-04-122, Sec. 6.)

4.56.03 Penalties Any person, firm and/or corporation violating any of the provisions of this ordinance shall be guilty of a violation and, upon conviction, shall be fined not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00) for each offense. (O-09-140)

CHAPTER 4.60
YARD SALES

Sections:

4.60.01 Sales regulated
4.60.02 Limitations
4.60.03 Permit (Repealed)
4.60.04 Obstruction of traffic unlawful

4.60.05 Display, permit (Repealed)
4.60.06 Signs
4.60.07 Penalty

4.60.01 Sales regulated. That sales regulated by this ordinance include what are commonly known as yard sales, carport sales, garage sales, porch sales, patio sales and any other sales from a person's residence. Home businesses permitted under the zoning ordinance of the City of Conway and properly licensed as a home business are exempt from the provisions of this ordinance. (Ord. No. O-78-29, Sec. 1)

4.60.02 Limitations. Sales defined by Section 1 above are restricted to three (3) days duration and shall not be held on the same premises more than twice in any one (1) year period. (Ord. No. O-78-29, Sec. 2)

4.60.03 Permit. (Repealed)

4.60.04 Obstruction of traffic unlawful. That it shall be unlawful for any person to conduct such home sale in a place or in a manner which blocks or obstructs the vehicular traffic or any way creates a hazardous driving condition. (Ord. No. O-80-28, Sec. 1)

4.60.05 Display, permit. (Repealed)

4.60.06 Signs.

No permit is required – May be used for residential garage / yard sales only.

Size and Type
All signs shall be no larger than six (6) square feet, placed on a single or double stake or other freestanding manner.

Location
One (1) sign at the location of the sale for each street frontage on that property.
One (1) pointer sign per sale may be placed in any intersection under the following conditions. No garage/yard sale sign shall be placed, affixed, stapled, glued, taped to any utility pole, street sign, tree, stop sign, fence, etc..
No garage/yard sale sign shall be placed in any public right-of-way in a manner as to interfere with traffic, both vehicular and pedestrian, or interfere with any residential, commercial or industrial property.

Time
No garage/yard sale signs shall be placed on public property any earlier than six (6:00) P.M. the night before and
must be picked up by seven (7:00) P.M. the day the sale is over.
(Ord. No. O-94-54 Section 2.04; as amended by O-06-134)

4.60.07 Penalty. Violations of this ordinance shall be a misdemeanor and a fine for each violation shall be at least Twenty-five Dollars ($25.00) but not more than one Hundred Dollars ($100.00). Each day of such sale in violation of this ordinance shall constitute a separate offense. (Ord. No. O-78-29, Sec. 7)

Chapter 4.64
CABLE TELEVISION

Sections:

4.64.01 Franchise granted to Conway Corporation
4.64.02 Rights of grantee
4.64.03 Responsibilities of grantee
4.64.04 Responsibilities of grantor
4.64.05 Rights and responsibilities of grantor and grantee
4.64.06 Rates
4.64.07 Committee
4.64.08 Terms
4.64.09 Meetings

4.64.01 Franchise granted to Conway Corporation. That there is hereby granted to the Conway Corporation, a corporation organized under order of the Circuit Court of Faulkner County, and under Certificate of Incorporation, issued by the Clerk of the Circuit Court of Faulkner County on the 7th day of May, 1929, the exclusive privilege of operating and maintaining a Cable Television System within the City of Conway, Arkansas for the purpose of supplying Cable Television Service to the City of Conway and to its inhabitants and to all persons and corporations doing business therein for a period beginning on June 1, 1979 and ending on December 31, 2025. (O-08-111, Section 2)

4.64.02 Rights of grantee. The said Conway Corporation is hereby granted the exclusive 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 said Conway Corporation may, following prior approval of the City Council of the City of Conway, 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. (O-08-111, Sec. 3)

The Cable Television System, (CTV) owned by the City of Conway (City), operated by its agent, the Conway Corporation (Corp), may attach its cables, wires, guy wires and all other appurtenances necessary for the operation of the Cable Television System to any and all poles located upon the lands and/or rights of way owned by the city as the CTV may deem necessary to provide good and safe CTV service to the citizens of the city. (Ord. No. O-80-20, Sec. 1)

The corporation may enter into an agreement with the owner of said poles to pay an attachment and occupancy fee; provided, however, said fee shall in no instance exceed that

fee recommended and allowed by the F.C.C.

The corporation may make reasonable payment to the owners of said poles for "make ready work" or adjustment to existing systems on said pole to provide for safe operation of all utility systems in the city. (Ord. No. O-80-20, Sec. 2)

4.64.03 Responsibilities of grantee. The said Conway Corporation shall at all times during the term of this franchise, operate and maintain efficient and properly equipped head-end equipment, together with a proper and sufficient distribution system to afford Cable Television Service to the inhabitants of Conway and ail 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-1975) 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, 14 C.F.R. 77.1 et. seq., February 1965.

Any antenna structure in the city's cable television system shall comply with Construction, Marking and Lighting of Antenna Structure, 47 CFR. 17.1 et. seq., September 1967. (FAA)

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 Conway during the term of this franchise. This paragraph shall not preclude the selling, leasing, repair or installation of such converters or other devices as may be necessary to render the Subscribers' receiver capable of receiving all channels of the Cable Television System. (O-08-111)

The Corporation shall be required to carry insurance as it, in its sole judgment, deems necessary, in accordance with Arkansas law and to properly protect itself and the citizens of the city. (Ord. No. O-80-20, Sec. 3)

4.64.04 Responsibilities of grantor. The City of Conway 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 corporation and to protect said Conway Corporation in the sole and exclusive and unrestricted enjoyment of all privileges granted under this franchise. (O-08-111)

4.64.05 Rights and responsibilities of grantor and grantee.

A. The grantee shall pay to the city of Conway a franchise fee equal to five (5) percent of the gross revenues from subscription fees of the System for video services, unless the rate used to calculate other video service providers' annual fee is lower than 5%. In that event, the franchise fee paid by Grantee shall be calculated using the lower rate used to calculate other video service providers' annual fee. Gross revenues shall not include:

1. any tax, fee or assessment of any kind imposed by the city or other governmental entity on a cable operator or subscriber, or both, solely because of their status as such; or
2. net un-recovered bad debt.

B. The city of Conway agrees that all amounts paid by the franchisee as fees may be added to the price of video services and collected from the grantee customers as "external costs." All amounts paid as franchise fees may be separately stated on customer's bills. Video service includes the transmission to subscribers of video programming. The fee does not apply to non-video revenues or the non-video revenues of a bundled product containing video and non-video offerings. (O-08-111.)

C. The city shall have the right to inspect the grantee's income records, the right of audit and the re-computation 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) day following written notice to the grantee by the city, which notice shall include a copy of the audit report. (O-08-111)

D. The rates charged for Cable Television Service shall be set forth by Conway Corporation. Said rates shall provide adequate revenues to cover the costs of operation and maintenance, bond fund and other debt service requirements, plant expansion and necessary and reasonable surpluses and reserves. (O-08-111)

E. The grantee shall have complete and accurate books of account and records of its business and operations under and in connection with the ordinances and franchise. (O-08-111)

F. 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. (O-08-111)

4.64.06 Rates

A. The terms and rates of the cable television system (CT-001 through CT-005) attached to and made a part of this ordinance are adopted as those in effect upon passage of this ordinance. These rates shall become effective with billings on or after January 1, 2001.

B. The terms and rates of the internet system (IN-001 through IN-001) attached to and hereby made part of this ordinance are adopted as those in effect upon passage of this ordinance.

C. Should Conway Corporation have a need to provide services in its cable television and internet operations not currently anticipated, it may provide such service to the extent provided by law. The rate for such services shall not be less than the associated variable costs as determined by Conway Corporation. Nothing in this ordinance shall prohibit Conway Corporation

from providing special prices or promotions for limited periods of time or providing incentives to customers to purchase packaged services so long as the rate for such packages is not less than the associated variable costs as determined by Conway Corporation. (Ord. No. O-00-145, Secs. 1-3.)

D. Section One of Ord. No. 00-145 and Section One of Ord. No. 02-106 are hereby amended to include the terms and rates in CT-001, CT-006 and IN-001 attached to and made a part of this ordinance. These rates shall become effective with billings on or after November 1, 2004. (Ord. No. O-04-86, Sec.1)

Chapter 4.72
ALLTEL COMMUNICATIONS FRANCHISE

Sections:

4.72.01 Franchise granted to Alltel Communications
4.72.02 Franchise tax
4.72.03 Payment in lieu of other fees
4.72.04 Raising or lowering wires
4.72.05 Trimming trees
4.72.06 Light or power attachments
4.72.07 No exclusive privileges
4.72.08 Coordination with City Engineer
4.72.09 Maintenance responsibility
4.72.10 Removal of plant construction
4.72.11 Reimbursement for direct costs

4.72.01 Franchise granted to Alltel Communications That a franchise is hereby granted from the city of Conway, Arkansas (hereinafter referred to as Citv) to Alltel Communications (hereinafter referred to as A1ltel") and to its successors and assigns for the purpose of installing, operating and maintaining its telephone system and all business incidental to or connected with the conducting of a telephone business and system in the city of Conway, State of Arkansas.

Alltel, in the conduct of its business shall be authorized to exercise its right to place, remove. construct and reconstruct, and 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 rights-of-way and the public grounds and places within the limits of said City as the same from time to time may be established. (Ord. No. O-99-122, Sec. 1)

4.72.02 Franchise tax Alltel shall pay to the City for the period January 1, 2000 through December 31, 2000 inclusive and thereafter for like periods an amount equal to 4.25% of local

exchange access line charges collected in the corporate limits of the City for the previous calendar year. Said sum to be paid in equal quarterly installments on or before the last day of

March, June, September, and December of each year. (Ord. No. O-99-122, Sec. 2)

4.72.03 Payment in lieu of other fees 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. Alltel 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. O-99-122, Sec. 3)

4.72.04 Raising or lowering wires Alltel, 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 Alltel may require such payment in advance. Alltel shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.(Ord. No. O-99-122, Sec. 4)

4.72.05 Trimming trees Permission is hereby granted to Alltel 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 Alltel. 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. O-99-122, Sec. 5)

4.72.06 Light or power attachments Nothing in this ordinance contained 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, then a separate non contingent agreement shall be a prerequisite to such attachments. (Ord. No. 99-122, Sec. 6.)

4.72.07 No exclusive privileges Nothing herein contained shall be construed as giving to Alltel any exclusive privileges, nor shall it affect any prior or existing rights of Alltel to maintain a telephone system within the City. (Ord. No. O-99-122, Sec. 7)

4.72.08 Coordination with City Engineer All new installations of telephone plant construction and/or appurtenances that cross drainage channels shall be coordinated with the City Engineer in advance of placement. Any damage to streets, sidewalks, driveways, curbs, gutters or other infrastructure taking place due to placement of telephone plant construction and/or
appurtenances shall be repaired by Alltel at their expense. (Ord. No. O-99-122, Sec. 8)

4.72.09 Maintenance responsibility The City assumes no maintenance responsibility for any plant construction and/or appurtenances. The City shall not be responsible for negligent damage to any plant construction and/or appurtenances by the City or by utility (public or franchised private) crews while performing normal maintenance work in the public right-of-way, public easements or public grounds and places. The City assumes no liability for personal injury or property damage as a result of the placement of any plant construction and/or appurtenances. (Ord. No. O-99-122, Sec. .)

4.72.10 Removal of plant construction Upon notice from the appropriate city department (as established by the Mayor), Alltel shall remove plant construction and/or appurtenances from the public right-of-way, public easements and public grounds and places at their own expense for any public improvement project or if the situation is deemed by a court to be a public nuisance.

As a matter of policy, the City will seek to minimize current and future installation adjustment costs for Alltel by such measures as regular and systematic consultation in public works planning, advance engineering to the extent feasible, and careful consideration of public utility needs and installations in both planning and design. (Ord. No. O-99-122, Sec. 10)

4.72.11 Reimbursement for direct costs The City will also reimburse Alltel for the direct costs of required adjustments when Alltel can demonstrate that Alltel acquired the right-of-way or otherwise occupied it prior to the dedication of the right-of-way either to the City of Conway or to any other unit of local government. Adjustment costs shall be reimbursed, when appropriate, under an agreement between the City and Alltel for the particular project. Such agreement shall describe the scope of Alltel's adjustment work and allocate costs. The cost allocation shall not require the City to reimburse for betterments which are only occasioned by the adjustment required. (Ord. No. O-99-122, Sec. 11)

Chapter 4.76
PAWNSHOPS

Sections:

4.76.01 Pawnbrokers and dealers in secondhand goods - Definitions
4.76.02 Penalty
4.76.03 Records and reports – Secondhand goods
4.76.04 Duty to retain goods – Electronics with identifiable numbers or marks
4.76.05 Notification to police of altered serial numbers
4.76.06 Precious Metals
4.76.07 Exemptions
4.76.08 Records and reports – Precious metals
4.76.09 Duty to retain goods – Precious metals
4.76.10 Notification to police of altered goods
4.76.11 Scrap Metal Dealers - Records

4.76.01 Pawnbrokers and dealers in secondhand goods – Definitions:

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: (Ord. No. O-10-106, Sec 01)

Dealer in secondhand goods means any person who:

A. Buys, sells or otherwise deals principally in used or secondhand goods; or

B. Buys for resale any used or secondhand goods, whether or not as a principal vocation or business, and without regard to whether or not such person maintains a place of business for such purpose.

Dealer in secondhand goods does not include:

A. a licensed retailer of new goods who shall, in the ordinary course of business, receive used or secondhand goods only as a "trade-in" or as part consideration for purchases of new goods;

B. a person who sells or exchanges coins, tokens, metals, or goods of any other nature, if such activity is conducted as part of an approved exhibit at an approved convention held in a facility subject to the regulation of the advertising and promotion commission;

C. a person who sells goods from a residence, as part of an estate sale, yard sale, garage sale, tag sale, or internet auction; or

D. a person who markets goods from an established business that operates:
   1. on consignment;
   2. as part of an auction; or
   3. from a flea market or booth at same.

Flea market shall mean and include any group of five (5) or more unrelated persons selling tangible used or secondhand personal property or collectors' items to the public.
Goods mean any tangible chattel or personality capable of physical delivery, except furniture and motor vehicles. "Furniture" does not include radios, television sets, appliances or other items with mechanical, electrical or electronic works.

Pawnbroker means a person engaged in the business of lending money upon the security of goods deposited with it or left in pawn, with or without a fixed period of redemption, whether or not a fixed place of business is maintained for such purposes.

4.76.02 Penalty. The failure on the part of any owner or operator of a pawnshop, pawnbroker or dealer in secondhand goods, precious or scrap metals, his or her agent or any other person or entity subject to the provisions of this ordinance to comply with the provisions of this ordinance shall be deemed a violation. Upon conviction, the offender shall be punished by a fine of not more than one hundred dollars ($100.00) for each separate offense. Each day an owner or operator of a pawnshop, pawnbroker or dealer in secondhand goods, precious or scrap metals, his or her agent or any other person or entity subject to the provisions of this ordinance fails to comply with a provision of this ordinance shall constitute a separate offense and shall be punished accordingly. (Ord. No. O-10-106, Sec 02)

4.76.03 Records and reports – Secondhand goods

A. Each and every owner or operator of a pawnshop, pawnbroker and dealer in secondhand goods doing business in the city shall:

1. Keep a well-bound record book or register which shall contain a copy of every pawn ticket or contract or bill of sale issued by the pawnbroker or dealer in secondhand goods. The chief of police or his duly authorized agents shall be entitled to inspect the book or register at any reasonable time.

2. Take a color photograph or digital image of any and all jewelry or precious metals that may be pawned or sold. Jewelry shall mean items of personal adornment and shall include, but not be limited to, any bracelet, brooch, charm, cuff link, earring, necklace, ring, tie bar or watch. Precious metals shall include items made from gold, silver or platinum. The photograph or digital image must:

    a. be maintained in such a manner that the image can be readily matched, correlated, and cross-referenced with all other records of the transaction to which they relate;
    b. be available to the chief of police, or the chief's designee, upon request; and
    c. be kept or otherwise maintained for sixty (60) days after the date of the transaction, or the date the goods were received, whichever is later.

3. 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 Conway Police Department. Information required by such system shall include, but not be limited to, the following:

    a. ***Amount loaned***. The amount loaned against the article by the pawnbroker or paid for the article by a pawnbroker or dealer in secondhand goods.
    b. ***Ticket number***. The pawn ticket number or redemption number issued to the pawnbroker and assigned to and tagged onto the goods. All items must be identified with consecutively numbered tags generated by the inventory-tracking system.
    c. ***Article.*** A description of the class of goods within which the pawned or purchased item belongs. Examples are: projector, camera, shoes, revolver, typewriter, watch, ring, television, etc. It shall not be necessary to give a detailed description of such item or goods.
    d. ***Description of article.*** A concise description of the goods shall be given. In the case of all goods the size, color and descriptive characteristics most pertinent shall be entered. Serial numbers of all appliances or mechanical, electrical, electronic or other manufactured goods shall be entered if such is available on said goods. Model or chassis numbers shall not be entered in lieu of a serial number unless there is no serial number. In the case of

watches, the outside case number shall be sufficient if the watch is waterproof, but otherwise both the case number and movement number shall be given, if both are present.

e. ***Marks.*** Any identifying marks, initials, monograms or personalized features shall be entered to further describe the goods.

f. ***Name of party pledging or selling***. The name of the person presenting the goods for pawn or for sale. The name entered shall be substantiated and verified by examination of the government-issued photo ID of the pawnbroker or seller.

g. ***Method of identification***. The number appearing on the government-issued photo ID of the person pawning or selling goods, used for identification under paragraph (vi) of this subsection.

h. ***Address***. The address of the person pawning or selling goods.

i. ***Description of person***. A description of the person pawning or selling goods indicating sex, race, date of birth, height and weight. (Ord. No. O-10-106, Sec. 03)

B. The city of Conway, through the Conway Police Department, shall provide free, commercial grade software, together with periodic updates of such software, to affected pawnshops, pawnbrokers, and dealers in secondhand goods in order to facilitate compliance with this ordinance.

4.76.04 Duty to retain goods – Electronics with identifiable numbers or marks

No bond, security or goods of any kind whatsoever received on deposit, purchased or pledged to or by any dealer in secondhand goods shall be sold or permitted to be redeemed or removed from the place of business of such dealer in secondhand goods for a period of seven (7) days from the time of receiving same if said goods are electronic, or other manufactured goods with serial numbers, or other identifiable numbers or marks; pawnbrokers shall be governed by state law with regard to any such specific duties or requirements. (Ord. No. O-10-106, Sec 04)

4.76.05 Notification to police of altered serial numbers

In the event any goods are pawned, pledged or sold, or tendered for pawn or sale to any pawnbroker or dealer in secondhand goods, which normally carry or have a serial number or numbers or means of identification which shall have been removed, mutilated, defaced or destroyed, such fact shall be immediately reported by the pawnbroker or dealer in secondhand goods to the chief of police or his duly authorized agent. (Ord. No. O-10-106, Sec 05)

4.76.06 Precious metals - Definitions

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

Precious metal dealer means a person engaged in the business of buying precious metals, whether for cash or trade, and whether or not a fixed place of business is maintained for such purposes.

Precious metals means any form of gold, silver or platinum.
(Ord. No. O-10-106, Sec 06)

4.76.07 Exemptions

This division does not apply to:

A. Financial institutions chartered under state or federal banking laws.
B. Security firms duly licensed under federal or state law.
C. Transactions between such institutions or firms and their customers.
D. Transactions involving loose teeth.
E. Purchase of coins except that when coins are purchased, the precious metal dealer must verify the seller's identification by taking down his name, address, government-issued photo ID and retain a complete description of the coins.
(Ord. No. O-10-106, Sec 07)

4.76.08 Records and reports – Precious metals

A. Every person engaged in the business of buying precious metals, whether for cash or trade, shall:

1. Keep a well-bound record book or register which shall contain a copy of every bill of sale issued by the dealer. The chief of police or his duly authorized agent shall be entitled to inspect the book or register at any reasonable time.

2. Take a color photograph or digital image of the goods received. The photograph or digital image must:

    a. Be maintained in such a manner that the image can be readily matched, correlated, and cross-referenced with all other records of the transaction to which they relate;
    b. Be available to the chief of police, or the chief's designee, upon request; and
    c. Be kept or otherwise maintained for sixty (60) days after the date of the transaction, or the date the goods were received, whichever is later.

3. Maintain an electronic inventory-tracking system which is capable of delivery and transmission of the following information via computer to the entity designated by the Conway Police Department. Information required by such system shall include, but not be limited to, the following:

    a. *Amount paid.* In this column shall be entered the amount paid for the article or articles by a dealer in precious metals.
    b. *Ticket number.* The tag or ticket number issued and assigned to and tagged onto the goods. All items purchased must be identified with

consecutively numbered tags generated by the inventory-tracking system.

c. *Article.* A description of the class of goods within which the purchased items belong. Examples are coins, rings, silverware, etc.
d. *Description of article.* A concise description of the goods shall be given. In the case of all goods the size, color and descriptive characteristics most pertinent shall be entered. Serial numbers shall be entered if such is available on said goods. In the case of watches, the outside case number shall be sufficient if the watch is waterproof, but otherwise both the case number and movement number shall be given, if both are present.
e. *Marks.* Any identifying marks, initials, monograms, brand name or personalized features shall be entered to further describe the goods.
f. *Name of party selling.* The name of the person presenting the goods for sale. The name entered shall be substantiated and verified by examination of the government-issued photo ID of the seller
g. *Method of identification.* The number appearing on the government-issued photo ID of the person selling the articles.
h. *Address.* The address of the person selling goods.
i. *Description of person.* A description of the person selling goods, indicating sex, race, date of birth, height and weight.

B. The city of Conway, through the Conway Police Department, shall provide free, commercial grade software, together with periodic updates of such software, to every person engaged in the business of buying precious metals, whether for cash or trade, in order to facilitate compliance with this ordinance.
(Ord. No. O-10-106, Sec 08)

4.76.09 Duty to retain goods – Precious metals

No precious metals of any kind whatsoever received by the dealer shall be sold or permitted to be removed from the place of business of the dealer for a period of seven (7) days from the time of receiving same. All such goods shall be retained in the original condition in which they were received during such period. (Ord. No. O-10-106, Sec 09)

4.76.10 Notification to police of altered goods.

In the event any articles sold to any precious metal dealer have had the serial number or other means of identification removed, mutilated, defaced or destroyed or melted down, such fact shall be immediately reported by the dealer to the chief of police or his duly authorized agent. (Ord. No. O-10-106, Sec 10)

4.76.11 Scrap metal dealers - Records

A. Each and every dealer or purchaser of junk and scrap metals and materials doing business in the City of Conway shall 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 Conway Police Department.

B. The city of Conway, through the Conway Police Department, shall provide free, commercial grade software, together with periodic updates of such software, to affected dealers or purchasers of junk and scrap metals and materials in order to facilitate compliance with this ordinance and state law. (Ord. No. O-10-106, Sec 11)

Chapter 4.80
FRANCHISE TO CONWAY REGIONAL MEDICAL CENTER

Sections:

4.80.01 Franchise granted
4.80.02 Fiber optic cable
4.80.03 Location
4.80.04 Franchise fee
4.80.05 Expiration

4.80.01 Franchise granted The city of Conway hereby grants a franchise to Conway Regional Medical Center, Inc., d/b/a Conway Regional Health System ("CRMC") for the purpose of placing fiber optic cable in a portion of the publicly controlled right-of-way, as described below. (Ord. No. O-01-02, Sec. 1)

4.80.02 Fiber optic cable The use of the fiber optic cable shall be limited to the intra and inter office transmission of voice, data, and video information to or from the various buildings making up CRMC's principal campus on college Avenue and other properties it owns or utilizes in furtherance of providing medical services. (Ord. No. O-01-02, Sec. 2)

4.80.03 Location The fiber optic cable will be layered at a depth of four feet or greater and will be located within two (2) feet of the existing utility easement at the following two locations:

A. On the north side of College Avenue, from the area occupied by CRMC's principal campus, west to and including the Clinic located at 2114 College Avenue.

B. On the west side of Augusta Avenue, from College Avenue north to 2134 Robinson Avenue. (Ord. No. O-01-02, Sec. 3)

4.80.04 Franchise fee so long as CRMC is recognized as a federal tax exempt organization under Section 501(c)(3) of the Internal Revenue Code, or such legislation as might replace it, no franchise fee to the city shall be paid by CRMC. However, should CRMC ever lose or change from said status, the city, at its option, may assess an annual franchise fee against CRMC. (Ord. No. O-01-02, Sec. 4)

4.80.05 Expiration The franchise is only for the benefit of CRMC. Should CRMC ever be bought by another entity, or should it include the fiber optic cable in the sale of any of its assets, said franchise shall immediately expire. (Ord. No. O-01-02, Sec. 5)

Chapter 4.84
FRANCHISE TO LIGHTCORE

Sections:

4.84.01 Franchise granted to LightCore
4.84.02 Franchise fees
4.84.03 Annual payment in lieu of all other charge
4.84.04 Raising and lowering wires
4.84.05 Trimming trees
4.84.06 Light or power attachments
4.84.07 Telephone privileges
4.84.08 Underground installations
4.84.09 Maintenance responsibility
4.84.10 Public nuisance
4.84.11 Written acceptance

4.84.01 Franchise granted to Lightcore A franchise is hereby granted from the city of Conway, Arkansas, (hereinafter referred to as "City") to LightCore (hereinafter referred to as "LightCore") and to its successors and assigns for the purpose of installing, operating and maintaining its telecommunications system and all business incidental to or connected with the conducting of a telecommunications system in the city of Conway, state of Arkansas. LightCore, in the conduct of its business shall be authorized to exercise its right to place, remove, construct and reconstruct, and 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 rights-of-way and the public grounds and places within the limits of said city as the same from time to time may be established. (Ord. No. O-05-69, Sec. 1)

4.84.02 Franchise fees LightCore shall pay to the city for the period July 1, 2005, through June 30, 2006 inclusive and thereafter for like periods an amount equal to 4.25% of local exchange access line charges collected in the corporate limits of the city for the previous calendar year. Said sum to be paid in equal quarterly installments on or before the last day of march, June, September, and December of each year. (Ord. No. O-05-69, Sec. 2)

4.84.03 Annual payment in lieu of all other charges The annual payment herein required shall be in lieu of all other licenses, charges, fees or imposition (other than the usual general or special ad valorem taxes) which may be imposed by the city under authority conferred by law. LightCore 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. O-05-69, Sec. 3)

4.84.04 Raising and lowering wires LightCore, 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 LightCore may require such payment in advance. LightCore shall be given not less than forty-eight (48) hours advance notice to arrange such temporary wire changes. (Ord. No. O-05-69, Sec. 4)

4.84.05 Trimming trees Permission is hereby granted to LightCore 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 LightCore, all the said trimming to be done under supervision and direction of any City officials to whom said duties have been or may be delegated. (Ord. No. O-05-69, Sec. 5)

4.84.06 Light or power attachments Nothing in this ordinance contained shall be constructed to require or permit any electric light or power wire attachment by the City or for the City. If light or power attachments are desired by the City, then a separate non-contingent agreement shall be a prerequisite to such attachments. (Ord. No. O-05-69, Sec. 6)

4.84.07 Telephone privileges Nothing herein contained shall be construed as giving to LightCore any exclusive privileges, nor shall it affect any prior or existing rights of LightCore to maintain a telephone system within the City. However, LightCore will be required to be a member of Arkansas One Call. (Ord. No. O-05-69, Sec. 7)

4.84.08 Underground installations All underground installations of fiber optic cable shall be no less than four (4) feet below grade and no less than two (2) feet below the elevation of drainage pipes or drainage ditches and that any damage to streets, sidewalks, driveways, curbs, gutters or other infrastructure taking place due to placement of fiber optic cable shall be repaired by LightCore at their expense. The facilities shall be adjusted by the owner at no cost to the City to accommodate any future streets or drainage improvements. (Ord. No. O-05-69, Sec. 8)

4.84.09 Maintenance responsibility The City assumes no maintenance responsibility for the LightCore plant and appurtenances. The City shall not be responsible for damage to the LightCore plant and appurtenances by the City or by utility (public or franchised private) crews while performing normal maintenance work in the public right-of-way, easements or public grounds or places. The City assumes no liability for personal injury or property damage as a result of the placement of any plant and appurtenances and LightCore shall indemnify and hold the City harmless from actions, claims, costs, damages and expenses to which the City may be subjected arising out of the placement of any plant and appurtenance in the public right-of-way or easement or in any public ground or place. (Ord. No. O-05-69, Sec. 9)

4.84.10 Public nuisance Upon notice from the appropriate city department (as established by the Mayor), LightCore shall remove plant and appurtenances from public right-of-ways, easements or public ground or place at their own expenses for any public improvement project if the situation becomes a public nuisance. (Ord. No. O-05-69, Sec. 10)

4.84.11 Written acceptance LightCore shall have ninety (90) days from and after its passage and approval to file its written acceptance of this ordinance with the City Clerk, and upon such acceptance being filed; this ordinance shall be considered as taking effect and being in force from and after the date of its passage and approval by the Mayor. The ordinance shall continue in effect and be in force until terminated by the City or LightCore as of the end of any year giving one (1) year's written notice of intention to terminate. (Ord. O-05-69, Sec. 11)

Chapter 4.85
ICE CREAM VENDORS

Sections:

4.85.01 Type of Drivers License and Permit required
4.85.02 Proof of Insurance
4.85.03 Criminal Background Check
4.85.04 Safety Equipment
4.85.05 Requirements
4.85.06 Penalties

4.85.01 Type of Drivers License and Permit required: All drivers of ice cream trucks and other vehicles vending products to children shall submit a copy of their Arkansas driver license to the city and obtain a permit from the office of the city clerk before operating such a vehicle. An Arkansas driver's license is required. (Ord. No. O-07-109; Sec 1)

4.85.02 Proof of Insurance: All permit applicants shall provide proof of automobile insurance according to state law along with the application. (Ord. No. O-07-85; Sec 2)

4.85.03 Criminal Background Check: All applicants shall be subject to a criminal history background check, and shall consent to such check as a condition of application. A conviction for any offense involving actual or attempted homicide, kidnapping, assault or assaultive offenses, sexual assault or rape, any offense requiring registration as a sexual offender in any state, theft (including robbery or burglary), prostitution or obscenity shall be grounds for disqualification of an applicant. (Ord. No. O-07-85; Sec 3)

4.85.04 Safety Equipment: Vendors shall operate with the following safety equipment for ice cream trucks:

A. Signs stating "WATCH FOR CHILDREN" must be provided on the front, back and both sides of the vehicle in at least four (4) inch letters of contrasting colors.
B. The company name, address and phone number must be on both sides of the vehicle in at least three (3) letters of contrasting colors.
C. A serving window, capable of being closed when not in use, must be provided and must be located on the curbside only.

D. Left and right outside rear view mirrors as well as two additional outside wide-angle mirrors on the front and back of the vehicle must be provided to enable the driver to see around the entire vehicle.
E. Operable yellow or amber flashing hazard lights clearly visible not less than 100 yards from the mobile unit under average daylight conditions shall be provided. Such lights shall be mounted no more than 12 inches below the roof of the mobile unit. No fewer than two lights shall be visible from each approach.
F. A rear bumper cover shall be installed to prevent children from standing or jumping on the rear of the vehicle. (Ord. No. O-07-85; Sec 4)

4.85.05 Requirements: The following requirements shall apply to mobile ice cream vendors.

A. Location:

1. Mobile ice cream trucks are permitted to vend in an area for no more than 15 minutes, then they must move to another location.
2. Mobile ice cream vending is prohibited within City of Conway parks, unless the vendor has applied for and received a franchise permit for such activity.
3. Mobile ice cream trucks shall not vend within one block of any block containing an elementary or junior high school during school hours or within one hour before or after school hours on a day that school is scheduled to be in session.
4. Mobile ice cream trucks shall not vend within 100 feet from an intersection.

B. **Hours of operation:**

Mobile ice cream vending may only occur from 10:00 am to one-half hour before sunset. (Ord. No. O-07-85; Sec 5)

C. Use of sound equipment:

1. Use of sound equipment shall be limited to music or human speech.
2. Sound shall not be audible more than 100 yards from the truck. Sound shall be in violation of city or state noise or nuisance ordinances or statutes.
3. Sound equipment may only be used from 10:00 am until one-half hour before sunset.
4. Sound shall not be broadcast within 100 yards of schools during school hours while school is in session, or within 100 yards of hospitals, churches, courthouses, funeral homes, or cemeteries.
5. Sound shall be turned off while the vehicle is stopped for vending.
(Ord. No. O-07-85; Sec 5)

D. Health and safety precautions:

1. Vendors shall be in compliance with any and all state, county or federal health regulations relating to the vending of food drinks, or confections, and shall display any required permits or notices.
2. Drivers shall check around the vehicle before leaving the area to ensure that children are not remaining. When handling the purchased product to the children, drivers shall make certain traffic is clear, in case a child leaves the truck immediately and fails to observe oncoming traffic.
3. Child customers shall not be allowed inside the vehicle. This provision shall not apply to children related to the driver while riding with the driver along the sales route. (Ord. No. O-07-85; Sec 5)

E. <u>Penalties:</u> The violation of any provision of this ordinance is declared to be an unclassified misdemeanor, punishable by a fine not exceeding five hundred dollars ($500.00). (Ord. No. O-07-85; Sec 6)

TITLE 5
HEALTH AND SANITATION

Chapters:

5.04 Sanitation Department
5.08 Maintenance of Real Property
5.09 Nuisance Abatement
5.12 Trees
5.16 Tree Trimmers
5.20 Obstruction of Fire Hydrants
5.24 Arkansas Health Facilities Board
5.28 Tire Storage
5.32 Hillside Excavation Plan
5.36 Conway Tree Board

Chapter 5.04
SANITATION DEPARTMENT

Sections:

5.04.01 Created
5.04.02 Definition
5.04.03 Business or commercial fees
5.04.04 Charge for dumping
5.04.05 Payment of fees
5.04.06 Disposition of funds
5.04.07 Fee adjustments
5.04.08 Containers
5.04.09 Draining
5.04.10 Burning
5.04.11 Collection
5.04.12 Inspectors
5.04.13 Penalty
5.04.14 Allocation of funds
5.04.15 Disposal sites
5.04.16 Enforcement
5.04.17 Authority to contract for service
5.04.18 Capital Improvements surcharge – **Repealed by Ord. No. O-11-77**
5.04.19 Limits on yard waste
5.04.20 White goods, electronic waste and household hazardous waste
5.04.21 Rental of waste containers
5.04.22 Charges at landfill

5.04.01 Created There is hereby created a "City Sanitation Department" within and for the city of Conway, Arkansas to be supervised and operated by the city council of said city. The

mayor, by and with the advice and consent of the council, shall have 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; to exercise a general supervisory control over the garbage operations of the city; and to exercise a general supervisory control over the control of mosquitoes and other insects, and over the care, cleanliness and mowing of vacant lots and other property within said city, in accordance with other ordinances now in effect in the city. (Ord. No. A-454, Sec. 1)

5.04.02 Definitions. The word "Garbage" as used in this ordinance shall include all waste matter and materials coming from human habitation and places of business of a kind not run through sewers, including street filth, droppings from animals, decayed foods, flesh, vegetables and fruits; dead animals and bones; waste from slaughterhouses, 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 furniture, machinery and other such matter not exceeding one hundred pounds (100 lbs) in weight; discarded cans, jars, glass containers, crockery and other utensils and vessels, all house, storehouse and warehouse trash and sweepings, as well as all other unsightly and unsanitary materials and things that appear detrimental to the beauty of the city or of the health of its inhabitants. (Ord. No. A-454, Sec. 2)

5.04.03 Business or commercial fees. That the commercial sanitation collection fees for each separate retail or wholesale business or commercial establishment, as defined in prior ordinances, **including Ordinance No. O-06-167**, shall be charged at the rates set out in the chart below and shall be effective April 1, 2012. (as amended by Ord. No. O-06-167, Sec. 1, as amended by Ord. No. O-11-77 Sec. 2; as amended by Ord. No. O-12-06 Sec. 2)

COMMERCIAL CUSTOMERS MONTHLY CHARGES 4 WEEKS PER MONTH SINGLE STOP FEE

Conway Sanitation Commercial Customers Monthly Fees

2 Yard Dumpsters

# of Dumpsters	1x/wk	2x/wk	3x/wk	4x/wk	5x/wk	6x/wk	Rental Fees
1	$ 55.92	$ 116.64	$ 180.48	$ 240.64	$ 315.20	$ 386.40	$ 30.00
2	$ 108.64	$ 224.64	$ 362.40	$ 483.20	$ 604.00	$ 724.80	$ 60.00
3	$ 164.48	$ 354.40	$ 531.60	$ 708.80	$ 886.00	$ 1,063.20	$ 90.00
4	$ 216.64	$ 467.20	$ 700.80	$ 934.40	$ 1,168.00	$ 1,401.60	$ 120.00
5	$ 283.20	$ 580.00	$ 870.00	$ 1,160.00	$ 1,450.00	$ 1,740.00	$ 150.00
6	$ 346.40	$ 692.80	$ 1,039.20	$ 1,385.60	$ 1,732.00	$ 2,078.40	$ 180.00

3 Yard Dumpsters

# of Dumpsters	1x/wk	2x/wk	3x/wk	4x/wk	5x/wk	6x/wk	Rental Fees
1	$ 83.48	$ 172.48	$ 271.68	$ 370.40	$ 463.00	$ 555.60	$ 30.00
2	$ 164.48	$ 354.40	$ 531.60	$ 708.80	$ 886.00	$ 1,063.20	$ 60.00
3	$ 255.68	$ 523.60	$ 785.40	$ 1,047.20	$ 1,309.00	$ 1,570.80	$ 90.00
4	$ 346.40	$ 692.80	$ 1,039.20	$ 1,385.60	$ 1,732.00	$ 2,078.40	$ 120.00
5	$ 431.00	$ 862.00	$ 1,293.00	$ 1,724.00	$ 2,155.00	$ 2,586.00	$ 150.00
6	$ 515.60	$ 1,031.20	$ 1,546.80	$ 2,062.40	$ 2,578.00	$ 3,093.60	$ 180.00

# of Dumpsters	1x/wk	2x/wk	3x/wk	4x/wk	5x/wk	6x/wk	Rental Fees
1	$ 164.48	$ 354.40	$ 531.60	$ 708.80	$ 886.00	$ 1,063.20	$ 53.00
2	$ 346.40	$ 692.80	$ 1,039.20	$ 1,385.60	$ 1,732.00	$ 2,078.40	$ 106.00
3	$ 515.60	$ 1,031.00	$ 1,546.80	$ 2,062.40	$ 2,578.00	$ 3,093.60	$ 159.00
4	$ 684.80	$ 1,369.60	$ 2,054.40	$ 2,739.20	$ 3,424.00	$ 4,108.80	$ 212.00
5	$ 854.00	$ 1,708.00	$ 2,562.00	$ 3,416.00	$ 4,270.00	$ 5,124.00	$ 265.00
6	$ 1,023.20	$ 2,046.40	$ 3,069.60	$ 4,092.80	$ 5,116.00	$ 6,139.20	$ 318.00

8 Yard Dumpsters

# of Dumpsters	1x/wk	2x/wk	3x/wk	4x/wk	5x/wk	6x/wk	Rental Fees
1	$ 216.64	$ 467.20	$ 700.80	$ 934.40	$ 1,168.00	$ 1,401.60	$ 83.00
2	$ 459.20	$ 918.40	$ 1,377.60	$ 1,836.80	$ 2,296.00	$ 2,755.20	$ 166.00
3	$ 684.80	$ 1,369.60	$ 2,054.40	$ 2,739.20	$ 3,424.00	$ 4,108.80	$ 249.00
4	$ 910.40	$ 1,820.80	$ 2,731.20	$ 3,641.60	$ 4,552.00	$ 5,462.40	$ 332.00
5	$ 1,136.00	$ 2,272.00	$ 3,408.00	$ 4,544.00	$ 5,680.00	$ 6,816.00	$ 415.00
6	$ 1,361.60	$ 2,723.20	$ 4,084.80	$ 5,446.40	$ 6,808.00	$ 8,169.60	$ 498.00

Fee schedule approved 12/27/2011 – Effective 04/01/2012 (Ord. No. O-12-06, Sec. 2)

RENTAL COST PER MONTH 2/3 YD. $30.00 6 YD. $53.00 8 YD. $83.00 - Per Dumpster

That these amounts include all fees and surcharges currently set out in prior ordinances, including Ordinance No. A-454, as amended; No. O-97-10 as amended; No. O-00-165 as amended and No. O-03-18 as amended. With respect to commercial sanitation fees and surcharges, those amounts set out in Ordinance No. A-454, as amended, No. O-97-10, as amended, No. O-00-165 as amended and No. O-03-18, as amended, are hereby repealed to the extent of any conflict with this ordinance. (Ord. No. O-11-77, Sec. 2)

A. The City shall make all necessary budget and accounting entries in order to remit any necessary payments to the Arkansas Department of Environmental Quality or other state entity for state waste disposal pursuant to state law or Ordinance No. O-00-165. Any funds in excess of that which is necessary to make required payments to the State of

Arkansas for state waste disposal shall not be restricted and may be payable to the general fund. (Ord. No. O-11-77, Sec. 3)

B. The City shall make all necessary budget and accounting entries in order to remit any necessary payments to the Landfill Closure Trust Account pursuant to state law or Ordinance No. O-03-18. Any funds in excess of that which is necessary to make required payments to the State of Arkansas to the Landfill Closure Trust Account shall not be restricted and may be payable to the general fund. (Ord. No. O-11-77, Sec 4)

C. The City shall make all necessary budget and accounting entries in order to give effect to Ordinance No. O-00-165 with respect to funding capital improvements. Any funds in excess of that which is necessary to fund capital improvements shall not be restricted and may be payable to the general fund. (Ord. No. O-11-77, Sec. 5)

5.04.04 Charge for dumping. It is hereby declared to be a privilege to deposit trash and garbage at the city's dumping ground and the following schedule of fees is hereby established for the exercise of that privilege:

A. Any person, firm or corporation which is a current subscriber to the city's garbage collection and disposal service shall be charged no fee for such privilege when he or it has transported such garbage to the city's dumping grounds and has given the attendant at such dumping grounds his account number with the city's sanitation department.

B. Any person, firm or corporation situated within the corporate limits of the city of Conway but which is excepted from the provisions of this ordinance with regard to subscription to the collection and transportation of garbage in Section 5.04.03 hereof, which desires to transport its garbage to and dump the same upon the city's sanitary landfill shall be permitted to do so and the following schedule of fees is hereby established for the exercise of that privilege:

Auto and pickup	$6.00
Single axle trailers	$7.00
Dual axle trailers	$10.00
Single axle bob trucks	$14.00
Dual axle trucks and long trailers	$24.00
$5.00 per yard (un-compacted) and	
$6.00 per yard (compacted)	

(Ord. No. O-97-10, Sec. 2.)

C. Any person, firm or corporation situated outside the corporate limits of the city of Conway but within Faulkner County which is engaged in the operation of an industrial plant, wherein the activities therein carried on consist of

assembling, fabricating, furnishing, manufacturing, packaging or other processing and which desires to transport its garbage to and deposit the same upon the city's sanitary landfill shall be permitted to do so and the following schedule of fees is hereby established for the exercise of that privilege:

From the date of passage of this ordinance:

$9.50 per yard (un-compacted) and $9.50 per yard (compacted).

After June 1, 2000:

$12.00 per yard (un-compacted) and $12.00 per yard (compacted).
(Ord. No. O-00-32, Sec. 1)

D. Any person residing outside the corporate limits of the city of Conway but within Faulkner County, or any person, firm or corporation engaged in the operation of a business or commercial establishment as defined hereinabove which is situated outside the corporate limits of said city, but within said county, which desires to transport its garbage and to dump the same upon the city's sanitary landfill shall be permitted to do so and the following schedule of fees is hereby established for the exercise of that privilege:

From the date of passage of this ordinance:

$9.50 per yard (un-compacted) and $9.50 per yard (compacted).

After June 1, 2000:

$12.00 per yard (un-compacted) and $12.00 per yard (compacted).
(Ord. No. O-00-32, Sec. 1.)

E. All persons, firms or corporations who engage in the construction, erection, remodeling, alteration or repair of buildings, residences or improvements, at a site or sites within the corporate limits of the city of Conway other than its principal office and place of business shall be permitted to transport to and to dump and same upon the city’s sanitary landfill shall be permitted to do so and the fees are as follows:

Auto and pickup	$6.00
Single axle trailers	$7.00
Dual axle trailers	$10.00
Single axle bob trucks	$14.00
Dual axle trucks and long trailers	$24.00
$5.00 per yard (un-compacted) and $6.00 per yard (compacted)	

Payment of fees shall be made either by payment of monies to the attendant in charge of dumping grounds or by pre-arranged credit. It is the intention of this provision and it is expressly provided that the payer shall therefore utilize the city dumping ground for the purpose of garbage only from the specific acts of construction, erection, remodeling, alteration or repairs of buildings, residences or improvements and shall not imply entitlement to dumping for purposes covered by any other provision of this ordinance where other fees shall be collected. (Ord. No. O-97-10, Sec. 2)

F. Every person dumping or disposing of garbage at the city's dumping ground shall do so during the hours when said grounds are in operation and a the place directed by the attendant or other agent, servant or employee of the city who is on duty at said ground. (Ord. No. A-454, Sec. 4 (f) as amended by Ord. No. O-91-37, Sec. 3)

G. The residential sanitation collection fees for resident of the City of Conway (as defined in prior ordinances for homes, ~~apartments~~, residences, mobile homes, and dwelling units, **excluding trailer and mobile home parks, which are treated as commercial pursuant to Ordinance No. O-06-167**) shall be charged at the rate of $12.90 per month. That amount includes all fees and surcharges currently set out in prior ordinances, including Ordinance No. A-454 as amended, No. O-97-10 as amended, No. O-00-165 as amended, and No. O-03-18 as amended. With respect to residential sanitation fees and surcharges, those amounts set out in Ordinance No. A-454, as amended, No. O-97-10, as amended, No. O-00-165 as amended and No. -03-18, as amended are hereby repealed to the extent of any conflict with this ordinance. (Amended by Ord. No. O-11-77, Sec. 1; as amended by Ord. No. O-12-06 Sec. 1)

Residential customers, regardless of age, race, creed, color or national origin can receive a discounted rate of $6.50 if they are financially incapable of paying the regular rate and meet the following qualifications. Verification and qualification of financial handicap is made by written application to the city Sanitation Department for such a reduced rate. Those households eligible for the discounted rate must receive Social Security as a source of income and must be enrolled under Arkansas Act 120 of 1983, as amended in 1991, with the Conway Corporation. (Ord. No. O-97-10, Sec. 3)

5.04.05 Payment of fees. The fees as herein provided shall be paid monthly at the office or offices in said city which may now or hereinafter be designated by the city. Provided, however, that in instances wherein more than one (1) apartment, home, mobile home, house trailer or other housing unit or more than one (1) business establishment, office or store is situated upon or within the same premises, the charge shall be made on a unit basis and the bill therefore rendered to the person, firm or corporation owning the property, in the same manner as hereinabove set forth. If such fees be not paid on or before the 10th day of the calendar month next preceding the month for which said bill is rendered, a penalty of ten percent (10%) of the total amount of such fee shall be added thereto and if any fee shall remain unpaid for a period of thirty (30) days after the date such bill is rendered, the city shall have the right to institute an action for its recovery. On the first day of each calendar month, the sanitation officer shall physically count the number of mobile homes situated in

each mobile home park within the city limits and the bill of charges due from each mobile home park operator for the month immediately preceding shall be computed by multiplying the number of mobile homes then present in such park by Three Dollars and Fifty Cents ($3.50). (Ord. No. O-75-21, Sec. 2)

5.04.06 Disposition of funds. All fees or monies collected under the provisions of this ordinance, and all fines assessed and paid under the provisions of this ordinance, less and except those portions required to be paid out for other purposes shall be deposited in a separate fund to be maintained in a bank or banks authorized to receive deposits of funds of the city of Conway, under the style of "Sanitation Department Fund of the City of Conway" or a synonymous appellation. Withdrawals of monies from said fund may be made only for the purposes authorized by the provisions of this section in the manner provided by other ordinances of the city of Conway governing the disbursement of funds of the city. There shall be maintained at all times a separate and complete account of monies deposited in and withdrawn from said "Sanitation Department Fund of the city of Conway." (Ord. No. A-454, Sec. 6)

5.04.07 Fee adjustments. The City Council shall have the power to adjust, fix and collect fees from and against persons, firms or corporations not properly classified in Section 5.04.03 hereof. (Ord. No. A-454, Sec. 7)

5.04.08 Containers All residential customers shall use a city-approved, city-issued container for regular waste and shall place them at a place on their premises where the same may be accessible for garbage collectors. Any additional container(s) shall be defined as additional service and shall be charged a second regular monthly sanitation fee. (Ord. No. A-454, Sec. 8, as amended by Ord. No. O-03-18, Sec. 2)

The City of Conway shall require all loose waste material to be properly bagged or boxed in such a fashion to facilitate the collection of materials without items being disbursed by blowing wind. This requirement applies to all trash items collected in both green and blue waste receptacles. Violation of such requirement will result in one warning notice given by Sanitation personnel. After one notice is given to a resident, subsequent violations will be referred to the City of Conway Code Enforcement personnel and the resident will be subject to being fined for littering. (Ord. No. O-08-34, Sec. 2)

5.04.09 Draining All garbage must be drained of all liquid substances before being placed in cans. (Ord. No. A-454, Sec. 9)

5.04.10 Burning 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 Department or to dump or throw any garbage upon any vacant lot or into any street or alley in said city. (Ord. No. A-454, Sec. 10)

5.04.11 Collection

A. **Repealed by O-09-55 - Nuisance Abatement Code**

B. Garbage shall be collected from businesses, houses and other such establishments each day except Sunday and holidays and from dwelling houses and homes once each week on designated routes and schedules; and it is hereby made the duty of the persons having garbage on their premises to place it within five (5) feet of the curb/street where it may be easily reached by the city garbage employees. Alternate locations may be approved by the Sanitation Department when the curb/street location is not possible.

C. Any individual regardless of age, race, creed, color or national origin can receive a waiver from the requirement of delivering solid waste to the curb for efficient city pick up if he or she is physically incapable of delivering solid waste in the manner described by this ordinance. Verification and qualification of physical handicap is made by written application to the City Sanitation Department for such a waiver. If there is reason to question this lack of ability and the limiting factor is not readily apparent to supervisors in the Sanitation Department, they can request that an affidavit be signed by a physician which states that the resident has a debilitating condition which precludes their ability to deliver trash to curb side. (Ord. No. O-91-37, Sec. 4)

D. Residents of the city of Conway, Arkansas, that utilize a city issued cart in which to dispose of household waste(s) shall be entitled to any and all yard waste services provided by the Conway Sanitation Department so long as the use limitations of that program are met. (Ord. No. O-05-171, Sec. 1)

E.

1. Any person, firm and/or corporation violating any of the provisions of this ordinance shall, except as provided for, be guilty of an unclassified misdemeanor and, upon conviction, shall be fined not less than Five Dollars ($5.00) if paid on or before the court appearance date on the citation. A curb citation shall be provided for the convenience of residents. If the citation is not paid on or before the court appearance date or is contested in District Court, a violator is subject to court costs of $25.00 pursuant to Ark Code Ann. State statute 16-10-305 (a) (4). (Ord. No. O-10-02)

2. the penalty for subsequent offenses shall be:

   a. Ten Dollars ($10.00) for the second offense that occurs within twelve (12) months of the prior offense.
   b. Twenty dollars ($20.00) for the third offense that occurs within twelve (12) months.
   c. Fifty Dollars ($50.00) for the fourth and all subsequent offenses that occur within twelve (12) months. (Ord. No. O-10-02)

5.04.12 Inspectors The City Council shall have power to employ one or more inspectors to

insure a proper enforcement of the provisions of this ordinance. (Ord. No. A-454, Sec. 12)

5.04.13 Penalty. 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 ($25.00) Dollars, and each day any such violation shall continue to exist shall constitute a separate offense and be punishable as such. (Ord. No. A-454, Sec. 13)

5.04.14 Allocation of funds. For the purpose of this ordinance the gross revenues derived by the city for the services rendered hereunder shall be considered to include the gross funds collected directly or indirectly from the monthly fees or charges as herein provided, together with fines (not including costs) assessed and paid on account of violations of the provisions of these sections. The gross revenues derived by the city of Conway from fees or charges for the services to be rendered pursuant to the provisions of this ordinance shall be applied as follows:

First, to the payment of expenses incurred by the city in the procurement, purchase, maintenance, upkeep, replacement and operation of all equipment, trucks, tanks, machinery, chemicals and materials necessary for the operation of said sanitation department, for the salaries or wages of all employees thereof, in the preparation and publication of this ordinance, and in the execution of the provisions of this ordinance. If and when any part of said gross revenues derived from the fees or charges from the services to be rendered hereunder then remains, such excess shall be available for appropriation and use by the City of Conway for such other lawful purposes as the city council shall designate. (Ord. No. A-454, Sec. 14)

5.04.15 Disposal sites The City Council is authorized and empowered to lease or purchase lands without the corporate limits of the city of Conway to be used in the disposal of garbage. (Ord. No. A-454, Sec. 15)

5.04.16 Enforcement For the purpose of enforcing the provisions of this ordinance and other ordinances pertaining to the health and sanitation of the inhabitants of the city, the health officers and employees of this city and of Faulkner County, Arkansas are hereby granted full power and authority to act within said city and to perform all and singular the duties of such health units on behalf of the city which they have under the laws of the state of Arkansas and the rules and regulations of the State Board of Health of the state of Arkansas. (Ord. No. A-454, Sec. 16)

5.04.17 Authority to contract for service In lieu of employing such persons and purchasing such machinery, vehicles and equipment as shall be necessary for the city sanitation.

5.04.18 Capital Improvements surcharge

Repealed by Ord. No. 1O-11-77, Section 1

5.04.19 Limits on yard waste Residents of the city of Conway, Arkansas, are limited in the amount of yard waste placed on the curbside for the Conway Sanitation Department to pick up. The following limitations will be implemented after passage of this ordinance:

A. 10 30-gallon bags of grass/leaves. Additional bags will be picked up only on a call-in basis and will be subject to an extra charge. (Ord. No. O-01-80)

B. Limbs covering an area no larger than 10 feet by 10 feet by 3 feet in height. Limbs shall be no larger than 6 inches in diameter. Residents are encouraged to stack the limbs in such a way that the stacks may be handled by one person. (Ord. No. O-01-80)

C. Limbs over 10 feet in length will not be picked up during the regular yard waste pick up. Special arrangements must be made for limbs exceeding 10 feet in length. (Ord. No. O-01-80, Sec. 1)

D. The city of Conway shall accept yard waste material as a service to the residents of the city of Conway and to prolong the life of the landfill providing; however, as of May 1, 2005, if such waste is bagged, it shall be bagged in a biodegradable bag. The city of Conway will continue to accept yard waste if placed in a rigid reusable trash container not exceeding 60 gallon size. (Ord. No. O-05-19, Sec. 1)

5.04.20 White goods, electronic waste and household hazardous waste

A. Fees for disposal of white goods (See attached rate sheet for specific rates)

1. White goods shall include, but shall not be limited to, refrigerators, freezers, air-conditioners, central air units, washers, dryers, stoves, furnaces, water heaters, lawn mowers and riding lawn mowers.

2. The Sanitation Department will begin assessing fees for white goods brought to the city of Conway Sanitary Landfill by all customers (Conway residents and non-Conway residents alike).

3. Revenue generated from the white goods fees will be segregated into a separate account earmarked solely for the purpose of financing the electronic waste and household hazardous waste collection drive program.

B. Fees for disposal of electronic and household hazardous waste for the off-site collection drive for those items.

1. Electronic waste shall include, but shall not be limited to, television sets, microwaves, VCRs, DVDs, stereos, typewriters and copiers

2. Household hazardous waste shall include, but shall not be limited to, aerosols, batteries, paints, fluorescent bulbs, motor oil, anti-freeze, flammable liquids and solids and poisons.

3. Fees will be assessed to those who choose to participate in the electronic and household hazardous waste off-site collection drive program according to the type and amount of material deposited. (See attached rate sheet for a complete listing of electronic waste and household hazardous waste materials accepted and corresponding disposal fees.)

4. The income generated from collecting the electronic and household hazardous waste will be segregated into the account established solely for the purpose of financing the electronic and household hazardous waste off-site collection drive program.

5. Collection shall begin on the fees set forth in this ordinance as of March 1, 2003. (Ord. No. O-03-19, Secs. 1-2)

The department shall efficiently and systematically gather, transport and dispose of garbage within the corporate limits of the city. The City Council shall be empowered, in its sound discretion, to contract with one or more reliable persons, firms or corporations to so gather, transport and dispose of such garbage. And should the City Council so determine, the contracts therefore shall be upon the terms and conditions which shall best benefit the city and its inhabitants and preserve and protect the public health, safety and welfare, including, but not limited to the regulation of charges to be levied fox such service, requiring the use of approved equipment, regulating the frequency of collection of garbage in any and all areas of the city, requiring such contractors to perform such service in the same manner it could require of its own employees, agents, servants, and requiring such contractors to perform their own collection of fees therefore. (Ord. No. A-454, Sec. 18)

HOUSEHOLD HAZARDOUS WASTE

WASTE CATEGORY	FEE/PER POUND/GALLON
Aerosols	.50 each
Latex Paints	2.00
Oil-based Paints	8.00
Flammable Liquids	5.00
Flammable Solids	7.50
Water-based Cleaners	5.00
Ammonia-based Cleaners	5.00
Corrosives	1.00
Oxidizers-Liquid	2.00
Oxidizers-Powders	2.00
Motor or Gear Oils	.25 each
Anti-freeze	2.00

Oil Filters	1.00 each
Fluorescent Bulbs	
4 foot	1.00
8 foot	2.00
Ballasts	.75 each
Batteries (nicads, alkaline)	.10 each
Lead Acid (car batteries)	10.00
Poisons (pesticides, herbicides, insecticides)	8.00
Flares	1.50 each
Compressed Gas	1.25 per pound
Cylinders	
Asbestos (items containing asbestos)	2.50 per pound
Mercury (liquid)	6.00 per pound
Mercury (debris containing mercury)	10.00 per pound
Dioxin Containing Materials	10.00 per pound
Sharps (syringes)	6.00 per pound

(Ord. No. O-03-19)

WHITE GOODS

ITEM	CONWAY	FAULKNER COUNTY
Refrigerators, Freezers	10.00	15.00
Air-conditioners Central air units, Washers, Dryers, Stoves	5.00	6.00
Furnaces, Water Heaters	5.00	6.00
Lawnmowers	5.00	6.00
Riding Lawnmowers	10.00	12.00

ELECTRONIC WASTE

ITEM	CONWAY	FAULKNER COUNTY
Small home printers, Computers (includes CPU, keyboard & monitor)	5.00	7.50
Peripherals, UPS power supply	2.00	4.50
Portable televisions	2.00	4.50
Console televisions	10.00	12.50
Microwaves	5.00	6.00
VCR's, DVD's, home stereos	2.00	4.50
Typewriters	25.00	25.00
Copiers, Large office printers	25.00 – 100.00	25.00 – 100.00
Reel-to-reel tape recorders	30.00	30.00

(Ord. No. O-08-34)

5.04.21 Rental of waste containers The city of Conway shall provide waste containers on a monthly rental basis to businesses located within the city of Conway at the following rental rates:

3 yard dumpster	30.00 per month
6 yard dumpster	$53.00 per month
20 yard open top container	$75.00 per month
30 yard open top container	$85.00 per month
40 yard open top container	$95.00 per month

Dumping fee charges to be assessed for 20, 30 and 40-yard open top containers within the city of Conway city limits shall be set at $22.74 per ton, with a one ton minimum charge. (Ord. No. O-04-24, Secs. 1-2)

5.04.22 Charges at landfill Charges to be assessed at the landfill fee clerk's office for solid waste received from commercial haulers, private haulers and individuals at the city of Conway Landfill for waste originating inside the city limits of Conway shall be amended and charged in accordance with the following (with the charges prorated based on volume above the minimum quantity) as follows: (Ord. No. O-04-18 Sec. 1, as amended by Ord. No. O-04-35, Sec. 1)

1. Commercial waste haulers	$60.00 per ton, $60.00 minimum
2. Individual haulers	$11.37 per 1,000 pounds, $11.37 minimum
3. Yard waste	$11.37 per 1,000 pounds, $11.37 minimum
4. Construction debris	$11.37 per 1,000 pounds, $11.37 minimum
5. White goods	$10.00 per unit for washer/dryer, $20.00 refrigerator
6. Special handling waste (asbestos, sludge, etc.)	$50.00 minimum, with price to be established by Sanitation Director based on work required to accommodate material.

7. No charge for small waste loads from residences with appropriate identification to establish residency (cost is already included in monthly Sanitation Bill)
8. No charge for recycling

Waste originating from outside the city limits of Conway shall be amended to increase the minimum charge and charged as follows (with the charges prorated based on volume above the minimum quantity):

1. Commercial waste haulers	$60.00 per ton, $60.00 minimum
2. Individual haulers	$60.00 per ton, $60.00 minimum
3. Yard waste	$60.00 per ton, $60.00 minimum
4. Construction debris	$60.00 per ton, $60.00 minimum
5. White goods	$10.00 per unit for washer/dryer, $20.00 refrigerator
6. Special handling waste (asbestos, sludge, etc.)	$100.00 minimum, with price to be established by Sanitation Director based on work required to accommodate material

Chapter 5.08
MAINTENANCE OF REAL PROPERTY

Sections:

5.08.01	Unsightly or unsanitary condition on real property – **Repealed by O-09-55**
5.08.02	Notice of Violation – **Repealed by Ord. O-09-55**
5.08.03	Penalties - **Repealed by Ord. O-09-55**
5.08.04	Violation - **Repealed by Ord. O-09-55**
5.08.05	Abatement by City - **Repealed by Ord. O-09-55**
5.08.06	Burning
5.08.07	Penalty
5.08.08	Littering Declared Illegal
5.08.09	Violation
5.08.10	Exceptions
5.08.11	Permit required for exception
5.08.12	Unlawful to hinder drainage
5.08.13	Penalty for 5.08.14

5.08.01 Unsightly or unsanitary condition on real property – Repealed by O-09-55
5.08.02 Notice of Violation – Repealed by Ord. O-09-55
5.08.03 Penalties - Repealed by Ord. O-09-55
5.08.04 Violation - Repealed by Ord. O-09-55
5.08.05 Abatement by City - Repealed by Ord. O-09-55

5.08.06 Burning.

A. No person shall burn trash, garbage or other types of waste material in any manner whatsoever within the city limits because of the existence of a city owned and operated approved land fill, except as provided in Section 5.08.10. (Ord. No. O-00-161)

B. The burning will be allowed by individuals and businesses only in incinerators conforming to the Arkansas Air Pollution Control Code as amended by the Department of Pollution Control and Ecology of the State of Arkansas, adopted pursuant to Part II of the Arkansas Water and Air Pollution Control Act. (Ord. No. O-00-161)

5.08.07 Penalty

D. Any person, firm or corporation violating any of the provisions of Section 5.08.01 - 5.08.03 or Section 5.08.08 of this ordinance shall be deemed guilty of:

1. An unclassified misdemeanor for a first offense, and shall be fined up to one thousand dollars ($1,000) or sentenced to up to one hundred (100) hours of community service in lieu of the fine if the judge determines that the offender is financially unable to pay the fine; **and**
2. A Class A misdemeanor for a second or subsequent offense .

B. In addition to those penalties, any violator may also be required to remove litter from alongside highways or streets and at other appropriate locations for any prescribed period.

C. All or any portion of the fines and imprisonment penalties provided by this section may be suspended by the judge if the violator agrees to remove litter from
alongside highways and at other appropriate locations for a prescribed period or if the judge finds the violator indigent and unable to pay any fine assessed.

D. Any time any person supplies information to law enforcement officials which leads to the conviction of a person who violates this subchapter, the person giving such information is entitled to a reward of one-half **(1/2)** the amount imposed by the fine, if any, to the violator.

5.08.08 Littering Declared Illegal It shall be unlawful to drop, deposit, discard, or otherwise dispose of litter upon any public or private property in this state or upon or into any river, lake, pond, or other stream or body of water within this state, unless:

A. The property has been designated by the Arkansas Department of Environmental Quality as a permitted disposal site;

B. The litter is placed into a receptacle intended by the owner or tenant in lawful possession of that property for the deposit of litter, if it is deposited in such a manner as to prevent the litter from being carried away or deposited by the elements upon any part of the private or public property or waters; or

C. The person is the owner of tenant in lawful possession of the property and the litter remains upon the property and the act does not create a public health or safety hazard, a public nuisance, or a fire hazard.

D. However, a property owner shall not be held responsible for actions of his tenant. (Ord. No. O-00-161, Sec. 2)

5.08.09 Violation. Any person, firm or corporation who shall violate or permit, suffer or allow anyone under his, their or its direction or control to violate Section 5.08.09 and 5.08.10 of this ordinance, or aid, abet or assist in the violation of any of the provisions of Section 5.08.09 and 5.08.10 of this ordinance shall upon conviction thereof be fined in any sum of not less than Twenty-one Dollars ($21.00) nor more than Fifty Dollars ($50.00) for each offense. (Ord. No. O-75-19, Sec. 3)

5.08.10 Exceptions. That from and after the passage and publication of this ordinance, Ord. No. O-00-161 is hereby amended to allow land developers and builders to burn brush and scrap lumber under the following qualifications and restrictions:

A. Burning will be allowed only between 7:00 a.m. to 4:30 p.m.

B. No fires are to be started after 12:00 noon.

C. Only diesel fuel or kerosene can be used for starting fires.

D. No old tires or tar papers can be used as starting fuel or burned in any manner whatsoever.

E. All brush and scrap lumber is to be accumulated in small piles so that it can be burned completely between the hours set forth above.

F. Small piles as aforesaid must be placed in the center of a clear area at least one hundred fifty (150) yards from any homes or any other type buildings.

G. That the fires shall be attended at all times by at least one person who must have with him equipment sufficient enough to extinguish the fire in the event it begins to spread, and such person shall remain with the fire until it is completely consumed and extinguished.

H. No fires will be started on windy days or during extremely dry weather.

I. All stumps and other materials that are not completely consumed by the fire must be hauled away at the expense of the builder.

J. That persons desiring to build a recreational or ceremonial bonfire may do so in conformity with the rules elsewhere herein set out after approval of the site, the material to be burned, and all other matters considered important by the Fire Chief of the City of Conway. Said approval must be received prior to igniting the fire from the Fire Chief or his approval designee. (Ord. No. O-78-40, Sec. 1)

5.08.11 Permit required for exception. Any individual desiring to burn any brush or lumber under this ordinance must first obtain a permit for the process of burning from the Conway Fire Department and said permit must be issued at least three (3) days in advance of the proposed date in which that fire is to be started. There will be no charge for this permit.

5.08.12 Unlawful to hinder drainage. That it shall be unlawful for any person, firm or corporation to drop, dispose of, throw, toss or otherwise deposit leaves, paper, debris, brush, limbs, grass or other similar articles in drainage ditches in the City of Conway, Arkansas, in curbs and along the gutters of city streets in the City of Conway, Arkansas. (Ord. No. O-78

40)

5.08.13 Penalty for 5.08.12. That any person convicted for violating this ordinance shall be fined in any amount not less than Fifty Dollars ($50.00) nor more than One Hundred Fifty Dollars ($150.00) for each occurrence. (Ord. No. O-78-40)

Chapter 5.09
Nuisance Abatement

Sections:

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5.09.03 Inspections
5.09.04 Violations
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5.09-17 Unsightly Appearances
5.09.18 Additional Remedies
5.09.19 Placarding
5.09.20 Prohibited Occupancy

5.09.01 Introduction

A. **General:** These regulations shall be known as the Conway Nuisance Abatement Code. These regulations are intended to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises within the City of Conway, Arkansas.

B. **Applicability:** The provisions of this Code shall apply to all residential and nonresidential structures and all premises within the City of Conway, Arkansas and constitute minimum requirements and standards for premises, structures, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration , enforcement and penalties. Structures and premises that do not comply with these provisions shall be altered or

repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the Arkansas State Fire Prevention Code. Where different standards or requirements are imposed by this Code and other competent authority or by different sections of this Code, the most restrictive standard or requirement shall govern.

C. **Maintenance:** Equipment, systems, devices and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered or required shall be maintained in good working order. No occupant shall cause any required service, facility equipment or utility to be removed from or shut off from or discontinued for any occupied dwelling, except for temporary interruptions necessitated by repairs or alterations. The requirements of this Code are not intended to proved the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures and premises.
(Ord. No. O-09-55)

5.09.02 Code Enforcement Officers

A. **General:** This Code shall be enforced by all Code Enforcement Officers of the City of Conway. For the purposes of this Code, a Code Enforcement Officer shall be defined as any city employee who has been duly sworn and authorized to uphold the ordinances of the City and laws of the State of Arkansas related to property uses, maintenance, nuisances, inspections, issuances of building permits, certifications and licensing etc., within the municipal boundaries of the City. This Code may also be enforced by any and all duly sworn law enforcement officers of the Conway Police Department.

B. **Identification:** All Code Enforcement Officers shall carry proper identification and present the same upon request when performing duties under this Code.

C. **Modifications:** Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Senior Code Enforcement Officer shall have the authority to grant modifications for individual cases, provided the Senior Code Enforcement Officer shall first make written findings that a special condition or circumstance exists such that the strict letter of this Code is impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

D. **Enforcement Procedures:** Whenever, in the judgment of the Code Enforcement Officer charged with enforcement of this code, it is determined upon investigation that a public nuisance is being maintained or exists within the City, such officer shall issue a written notice in accordance with Section 4.3.1, to the person committing or maintaining such nuisance, requiring such person to remedy and abate the nuisance.

E. Nothing in this Code shall be construed as requiring the City to enforce the regulations in this Code against:

1. alleged violations determined to be frivolous complaints, or.
2. alleged violations lacking in substantive evidence to constitute a nuisance, or
3. alleged violations where the evidentiary value of the alleged violation is not enough to support a conviction in court, or.
4. violations which may occur and are not recognized by the city due to the lack of availability of the resources.

(Ord. No. O-09-55)

5.09.03 Inspections

A. **Right of Entry:** Code Enforcement Officers are authorized to enter structures or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the officers may pursue such search authorizations as are provided by law.

B. **Inspections:** Code Enforcement Officers shall make all of the inspections required by this Code. All reports of such inspections shall be in writing by the responsible officer. Code Enforcement Officers are authorized to rely upon a responsible expert opinion as the officer deems necessary to report upon unusual technical issues that arise.
(Ord. No. O-09-55)

5.09.04 Violations

A. **Violations declared to be strict liability misdemeanors:** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code. Any person who is convicted of a violation of this Code shall be guilty of a misdemeanor, and the violation shall be deemed a strict liability offense.

B. **Fines:** Except as otherwise provided, any person, firm or corporation violating any of the several provisions of this Code shall, upon conviction, be punished by a fine of Twenty-five Dollars ($25.00). If the violation is continuous in nature, each day such violation shall be permitted to continue shall be considered a separate offense and shall be punishable as such. (Amended by Ordinance No. O-10-25, Sec. 1)

1. The penalty for subsequent offenses shall be:

a. Fifty Dollars ($50.00) for the second offense that occurs within twelve (12) months of the prior offense.

b. One Hundred Dollars ($100.00 for the third offense that occurs within twelve (12) months of prior offenses.
c. Two Hundred Dollars ($200.00) for the fourth and all subsequent offenses that occur within twelve (12) months of prior offenses.
(Amended by Ordinance No. O-10-25, Sec. 1)

C. **Citations:** Code Enforcement Officers are hereby authorized to issue citations to any person, firm or corporation in conflict with or in violation of any of the provisions of this Code. Issuances of citations must comply with the Arkansas Rules of Criminal Procedures. Conway District Court shall have exclusive jurisdiction over citations issued pursuant to this Code.

D. **Appeals:** Any person after being found guilty of a violation or after entering a plea of guilty or *nolo contendere* to a violation shall have those appellant rights granted under the Laws of the State of Arkansas, US Constitution and Arkansas Rules of Criminal Procedure. Appeals of convictions of a violation will be with Faulkner County Circuit Court.
(Ord. No. O-09-55)

5.09.05 Revocation of Certificates, Licenses and Permits

A. **General:** The purpose of this section is to provide a procedure for the revocation of various certificates, licenses and permits issued by the City of Conway to prevent the use of structures described in subsection 1.5.2. The certificates, licenses and permits subject to revocation under this Code are those relating to the particular or general use of property; including, without limitation and for the purpose of illustration only: certificates of occupancy, zoning variances, certification of appropriateness, business licenses, sign permits, building permits, electrical and plumbing inspection approvals, conditional use permits, special use permits, and the like.

B. **Administrative Revocation:** Code Enforcement Officers shall have the authority to initiate administrative revocation of any such certificate, license or permit, if he or she has a reasonable belief that the use of the property or structure:

1. Poses a danger to the health and welfare of the public;
2. Threatens property or safety of any citizen;
3. Violates the terms and or scope of the certificate, license, or permit; or
4. Lacks compliance with applicable State licensing laws and requirements.

The non-emergency administrative revocation of a certificate, license, or permit shall follow the procedures of notice and determination provided in Section 1.6 below.

C. **Temporary Emergency Orders:** The Senior Code Enforcement Officer shall have the authority to issue a temporary emergency order in conjunction with notice of an administrative revocation as described in subsection 1.5.2. The Temporary

Emergency Order shall have the effect of prohibiting all activity that may be harmful to the public or any person and suspending any certificate, license, or permit authorizing the same. The Senior Code Enforcement Officer may issue a temporary emergency order when he or she has a reasonable belief that the use of the property or structure:

1. Poses an *imminent* danger to the health, safety or welfare of the public; or
2. Threatens the life or poses an imminent danger of serious injury to any citizen.

   a. Service of Temporary Emergency Orders: Service of Temporary Emergency Orders may be made by any Code Enforcement Officer upon the owner, manager, employee, or occupant of a structure that is subject to the provisions of subsection 1.5.3. If no one is located at the structure, the Temporary Emergency Order shall be affixed to the structure and written notice shall proceed according to subsection 1.6.2. All notices for this subsection shall clearly state "Temporary Emergency Order" and conform to the requirements of subsection1.6.1.

D. The City Council for the City of Conway may revoke a special use, conditional use, or any other authorization to use property or conduct business that violates the terms of the use or threatens the property or safety of any citizen, or is detrimental to the health, safety or welfare of the public. Such a revocation may be performed at any regular or special meeting of City Council. The revocation shall be based upon the report of a Code Enforcement Officer, complaint of a citizen, or *sua sponte* action by City Council.
(Ord. No. O-09-55)

5.09.06 Administrative Procedure

A. Notice of Violation: A "Notice of Violation" shall be written on standardized or letter form approved by the Senior Code Enforcement Officer that shall include the following information:

1. The name of the owner, if known;
2. An address or description of the real estate sufficient for identification;
3. A description of the violation or violations;
4. A statement that citations may be issued and fines assessed in addition to any administrative remedy imposed by the City.
5. Include a statement that the City has a right to cause repairs or demolition to be made and that the costs may be assessed against the owner and the property of the owner; and
6. The information required by ARK. CODE ANN. 14-54-903, if applicable.

B. **Method of service:** Administrative notices (such as a Notice of Violation) shall be issued by any person authorized under ARK. CODE ANN. § 14-54-903 by:

1. Posting on the subject property;
2. Regular mail; and
3. Certified mail, return receipt requested.

    a. Notice by mail shall be sent to the owner's address of record with the applicable county treasurer or collector. When sent to the proper address with proper postage, notice by mail shall be deemed properly served without regard as to whether the owner or occupant accepted the mail or the mail was otherwise returned.

C. **Transfer of ownership:** After receiving a notice of violation, it shall be unlawful for the owner of any property or structure to sell, transfer, mortgage, and lease or otherwise alienate or dispose of the same until:

1. The property or structure has been caused to conform with this code; or
2. The owner shall provide the other party a true copy of any notice of violation issued by a Code Enforcement Officer and shall furnish to the Senior Code Enforcement Officer a signed and notarized statement from the other party accepting responsibility for the property or structure.

D. **Exceptions:** The Notice of Violation requirements of this section shall not apply to the issuances of citations. Issuance of citations must comply with the procedures described in subsection 4.3.
(Ord. No. O-09-55)

5.09.07 Condemnation

A. **Keeping condemned structures prohibited:** That it shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association, to own, keep or maintain any house, building and/or structure within the corporate limits of the City of Conway, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by Resolution of the City Council.

B. **Condemnation:** That any such house, building, and/or structure which is found and declared to be a nuisance by Resolution of the City Council will be condemned to insure the removal thereof as herein provided.

C. **Notices:** The Code Enforcement Department shall be responsible for publication, mailing or delivery of all notices required to condemn structures.

1. That prior to the consideration of a Resolution by the City Council declaring any house, building and/or structure as a nuisance, the owner(s) and any mortgagee(s) or lien holder(s), of such house, building and/or structure shall be mailed written notification of the date, time and place that the City Council will consider said Resolution. In addition, said notice shall inform the owner(s) and any mortgagee(s) or lien holder(s), of the right to be heard at the City Council meeting

on the proposed Resolution declaring such house, building and/or structure to be a nuisance.

2. Should the owner(s) and mortgagee(s) and/or lien holder(s) of any such house, building and/or structure be unknown or their whereabouts be unknown or if they do not reside in Arkansas, then a copy of the written notice shall be posted upon said premises and the City Clerk or his designee shall make an affidavit setting out the facts as to unknown address, unknown whereabouts and/or non-resident status of said owner(s), mortgagee(s), and lien holder(s). Thereupon, service of publication as now provided for by law against unknown and/or non-resident defendant(s) may be had and an attorney ad litem shall be appointed to notify such persons by registered letter addressed to their last known place(s) of residence or business.

D. **Resolution Information:** That the Resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in said Resolution an adequate description of the house, building, and/or structure; the name(s), if known, of the owner(s) and mortgagee(s) and/or lien holder(s) thereof; and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance.

E. **Posting:** 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 and certified copy of said Resolution will be mailed to the owner(s) and mortgagee(s) and/or lien holder(s) thereof, if the whereabouts of said owner(s) and mortgagee(s) and/or lien holder(s) thereof be known or their last known address be known, and a copy thereof shall be posted at a conspicuous place on said house, building and/or structure. Provided, that if the owner(s) and mortgagee(s) and/or lien holder(s) of said house, building and/or structure be unknown or if his or their whereabouts or last known address be unknown, the posting of the copy of said Resolution as hereinabove provided will suffice as notice of the condemnation.

F. **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 Senior Code Enforcement Officer or his duly designated representative.

G. **Saleable material:** The Senior Code Enforcement Officer 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.

H. **Proceeds:** All proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials there from and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the City Clerk-Treasurer. If any such house, building and/or structure, or the saleable materials thereof, be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the City, plus any fine or fines imposed, the balance thereof will be returned by the City Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance.

I. **Liens:** If the City has any net costs in removal of any house, building or structure, the City shall place a lien on the personal property or real estate property as provided by ARK. CODE ANN. § 14-54-904.

J. **Fine:** A fine of not less than Two Hundred Fifty ($250.00) nor more than Five Hundred Dollars ($500.00) is hereby imposed against the owner(s) of any house, building and/or structure found and declared to be a nuisance by Resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Two Hundred Fifty Dollars ($250.00) for each said separate and distinct offense; provided the notice as herein provided in Section 5 hereof has been given within ten (10) days after said house, building and/or structure has been by Resolution found and declared to be a nuisance.

K. **Judicial declaration:** In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance by a Court having jurisdiction of such matters, the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the City, and the only notice to be given to the owner(s) and mortgagee(s) and/or lien holder(s) of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in Circuit Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a Court of competent jurisdiction, a fine of One Hundred Dollars ($100.00) is hereby imposed against the owner(s) thereof from the date said finding is made by the Court and for each day thereafter, said nuisance be not abated constitutes a continuing offense punishable by a fine of One Hundred Dollars ($100.00) per day. (Ord. No. O-09-55)

5.09.08 Emergency Procedures

A. **Temporary safeguards:** Notwithstanding other provisions of this code, whenever, in the opinion of the Senior Code Enforcement Officer, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done,

including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

B. **Closing streets:** When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

C. **Emergency repairs:** For the purposes of this section, the Senior Code Enforcement Officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of emergency work shall be paid by the City. The City Attorney shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.
(Ord. No. O-09-55)

5.09.09 Definitions

A. **General:** Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit," or "story" are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof."

ABANDONED MOTOR VEHICLE. Any motor vehicle, regardless of whether wrecked or inoperable, which is left on public or private property, for a period of more than 72 hours, without approval from the property owner to place the vehicle upon such property.

APPROVED. Consented or agreed to in writing by the Senior Code Enforcement Officer, or his proper designee.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes.

BOAT. Any vessel initially designed for the carrying of passengers or cargo upon the water, whether currently seaworthy or not, and regardless of size or design, including, without limitation, barges, motorboats whether inboard or outboard, canoes, rowboats, rafts and sailboats.

CARPORT. A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides.

CODE ENFORCEMENT OFFICER. Any city employee who has been duly sworn and authorized to uphold the ordinances of the City and laws of the State of Arkansas related to property uses, maintenance, nuisances, inspections, issuances of building permits, certifications and licensing etc., within the municipal boundaries of the City. All duly sworn law enforcement officers of the Conway Police Department are authorized to exercise authority as Code Enforcement Officers.

CONDEMN. To adjudge unfit for human occupancy.

DWELLING UNIT. Any room or group of rooms located within a structure forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, eating, and sanitation by a household or family.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food; by poison spraying, fumigating, and trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GRAFFITI. Any inscription, word, figure, or design that is marked, etched, scratched, drawn, painted, pasted or otherwise affixed to or on any structural component of any building, structure, or other permanent facility regardless of the nature of the material of that structural component, or the nature of the inscription, to the extent that the same was not authorized in advance by the owner, or otherwise deemed to be a public nuisance.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC. Any existing buildings or structures designated by the City of Conway, the State of Arkansas, or the United States government to be historic or located within a Conway historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, uninsured, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power. Such vehicle is also considered an abandoned vehicle if left on public or private property without authorization from the property owner for a period in excess of 72 hours.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

MOTOR VEHICLE. A machine of conveyance which is self-propelled and designed to travel along the ground, and includes but is not limited to automobiles, buses, electric scooters, mopeds ~~bicycles~~, motorcycles, trucks, tractors, go-carts, golf carts, motor homes.

NUISANCE. This term is defined in Article 4 Section 1 of this Code.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PRIVATE PROPERTY. Means any real property within the city which is privately owned and which is not defined as public property in this section.

PUBLIC PROPERTY. Means any real property in the city which is owned by a governmental body and includes buildings, parking lots, parks, streets, sidewalks, rights-of-way, easements and other similar property.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

REMOVAL. The act of clearing all material and debris whenever it becomes necessary to demolish any building that has been condemned and found to be a nuisance by resolution of the city council.

RESIDENCE. A structure serving as a dwelling or home. For the purposes of this Code, the term residence includes dwelling units and rooming houses.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation. Bed-and-breakfasts, boarding houses, half-way houses, and hotels, as those terms are defined under the Conway Zoning Ordinance, are included within the definition of a Rooming House.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

UNCUT WEEDS AND GRASS. See Section 3.2.4 for definition.

SENIOR CODE ENFORCEMENT OFFICER. The Head of the Code Enforcement Department or, in his or her absence, the person who is directed or appointed to temporarily assume the duties of the Head of the Code Enforcement Department.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

TRAILER. Means any freewheeling object designed or intended to be pulled or towed behind a motor vehicle, regardless of whether wrecked or inoperable, and regardless of whether currently inspected and/or registered, including without limitation the following: Boat trailers, camper trailers, cargo trailers, special trailers for items such as golf carts or motorcycles, utility trailers, and farm implements.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

WRECKED MOTOR VEHICLE. Any motor vehicle which does not have lawfully affixed thereto an unexpired license plate and the condition of which is wrecked, dismantled, partially dismantled, incapable of operation by its own power on a public street, or from which the wheels, engine, transmission or any substantial part thereof has been removed.
(Ord. No. O-09-55)

5.09.10 General Requirements

A. **Scope:** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

B. **Responsibility:** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

C. **Vacant structures and land:** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

5.09.11 Exterior Property Areas

A. **Sanitation:** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

B. **Grading and drainage:** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

1. **Illegal Dumping:** That is shall be unlawful for any person, firm, or corporation to drop, dispose of, throw, toss or otherwise deposit leaves, paper, debris, brush, limbs, grass, or other similar articles in drainage ditches, curbs and along gutters of city streets in the City of Conway, Arkansas.

C. **Sediments and mud:** All public roadways shall be kept clean of sediment and soil erosion from soil disturbing activities.

1. **Abatement:** Any person engaging in soil disturbing activities within the Conway city limits shall be required to implement measures to minimize the tracking of sediments and mud onto adjacent streets and roadways by vehicles leaving the site.

2. **Exclusions:** The following activities are specifically excluded from the requirements of this ordinance: emergency street, storm drainage or utility repairs. The following properties are specifically excluded from the requirements of this ordinance: approved retention areas and reservoirs.

3. **Clean-up:** If a soil disturbing activity creates a violation, the violator shall clean up the material daily or as frequently as needed to avoid a hazard or nuisance. If an activity is found in violation of the provisions of this ordinance, the city of Conway's appointed representative shall issue a "cease and desist" order for all activities on the site until the appropriate clean-up measures are implemented and provisions are made to prevent additional pollution. The city's approval of construction, building permit approvals, payments, release of payments or bonds and final approvals shall also be withheld or revoked until a violation is corrected and appropriate sediment control measures are in place.

D. **Grass or Weeds:** Grass or weeds shall not exceed eight (8) inches in height in all zoning districts. This restriction will not apply to:

1. Property that is zoned A-1, except when abutting developed property. A-1 property shall be maintained with a 15' buffer along the lot line adjacent to the developed property with grass and weeds in such buffer shall not exceed eight (8) inches in height.

2. Areas specifically designated or recognized by the city, the state or the United States as wetlands, open spaces, natural or wild flower areas, or other designated preservation areas.

E. **Rodent harborage:** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

F. **Exhaust vents:** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

G. **Accessory structures:** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

H. **Motor vehicles:** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of motor vehicles is prohibited unless conducted inside an approved spray booth.

1. **Storage of inoperable or abandoned vehicles:** No person shall park, store, leave or permit the parking, storing or leaving of any motor vehicle, and/or trailer of any kind, which is wrecked or inoperable, whether attended or not, upon any private property within the city, except as allowed by the following exceptions:

a. Any subject item parked or stored within a building or enclosed garage on private property.
b. Any subject item held in connection with a business enterprise lawfully licensed by the city for servicing and repair of subject items and properly zoned operated in an appropriate business zone pursuant to the zoning ordinances of the city.
c. Subject vehicle within a carport that is being actively repaired on at least a weekly basis. Subject vehicles and its parts when not being repaired shall be neatly and completely covered with an opaque cover.
d. Inoperable vehicles deemed inoperable only due to not having current vehicle license plate or vehicle registration tag, may be stored in a covered carport.
e. Inoperable vehicles may be stored on private property when provided with a fitted and maintained cover designed for such vehicle.

2. **Authorized removal of inoperable motor vehicles:** Code Enforcement Officers shall have the authority to remove inoperable motor vehicles on private property thirty (30) days after written notice has been affixed to the subject item. Such notice shall state that the subject item is a nuisance and order whoever has an interest in the subject item to remove the item from the property. If such nuisance is found upon private property, in addition to the foregoing notice, a copy of such shall be placed on the residence or business. The presence of such subject items on private property is hereby declared a public nuisance which may be abated in accordance with the provisions of this Code. Any inoperable vehicle sitting on city streets can and will be removed immediately at owners expense.

3. **Exception:** A motor vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

I. **Defacement of property:** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.
(Ord. No. O-09-55)

5.09.12 Swimming Pools, Spas and Hot Tubs

A. **Maintenance:** Swimming pools, hot tubs and spas shall be maintained in a clean and sanitary condition, and in good repair. Please see ARK. CODE ANN. § 14-54-901.

5.09.13 Exterior Structure

A. **General** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

B. **Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 3 inches in height on residential structures and shall be a minimum of 4 in height on commercial structures. (Ord. No. O-09-55)

5.09.14 Rubbish and Garbage

A. **Accumulation of rubbish or garbage.** All exterior property and premises of every structure shall be free from any accumulation of rubbish or garbage.

B. **Disposal of rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

C. **Appliance/Furniture** and similar equipment not in operation shall not be discarded, abandoned or stored on premises outside of any enclosed building such as storage shed or accessory building.

D. **Disposal of garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or an approved leak-proof garbage container.

1. No trash or garbage container shall be stored in a front or side yard abutting a street so as to be closer to the street than the building on the lot except on trash days. Garbage and trash containers must be placed within 5 feet of curb no earlier than 5:00 p.m. the day before and removed before 7:00 p.m. the day garbage is picked up.
(Ord. No. O-09-55)

5.09.15 Sanitary Drainage System

A. **General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

B. **Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.
(Ord. No. O-09-55)

5.09.16 Nuisances

A. **Intent**. It is the intent of this Code to prevent and abate nuisances within the municipal boundaries of the City of Conway. For the purposes of this Code, the word

"nuisance" is defined as any act, omission, or property condition that is detrimental to the health, safety and welfare of the public in that it:

1. Injures or endangers the comfort, repose, health or safety of others;
2. Is offensive to the senses;
3. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;
4. In any way renders other persons insecure in life or the use of property; or
5. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

B. **4.1.2 Prohibited.** It shall be unlawful for any person or entity to cause, permit, maintain or allow the creation or maintenance of a nuisance.

C. **4.1.3 Illustrative enumeration of a nuisance.** The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

1. Noxious weeds and other rank vegetation;
2. Accumulations or storage of rubbish, garbage, materials, metals, lumber, tires, and other materials;
3. Any condition which provides harborage for rats, mice, snakes and other vermin;
4. Dilapidated structures;
5. All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
6. All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
7. The carcasses of animals or fowl not disposed of within a reasonable time after death.
8. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
9. Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
10. Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
11. Dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities.
12. Graffiti.
13. Inoperable or abandoned motor vehicles.
14. The use of tarpaulins, canvas, plastic, oil cloth, sheeting and other similar materials as fencing or to shield or enclose any structure (including, without limitation, openings for windows, doors, walls, roofs, garage doors or carports)

except when temporarily necessary to perform repairs under a properly issued building permit.

15. Permanent or temporary basketball goals (except those approved by the City) on any public street or on any right-of-way adjacent to a public street. (Ord. No. O-09-55)

5.09.17 Unsightly Appearances

A. Uncut weeds, grass and other unsightly and unsanitary articles. All property owners and occupants within the municipal boundaries of the City of Conway are required to cut weeds and grass, remove garbage, rubbish and other unsightly and unsanitary articles and things from their property, and to eliminate, fill up, or remove stagnant pools of water or any other unsanitary thing, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. For specific requirements related to the required maintenance of grass and weeds, refer to subsection 3.2.4.

B. Nuisance Structures. Any building or other structure which is in such a dilapidated condition that it is unsafe or unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health or safety of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located shall constitute a nuisance.

1. **Unsafe structures:** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe conditions due to lack of abandonment of lack of maintenance, or, unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

2. **Unfit structure for human occupancy** A structure is unfit for human occupancy whenever the Code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

3. **Unlawful structure:** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law. (Ord. No. O-09-55)

5.09.18 Additional Remedies

A. **Authorized abatement:** If the owner of any lot or other real property within the city shall neglect or refuse to remove, abate or eliminate any condition, violation, or prohibition as may be provided for in this Code, after having been given a **Notice of Violation** with seven (7) days' notice in writing to do so by the appropriate city official, the city is hereby authorized to do whatever is necessary to correct the condition, including but not limited to entering upon the property and having such weeds, rank grass or other vegetation cut and removed, or eliminating any unsanitary and unsightly condition, or causing necessary repairs to be made and charging the cost thereof to the owner of such premises, which shall constitute a lien thereon. The above mentioned seven days' notice shall be calculated by counting the first day of the seven day period as the day after written notice is given to the owner, by counting every calendar day, including weekends and holidays, and by establishing the deadline to take the above required actions as 11:59 p.m. on the seventh day. Condemnations shall follow the procedures established in Section 7 of Article I. The City reserves the right to secure a priority clean-up lien pursuant to ARK. CODE ANN. § 14-54-903.

B. **Authorized removal of basketball goals:** Code Enforcement Officers shall have the authority to order the immediate removal of any permanent or temporary basketball goal (unless approved by the City) that is on any public street or on any right-of-way adjacent to a public street. If the apparent owner of the basketball goal is unknown, unavailable, or unwilling to remove the basketball goal, a Code Enforcement Officer may cause the goal to be removed.

A. **Vacating of Unfit or Unsafe Structures and Utility Services:** Any dwelling or dwelling unit declared as unfit for human habitation or unsafe by the Conway Code Enforcement Department as so designated and placarded by a Code Enforcement Officer, shall be vacated within seven (7) days after notice of such action has been given by the Building official to both the owner and occupant of the building. On the eighth (8th) day after said notice the Code Enforcement Department shall notify all utility services that no such services shall be provided to the dwelling or dwelling unit. After utility services are cutoff no further services shall be made available until a rehabilitation permit is obtained or until the Director of Code Enforcement notifies utilities that service may be provided to the dwelling *or* dwelling unit.
(Ord. No. O-09-55)

5.09.19 Placarding

A. **Placarding:** Upon failure of the owner or person responsible to comply with the Notice of Violation for a nuisance structure or equipment within the time given, the Code official shall then post on the premises or on defective equipment a placard bearing the word **"NUISANCE"** and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

B. **Placard removal:** The Code Official shall remove unfit for human habitation or unsafe structure placard whenever the defect or defects upon which the condemnation

and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code. (Ord. No. O-09-55)

5.09.20 Prohibited Occupancy

C. **Prohibited occupancy.** Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code. (Ord. No. O-09-55)

Chapter 5.12
TREES

Section:

5.12.01 Unlawful to destroy

5.12.01 Unlawful to destroy. Any person who shall build a fire against any live tree or otherwise mutilate such live tree within the city unless the same is on his own premises or by direction of the owner thereof, upon conviction of such offense shall be fined in any sum of not less than Three ($3.00) Dollars nor more than Fifteen ($15.00) Dollars. (Henry's Digest. Sec 837)

Chapter 5.16
TREE TRIMMERS

Sections:

5.16.01 Permit
5.16.02 Responsibility
5.16.03 Penalty

5.16.01 Permit. Any person who, as a means of employment, cuts or trims trees belonging to another person in the city of Conway shall be required to register with the Director of the Conway Sanitation Department. Additionally, at the time of registration, said person will be required to purchase a tree trimming permit with the cost of said permit being $25.00. Said registration and permit will be valid for a one (1) year period beginning on the date of registration. (Ord. No. O-77-12)

5.16.02 Responsibility. Any registered tree trimmer and/or cutter shall be required to advise the Sanitation Department of the city of Conway as to the location of each tree trimming and/or cutting job which occur in the city of Conway. Such advisement will be furnished to said department one (1) time before any such job is undertaken. The registered

tree trimmer and/or cutter shall be responsible for removing any limbs, branches or other cutting and/or trimming debris from the job site. Under no circumstances will the Sanitation Department of the city of Conway undertake the removal of said debris. In addition, if the party employing said registered tree trimmer and/or cutter desires said debris to be left at such job site, the registered tree trimmer and/or cutter undertaking said job must advise said Department of this situation. The registered tree trimmer and/or cutter will when instructed by the employing party to leave said debris at such job site, advise the employing party that said debris will not be picked up by the Sanitation Department of the city of Conway.

5.16.03 Penalty. Any person violating Section 5.16.01, upon conviction, shall be fined $10.00 in addition to being required to register and purchase said permit. Any person violating Section 5.16.02, upon conviction, shall be fined $25.00 for the first violation and $50.00 for any subsequent violations. (Ord. No. O-77-12, Sec. 1)

Chapter 5.20
OBSTRUCTION OF FIRE HYDRANTS

Sections:

5.20.01 Illegal, responsibility
5.20.02 Unoccupied property
5.20.03 Enforcement
5.20.04 Penalty

5.20.01 Illegal, responsibility. It shall be unlawful for any owner, possessor, tenant, occupant, or anyone who has control of any real estate within the city to allow grass, weeds, or any growing matter, and/or any rubbish or other unsightly material to obstruct a fire hydrant, whereas making if difficult to see. Also it shall be unlawful for any owner, possessor, tenant, occupant or anyone who has control of any real estate within the City of Conway to paint or disfigure any fire hydrant, without first obtaining the written consent of the Conway Corporation and the Conway Fire Department.

5.20.02 Unoccupied property The responsibility of removing the obstruction above mentioned in Section 5.20.01 will be on the property owner when the property is unoccupied.

5.20.03 Enforcement. The Conway Fire Department will be responsible for the enforcement of this chapter and shall follow the procedure set out in Chapter 5.08 as giving notice and use of lien.

5.20.04 Penalty. Besides the lien authority authorized in Chapter 5.08, any person, firm or corporation who shall violate or permit, suffer or allow anyone under his, their or its direction or control to violate this chapter, or aid, abet or assist in the violation of this chapter shall, upon conviction be fined any sum not less than Twenty One Dollars($21.00) nor more than Fifty Dollars ($50.00) for each offense. (Ord. No. O-76-12)

Chapter 5.24
ARKANSAS HEALTH FACILITIES BOARD

Sections:

5.24.01 Findings
5.24.02 Creating of Board
5.24.03 Powers
5.24.04 Issuance of bonds
5.24.05 Organization; reports

5.24.01 Findings The City Council of the city hereby finds and determines:

A. The Project will make available advances and innovations for the health care of inhabitants of the city and the state of Arkansas, and the project is plainly in the interest of the city and its inhabitants. Further, proper planning dictates that provision should be made for financing any additional facilities that may be required in the future in order that Conway Regional Medical Center satisfy the increasing health care needs of the inhabitants of the city and the state of Arkansas ("Subsequent Projects").

B. Financing of the Project and Subsequent Projects under the Act, including refinancing of existing debt, is and will be necessary for accomplishing the Project and Subsequent Projects and will make available quality health care facilities and services to the public at lower costs, thereby benefiting the public in general and the inhabitants of the city in particular .

C. The facilities and services afforded by Conway Regional Medical Center are now and hereafter will be made available to patients, staff privileges are afforded to medical and supporting personnel and persons are employed without discrimination on the basis of race, creed, religion or sex.

D. The city is authorized by the Act to provide financing of health care facilities through the creation of a public facilities board and the issuance of revenue bonds by such a public facilities board.

E. It is in the best interest of the city and its inhabitants that there be created a public facilities board under the Act and that the authority of the board be limited to accomplishing, financing, contracting concerning, and otherwise dealing with health care facilities (as defined in the Act) to be owned or operated by Conway Regional Medical Center, including the refinancing of all or part of existing debt.
(Ord. No. O-99-57, Sec. 1)

5.24.02 Creating of Board Pursuant to the authority of the Act there is hereby created and established the "City of Conway, Arkansas Health Facilities Board (Conway Regional Medical Center)" (the "Board") with authority as hereinafter provided to accomplish,

finance, contract concerning, and otherwise deal with health care facilities (as defined in the Act) to be owned or operated by Conway Regional Medical Center, including the refinancing of all or any part of existing debt. The initial members of the Board shall be appointed by the Mayor of the city as provided in the Act. (Ord. No. O-99-57, Sec. 2.)

5.24.03 Powers The Board is empowered, from time to time, to own, acquire, construct, reconstruct, extend, equip, improve, sell, lease, contract concerning or otherwise deal in or dispose of health care facilities, including mortgage loans with respect thereto (including specifically the Project and any Subsequent Project, as hereinbefore defined); provided, however, that the authority of the Board shall be limited to such health care facilities as are sold, leased or mortgaged to Conway Regional Medical Center or are otherwise owned by, health in, disposed of, or concerning which a loan is made to Conway Regional Medical Center, pursuant to a contract or contracts between the Board and Conway Regional Medical Center. The Board shall have all of the powers provided for in the Act, subject to the limitations of this ordinance, and shall carry out its duties in accordance with the Act. (Ord. No. O-99-57, Sec. 3)

5.24.04 Issuance of bonds The Board is authorized to issue revenue bonds, from time to time, and to use the proceeds, either alone or together with other available funds and revenues, to accomplish the purposes for which the Board is created. Provided, however, that before the issuance of any bonds by the Board the approval of such issue shall be obtained from the Conway City Council by resolution passed by the Conway City Council.

Such revenue bonds shall be obligations only of the Board and shall not constitute an indebtedness for which the faith and credit of the city or any of its revenues are pledged, and the principal and interest on the bonds shall be payable from and secured by a pledge of revenues derived from the health facilities financed, in whole or in part, from bond proceeds or from any debt previously incurred and refinanced by bonds, and as authorized by and in accordance with the provisions of the Act, together with such other collateral as may properly be pledged. Each bond issue for a subsequent project must be approved by the City Council of the city prior to delivery of such bonds to the purchaser or purchasers thereof. (Ord. No. O-99-57, Sec. 4)

5.24.05 Organization; reports As soon as practicable after the adoption of this ordinance the Board shall meet and elect officers. The Board may adopt by-laws and such other rules and regulations, if any, as shall be necessary or desirable for the conduct of its business and consistent with the provisions of the Act. The Board shall cause to be filed with the City Clerk of the city the annual report described in A.C.A. 14-137-123. (Ord. No. O-99-57, Sec. 5)

Chapter 5.28
TIRE STORAGE

Sections:

5.28.01 Storing of tires

5.28.01 Storing of tires It shall be unlawful for any residential or commercial property owner, resident, occupant, or tenant to fail to keep their property free from tires and any receptacle or condition that maintains stagnant water, which will allow the breeding of mosquitoes. All residential and commercial property owners, residents, tenants, or occupants shall:

A. Store tires on the rim; or
B. Store tires securely covered; or
C. Store tires in an enclosure in a manner permitted under all applicable fire regulations; or
D. Store tires in any other manner, prevent water from collecting in tires and providing a breeding place for mosquitoes;
E. Keep their property free from any receptacle or condition, which will allow stagnant water and the breeding of mosquitoes.
(Ord. No. O-05-47, Sec. 1.)

Chapter 5.32
Hillside Excavation Plan

Sections:

5.32.01 Excavation Plan approval required
5.32.02 Submission requirements for Excavation Plan review
5.32.03 Design standards for excavation
5.32.04 Permit fee
5.32.05 Enforcement and violation
5.32.06 Fine

5.32.01 Excavation Plan approval required any person engaging in excavation into a hillside or sloped area (ground slope is steeper than 4 feet horizontal to 1 foot vertical) where the maximum vertical height of the excavation exceeds 5 feet for single family construction or 10 feet for non-single family construction, an excavation plan must be submitted for approval. The height of the excavation is computed by determining the maximum difference in elevation between the natural ground elevation and the foundation elevation along a rectangular envelope around the outside limits of the building. The following activities are not required to obtain an excavation plan approval:

A. Excavation below the natural ground surface where the slope is flatter than 4 feet horizontal to 1 foot vertical. The natural ground slope is based on the minimum slope computed between natural ground elevations along a rectangular envelope around the outside limits of the building.

B. The following activities are specifically excluded from the requirements of this ordinance:

1. Farming, livestock operations and gardening activities;

2. Emergency street, storm drainage or utility repairs;
3. Excavation and fill for installation and repair of utilities and appurtenances;
4. Permitted landfill operations;
5. Street and drainage construction being performed by or for the city of Conway;
6. Work by or for the Arkansas State Highway and Transportation Department. (Ord. No. O-06-67, Sec. 1)

5.32.02 Submission requirements of Excavation Plan review Persons requiring an "Excavation Plan Approval" as described in 5.32.01 shall apply for a permit to the city of Conway, City Engineer (100 East Robins St., Conway, Arkansas 72032) The City Engineer may, approve, disapprove or approve the permit with conditions. Denial of a permit may be appealed to the Mayor. The permit application shall include the following:

A. Name, address and phone number of property owner, person making application and contractor performing the work.

B. Description of the excavation activity and proposed goal of the activity.

C. Estimation of area impacted by work and volume of material to be hauled from the site.

D. Time period that the excavation or fill work will be underway along with the proposed completion date. For long term projects the completion date may be extended upon notification of the applicant.

E. Proposed haul route for the trucks hauling the material from the site.

F. Plan submitted showing project location, boundary of property, grading plan showing existing ground surface and proposed finished surface elevations and a drainage plan showing existing ground surface and proposed finished surface elevations and a drainage plan showing existing surface and finished surface runoff volume and path. The plan shall show the surface conditions for a distance of 2- feet beyond the boundary of the property and shall show any existing structures within 50 feet of the property. The plan shall show the trees on the site that are to be removed and to remain.

G. Storm water pollution prevention permit as required by the Arkansas Department of Environmental Quality or the city of Conway.

H. Include payment for permit fee as described herein.

5.32.03 Design standards for excavation The plans for the excavation and fill permit shall address the following items:

A. The excavation into the slope shall be only for the building structure that is to be located on the site. All slope areas (areas greater than 4 feet horizontal to 1 foot vertical) beyond the limits of the building shall be restored to the natural ground shape and slope. The building shall appear as though it is inset in the slope with no change in the landscape beyond the limits of the building.

B. The excavation and grading for parking areas, entrance drives, outside storage areas or other site features shall fit the natural terrain or be designed to utilize the building excavation to transition to the finished surface different from the original ground.

C. The site should not have exposed cut slopes and should not have exposed retaining walls.

D. The general guideline for the plan is to minimize the impact on the natural appearance of hillside area by the proposed construction.

E. Provisions for the prevention of sediments from the site entering the storm water system, the tracking of material from the site only the city streets and the loss of material from the site by blowing dust are critical elements in the review of the permit application. These items shall be specifically addressed in any plan submitted and properly implemented prior to commencement of work and maintained throughout the excavation activity. The measures shall be fully maintained until the site has been stabilized in accordance with the Storm Water Pollution Prevention Plan. (Ord. No. O-06-67, Sec. 3)

5.32.04 Permit fee A one time fee in the amount of One Hundred Dollars ($100.00), plus Fifty Dollars ($50.00) per acre of site with a maximum fee of Five Hundred Dollars ($500.00) shall be submitted with the permit application. The permit shall continue until the work is completed. (Ord. No. O-06-67, Sec. 4)

5.32.05 Enforcement and violation The provisions of this ordinance may be enforce by the Code Enforcement Officer, the City Engineer or Building Inspector. The following are considered a violation of this ordinance:

A. A person performing excavation or fill activity without an approved "Excavation Plan" and being required to obtain a permit as detailed in 5.32.01.

B. A person performing excavation and fill activity and not complying the approved plan or approved subdivision development plans.

If any activity is in violation of the provisions of this ordinance, the city of Conway's appointed representative shall issue a "cease and desist" order for all construction activities on the site until the appropriate corrective action measures are implemented to bring the work into compliance and provisions are made to prevent additional violations. The city's

approval of construction, building permits, payments, release f payments or bonds and final approvals shall also be withheld or revoked until a violation is corrected and appropriate sediment control measures are in place. (Ord. No. O-06-67, Sec. 5)

5.32.06 Fine any violation of this ordinance shall be considered an offense punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00), and each day of violation may be considered a separate offense. (Ord. No. O-06-67, sec. 6)

Chapter 5.36
CONWAY TREE BOARD

Sections:

5.36.01 Board Establishment
5.36.02 Definitions
5.36.03 Members
5.36.04 Duties
5.36.05 Maintaining trees on public property

5.36.01 Board Establishment the city of Conway has determined that a definite plan for the care, preservation, and disposition of the trees on the public property is necessary, and that there is hereby established the Conway Tree Board in order to carry out these objectives for the preservation of the public health, safety, and welfare. (Ord. No. O-06-26, Sec. 1, as amended by Ord. No. O-11-51, Sec 1)

5.36.02 Definitions The following terms shall be defined for the purposes of this ordinance:

Public property: Areas owned, leased, or occupied by the city of Conway.

Right of Way: As Defined by the Conway Subdivision Ordinance, Rights of Way are intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency or a public utility shall be dedicated to public use by the maker of the plat on which such right-of-way is established. (amended by Ord. No. O-11-51, Sec. 2)

Tree: any self-supporting woody perennial plant, usually having a main trunk(s) and many branches, and, at maturity, normally attaining a trunk diameter greater than six inches at 4 ½ feet from the ground and a height of over ten feet. (amended by Ord. No. O-11-51, Sec. 2).

Public tree: Any tree as defined in subsection (b) growing on Public Property except for property used as a water or sewer plant, electric substation or in a Right of Way. (Ord. No. O-06-26, Sec. 2, amended by Ord. No. O-11-51, Sec. 2)

Destroy: Any intentional or negligent act, which in the opinion of the Tree Board, will cause a tree to decline and die within a period of two years including and limited to only the following reasons:

1. Damage inflicted upon the root system of a tree by the application of toxic substance.
2. The operation of heavy machinery within the Drip Line of a Tree.
3. The change of Natural grade by excavation of filling the area from the trunk of a tree to the drip line.
4. The deposit of a nonporous substance such as asphalt or concrete to a point within the Drip Line of a Tree.
5. The Abuse or mutilation of a Tree, except that nothing herein shall be construed to prevent reasonable and proper trimming of trees in accordance with Accepted Horticultural practices.
(amended by Ord. No. O-11-51, Sec. 2)

Drip Line: An imaginary vertical line extending from the outermost portion of a Tree canopy to the ground.
Easement: As defined in the Conway Subdivision Ordinance (0-00-03), an easement is a grant by a property owner of the use, for a specific purpose or purposes, of land by the public, a corporation or certain persons.
Tree Board.: The Conway Tree Board established by Ordinance 0-06-26.
(amended by Ord. No. O-11-51, Sec. 2)

5.36.03 Members In order to develop a Community Tree Management Plan, the Conway Tree Board will be established for the city of Conway, Arkansas.

The Conway Tree Board will consist of nine members, all citizens and residents of Conway, who shall be appointed by the Mayor with the approval of the City Council. At least one member shall be a member of the Conway Area Chamber of Commerce, at least one member shall be representative of the City of Conway, at least one member shall be a business owner in the City of Conway, and at least one member shall be an employee of Conway Corporation appointed by Conway Corporation Management. At least one member shall be a nurseryman, professional horticulturist, landscape architect, or master gardener.
(amended by Ord. No. O-11-51, Sec. 3)

The Conway Tree Board, as it deems necessary for guidance, shall choose its own officers, establish its own rules and by-laws, and keep a record of its proceedings. A majority of the members shall be a quorum for the transaction of business. The term of the persons to be appointed by the Mayor shall be three years with staggered terms. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. (Ord. No. O-06-26, Sec. 3)

The Conway Tree Board shall propose such legislation, as may be necessary and practical to pursue the ends for which the Conway Tree Board was created. (amended by Ord. No. O-11-51, Sec. 3)

The Conway Tree Board shall develop tree-planting programs in conjunction with other public agencies, private agencies, and with City Council approval. The Tree Board shall have authority to determine the Tree species that will be in the general area of utility lines in order to decrease the need for pruning and maintenance in such areas. (amended by Ord. No. O-11-51, Sec. 3)

The Conway Tree Board shall educate the public concerning tree maintenance and the benefits of trees. (amended by Ord. No. O-11-51, Sec. 3)

The Conway Tree Board shall provide technical advice and assistance to developers, builders, contractors etc., upon request in the selection and protection of naturally occurring trees, during the development of wooded areas. (amended by Ord. No. O-11-51, Sec. 3)

The Conway Tree Board shall communicate with such professional and technical services as it may see fit, within the scope of this ordinance. (amended by Ord. No. O-11-51, Sec. 3)

5.36.04 Duties

A. The Conway Tree Board shall assist the community and its officials in disseminating information about the protection, maintenance, and improvement of the city of Conway's tree population.

B. The Conway Tree Board shall propose such legislation, as may be necessary and practical to pursue the ends for which the Conway Tree Board was created.

C. The Conway Tree Board shall develop tree-planting programs in conjunction with other public agencies, private agencies, and with city Council approval.

D. The Conway Tree Board shall educate the public concerning tree maintenance and the benefits of trees.

E. The Conway Tree Board shall provide technical advice and assistance to developers, builders, contractors, etc. upon request in the selection and protection of naturally occurring trees, during the development of wooded areas.

F. The Conway Tree Board shall communicate with such professional and technical services as it may see fit, within the scope of this ordinance. (Ord. No. O-06-26, Sec. 3)

5.36.05 Maintaining trees on public property In order to maintain trees on public property:

A. Trees planted on public property shall become city of Conway property.

B. The city of Conway and Conway Corporation shall have the authority to prune, maintain, and remove trees, plants, and shrubs within the rights-of-way of all streets, alleys, avenues, lanes, squares, and private or public easements as may be necessary to insure public safety or preserve or enhance the symmetry and beauty of such public grounds. The city of Conway and Conway Corporation shall follow American National Standards Institute pruning standards. (amended by Ord. No. O-11-51, Sec. 3)

C. The city of Conway, Conway Corporation, and any Public Utility that has a Franchise Agreement with the city of Conway may remove or cause to be removed, any Tree located in an easement or right of way or part thereof which is in an unsafe condition or by which reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, phone lines, cable lines, underground drainage (piped or open) or other public improvements, or is affected with any injurious fungus, insect, or pest. (amended by Ord. No. O-11-51, Sec. 3)

D. It shall be unlawful for any person to destroy, transplant or remove any Public Tree within the city of Conway without first receiving the permission of the Tree Board and the City Council. (amended by Ord. No. O-11-51, Sec. 3)

E. Under disaster or emergency circumstances, the City of Conway and Conway Corporation may remove or prune trees severely damaged by storms or other natural causes.

F. By reasons of its nature and practicality, the City of Conway and Conway Corporation shall have the authority to prune, maintain, and remove trees, plants, and shrubs as necessary during any season or time of the year.

G. All supervisory personnel of the City of Conway and Conway Corporation employees who may prune trees in a non-emergency situation shall participate in an educational course on basic tree science and proper techniques of pruning.
(Ord. No. O-06-26, Sec 4)

The provisions of this ordinance are hereby declared to be separable and if any section, phrase, or provision shall be declared or held illegal, or invalid, such invalidity shall not affect the remainder of the sections, phrases, or provisions. (Ord. No. O-11-51, Sec. 5)

TITLE 6
ANIMALS AND FOWL

Chapters :

6.04 Dogs and Cats
6.08 Wildlife, Wild Animals and Reptiles
6.12 Penalty
6.16 Spay/Neuter Program

CHAPTER 6.04
DOGS

Sections:

6.04.01 Definitions
6.04.02 Enforcement
6.04.03 Confinement of dogs and/or cats on premises of owner
6.04.04 Impoundment
6.04.05 Reclaiming animals; fee for reclaiming
6.04.06 Nuisance animals and hazardous animals
6.04.07 Condition of pen and premises
6.04.08 Number of animals
6.04.09 Fraudulent redemption of domestic animals
6.04.10 Annual license tag
6.04.11 Rabies vaccination required
6.04.12 Running at large
6.04.13 Interference
6.04.14 Dogs or cats doing physical or property damage
6.04.15 Citations
6.04.16 Animal care
6.04.17 Transportation
6.04.18 Animal bites
6.04.19 Quarantine after bite
6.04.20 Penalty: dogs or cats that attack a human being
6.04.21 Diseased or injured animals
6.04.22 Keeping of dangerous or vicious dogs
6.04.23 Killing rabid, vicious or dangerous animals
6.04.24 Penalty
6.04.25 Deposit of funds/assisted spay and neutering
6.04.26 Prohibition of sale of animals from certain locations

6.04.01 Definitions The following words and phrases shall have the following meaning for the purposes of hits ordinance:

Animal Every vertebrate non-human species of animal, wild or domestic, male or female, including, but not limited to, dogs, cats, livestock and other mammals, birds, reptiles, amphibians and fish.

Animal acceptance The act of the Animal Welfare Unit accepting a dog, puppy, cat or kitten brought in to the shelter by an individual for permanent relinquishment.

Animal Rescue/Shelter Ana establishment wherein a person, business, government or organization engages in the practice of providing temporary homes for stray, surrendered, or abandoned pet animals. Animals are kept at the shelter until it is reclaimed by the owner, adopted to a new owner, placed with another organization or euthanized. (Ord. No. O-05-138, Sec. 1.)

Animal Welfare Officer The person or persons employed by the city of Conway and designated by the city of Conway as enforcement officer or officers and having authority to carry out all provisions of this ordinance including police officers of the city of Conway, Arkansas.

Animal Welfare Unit Any premises designated by the city of Conway for the purpose of impounding and caring for dogs and cats found running at large in violation of this ordinance.

At-large An animal is at-large within the meaning of this ordinance when it is not confined to the premises of the owner or not within a house or other building or enclosure or not restrained on the premises of the owner by a leash sufficiently strong to prevent the animal from escaping and restricting the animal to the premises of the owner of not confined by a leash or not confined in an automobile when away from the premises of the owner.

Cat Any domestic or feral cat (*Felis catus or Felis domesticus*) over the age of six (6) months. (Ord. No. O-05-138, Sec. 1 as amended by Ord. No. O-11-32, Sec. 1)

Dangerous dog Any dog that according to the records of Conway Animal Welfare Unit:

A. has inflicted severe injury on a human being without provocation on public or private property
B. has killed a domestic animal without provocation while off the owner's property,
C. has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Dog Any domestic canine or canine crossbreed (*Canis familiaris*) over the age of six (6) months.

Domestic animal Animals which are trained and kept as pets, or which commonly rely upon humans for food and shelter, including, but not limited to, dogs, puppies, cats, kittens; birds kept indoors; hamsters, gerbils and such other small rodents; chinchillas, rabbits; non-poisonous lizards, except crocodiles and alligators, and non-poisonous snakes, which animals or reptiles are capable of being maintained continuously in cages; and other living creatures

generally referred to as domestic pets. The term "domestic animals" shall also mean animals of husbandry or livestock.

Euthanasia The act of humanely and painlessly putting an animal to death.

Kennel An establishment wherein any person, business, or organization engages in the practice of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling dogs or other animals. (Ord. No. O-05-138, Sec. 1.)

Kitten Any domestic or feral cat (*Felis catus or Felis domesticus*) under the age of six (6) months.

Neutered A castrated male animal, un-sterilized dogs or cats too elderly or inform to breed, as previously certified in writing as such at the time of the dog's of cat's licensing by a veterinarian licensed to practice within the state.

Owner/harborer Any person, group of persons, or corporations owning, keeping or harboring an animal or animals.

Potentially dangerous dog Any dog that when unprovoked:

A. inflicts bites on a human or a domestic animal either on public or private property,
B. chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude tendency, or disposition to attack unprovoked, to cause injury or otherwise to threaten the safety of humans or domestic animals.

Puppy Any dog under the age of six (6) months

Repeatedly at large An animal is repeatedly at large within the meaning of this ordinance when it is not confined to the premises of the owner or not within a house or other building or enclosure or not restrained on the premises of the owner by a leash sufficiently strong to prevent the animal from escaping and restricting the animal to the premises of the owner or not confined by a leash or not confined in an automobile when away from the premises of the owner more than three times within the previous year.

Restraint An animal is under restraint within the meaning of this ordinance if it is controlled by a leash or within a vehicle being driven or parked on a street, or confined on the property of its owner or keeper.

Spayed A female animal that has undergone an ovary-hysterectomy, un-sterilized dogs or cats too elderly or inform to breed, as previously certified in writing as such at the time of the dog's or cat's licensing by a veterinarian licensed to practice within the state.

Vicious dog Any dog which:

A. causes death or serious injury to any person,
B. on two (2) or more occasions within a 12-month period, attacks or bites a person without provocation,
C. on more than one (1) occasion within a 12-month period, while off the property of its owner and without provocation, kills or seriously injures another domestic animal or livestock; or
D. is trained for dog fighting or is owned or kept for the purpose of dog fighting.

Wildlife rehabilitator Is a person, business, or organization who provides aid to injured, orphaned, displaced, or distressed wild animals in such a way that they may survive when released to their native habitats. Activities may include direct care of wildlife and arranging suitable release sites. Rehabilitators must possess current licensing from the Arkansas game and Fish Department and must comply with all state, county, and municipal laws and ordinances. (Ord. No. O-04-60, Sec. 1 and as amended by Ord. No. O-05-138)

6.04.02 Enforcement The provisions of this ordinance shall be enforced by the Animal Welfare Officer of the city of Conway and by members of the Conway Police Department. (Ord. No. O-04-60, Sec. 2)

6.04.03 Confinement of animals on premises of owner

A. Confinement of dogs Any person owning, possessing or keeping a dog or dogs whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such dog or dogs within an adequate fence or enclosure within a house, garage or other building and provides adequate ventilation and protection from environmental conditions. (Ord. No. O-04-60, Sec 3; as amended by Ord. No. O-10-91, Sec 1)

B. Confinement of cats Any person owning, possessing or keeping a cat or cats whether vaccinated or unvaccinated, licensed or unlicensed shall confine such cat or cats to his or her property in such a manner adequate to prevent the cat from running at large.

C. Chaining No person shall direct-point chain or tether a dog to a stationary object. Dogs may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run if the following conditions are met:

Only one (1) dog may be tethered to each cable run.

1. The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two (2) fingers may fit. Choke collars and pinch collars are prohibited for purposes of tethering a dog to a cable run.

2. There must be a swivel on at least one (1) end of the tether to minimize tangling of the tether.

3. The tether and cable run must be of adequate size and strength to effectively retrain dog. The size and weight of the tether must not be excessive, as determined by the animal welfare officer, considering the age, size and health of the dog.

4. The cable run must be at least ten (10) feet in length and mounted at least four (4) feet and no more than eight (8) feet above ground level.

5. The length of the tether from the cable run to the dog's collar should allow access to the maximum available exercise area and should allow continuous access to water and shelter. The trolley system must be of appropriate configuration to confine the dog to the owner's property, to prevent the tether from extending over an object of an edge that could result in injury or strangulation of the dog, and to prevent the tether from becoming entangled with other objects or animals.
(Ord. No. O-04-60,Sec3; as amended by Ord. No. O-10-91, Sec 1)

Upon notification by written warning, owner will be given ten (10) days to comply. If compliance is not met, the dog may be removed by Animal Welfare Officers.

6.04.04 Impoundment

A. Any domestic animal found to be at large within the corporate limits of this city shall be picked up by the Animal Welfare Officer and there confined in a humane manner. Dogs or cats which are not claimed by their owners or an authorized representative identified in writing by the owner within five (5) days may be put up for adoption or destroyed at the discretion of the Animal Welfare Officer in a humane manner. (Amended by Ord. No. O-11-32, Sec 1)

B. Prior to destroying any dog found running at-large where the dog carries its owner's address, the Animal Welfare Officer shall give the dog's owner at least five (5) day's notice of the date of the proposed destruction of the dog. The notice shall be by certified letter, return receipt requested and shall otherwise conform to A.C.A. 14-54-1102.

C. The owner of an impounded animal who refuses to claim his or her animal shall be proceeded against for abandonment under the provisions of A.C.A. 5-62-101.

D. Upon payment of the following adoption fees;

1. Fifty ($50.00) for an altered dog or cat

(Or)

2. Twenty-Five ($25.00) for an unaltered dog or cat in addition to a spay/neutering fee, (such fee shall be determined by the veterinarian selected to perform the alteration and paid directly to the veterinarian)

(And)

3. Upon expiration of the aforementioned five (5) business day period:

   Title of any animal not claimed may be transferred to another party, with the exception of the owner or owner's representative, subject to the licensing and vaccination requirements set out in this ordinance.

   Upon payment of the adoption and altering fees, sterilization shall be performed within thirty (30) days. The Animal Welfare Unit may grant an extension of time not to exceed thirty (30) additional days upon the request of the owner, unless in the opinion of a veterinarian licensed to practice veterinary medicine in the state of Arkansas, the animal is medically compromised to the extent that such sterilization should not be performed at such time. The signed agreement to have the animal altered shall be binding. Failure to comply shall constitute a violation of this section. In such cases, the animal described therein shall be returned to the Animal Welfare Unit upon request and ownership of the animal shall revert back to the Animal Welfare Unit. No claim may be made by the owner to recover expenses incurred for maintenance of the animal including the initial procurement cost. In addition, all dogs and cats adopted shall be micro-chipped prior to being released. The expense of micro-chipping is included at no additional charge.

4. Adoption fees on altered animals shall be equally dispersed, $25.00 into the City of Conway operating account (001-127-4170) and $25.00 into the Animal Welfare Spay and Neuter account (223-127-4170).
   (Ord. No. O-11-32 as amended by Ord. No. O-11-46)

E. Upon impounding domestic animals, the Animal Welfare Officer shall make a reasonable effort, if possible, to notify the owners of such animals so impounded, and inform such owners of the condition whereby they may regain custody of such animals. (Ord. No. 04-60, Sec. 4)

6.04.05 <u>Reclaiming animals; fee for reclaiming</u>

A. Any person owning, possessing or keeping an animal which has been allowed

to run at large and which has been impounded may claim and retrieve such animal from the Animal Welfare Unit by payment of a fee of Ten Dollars ($10.00) per day that the animal remains in custody; owner of such impounded animal shall be responsible for all costs incurred. If a dog or cat has not been vaccinated against rabies within the immediately preceding twelve months and/or is not currently licensed, as applicable, said animal shall be reclaimed only after payment of the appropriate fees.

The burden of proof as to vaccination and licensing shall be upon the party attempting to claim the dog or cat from the Animal Welfare Officer under this ordinance (O-09-82). The person reclaiming the animal must provide positive picture identification such as Drivers License, Arkansas ID card or School ID provided that the name, address and date of birth are contained on the card. (Ord. No. O-04-60 as amended by Ord. No. O-09-82 Sec. 1, as amended by Ord. No. O-11-32, Sec 1)

B. An additional fee of Twenty Dollars ($20.00), plus the regular license fee shall be assessed to the party reclaiming an unlicensed animal. An additional Twenty Dollar ($20.00) fee shall be assessed for reclaiming a dog or cat unvaccinated for rabies within the above stated period. If the person claiming the animal is a Conway resident, that person shall also cause said animal to be licensed in accordance with the regulations of the city then in force, and the costs or expense of such vaccination and/or license fee shall be paid by the party reclaiming such animal and shall be in addition to the fees hereinabove set out. It shall be the responsibility of said party to furnish proof of such vaccination to Animal Welfare within ten (10) days of the animal being reclaimed. (O-09-82)

C. The Animal Welfare Officer shall keep complete and accurate records of all dogs and cats impounded and should an owner's animal be impounded a second time, within an eighteen (18) month period, then in such event, the Animal Welfare Officer, prior to releasing said animal shall require a fee of Twenty Dollars
($20.00) to be paid by such owner, possessor or keeper of said spayed/neutered
dog or Seventy-Five Dollars ($75.00) for said un-spayed/un-neutered dog or cat, plus Ten Dollars ($10.00) per day board. In addition a citation may be issued for a nuisance dog or cat.

D. Upon the third and each subsequent impoundment within an eighteen (18) month period, then in such event, of said owner's spayed/neutered dog or cat, the Animal Welfare Officer, prior to releasing said animal shall require an impound fee of Fifty Dollars ($50.00) to be paid by such owner, possessor or keeper of said spayed/neutered dog or cat, or an impound fee of One Hundred Dollars ($100.00) for an un-spayed/un-neutered dog or cat, plus Ten Dollars ($10.00) per day board. Upon said subsequent violation, the owner, keeper or

possessor of such dog/cat shall in addition, comply with the above licensing and vaccination fees. In addition a citation may be issued for a nuisance dog or cat.

E. Upon redemption an additional fee of Ten Dollars ($10.00) shall be assessed for micro-chipping. The microchip will be administered and registered by the Conway Animal Welfare Unit. (Ord. No. O-11-32; Sec. 1)

F. All fees described in this section shall be in addition to whatever penalties might be assessed for misdemeanor violations described in other sections under this ordinance (O-04-60, Sec. 5). (Ord. No. O-04-60, Sec. 5 as amended by Ord. No. O-11-32, Sec. 1)

6.04.06 Nuisance animals and hazardous animals

A. Owners of nuisance animals shall be subject to fine. Nuisance animals are any animals which infringe upon the rights of another animal or a person, or:

1. Molest passersby or passing vehicles
2. Attack other domestic animals
3. Trespass on school grounds
4. Are repeatedly at large
5. Damage private or public property
6. Bark, whine or howl in an excessive, continuous, or untimely fashion
7. Cause fouling of the air by odor and thereby create unreasonable annoyance
8. Interfere with refuse collection or other service personnel.
9. Defecate on property other than property owned by their owner, keeper or harborer while at large or while under restraint.

B. In the case of animals causing a noise problem and after owner of such animal has been duly notified twice that the problem needs correcting, and such correction has not been put in place, nuisance animals can then be impounded and a notice left at the owner's residence so as to provide the owner with instructions for reclaiming the animal.

C. For purposes of this section, each day that a violation occurs shall be considered a separate offense, and if a separate citation is issued for each offense, each such separate offense may be punished separately.

D. The fine for a nuisance animal shall be One Hundred Dollars ($100.00) for the first offense, and One Hundred Fifty Dollars ($150.00) for second and each subsequent offense that shall occur. (Ord. No. O-04-60, Sec. 6)

6.04.07 Condition of pen and premises It shall be unlawful for any person, firm or corporation keeping or harboring domestic animals to fail to keep the premises where such

domestic animals are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of the said premises and shall be unlawful to allow premises where dogs or cats are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises. (Ord. No. O-04-60, Sec. 7)

6.04.08 Number of animals It shall hereafter be unlawful for any person, to own, keep, or harbor more than a total of four (4) dogs and/or cats over the age of 12 weeks on one premise within the corporate limits of the city. This provision shall not apply to proprietors of animal hospitals and veterinarians when such animals are kept upon premises used by such business. This provision shall not apply to persons who hold a kennel permit.

A. Kennel permits will be required of any person, business, or organization that engaged in the operation of a kennel and will also be required of any person, business, or organization engaged in the operation of animal rescue shelters and/or wildlife rehabilitation. All holders of kennel permits shall be subject to the following criteria:

1. Property must be zoned properly according to Conway Zoning ordinances and must comply with any further regulations therein included, and

2. The number or animals that can be housed on premises shall be limited to a reasonable number, agreed upon by the permittee and the City Council on a case by case basis, and

3. Kennel permittee's must comply with the city minimum standards for kennel operations. The City Council has the right to grant a variance from the minimum kennel standards by a two thirds (2/3) vote, and

4. Numbers of animals are counted beginning at 12 weeks in determining the quantity present on site, and (Amended by Ord. No. O-11-32; Sec 1)

5. The permit shall be issued by the Animal Welfare Unit. There is no cost for the permit and is renewable annually. (Amended by Ord. No. O-11-32; Sec 1)

6. The holder of the permit shall agree to random inspection of the kennel to insure compliance with these regulations to insure that safe and sanitary conditions are maintained. The Animal Welfare Unit shall be responsible for notifying the permittee of his/her renewal date. The permittee shall be responsible for completing the renewal procedure in a timely manner. (Amended by Ord. No. O-11-32; Sec 1)

B. All kennels permittee's shall, in addition to the other requirements of this chapter, comply with the following minimum standards of this section. Failure to meet these standards shall be grounds for denial of a kennel permit or revocation of a kennel permit. An appeal of the denial or revocation of a kennel permit may be made to the City Council within ten (10) days of the notice of such denial or revocation. In the case of revocation, appeal to the City Council shall suspend enforcement of this action until such time as the appeal is acted upon by the Council. The Council shall take up the appeal at the next regularly scheduled Council meeting. Denial of the appeal by the City Council or the failure to appeal such a notice of revocation of a permit within the proscribed ten (10) day period shall result in the immediate revocation of the permit and the termination of all activities authorized by such permit.

1. Animal housing areas must be physically separated from areas in which food and/or drink for human consumption is prepared, served or stored and from any living and/or sleeping areas of kennel personnel.

2. Enclosures must be provided which shall allow adequate protection against weather extremes. If drains are used, they shall be properly constructed and kept in good repair. If closed drainage systems are used, waste water shall be disposed of by connection to a sanitary sewer of any approved sewage disposal system in compliance with city code.

3. Each animal shall have sufficient space to stand up, lie down, and turn around without touching the sides or tops of cages.

4. Cages are to be of material and construction that permit cleaning and sanitizing.

5. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.

6. Runs shall provide protection from the weather and be constructed of an impervious surface. Floor of the run must also slope toward a drain to prevent the accumulation of water and debris.

7. All animal quarters and runs are to be kept clean, dry and in a sanitary condition. Animal waste shall be removed from enclosures daily and/or as often as may be necessary to prevent contamination of the animals and to reduce disease hazards and odors. All surfaces shall be washed with a detergent solution followed by a safe and effective sanitizer. Animals must be removed from the enclosures during the cleaning process and precautions taken to avoid cross contamination.

8. Indoor housing for pet animals shall be sufficiently heated when necessary to protect animals from cold, and to provide for their health and comfort. The ambient temperature shall be made consistent with the requirements of the particular species.

9. Indoor housing of animals shall be adequately ventilated with fresh air to minimize odors and moisture and to provide for the health and comfort of the animals at all times. Auxiliary ventilation, such as exhaust fans and vents or air-conditioning, shall be provided when the ambient temperature is 85º or higher.

10. Adequate lighting must be provided a minimum of eight hours per day. Such lighting shall provide a minimum of 25 foot candles of illumination for 30 inches above floor level and must be uniformly distributed. Enclosures must be positioned to protect animals from excessive illumination.

11. Reliable and adequate electric power shall be provided. Electrical wiring must meet all requirements of city code.

12. The floors of the enclosures shall be constructed to prevent injury to animal's feet and legs. Enclosures for dogs and cats may have wire flooring provided they have a solid rest surface, however, that (1) the wire is of adequate gauge to prevent sagging under the weight of the animals and (2) the wire mesh is small enough to prevent their feet from falling through the mesh.

13. The food shall be free from contamination, wholesome, palatable, and of a sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal. Food shall be stored off the floor or in a waterproof closed container and adequately protected against infestation or contamination by vermin.

14. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type. Backflow preventers shall be installed on any threaded faucet.

15. Water and food containers and all other utensils shall be cleaned and sanitized using generally acceptable methods such as the use of heat or chemical sanitizing solution. These containers shall be cleaned and sanitized as often as necessary to maintain sanitary conditions.

16. An effective program for the control of insects, parasites, and mammalian pest shall be maintained.

17. Animals maintained in the same enclosure shall be maintained in compatible groups. Females in season shall not be housed in the same primary enclosure with males, except for breeding purposes. Puppies and kittens shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies. Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animals.

18. Animals under treatment for a communicable disease shall be physically separated from other susceptible animals to minimize spread of the disease. Sick animals shall be provided with access to veterinary care.

C. City Animal Welfare unit is exempt from the provisions of this section. (Ord. No. 0-05-138, Sec. 2.)

6.04.09 Fraudulent redemption of domestic animals If any person shall obtain possession and custody of any domestic animal for or on behalf of the owner thereof for the purpose of avoiding payment of the fees and penalties imposed upon the owner by this ordinance, both the owner of such animal and the person so obtaining possession and custody of the animal for the owner shall be deemed to have violated the terms of this ordinance both such persons and such owner shall be punished as hereinafter provided. (Ord. No. 04-60, Sec. 9.)

6.04.10 Annual license and tag

A. Levy and amount of license There is hereby levied and there shall be collected an animal licensing fee in the amount hereinafter provided on each dog or cat owned or kept within the city. Said fee shall be paid to the city or to any authorized licensed veterinarian. Said fee shall be paid to the city via one of these methods: by mail with a self-addressed, stamped envelope enclosed; paid at the Animal Welfare Unit; or paid at the Conway Police Department, or any licensed veterinarian participating in the city's spay/neuter program. It shall be the duty of any licensed veterinarian collecting a fee under the provisions of this section to remit such fee to the city (less a Two Dollar ($2.00) fee per license issued as allowed to the veterinarian issuing the annual license on the behalf of the city of Conway). It shall be a prerequisite of any licensed veterinarian to participate in the city of Conway spay/neuter program, to offer for sale at their clinic the city animal annual licenses as outlined above.

B. For each neutered male or spayed female the levied fee shall be in the amount of Ten Dollars ($10.00) annually. The fee for each unsprayed female or unaltered male shall be Twenty Dollars ($20.00), except for any animal under six months of age. If a dog or cat is of such age that a license is not required and if the dog or cat is not required by this ordinance to have a license tag, the

owner of the dog or cat shall obtain any durable tags which state the name of the owner, the address, and a telephone number whereby the owner keeper or harborer can be notified.

C. Should a dog or cat be brought into the city, the person owning or keeping such dog or cat shall have thirty days in which to pay the licensing fee levied hereby. Any person failing to pay said fee within such period shall be required to pay an additional fee of Ten Dollars ($10.00). Any person bringing a dog or cat into the city on a temporary basis (30 days or less) is not subject to city of Conway licenses.

D. Issuance of license receipt and tag The city official or a licensed veterinarian to whom the fee levied by subsection (A) above is paid shall issue a receipt therefore and shall issue to each person paying said fee a metal tag indicating that said fee has been paid; provided a tag for any dog or cat shall not be issued unless a certificate from a licensed veterinarian is presented which indicates that said dog or cat has been vaccinated for rabies within one year prior thereto.

E. License period A license, if not revoked, shall be valid for one year from the date of rabies vaccination. Every owner and a new fee paid shall obtain a new license
each year. An owner shall have ten days from the date the license expires to obtain a new license without penalty. Any person failing to obtain a license within such period shall be required to pay an additional fee of Ten Dollars ($10.00).

F. Tag to be attached to animal's collar It shall be the duty of the owner or keeper of every dog or cat within the city to attach the tag provided for in subsection (B) to a collar securely fixed around the neck of said dog or cat. If the animal's tag is lost, and proof of previous sale is available, the tag will be replaced free of charge by the issuing authority.

G. All owners of seeing-eye dogs, hearing-ear dogs, assistance dogs, or guide dogs, such dogs being used to aid sensory impaired citizens, or other citizens who, upon medical advice, require the use of an assistance dog, shall not be required to pay an annual city license fee, but shall be required to obtain a license tag and identification tag. (Ord. No. O-04-60, Sec. 10)

6.04.11 Rabies vaccination required

A. All dogs, cats and other pets in the city that are subject to rabies shall be annually vaccinated against rabies by an accredited veterinarian. A metal tag evidencing such vaccination shall be attached to the harness or collar of every animal in the city. Any person who shall keep any pet which is subject to

rabies in the city without first having such pet vaccinated for rabies at least once a year shall be
guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Five Dollars ($5.00) nor more than Twenty-Five Dollars ($25.00) for each offense.

B. In case a tag for the animal licensing fee or rabies vaccination required by this ordinance is lost or destroyed, a duplicate shall be issued by the city upon presentation of a receipt or other verification showing payment of said fee or receipt of such duplicate tag.

C. No tag shall be transferable from one animal to another. No refunds shall be made on any fee from one animal to another.

D. No refunds shall be made on any fee because of the death of the animal or because the owner leaves the city before the expiration of the license period.

E. Nothing in this section shall be construed to apply to any dog or cat under the age of three months. (Ord. No. O-04-60, Sec. 11)

6.04.12 Running at-large No person owning, possessing or keeping an animal shall allow the same to be at-large within the city of Conway, Arkansas. (Ord. No. O-04-60, Sec. 12)

6.04.13 Interference No person shall interfere with, hinder or molest the Animal Welfare Officer in the performance of any duty of such officer or seek to release any animal in the custody of the Animal Welfare Officer except as herein provided. No person shall remove any animal or assist any other person in removing any animal from the Animal Welfare Unit except as herein provided. (Ord. No. O-04-60, Sec. 13)

6.04.14 Dogs or cats doing physical or property damage The owners of all dogs and cats running at-large in the city of Conway, which while running at-large do damage to the property of any person shall be guilty of a misdemeanor and upon conviction shall be fined not less than Fifty Dollars ($50.00), plus court costs, and no more than Five Hundred Dollars ($500.00), plus court costs. (Ord. No. O-04-60, Sec. 14)

6.04.15 Citations The Animal Welfare Officer(s) and members of the Conway Police Department are hereby authorized to issue a citation for arrest as defined by the Arkansas Rules of Criminal Procedure to the owner, keeper or possessor of any dog or cat violating any provision of this ordinance. The citation shall be in the form as approved by the District Court of Faulkner County. Said citation shall designate the offense committed and shall require the person so charged to appear before the District Court of Faulkner County to answer the charges therein contained or present said citation at the District Court of Faulkner County Building prior to said court date for disposition. Should an arrest be required for failure to appear in response to said citation, the Animal Welfare Officer(s) shall seek the assistance of the Patrol Services Division of the Conway Police Department to affect such arrest. (Ord. No. O-04-60, Sec. 15)

6.04.16 Animal care

A. All animals, excluding livestock, must be provided with appropriate shelter and a safe, non-injurious environment, as per federal Animal Welfare Act Guidelines. Shelters and enclosures, whether temporary or permanent, must be constructed so that they are the appropriate size, strength, and material that allows the animal to stand, stretch, turn around, and lie down freely. Unless heated, animal houses shall contain proper bedding to insure protection from weather conditions. The shelters, enclosures and fenced areas for animals must be kept free of hazards such as trash, sharp edges, protruding nails, broken or splintered wood, metal or glass shards, machinery, loose wires, or any other material that may cause injury. (Amended by Ord. No. O-11-32; Sec 1)

B. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances.

C. No person shall fail to provide his animals with sufficient, good, wholesome and nutritious food, water in sufficient quantities, proper air, shelter which provides protection from the weather which includes four sides with opening, roof, and
floor; veterinary care when needed to prevent suffering, and humane care and treatment. No dog or cat may be kept on flooring of suspended wire grid.

D. No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals and/or humans.

E. No owner, keeper or harborer of an animal shall abandon such animal.

F. No person shall 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. Animal Welfare 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 well-being.

G. There shall be at least one hundred (100) square feet in either pen or yard for each dog over six (6) months of age kept therein.

H. It shall be unlawful to allow animals on premises where animals are kept to become infested with ticks, fleas or other vermin, by failing to diligently and systematically apply accepted methods of insect and parasite control.

I. A person commits the offense of Animal Mistreatment if he or she owns, keeps, or harbors any animal in violation of the provisions of this section. (Ord. No. O-09-82)

J. Chaining or tethering a dog to stationary objects is prohibited. Dogs must be restrained by means of a trolley system as described in Section 6.04.03 (C). (Ord. No. O-09-82 Sec. 16 (J); as amended by Ord. No. O-10-91 Sec. 16 (J)).

K. If any owner of such impounded animal pleads guilty, *nolo contendere*, or is found guilty of Animal Mistreatment, the animal shall become the property of the Conway Animal Welfare Unit and be available to the public for adoption, unless such abuse and neglect has rendered the animal unfit for adoption at the discretion of the Animal Welfare Supervisor. Owner of such impounded animal shall be responsible for all costs incurred. (Ord. No. O-09-82)

L. Any person violating or permitting the violation of any provisions of this section shall upon conviction in District court be fined in a sum of not less than One Hundred Fifty Dollars ($150.00) nor more than Three Hundred Dollars ($300.00). (Ord. No. O-09-82)

6.04.17 Transportation No person shall transport or carry any animal by motorized means unless the animal is safely enclosed within the vehicle or trailer, or enclosed in a portable kennel, crate, or dog box designed for this purpose, which is then fastened by a secure and appropriate means to the bed or the chassis of the vehicle. Dogs may be transported in open beds of pick-up trucks provided they are secured in the vehicle by means of a humane cross tether and/or harness. In all cases where animals are transported by motorized vehicles, it must be in a safe and humane manner that will prevent the animal from falling from, being thrown from, or jumping from the motorized vehicle or trailer being pulled by such. (Ord. No. O-04-60, Sec. 17)

6.04.18 Animal bites

A. When any animal has bitten, scratched or otherwise attacked a person or another domestic animal, the person or anyone having knowledge of such incident shall immediately notify Animal Welfare.

B. Animal Welfare Officers have the authority to impound such an animal described in (A) and that animal may remain in the custody of Animal Welfare until all provisions of 6.04.22 are met. Animals impounded under this authority shall be retained in the city shelter or, at the written request of the owner, at a duly licensed veterinary clinic. Owner shall have sole liability for the costs. (Ord. No. O-05-138, Sec. 4)

6.04.19 Quarantine after bite

A. Any animal, which has bitten a person, is a rabies suspect and the owner or custodian shall immediately release such animal for quarantine confinement in a veterinary hospital approved by the city. Such quarantine may also be carried out
at the Animal Welfare Unit, or if vaccination is current within the past year, within an enclosure approved by Animal Welfare on the premises of the owner at the discretion of and under the supervision of the Animal Welfare Supervisor. All quarantines shall be for a period of ten (10) days.

B. Upon the request of any person who has been bitten by a dog or other animal within the corporate limits of the city (or by a parent or legal guardian of a person bitten who is under a disability), the Animal Welfare Officer shall take such dog or animal, or a plurality of same if they are reasonably suspected of the biting, into custody and confine and quarantine same under the provisions of 6.04.09(a) above or under the supervision of a licensed veterinarian, who shall keep such dog or animal in quarantine until he shall issue his certificate that:

1. The veterinarian has complied with the observation provisions of Section 3 of Act 11, First Extraordinary Session of the 1968 Arkansas General Assembly (Rabies Control Act; (and the dog or other animal appears to be free of infection of rabies (hydrophobia).

C. When the licensed veterinarian supervising the quarantine of any dog or other animal quarantined under subsection (A) and (B) shall issue the certificate provided for in subsection (B) (1), the owner of such dog or animal may retake custody of it upon tender to such veterinarian or the city Animal Welfare Officer of their customary and reasonable fees and charges for impounding, boarding, lodging, observation and testing; except a person who is bitten by an animal while baiting, teasing, or molesting said animal or while trespassing on the premises of the owner or keeper of said animal shall pay all customary and reasonable charges and fees resulting from his request to have said animal confined and quarantined.

D. The fee for quarantining an animal at the Conway Animal Welfare Unit shall include board of Ten Dollars ($10.00) per day, impound fee of Twenty-Five Dollars ($25.00), cost of rabies vaccination and city license if applicable.

E. If any dog or other animal confined under subsection (A) and (B) is not reclaimed by its owner, such dog shall be released by the veterinarian to the Animal Welfare Officer who shall treat such dog or animal as one found running at-large within the corporate limits of the city.

F. Any dog or other animal having rabies or symptoms thereof, or suspected of having rabies, or which has been exposed to rabies shall be immediately released by the owner or custodian of such dog or animal to the Animal

Welfare Officer and the Animal Welfare Officer shall confine such dog or animal in quarantine as provided for above. (Ord. No. O-04-60, Sec. 19)

6.04.20 Penalty: liability for animals that attack a human being Any person who owns, keeps, harbors, or possesses an animal that attacks a person causing harm to a person or exhibits vicious or ferocious behavior towards a person causing fear shall be guilty of a violation. It shall be an affirmative defense to this offense if the animal was provoked or teased. Any person convicted of violating this section shall be fined not more than Five Hundred Dollars ($500.00) plus court costs. Additionally, the convicting court may, in the court's discretion, order that the dog be humanely destroyed. (Ord. No. O-04-60, Sec. 20)

6.04.21 Diseased or injured animals

A. It shall be unlawful for any person to knowingly keep any injured animal without providing proper treatment for such injury, or any animal infected with a disease which may contaminate other animals and which may be a health hazard. A person acts "knowingly" when he is aware that such circumstances exist.

B. Any such untreated injured animal or any diseased animal shall be immediately treated or, when necessary, humanely destroyed, to prevent unwarranted suffering. The disposition of such animals shall be at the direction of the supervisor of Animal Welfare Unit or a licensed veterinarian.

C. Animal Welfare will transport deceased animals for licensed veterinarians who participate in the sales of city animal license tags and collection of fees for same, and the city's spay/neuter program as provided in 6.04.10(A) free of charge as requested. The animals will be disposed of in the same manner as any animals that are euthanized at the Animal Welfare Unit (Ord. No. O-04-60, Sec. 21)

6.04.22 Keeping of dangerous or vicious dogs

A. The keeping of such dogs shall be subject to the following standards:

1. Leash and muzzle No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely maintained with a leash no longer than four feet in length.

2. No person shall permit a vicious or dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash.

3. The person in control of the animal must be of size and strength to adequately maintain control of the dog.

4. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc.

5. Any vicious or dangerous dogs on a leash outside its kennel must be muzzled by a device sufficient to prevent the dog from biting people or other animals.

B. Confinement All dogs designated vicious or dangerous shall be securely confined indoors or in a securely enclosed kennel, except when leashed and muzzled as provided above. The pen, kennel or structure must have secure sides and a secure top, which is attached to the sides. All structures used must be locked with a key or combination lock when the animals are within the structures. The pen or kennel must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground at a depth of no less than two feet. All structures used to house dangerous or vicious dogs must also comply with all zoning and building regulations of the city. Kennels must be adequately lighted and ventilated and be kept in a clean and sanitary condition.

C. Confinement indoors No dangerous or vicious dog may be kept on a porch, patio or in any part of a house or building that would allow the dog to exit on its own volition unless to a kennel as described in Section B above. In addition no such animal may be kept in a building when the windows are open or when screen window or screen doors are the only obstacles preventing the dog from exiting the structure unless they exit to the proper enclosure. (Amended by Ord. No. O-11-32; Sec 1)

D. Signs All owners, keepers or harbors of vicious or dangerous dogs within ten days of being so designated shall display in a prominent place on their premises a sign easily readable by the public, using the words "Beware of dog." In addition, a similar sign will be posted on the kennel or pen.

E. Insurance All owners, keepers or harborers of vicious or dangerous dogs must within ten (10) days of being so designated provide proof to the Animal Welfare Unit of public liability insurance in a single incident amount of Fifty Thousand Dollars ($50,000.00) for bodily injury or death of any person or persons for damage to property owned by any persons which may result from the keeping or maintenance of the dog. The insurance policy shall provide that no cancellation shall be made without ten (10) days written notice being provided to the Animal Welfare Unit. (Amended by Ord. No. O-11-32; Sec 1)

F. All owner's keepers or harborers of a vicious or dangerous dogs must within ten (10) days notify in writing the Animal Welfare Unit of any of the following:

1. The death of the dog.

2. The removal of the dog from the city.
3. The new address of the owner if the owner moves within the corporate city limits of Conway.

G. Sale or transfer of ownership Any person may sell, barter or in any other way dispose of the dog, to any person within the city provided that the seller notifies the Animal Welfare Unit on the day of the sale, and that the buyer complies with all of the requirements set forth in this section.

H. Failure to comply It is unlawful for the owner or keeper of a vicious or dangerous dog registered in the city to fail to comply with the requirements set for in this section. Failure to comply shall be subject to immediate seizure and impoundment of the animal. In addition, failure to comply will result in the revocation of the license of the animal resulting in the immediate removal of the animal from the city.

I. Irrefutable presumptions There shall be an irrefutable presumption that any dog registered within the city as a dangerous or vicious dog is in fact a dog subject to the requirements of this section.

J. Any person violating or permitting the violation of any provisions of this section shall upon conviction in District Court be fined in a sum of not less than Two Hundred Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00). In addition, the court shall order the registration of the subject vicious dog revoked and the dog removed from the city. Should the defendant refuse to remove the dog from the city, the District Court Judge shall find the defendant in contempt and order immediate confiscation of and impoundment of the dog.

K. Each day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this section shall pay all expense, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this section. (Ord. No. O-04-60, Sec. 22)

6.04.23 Killing rabid, vicious or dangerous animals

A. A police officer may kill without notice to the owner any dog, cat, or any other animal, domestic or wild if such animal is reasonably suspected of being rabid whether it bears the tag provided for or not.

B. A police officer may kill any animal without notice to the owner if it is reasonably suspected by the officer to be a vicious or dangerous animal and is putting persons or property in immediate and unreasonable danger. (Ord. No. O-04-60, Sec. 23)

6.04.24 Penalty Conviction for failure to confine a dog or cat in violation of 6.04.03 above shall result in a fine as follows:

A. For a spayed or neutered dog or cat:

1. The first violation within an eighteen month period shall result in a Ten Dollar ($10.00) fine.

2. The second violation within an eighteen month period shall result in a Twenty Dollar ($20.00) fine.

3. The third and each subsequent violation within a three-year period shall result in a Fifty Dollar ($50.00) fine.

B. For an unsprayed or un-neutered dog or cat:

1. The first violation within an eighteen month period shall result in a Seventy-Five Dollar ($75.00) fine, unless by time of sentencing for the violation, proof of sterilization of the animal has been produced, in which case the fine structure applicable to sterilized animals in 6.04.24(A)(1) above shall apply.

2. The second and each subsequent violation within an eighteen month period shall result in a One Hundred Dollar ($100.00) fine unless by time of sentencing for the violation, proof of sterilization of the animal has been produced, in which case the fine structure applicable to sterilized animals in 6.04.24(A) (2) and 6.04.24 (A)(3) shall apply.

3. The fine structure applicable to sterilized animals in 6.04.05(D)(1) shall also apply to un-sterilized dogs or cats too elderly or infirm to breed, as previously certified in writing as such at the time of the dog's or cat's licensing by a veterinarian licensed to practice within the state. (Ord. No. O-04-57, Sec. 60)

6.04.25 Deposit of funds/assisted spay/neutering All fines paid to the city of Conway for the licensing of dogs or cats collected after this ordinance becomes effective shall be set aside for an assisted spay and neuter program and other animal health needs. (Ord. No. O-04-60, Sec. 25)

6.04.26 Prohibition of sale of animals from certain locations Except for established animal business enterprises with permanent structures, livestock auction facilities and the Conway Animal Shelter, the sale, distribution and giving away of animals from public property or property with a commercial office or industrial zoning is prohibited. (Ord. No. O-06-76, Sec. 60)

Chapter 6.08
FOWL, LIVESTOCK, WILDLIFE, WILD ANIMALS AND REPTILES

Sections:

6.08.01 Deposit on streets
6.08.02 Running at-large – fowl
6.08.03 Running at-large – stock
6.08.04 Keeping of livestock prohibited
6.08.05 Hunting and trapping
6.08.06 Keeping of innately wild animals, non-human primates or venomous reptiles
6.08.07 Keeping of hogs

6.08.01 Deposit on streets Every dead cow, horse, or other animal found lying on any of the streets, alleys or any other place is declared to be a nuisance and whoever shall deposit the same in such place shall upon conviction thereof be fined not greater than Two Hundred Dollars ($200.00) (Ord. No. O-04-60, Sec. 1)

6.08.02 Running at-large – fowl It shall be unlawful for any chicken, guinea, duck, goose or other fowl to stray beyond the enclosure of its owner or owners, keeper of keepers, within the city limits of the city of Conway, Arkansas. (Ord. No. O-04-60, Sec. 2)

6.08.03 Running at-large – stock The running at-large or in the public streets, alleys, sidewalks, commons or unenclosed grounds or public or private property within the corporate limits of the city of Conway, of any cattle, horses, mules, asses, swine, sheep, goats or any other animals of like kind, is hereby made unlawful. (Ord. No. O-04-60, Sec. 3)

6.08.04 Keeping of livestock prohibited

A. It shall be unlawful for any person to keep, maintain, or permit to run at-large within the corporate limits of the city, any livestock, except as provided herein.

1. The keeping of horses, cows, donkies, mules, goats, sheep, or ratites (flightless birds such as ostrich, emu etc.) is permitted where they are maintained on an enclosed pasture with a minimum of three acres for each animal. Such enclosures shall be kept in a sanitary, healthful, and secure condition so as to prevent any nuisance to citizens. (Amended by Ord. No. O-11-32; Sec 1)

2. Additionally, adequate supplemental feed shall be supplied, such supplemental feed provided so as to maintain good health and proper condition of each head of livestock.

3. Water vessels appropriately constructed and located must be available so that each animal kept will have twenty-four hour access to wholesome water.

B. For any other animals commonly referred to as farm animals including but not limited to chickens, guinea, goose and ducks, space allotment and food and water must be adequate enough for each animal to be maintained in a comfortable, healthy and stress-free manner. Pens shall be designed to prevent run off of feces to adjacent property owners and maintain in such a way to prevent undue odors. (Ord. No. O-04-60; Sec. 4 and (Amended by Ord. No. O-11-32; Sec 1))

6.08.05 Hunting and trapping

A. It is unlawful for any person to hunt, chase, shoot, wound, kill, net, trap, snare or in any other manner whatsoever catch any wildlife within the city limits of Conway, except pursuant to the rules, regulations and licensing requirements of the Arkansas Game and Fish Commission. However, should it be determined by Conway Animal Welfare Unit that a wild or domestic animal is causing a nuisance or creating verifiable property damage, humane live traps may be used to capture and trans-located or impound such animal.

B. Hunting on property owned by the city of Conway is prohibited. Provided, the Mayor's office may, in cooperation with the Arkansas Game and Fish Commission, issue hunting permits for nuisance wildlife on property owned by the city of Conway.

C. No person shall set any trap, to catch any animal, permit any trap owned by them or in their control to be set to catch any animal, or allow a trap to be set to catch an animal on their property unless approved by the Animal Welfare Unit. Any animal so trapped shall be immediately relinquished to the Animal Welfare Unit. (Amended by Ord. No. O-11-32; Sec 1)

D. This section shall not apply to the indoor trapping of rats and mice.

E. Nothing in this paragraph shall apply to fur bearing season traps authorized by the Arkansas Game and Fish Commission pursuant to Game and Fish Commission Code of Regulations, Section 10.02 and 10.04. (Ord. No. O-04-60, Sec. 5)

6.08.06 Keeping of innately wild animals, non-human primates or venomous reptiles

A. As used in this section, the term "innately wild animals" shall mean lions, tigers, cougars, leopards, panthers, bears, wolves and other non-domestic animals or carnivore, notwithstanding that their natural wildness may be intermittently dormant, as such wildness is likely to be awakened at any time, suddenly and unexpectedly. The failure to specifically list any animal in this subsection will not preclude such animal from being deemed an innately wild and non-domestic animal.

B. Innately wild animals shall include all members of the order Carnivora which are all meat-eating animals, excluding domestic breeds of dogs and cats.

C. Keeping of prohibited animals In this section:

1. *Carnivora* shall include, but not be limited to, the following families, with representative of those families as indicated:

   a. *Ursidae:* Bears
   b. *Canidae*: Wolves, coyotes, foxes, or the hybrid offspring of such canidae (including, but not limited to, domestic dog – canidae crosses).
   c. *Hyaenidae*: Hyenas
   d. *Filidae*: Lions, tigers, leopards, American lions (commonly known as pumas, cougars, and panthers), cheetahs, bobcats, ocelots, jaguars, African panthers, lynx, margays.
   e. *Procyonidae*: Raccoons and relatives.
   f. *Mustelidae*: Weasels, skunks and relatives.
   g. *Viverridae*: Binturongs, civets, and relatives.

2. Non-human primates shall include, but not be limited to, the following families:

   a. Monkeys: Spider monkeys, squirrel monkeys, marmosets, baboons and relatives.
   b. Great apes: Gorillas, orangutans, gibbons, siamangs, chimpanzees and relatives.

3. Venomous reptiles shall include, but not be limited to, the following families:

   a. *Colubridae*: (two genera only), *Dispholidus* (boomslang) and *Thelotornis* (twin snakes).
   b. *Elapidae*: Cobras, kraits, coral snakes and relatives.
   c. *Hydorphilidae*: Sea snakes.
   d. *Viperidae*: Vipers, adders.
   e. *Crotalidae*: Pit vipers (commonly known as rattlesnakes, water moccasins, copperheads).
   f. *Helodermatidae*: Gila monsters.

D. The possession, maintenance or keeping of innately wild animals within the city is hereby prohibited.

E. There shall be a three (3) day grace period after notice for removal of the innately wild animal from the City before the penalty for violation of this section shall be

imposed.

6.08.07 Keeping of Hogs It shall be unlawful for any person or persons to keep or confine any hog or swine within any lot, pen, building, or enclosure of any kind within the City of Conway; provided this ordinance shall not apply to the keeping or confining of hogs or swine for a period not longer than eight (8) days, within the City of Conway by any person or persons in pens or other enclosures owned or leased by and adjacent to the premises of any auction company or for the purpose of exhibit at the Faulkner County Fair when said hogs or swine are confined for the purpose of sale at auction.

Chapter 6.12
PENALTY

Sections:

6.12.01 Penalty

6.12.01 Penalty Any person violating any provisions of this ordinance not punished differently in another section of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Fifty Dollars ($50.00), no more than Five Hundred Dollars ($500.00), and if such violation be continued, each day's violation shall be a separate offense. (Ord. No. O-04-60)

Chapter 6.16
SPAY/NEUTER PROGRAM

Sections:

6.16.01 Guidelines

6.16.01 Guidelines The city of Conway recognizes the necessity of creating guidelines to the Spay/Neuter program as follows:

A. In order to participate in the Spay/Neuter Voucher Program, participating veterinarians must agree to offer for sale to their client base, as mentioned in Municipal Code Title 6, Section 6.04.10 Section A, City Animal license tags.

B. Any licensed veterinarian within Faulkner County may be eligible to participate in this program provided full compliance and participation with (A) above.

C. Vouchers shall be redeemed for the following amounts by participating licensed veterinarians:

Not to exceed $120 for dogs.
Not to exceed $80 for cats.

D. This voucher shall be applied for the sterilization of the animal, and rabies vaccination only. Any other fees will be the sole responsibility of the adoptee. (Ord. No. O-05-130, Sec. 1)

TITLE 7
PUBLIC PEACE, SAFETY AND MORALS

Chapters:

7.04 Curfew
7.08 Loitering
7.12 Weapons
7.13 Hot Check Law
7.16 Fireworks
7.20 Claims against City
7.22 Explicit Sexual Material
7.24 Morals
7.28 Outside Fire Service
7.32 Fire Hydrants
7.36 Police Alarm Systems
7.40 Removing Manufacturer's Serial Number
7.44 Noise Restrictions
7.48 National Fire Protection Association
7.52 Signs
7.56 Skates and Skateboarding
7.60 Advertising and Promotion Commission
7.64 Water Conservation
7.68 Pool Halls
7.72 Historic District Commission
7.76 National Incident Management System
7.80 Sexually Oriented Businesses
7.84 Alarm Systems

Chapter 7.04
CURFEW

Sections:

7.04.01 Civil emergencies
7.04.02 Congregating during state of emergency

7.04.01 Civil emergencies The Mayor, any time a condition has arisen or is imminent which, in his judgment, constitutes a civil disturbance, riot, insurrection or time of local disaster, may declare a state of emergency and impose a curfew for such time and for such areas as he deems necessary to meet such emergency. Provided, however, such curfew shall not extend for over a period of forty-eight (48) hours unless extended by a majority vote of the members of the governing body. (Ord. No. A-465, Sec. 1)

7.04.02 Congregating during state of emergency No person or persons shall congregate, operate any businesses or be upon the streets or other public ways, unless on official business

for the city or state, in any area or areas designated by the Mayor as curfew areas in the city during the time of any declared emergency. (Ord. No. A-465, Sec. 2)

Chapter 7.08
LOITERING

Sections:

7.08.01 Illegal after certain hours
7.08.02 Parent responsible
7.08.03 Custody of police
7.08.04 Penalty

7.08.01 Illegal after certain hours. It shall be unlawful for any person under the age of eighteen (18) years to loiter, ramble, play upon or frequent the sidewalks, streets, highways, alleys or other public places within the city of Conway, Arkansas, between the hours of 11:00 o'clock p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, and 6:00 o'clock a.m. of the next succeeding day, and between the hours of 12:00 o'clock midnight on Friday and Saturday nights and 6:00 o'clock a.m. of the next succeeding day, whether walking or riding, unless such person is accompanied by parent, guardian or other person having the legal custody of such minor person, or is in the actual performance of an errand or duty at the direction of such parent, guardian or legal custodian, or when employment makes it necessary for such minor person under the age of eighteen (18) years to be upon said sidewalks, streets, highways, alleys or other public places during the periods hereinabove set forth. (Ord. No. A-485, Sec. 1)

7.08.02 Parent responsible. It is hereby declared to be unlawful for any parent, guardian or other person having the legal care or custody of any such minor person to allow or permit any such minor person to go or be upon any sidewalk, street, highway, alley or other public place within the city of Conway, Arkansas, during the periods above set out, except for those limited purposes hereinabove provided. (Ord. No. A-485, Sec. 2)

7.08.03 Custody of police. Every member of the police force while on duty is hereby authorized to detain any such minor willfully violating the provisions of Section 7.08.01 of this ordinance until the parent or guardian of the minor shall take him or her into custody; but such officer shall immediately upon taking custody of the child communicate with the parent or guardian. (Ord. No. A-485, Sec. 3)

7.08.04 Penalty. Any parent, guardian or other person having the legal care or custody of any person under the age of eighteen (18) years, and/or any minor person under the age of eighteen (18) years violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined up to Two Hundred Fifty Dollars ($250.00) for the first offense, and for any subsequent conviction such minor person and/or parent, guardian or legal custodian of such minor person, shall be fined not less than Two Hundred Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00).
(Ord. No. O-01-102, Sec. 1.)

Chapter 7.12
WEAPONS

Sections:

7.12.01 Throwing objects
7.12.02 Discharging air guns
7.12.03 Penalty

7.12.01 Throwing objects. It shall be unlawful for any person to throw, shoot or otherwise propel any stone, stick or other object or missile of any kind whatever at or upon any public or private building or at any other person in the city.

7.12.02 Discharging air guns. It shall be unlawful for any person to discharge within the city any type of "B-B", pellet or air rifle or pistol or any other such rifle or pistol which is gas, air or spring operated. Provided, however, that the mayor or city council may order a public display and/or educational event of air gun shooting skills by properly qualified individuals. Provided that such display or displays shall be of such character and so located such that said event shall not be hazardous t surrounding property or endanger any person or persons. (Ord. No. O-12-11; Section 1)

7.12.03 Penalty. Any person violating any provision of Section 7.12.01 or Section 7.12.02 shall be deemed to be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than One ($1.00) Dollar nor more than One Hundred ($100.00) Dollars.

Chapter 7.13
HOT CHECK LAW

Sections:

7.13.01 Adopted
7.13.02 Penalties

7.13.01 Adopted. The Arkansas Hot Check Law as defined and set forth in Arkansas Statutes Annotated, 1947, as subsequently amended by the Acts of the General Assembly of the State of Arkansas are adopted and enacted as the law of the city as fully as if set out here in its entirety.

7.13.02 Penalties. The same misdemeanor penalties as set forth in the a foresaid statutes of the State of Arkansas for violation of "The Arkansas Hot Check Law" are enacted and adopted by the city. (Ord. No. O-80-08, Sec. 1)

Chapter 7.16
FIREWORKS

Sections:

7.16.01 Firing of regulated

7.16.02 Sale of prohibited
7.16.03 Penalty

7.16.01 Firing of regulated. The discharge, firing or use of firecrackers, rockets, torpedoes, roman candles, or other fireworks or substances designed and intended for pyrotechnic display, and of pistols, canes, cannons, or other appliances, using blank cartridges or caps containing chlorate of potash mixture, is hereby prohibited. Provided, however, that the mayor or city council may order the public display of fireworks by properly qualified individuals. Provided, also that such display or displays shall be of such character and so located, discharged or fired as, in the opinion of the chief of the fire department shall not be hazardous to surrounding property or endanger any person or persons. (Ord. No. A-61, Sec. 1)

7.16.02 Sale of prohibited. The sale of fireworks at retail is hereby prohibited. The chief of the fire department may, at his discretion, remove or have removed, at the owner's expense, all stocks of fireworks or other combustibles exposed for sale, or held in violation hereof. (Ord. No. A-61, Sec. 2)

7.16.03 Penalty. Any person, firm or corporation violating any of the provisions of Sections 7.16.01 - .02 shall be deemed guilty of a misdemeanor and upon conviction thereof be fined in any sum of not less than Two Hundred Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00). Each retail transaction may be considered a separate offense. (Ord. No. O-01-67, Sec. 1)

Chapter 7.20
CLAIMS AGAINST CITY

Sections:

7.20.01 Liability insurance
7.20.02 Settlement of claims

7.20.01 Liability insurance. The city shall carry liability insurance on all its motor vehicles in the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act. (Ark. Stats.75-1402, et seq.) STATE LAW REFERENCE-Ark. Stats. 12-2903.

7.20.02 Settlement of claims. All persons having claims against the city may file them with the Clerk/Treasurer. The Clerk/ Treasurer shall present them to the city council. The city council may grant a hearing for the claimant and authorize a settlement.
STATE LAW REFERENCE-Ark. Stats. 12-2902.

Chapter 7.22
EXPLICIT SEXUAL MATERIAL

7.22.01 Purpose. It is the purpose of this ordinance to regulate the direct commercial distribution of certain explicit sexual material to young persons in order to aid parents in

supervising and controlling the access of children to such material. The City Council finds that whatever social value such material may have for young persons can adequately be served by its availability to young persons through their parents. (Ord. O-79-31, Sec. 1 as amended by Ord O-79-45, Sec. 1)

7.22.02 Additional Purpose. It is also the purpose of this ordinance to prohibit open public display of certain explicit sexual materials, in order to protect persons from potential offense through involuntary exposure to such materials. (Ord O-79-31, Sec 2)

7.22.03 Knowledge. A person is guilty of a misdemeanor if he or she (a) knowingly disseminates explicit sexual material, as hereinafter defined, to young persons, or (b) knowingly displays explicit sexual material for sale in an area to which young persons have access, unless such material has artistic, literary , historical, scientific, medical, educational, or other similar social value for adults, or (c) knowingly place explicit sexual material upon public display, or (d) if he knowingly fails to take prompt action to remove such display from the property in his possession after learning of its existence. (Ord. O-79-31, Sec. 3)

7.22.04 Definitions.

(a) a young person means any person less than seventeen (17) years of age.

(b) explicit sexual material means any pictorial or three dimensional material depicting human sexual intercourse, masturbation, sodomy (that is bestiality, oral or anal intercourse), direct physical stimulation of unclothed genitals, flagellation or torture in the context of sexual relationship or emphasizing the depiction of adult human genitals, buttocks or female breasts, provided however that works of art or of anthropological significance, or other materials presented in a program of education in a church, school or college, shall not be deemed to be within the foregoing definitions.

(c) disseminate means to sell, lease or exhibit commercially and in the case of an exhibition, to sell an admission ticket or pass, or to admit persons who have bought such a ticket or pass to the premises whereupon an exhibition is presented.

(d) display for sale in an area which young persons have access means to display material for sale so that young persons may see portions of the material constituting explicit sexual pictorial material.

(e) material is placed upon public display if it is placed on or in a billboard, viewing screen, theater, marquee, newsstand, display rack, window, showcase, display case or similar place so that matter bringing it within the definition of explicit sexual material is easily visible from a public thoroughfare or from the property of others.

(f) knowingly means having general knowledge of or reason to know or a belief of grounds for belief which warrants further inspection or inquiry of both of the following: (1) the character and contents of any material described herein which is reasonable susceptible of examination, and (2)the age of the person; providing, however, that an honest mistake shall constitute an excuse from liability hereunder if a reasonable bona fide attempt is made to ascertain the true age of the person. (Ord. O-79-31, Sec. 4)

7.22.05 Defenses. It shall be affirmative defense to a prosecution under 7.22.05 for the defendant to show: (1) that the dissemination was made with the consent of a parent or guardian of the recipient, that the defendant was misled as to the existence of parental

consent by a misrepresentation made by a person holding himself out as a parent or guardian of the recipient, or that the dissemination was made to the recipient by his teacher , or clergyman in the discharge of official responsibilities; (2) that the recipient was married. (Ord. No. O-79-31)

7.22.06 Penalty. Any person violating the provisions of this ordinance shall be subject to a fine not to exceed Fifty ($50.00) Dollars, provided however, that each day a violation of this ordinance continues will constitute a separate offense for which a fine will be Fifty ($50.00) Dollars per day for the second and subsequent days of violation. (Ord. O-79-31, Sec. 7)

Chapter 7.24
MORALS

Section:

7.24.01 Public drunkenness prohibited

7.24.01 Public drunkenness prohibited. Any person who shall appear or be found at any picnic, barbeque, theatrical performance, circus grounds, college or school exercise, church or Sunday School service, literary society, baseball game, football game, political gathering, or any public gathering of any kind or nature, or on any train or railroad coach, depot platform or on any street, sidewalk or alley, or in any public place within the City of Conway, in a drunken or intoxicated condition shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding Twenty-Five ($25.00) Dollars. (Ord. No. A158)

Chapter 7.28
OUTSIDE FIRE SERVICE

Sections:

7.28.01 Definitions
7.28.02 Agreement to effectuate the mutual fire aid program
7.28.03 Mutual fire aid program
7.28.04 Obligation of this city under mutual fire aid program
7.28.05 Conditions for rendering assistance in absence of agreement

7.28.01 Definitions. For the purpose of this ordinance, the following terms are defined as follows:

Municipality: A city, village or incorporated fire protection district;

Other Governmental Agency: Arkansas State Police, the Faulkner County. Sheriff's Department, the State Office of Emergency Services, the Arkansas Highway Department;

Mutual Fire Aid Program: A plan or program as provided for in this ordinance whereby the municipalities participating in the program agree to come to one another's assistance in case

of fire or disaster too large for local equipment and personnel to handle;

Participating Municipality: A municipality that participates in the mutual fire aid program by adopting an ordinance authorizing or approving the program and entering into an appropriate agreement (substantially as provided herein) with other participating municipalities for rendering and receiving first aid in case of fire or other disaster;

Stricken Municipality: A participating municipality in which a fire or other disaster occurs that is of such magnitude that it cannot be adequately coped with by local firefighting equipment and personnel;

Aiding Municipality: A municipality furnishing fire equipment to a stricken municipality, or to another aiding municipality. (Ord. No. O-80-23, Sec. 1)

7.28.02 Agreement to effectuate the mutual fire aid program. The agreements contemplated herein shall be executed by the Mayor and the City Clerk upon the recommendation of the Conway Fire Chief or his designee, with the approval of the City Council. The Mayor is authorized on behalf of the city to enter into (and from time to time alter and amend) an agreement with any and all of the municipalities in the mutual aid area defining and putting into effect a mutual aid program providing generally as follows:

A. In the event that, in the judgment of the officer in charge of the fire department of a stricken municipality, the available firefighting equipment of the municipality or other governmental agency is inadequate to effectively cope with a fire or other disaster therein, said officer may call on a neighboring participating municipality to furnish fire-fighting equipment and personnel (to the extent specified in the agreement) to the stricken municipality, or other governmental agency for use, either (1) in combating the fire or other casualty, or (2) as a standby reserve to meet other calls that may occur before the local fire-fighting equipment is free to take care of them.

B. Each aiding municipality furnishing fire-fighting equipment to a stricken municipality shall have the right to call on another participating municipality for fire-fighting equipment and personnel (to the extent specified in the agreement) as a standby reserve to take the place, in part, of the equipment furnished to the stricken municipality until such equipment shall be returned.

C. On receipt of a call under paragraph (a) or (b) above, the aiding municipality called upon shall (to extent provided in the agreement) furnish the equipment and personnel called for by the stricken municipality, or other governmental agency or by the first aiding municipality except that such aiding municipality may always be permitted to retain sufficient fire-fighting equipment and personnel to fight any fire or to meet any emergency within its own boundaries that may reasonably be anticipated. This determination shall take into consideration road and weather conditions and available equipment as determined by the officer in charge of the Conway Fire Department. (Ord.

No. O-80-23, Sec. 2)

7.28.03 Mutual fire aid program. The chiefs of the fire departments of the municipalities participating in such mutual aid shall prepare a mutual aid program which shall incorporate the necessary provisions of this article. Such mutual aid program shall, after approval by the corporate authorities of the municipalities participating, be in full force and effect and binding on such participating communities. (Ord. No. O-80-23, Sec. 3)

7.28.04 Obligation of this city under mutual fire aid program. The city shall furnish fire-fighting equipment and personnel for use outside it's boundaries, as provided in the tentative mutual fire aid program and/or as provided herein, or in any mutual fire aid program agreed to as provided herein, to any municipality and other governmental agency that has agreed to conform to said program and has assumed the obligations imposed upon it thereby. (Ord. No. O-80-23, Sec. 4)

7.28.05 Conditions for rendering assistance in absence of agreement. In reference to other governmental agencies as defined in Section l(b) of this ordinance, the chief of the Conway Fire Department, or other employee in charge in the chief's absence, shall furnish fire-fighting equipment and personnel for use outside the city limits of Conway, Arkansas, under the same conditions and circumstances as provided in Section 2 of this ordinance, if applicable. In rendering assistance under this section in the absence of mutual aid agreement, the protection of the City of Conway and maintaining an adequate reserve of equipment and personnel shall be the foremost consideration. (Ord. No. O-80-23, Sec. 5)

Chapter 7.32
FIRE HYDRANTS

Sections:

7.32.01 Illegal use prohibited
7.32.02 Penalty
7.32.03 Separate violation

7.32.01 Illegal use prohibited. It shall be unlawful for any person, except employees of the city, the Conway Corporation, while they are engaged in a normal course of their employment and those Persons who have written authorization from the Conway Corporation to remove water from the Conway Water System through any appurtenance designed for the purpose of fire fighting including, but not limited to, fire hydrants and sprinkler system blow-off valves. All water so taken through fire hydrants and blowoff valves shall be measured through a meter provided by the water department. Other methods of measuring water may be used provided, however, said measuring system shall be approved and accepted by the Conway Corporation for accounting purposes.

7.32.02 Penalty. Any person or persons found to be in violation of this chapter will be guilty of a misdemeanor and subject to a fine of not less than Twenty-Five ($25.00) Dollars or more than One Hundred ($100.00) Dollars plus any costs of damages caused to the water system, or any part thereof by the unlawful act.

7.32.03 Separate violation. Each and every violation of this chapter shall be considered a separate offense even if perpetrated by the same person more than one time in the same day. (Ord. No. O-76-04)

Chapter 7.36
POLICE ALARM SYSTEMS

Sections:

7.36.01 Purpose
7.36.02 Alarm System Permit
7.36.03 False Alarm
7.36.04 Installation and Response
7.36.05 Unintentional False Alarm; Penalty
7.36.06 Intentional False Alarm; Penalty
7.36.07 Failure to Pay

7.36.01 Purpose The City of Conway , Arkansas, has determined that a problem exists within the City of Conway with the erroneous and mistaken use of burglar alarms and those that are not installed and maintained properly, and that this problem has resulted in increased service calls by the Conway Police Department and is creating a hazard to the members of the department and to the general public. It is the city's council's purpose to control this misuse.

7.36.02 Alarm system Permit

A. Any property owner or lessee of property in the city having on his premises an alarm system shall apply to the police department for a permit to have such a device on his premises within sixty (60) days of the passage of this section. No such alarm system may be installed don the premises of the owner or lessee after the effective date of this chapter prior to the licensing authority having issued a permit to such owner or lessee. Operating an alarm without a permit shall constitute a Class A Misdemeanor, and the violator fined in accordance with the range of fines allowed for such a misdemeanor.

B. No permit fee will be charged.

C. "Alarm System" means any mechanical or electrical device that is arranged, designed, or used to signal the occurrence in the City of Conway of a burglary, robbery, or other criminal offense requiring urgent attention, and to which police are expected to respond.

D. The fine for repeat violations of the requirement to obtain a permit to operate an alarm system shall be double that for an initial violation, not to exceed the maximum amount authorized by law for Class A Misdemeanors.

7.36.03 False Alarm

Intentional Misuse: Any intentional activation of an alarm system when no burglary, holdup, or other emergency is in progress.

Unintentional Activation: activation of any alarm system caused by a flaw or the design, installation or maintenance of the system. This shall not include any activation caused by violent conditions of nature or other extraordinary circumstances, not reasonable subject to control of the alarm user.

Alarms resulting from the following conditions are not considered false alarms:

A. Criminal activity or unauthorized entry

B. Telephone line malfunction verified in writing to the city by at least a first-line telephone company supervisor

C. Electrical service interruption verified in writing to the city by local power company

D. Communication to the police department before a unit is dispatched to investigate, clearly indicating that the alarm has resulted from authorized entry, authorized system test, or other non-criminal cause

E. An alarm caused on the reasonable but mistaken belief that a burglary, robbery, or other criminal offense is in progress.

7.36.04 Installation and Response

A. No alarm system shall be placed in service after installation in any dwelling, business, or place within the City of Conway until such time as an application is approved and a permit issued. The police chief shall have the right, either personally or through a designated representative, to verify the type and installation of any alarm system being installed. Any alarm business or company which installs an alarm system in a dwelling, business, or place within the City of Conway which has not been granted a permit shall be fined the sum of $100.00.

B. The alarm application shall require the names, addresses and telephone numbers of at least two (2) persons who shall have access to said building and alarm system and the knowledge and ability to make said system secure in case of activation. It shall also detail the name, address, and telephone number of any person, firm, or corporation responsible for servicing the alarm system. Updates shall be made as necessary. Upon approval and issuance of the alarm permit, a copy shall be sent to the Conway Police Department prior to activation of the alarm.

C. Verified Response: Prior to reporting an alarm to the Conway Police Department,
the Monitoring Company or its representative will attempt to contact the Alarm Site or an individual on the Contact List by telephone or other electronic means, to determine whether an alarm signal is valid before requesting an emergency police dispatch in an attempt to avoid an unnecessary Alarm Dispatch request. If Alarm dispatch is necessary, the police department shall respond to the alarm and notify the person or persons listed in subsection (b) hereof. Said person shall immediately go to the place where the alarm is sounding to meet the police department personnel to secure said building and to reset the alarm.

D. The Conway Police Department shall develop an appropriate system to track false alarms and make notifications.

E. Should any person responsible for any alarm system, when notified of its activation, refuse to respond pursuant to subsection (c) hereof, the police units on the scene shall check the property thoroughly and secure the location as much as possible. The Conway Police Department shall not be required to make any further responses to that building, dwelling, or place until such time as said alarm system has been properly checked and reset.

F. If an alarm is activated and the building has been broken into, and the owner or his designee cannot be located or will not come out, an off-duty police officer shall be notified, and the building guarded until the next business day or until someone from management shall respond whichever comes first. The minimum rate shall be two (2) hours overtime. The Police Department shall bill the violator and the money collected shall reimburse the appropriate overtime account.

7.36.05 Unintentional False Alarm; Penalty No alarm system shall be activated by error, mistake or malfunction in any dwelling, building or place when no emergency exists which results in the response of the Conway Police Department. The following fines shall be, upon their conviction in District Court:

A. There shall be no charge for one (1) to three (3) false alarms per calendar month, or for a total of six (6) alarms per calendar year. After the third false alarm a written warning shall be given to the person, firm corporation or other entity owning or operating the dwelling, building, or place wherein said alarm system was installed.

B. On the fourth (4th) or more false alarm in one (1) calendar month or on the seventh (7th) through fifteenth (15th) false alarm in one (1) calendar year, the permittee and/or the person in possession of the property shall be fined at the rate of twenty-five dollars ($25.00) per incident. For the sixteenth (16th)

through thirtieth (30th) incident in one (1) calendar year, the permittee and/or person in possession of the property shall be fined at the rate of fifty dollars ($50.00) per incident. For thirty-first (31st) and all subsequent false alarm incidents in one (1) calendar year, the permittee and/or person in possession of the property shall be fined at the rate of one hundred dollars ($100.00) per incident.

C. If the citation is not paid on or before the court appearance date or is contested in District Court, a violator is subject to court costs of $25.00 in addition to the fine pursuant to Arkansas Code Annotated 16-10-305(a)(5).

7.36.06 Intentional False Alarm; Penalty

A. No personnel shall knowingly or intentionally activate any alarm system when no emergency situation exists.

B. No person shall knowingly or intentionally test any alarm system without first notifying the Conway Police Department of such test and receiving approval for same.

C. Any person who violates subsections A or B shall be fined not less than one hundred fifty dollars ($150.00) and shall be subject to prosecution under the Arkansas State Law for falsely reporting an incident. (A.C.A. Stat. 5-71-210 – Communicating a False Alarm)

7.36.06 Failure to Pay Fine Failure to pay fines within thirty (30) days of either (1) the forfeiture of bond or nonappearance in District Court following the issuance of citation, or (2) the expiration of thirty (30) days after a plea of guilty, no contest or conviction for violations of this ordinance shall require alarm deactivation. Provided, a properly perfected appeal to circuit court following a conviction under this ordinance shall stay any deactivation proceedings. Such deactivation order shall be in writing and issued to the owner of the real property involved or to the persons, firm, corporation or other entity owning or operating the dwelling, building, or place wherein said alarm system was installed. Notice of unpaid fine and required deactivation shall be made by registered mail. Failure to deactivate upon receipt of notice shall constitute a separate offense and, upon conviction, result in an additional two hundred dollar ($200.00) fine for each day the violation continues.
(Ord. No. O-05-82)

Chapter 7.40
REMOVING MANUFACTURER'S SERIAL NUMBER

Sections:

7.40.01 Unlawful
7.40.02 Definition
7.40.03 Exception

7.40.04 Penalty

7.40.01 Unlawful. It shall be unlawful for any person to knowingly possess personal property with a manufacturer's serial number or other identification mark attached in the ordinary course of business which has been removed, defaced, marred covered, altered, or destroyed. (Ord. No. O-91-16, Sec. 1)

7.40.02 Definition. "Personal Property" shall include, but is not limited to, household appliances, television, cameras, jewelry, video cassette recorders/players, microwave ovens, radios, tape players, and firearms. (Ord. No. O-91-16, Sec. 2)

7.40.03 Exception. It is a defense to a prosecution under this section that the person reported such possession to the police or other governmental agency prior to arrest or the issuance of an arrest warrant or summons. (Ord. No. O-91-16, Sec. 3)

7.40.04 Penalty. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than Twenty-Five Dollars ($25.00) nor more than One Hundred Dollars ($100.00) for the first offense and for any subsequent conviction, shall be fined not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00) or be imprisoned not less than one (1) day nor more than thirty (30) days or both so fined and imprisoned. (Ord. No. O-91-16, Sec. 4)

Chapter 7.44
NOISE RESTRICTIONS

Sections:

7.44.01 Noise violations
7.44.02 Exemptions
7.44.03 Penalty

7.44.01 Noise violations.

A. It shall be unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary, or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health peace, or safety of others, within the limits of the city.

B. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive namely:

1. Horns, etc. The sounding of any horn or device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal; the creation by means of any such signaling device of any unreasonable period of time.

2. Radios, musical instruments, etc. The playing of any radio or musical instrument or other musical device for producing or reproducing of sound, in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. as to disturb the quiet or comfort of persons in any office, hospital or in any dwelling, hotel or other type of residence or of any persons in the vicinity. The operation of any such instrument, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this ordinance.

3. Singing, shouting, etc. Yelling, shouting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet or comfort of persons in any office, hospital or in any dwelling, hotel or other type of residence, or of any persons in the vicinity shall be prohibited.

4. Animals and Fowl, etc. The keeping of any animal or fowl which by causing frequent or long continued noise shall disturb the quiet or comfort of any person in the vicinity.

5. Un-repaired vehicle. The use of any automobile, motorcycle, or other vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.

6. Near schools, courts, churches, hospitals, etc.. The creating of any excessive and unnecessary noise on any street adjacent to any school, church, court, while the same are in session, or adjacent to any hospital, which unreasonably interferes with the working of sessions thereof. (Ord. No. O-92-42, Sec. 1)

7.44.02 Exemptions. None of the terms or prohibitions shall apply to or be enforced against:

A. Any vehicle of the City of Conway, Arkansas, while engaged upon necessary public business.

B. Excavations or repairs of bridges, streets or highways by or on behalf of the City of Conway, Faulkner County, or the State of Arkansas, during the nighttime, when the public welfare and convenience renders it impossible to perform such work during the day.

C. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

D. Necessary warning signals given by any vehicle. (Ord. No. O-92-42, Sec. 2)

7.44.03 Penalty Any person, firm and/or corporation violating any of the provisions of this ordinance shall, except as provided for, be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00) for each offense. (Ord. No. O-92-42, Sec. 3)

Chapter 7.48
NATIONAL FIRE PROTECTION ASSOCIATION

Sections:

7.48.01 National Fire Protection Association Code adopted

7.48.01 National Fire Protection-Association Code adopted There is hereby adopted by the city of Conway, Arkansas, for the purpose of protecting life and property from the dangers of fire, that certain life and safety code known as the National Fire Protection Association 101 Code for Safety to Life from Fire in Buildings and Structures, being particular the 1996 Edition thereof and the whole thereof, of which not less than three (3) copies have been and now are filed in the office of the Clerk/Treasurer of the city of Conway, 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 applied to both new construction and existing buildings. (Ord. No. O-96-77, Sec. 1)

Chapter 7.52

Please follow the link below for the Sign Ordinance:
http://www.conwayplanning.org/pdfs_and_docs/ords/Sign%20Ordinance%209-26-2006%20FINAL.pdf

Chapter 7.56
SKATES AND SKATEBOARDING

Sections:

7.56.01 Definitions
7.56.02 Business district restriction
7.56.03 Responsibility of parent or guardian
7.56.04 Penalty

7.56.01 Definitions

Skateboard - a short, narrow board having roller-skate wheels mounted under it.

Skate - a shoe or boot with wheels fixed t it's sole, enabling the wearer to glide over hard

surfaces.

Sidewalk - that area adjacent to a roadway or highway commonly used by pedestrians whether composed of concrete, asphalt, or other covering substance.

Street - the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

Business District - that area of the city of Conway designated as C-1, Central Business, in the Conway Land Development Code Zoning District Boundary Map as presently delineated, or hereafter amended. (Ord. No. O-96-40, Sec. 1)

7.56.02 Business district restriction No skate or skateboard shall be used upon any sidewalk or street within the business district of the city of Conway, Arkansas. (Ord. No. O-96-40, Sec. 2)

7.56.03 Responsibility of parent or guardian Where a person under the age of 14 years is in violation, full responsibility for noncompliance with city ordinances shall devolve upon the parent or guardian. (Ord. No. O-96-40, Sec. 3)

7.56.04 Penalty Any individual 14 years or age of older or guardian or parent of any child who knowingly permits a child to violate any of the provisions of this ordinance shall, upon conviction thereof, be fined not less than Five Dollars ($5.00) nor more than Fifty Dollars ($50.00) for each offense; and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues. (Ord. No. O-96-40. Sec. 4)

Chapter 7.60
ADVERTSING AND PROMOTION COMMISSION

Sections:

7.60.01 Created
7.60.02 Commissioners
7.60.03 Meetings
7.60.04 Powers
7.60.05 Taxes
7.60.06 Penalties

7.60.01 Created There is hereby created the city of Conway Advertising and Promotion Commission which shall be composed of seven (7) members as authorized pursuant to A.C.A. 26-75-605(a)(1)(2)(3).

Vacancies on the commission in any of the four (4) tourism industry positions provided for in A.C.A. 26-75-605 or in the at-large position provided for in that section shall be filled by appointment made by the remaining members of the commission with the approval of the City Council. (Ord. No. O-00-01, Sec. 1)

7.60.02 Commissioners Each member of the commission shall file any oath required by law in the state of Arkansas of public officials. A commissioner appointed under the provision of this article may be removed for cause upon a two-thirds (2/3) vote of the City Council. (Ord. No. O-00-01, Sec. 2)

7.60.03 Meetings The city of Conway Advertising and Tourist Promotion Commission shall meet within two (2) weeks of its appointment and shall be organized by electing a chairman, a secretary, and a treasurer. Thereafter, the commission shall meet as often as may be necessary, and also shall be subject to special call by the chairman.

The commissioners shall adopt such rules and regulations as they may deem necessary and expedient for the proper operation of said commission, and they shall have the authority to alter, change or amend such rules and regulations at their discretion. (Ord. No. O-00-01, Sec. 3)

7.60.04 Powers The commissioners hereunder appointed in addition to their other powers enumerated by state law, shall have the exclusive right and power to make purchases of all supplies necessary for the management and operation of the commission.

The commissioners shall have authority to employ the necessary personnel to assist in the administration and operation of the advertising and tourist promotion fund and shall have the authority to fix the salary or salaries for such personnel. Any employee who shall handle funds for the commission shall be required to furnish the city a surety bond in an amount to be determined by the commission to insure the city against misappropriation of funds.

The commissioners shall make quarterly reports to the mayor and city council beginning three (3) months after their oath of office, reporting in full on the operations of the commission, including an accounting of receipts and disbursements, and shall upon request of the city council furnish such other and further reports and data as may be required. The commissioners shall select a recognized auditing firm to submit an annual audit of the operations of the commission to the mayor and city council. (Ord. No. O-00-01, Sec. 4)

7.60.05 Taxes

A. Hotel/motel accommodations - Meeting or party-room facilities A tax of two (2) percent is hereby levied on the gross receipts or gross proceeds received from the renting, leasing or otherwise furnishing hotel, motel or short-term condominium rental accommodations for sleeping, meeting, or party-room facilities to the extent taxable under state law for profit in the city, but such accommodations shall not include the rental or lease of such accommodations for periods of thirty (30) days or more;

B.

1. Collection by commission. The two (2) percent tax described in this

section hereof shall be paid by the persons, firms, and corporations liable therefore and shall be collected by the advertising and promotion commission of the city (hereinafter the "commission") or by a designated agent of the commission in the same manner and at the same time as the tax levied by the Arkansas Gross Receipts Act, A.C.A. § 26-52-101 et seq.

2. Authorized collection procedure. The person collecting the tax shall pay and report said tax on forms provided by the commission and as directed by the commission. The rules, regulations, forms of notice, assessment procedures, and the enforcement and collection of the tax under the Arkansas Gross Receipts Act shall, so far as is practicable, be applicable with respect to the enforcement and collection of the tax described herein. However, the administration and enforcement and all actions shall be by and in the name of the commission through the proper commission officials or agents.

3. Collectors; report forms. The tax levied by this article shall be collected from the purchaser or user of accommodations by the person furnishing such accommodations. Such person shall pay to the city on the twentieth day of each month all collections of the tax for the preceding month, accompanied by reports on forms to be prescribed by the commission.

C.

1. Uses of tax revenue. All funds credited to the city advertising and promotion fund pursuant to this ordinance shall be used for advertising and promoting the city and its environs or for the construction, reconstruction, extension, equipment, improvement, maintenance, repair and operation of a convention center or for the operation of tourist promotion facilities in the city and facilities necessary for supporting, or otherwise pertaining to, a convention center, or for any other use as authorized by state law, in the manner as shall be determined by the city advertising and promotion commission.

2. Commission determines use. The commission is the body that determines the use of the city advertising and promotion find. Pursuant to this section, if the commission determines that funding of the arts is necessary for or supporting of its city's advertising and promotion endeavors, it can use its funds and/or funds derived from the hotel tax. (A.C.A. § 26-75-606 (a)(2)).

3. Taxes credited to fund All local taxes levied as authorized by this ordinance shall be credited to the city advertising and promotion fund

and shall be used fix the purposes prescribed by state law and this ordinance.

a. Prohibited use of taxes. Such taxes shall not be used:

(1) for general capital improvements within the city:

(2) for the costs associated with the general operation of the city, and

(3) for general subsidy of any civic groups or the chamber of commerce.

b. However, the advertising and promotion commission may contract with such groups to provide to the commission actual services that are connected with tourism events or conventions;

c. The authorization and limitations contained herein shall be reasonably construed so as to provide funds for promoting and encouraging tourism and conventions while not allowing such special revenues to be utilized for expenditures that are normally paid from general revenues of the city. (A.C.A. § 26-75-606 (c)(4)).

D.

1. Use for tourist -oriented facilities. Any city of the first class which is authorized to levy and does levy a tax as authorized in A.C.A. 26-75-601, et seq., is authorized to use or pledge all, or any part of, the revenues derived from the tax for the purposes prescribed and authorized by state law and this ordinance, including, but not limited to, the operation of tourist-oriented facilities.

2. Use for public recreation. Funds credited to the city advertising and promotion fund pursuant to this ordinance may be used, spent or pledged by the commission in addition to all other purposes prescribed in this ordinance on and for the construction, reconstruction, repair, maintenance, improvement, equipping and operation of public recreation facilities in Conway, including but not limited to facilities constituting city parks, and for any and all purposes authorized by state law and this ordinance. (A.C.A. § 26-75-606 (b)(2)). (Ord. No. O-00-01, Sec. 5)

7.60.06 Penalties Persons or entities liable for payment of the taxes levied by this chapter shall be subject to the assessment of penalties and interest as follows:

A. A penalty equal to five percent (5%) of the unpaid tax amount per month not to exceed a total assessment of thirty-five (35%) of the unpaid tax. Simple

interest on unpaid taxes shall be assessed at the rate often percent (100/.) per annum.

B. In addition to any civil penalties provided or imposed by statute or ordinance, any person or entity liable for payment of said tax which fails to file the said report or which fails to pay the said tax for a period of sixty (60) days or more after the end of any month for which a report or payment of tax is due, shall be guilty of a violation and shall be fined in a sum not to exceed one hundred dollars ($100.00). If said violation continues, said person or entity shall be fined in a sum not to exceed One Hundred Dollars ($100.00) for each additional thirty-day period said violation continues. (Ord. No. O-00-01, Sec. 6)

Chapter 7.64
WATER CONSERVATION

Sections:

7.64.01 Water curtailment
7.64.02 Fine

7.64.01 Water curtailment The management of the Conway Corporation is hereby vested with authority to implement emergency water curtailment in times when a shortage of water exists within the city's water system and shall further have the authority to develop a policy concerning the use of water during such times which shall have the full force and effect of law. (Ord. No. O-99-74, Sec. 1)

7.64.02 Fine Any person, firm, corporation or other entity violating the provisions hereof or any of the policies developed hereunder shall be deemed guilty of a misdemeanor and may be fined not less than $10.00 nor more than $25.00 for each offense or shall have water service discontinued and the water meter removed, or may be subjected to both such fine and discontinuance of water service. (Ord. No. O-99-74, Sec. 2)

Chapter 7.68
POOL HALLS

Sections:

7.68.01 Hours of operation
7.68.02 Violation

7.68.01 Hours of operation Henceforth all pool rooms or billiard halls may operate during the hours of 8:00 a.m. through 12:00 midnight Monday through Saturday and 12:00 p.m. through 10:00 p.m. on Sundays. They can be open to 2:00 a.m. Friday night and Saturday morning, as well as on Saturday night and Sunday morning. (Ord. No. O-01-09, Sec. 1)

7.68.02 Violation Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof in the District Court of Conway, Arkansas, shall be fined in any sum not less than $10.00 nor more than $100.00, and shall pay the costs of said case and each violation shall be deemed a separate offense. (Ord. No. O-01-09, Sec. 2)

Chapter 7.72
HISTORIC DISTRICT COMMISSION

Please follow the link below for the Historic District Commission:
http://www.cityofconway.org/pdfs/historic/2011%20HDC%20Standards%20Revision.pdf

Chapter 7.76
NATIONAL INCIDENT MANAGEMENT SYSTEM

Sections:

7.76.01 Adoption

7.76.01 Adoption The city of Conway hereby adopts the National Incident Management System established by the U.S. Department of Homeland Security for all emergency responses by all departments and agencies within the city of Conway. (Ord. No. O-04-121, Sec. 1)

Chapter 7.80
SEXUALLYORIENTED BUSINESSES

Sections:

7.80.01 Purpose
7.80.02 Definitions
7.80.03 Classification
7.80.04 License required
7.80.05 Issuance of license
7.80.06 Fees
7.80.07 Inspection
7.80.08 Expiration of license
7.80.09 Assessment of fines
7.80.10 Suspension
7.80.11 Revocation
7.80.12 Judicial Review
7.80.13 No transfer of license
7.80.14 Location restrictions
7.80.15 Additional regulations for adult motels
7.80.16 Additional regulations for escort agencies

7.80.17 Additional regulations concerning public nudity
7.80.18 Types of sexually oriented businesses prohibited
7.80.19 Video-viewing booths or arcade booths
7.80.20 Exterior portion of and signage
7.80.21 Sale, use or consumption of alcoholic beverages
7.80.22 Persons younger than eighteen prohibited from entry
7.80.23 Massages or baths
7.80.24 Hours of operations
7.80.25 Exemptions
7.80.26 Notices
7.80.27 Injunction

7.80.01 Purpose and intent

The Conway Zoning Ordinance, as adopted by Ord. No. O-94-54 on Sept. 27, 1994, is hereby amended by the adoption of Article 1201, control of Sexually Oriented Businesses, as follows:

It is the purpose of this code to regulate sexually oriented businesses and related activities to promote the health, safety, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the city. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of 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 by the distributors and exhibitors of sexually oriented entertainment to their intended market, unless otherwise restricted by law. (Ord. No. O-04-15, Sec. 1)

7.80.02 Definitions For the purposes of this article, the definitions in this section shall apply:

Adult arcade - 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 picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult bookstore or adult video store - a commercial establishment which as its principal business purpose, offers for sale or rental for any form of consideration any one or more of the following:

A. books magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproduction, slides or other

photographic or visual representations in any format which depict or describe "specified sexual activities" or "specified anatomical areas," or,

B. instruments, devices or paraphernalia, which are designed for, use in connection with "specified sexual activities."

Adult cabaret - a nightclub, bar, restaurant or similar commercial establishment which presents:

A. persons who appear in a state of nudity or semi-nudity; or

B. films, motion pictures, videocassettes, slides or other photographic reproductions, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" or

C. live performances which are characterized by the exposing of "specified anatomical areas" or by "specified sexual activities," or

D. live performances that are characterized by the display of any portion of the female breast or any portion of the human buttocks.

Adult motel – a hotel, motel, or similar commercial establishment that:

A. offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic or visual reproductions in any format that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and advertises on the exterior of the establishment the availability of this type of adult photographic reproductions; or

B. offers a sleeping room for rent for a period of time that is less than ten (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 ten (10) hours.

Adult motion picture theater - a commercial establishment where, as its principal business purpose, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions or visual reproductions in any format are presented that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult sex shop – a commercial establishment offering goods for sale or rent and that meets any of the following tests:

A. The establishment offers for sale items from any of the following categories:

1. adult media, as set out in the definition of adult book store or adult video store above,
2. leather goods, clothing, or other items marketed or presented in a context to suggest their use for sadomasochistic practices, or
3. any merchandise, toy or novelty which is marketed or presented inside or on the exterior of the establishment in a manner that depicts nudity, specified anatomical areas, or specified sexual activities, and the open display of any or all such items occupies more than ten percent (10%) of its total display area. However, any establishment which utilizes no more
than thirty percent (30%) of total display area in a physically separated section, area, or "back room" with controlled access prohibiting admittance to persons under eighteen (18) years of age and which do not advertise or promote the adult merchandise therein either on the exterior or interior of the establishment shall not be deemed to be engaged in the business of an adult sex shop.

B. The establishment offers for sale sexually oriented toys or novelties in open display except that when the sexually oriented toys or novelties are merchandised in a manner which utilizes no more than thirty percent (30%) of total display area in a physically separated section, are, or "back room" with controlled access prohibiting admittance to persons under eighteen (18) years of age and which do not advertise or promote the adult merchandise therein either on the exterior or in the interior of the establishment shall not be deemed to be engaged in the business of an adult sex shop.

Adult theaters - a theater, concert hall, auditorium, room or similar commercial establishment, which regularly features persons who appear in person in a state of nudity, semi-nudity and/or live performances which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities.”

Adult video-viewing booth or adult arcade booth – any booth, cubicle, stall, room or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting photographs, films, motion pictures, video cassettes or video reproductions, slides, or other photographic or visual representations in any format that depict or describe "specified sexual activities" or "specified anatomical areas" for observations by patrons therein. A video viewing booth or arcade booth shall not mean a theater, motion picture theater, room or enclosure or portion thereof that contains more than six hundred (600) sq. ft.

Chief – the Chief of Police of the city of Conway, Arkansas, and such employee of the Police Department as he may designate to perform the duties of the Chief under this ordinance.

Clear and convincing – evidence so clear, direct, and convincing as to enable the Chief to come to a clear conviction as to the allegations sought to be established.

Employee – a person who performs any service on the premises of a sexually oriented business on a full-time, part-time, contract basis, or independent basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not the said person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person on the premises for repair, maintenance, or cleaning of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer.

Escort – a person who, for monetary consideration, agree or offers to act as a companion, guide, or date for another person, or who, for monetary consideration, agrees or offers to model lingerie or to engage in a "specified sexual activity," and/or perform in a state of nudity or semi-nudity for another person off the premises of a sexually oriented business.

Escort agency – a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Establishment – includes 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;
C. the addition of any sexually oriented business to any other existing sexually oriented business; or
D. the relocation of any sexually oriented business.

Intentionally – that it was the conscious object of the person to engage in the conduct alleged, or to cause the result alleged.

Knowingly – that the person was aware that his conduct was of the nature alleged, or that he was aware that it was practically certain that his conduct would cause the result alleged, or that he consciously disregarded a substantial risk that his conduct would cause the result alleged or that the result alleged would occur.

Licensee – a person in whose name a license has been issued, as well as the individual listed as an applicant on the application for a license.

Lingerie modeling studio – a commercial establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups for consideration in a room smaller than six hundred (600) sq. ft. with the exception of those persons and places exempted by Section 1201.25 of this ordinance.

Nude model studio – a commercial establishment where a person who appears in a state of nudity or semi-nudity, or who displays "specified anatomical areas," to individuals, couples, or small groups for consideration in a room smaller than six hundred (600) sq. ft. with the exception of those persons and places exempted by Section 1201.25 of this ordinance.

Nudity or state of nudity – the showing of any "specified anatomical area."

Open display – the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it maybe readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the parking lot or the parking spaces, or from the property of others, or from the exterior of the establishment in any manner, or from any portion of the premises where items and materials other than those regulated by the ordinance are on display to the public.

Operator – any person in a supervisory capacity over employees and/or contractors, excluding maintenance, delivery or cleaning personnel, at the sexually oriented business, and any person responsible for security and/or any entrance/exit of the sexually oriented business.

Person - an individual, proprietorship, limited partnership, general partnership, corporation, association, limited liability company, or other legal entity.

Premises – 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 license, as described in the application for a business license pursuant to Section 1201.4 of this ordinance.

Sadomasochistic practices – flagellation or torture by or upon a person clothed or naked, of the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.

Semi-nude or semi-nudity – the appearance of any part of the female areola or nipple, or the showing of the perineum anal region, in anything less than a fully opaque covering.

Sexual encounter center – a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

A. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

B. activities between male and female persons and/or persons of the same sex when one of more of the persons is in a state of nudity.

Sexually oriented business - an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult sex shop, adult theater, escort agency,

lingerie model studio, nude model studio, or sexual encounter center.

Sexually oriented toys or novelties – instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

Specified anatomical areas – means:

A. the human genitals or anus less than completely and opaquely covered.

B. the human male genitals in a discernibly turgid state, even if fully and opaquely covered.

Specified criminal activity – carnal abuse; rape; sexual abuse; violation of a minor; sexual misconduct; sexual solicitation of a minor; sodomy; prostitution; promotion of prostitution; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; and/or patronizing prostitution; in the case of any such conviction, it will constitute specified criminal activity if:

A. less than on (1) year has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or

B. less than five (5) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a felony offense.

The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant, with the exception of a *de novo* appeal from District Court to Circuit Court. In the case of a *de novo* appeal from District Court to Circuit court, a disqualification is not effective until such time as there is a conviction in Circuit court. Should a conviction be reversed on appeal or in the case of a *de novo* appeal from District to Circuit Court, should the Circuit court fail to convict, then there is no "conviction" for purposes of this ordinance.

Specified sexual activities – includes any of the following:

A. any act of sexual gratification involving the touching by one person, either directly or through clothing, of the specified anatomical areas or buttocks of another person.

B. any act of sexual gratification involving the touching by one person, either directly or through clothing, of the female breast of another person;

C. intercourse, oral copulation, or sodomy, whether actual or simulated;

D. masturbation, actual or simulated; or

E. excretory functions as part of or in connection with any of the activities set forth in (A) through (D) above.

Substantial enlargement – of a sexually oriented business means the increase in floor area occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the effective date of this ordinance.

Transfer of ownership or control – of a sexually oriented business means and includes any of the following:

A. the sale, lease or sublease of the business;

B. the transfer of securities that form a controlling interest in the business, whether by sale, exchange, or similar means; or

C. the establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except fro transfer by bequest or other operation of law upon the death of the person possessing the ownership or control. (Ord. No. O-04-15, Sec. 2.)

7.80.03 Classification The following types of businesses are classified as sexually oriented businesses:

A. Adult arcades;
B. Adult bookstores or adult video stores;
C. Adult cabarets;
D. Adult motels;
E. Adult motion picture theaters;
F. Adult sex shops;
G. Adult theaters;
H. Escort agencies
I. Lingerie model studios
J. Nude model studios
K. Sexual encounter centers.
(Ord. No. O-04-15, Sec. 3.)

7.80.04 License required

A. It shall be unlawful:

1. For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the Chief pursuant to this ordinance;
2. For any person who operates a sexually oriented business to employ a person to work and/or perform services on the premises of the sexually

oriented business, if such employee is not in possession of a valid sexually oriented business employee license issued to such employee by the Chief pursuant to this ordinance;

3. For any person to obtain employment with a sexually oriented business if such person is not in possession of a valid sexually oriented business employee license issued to such person by the Chief pursuant to this ordinance.
4. It shall be a defense to subsections (A)(2) and (A(3) of this section if the employment is of limited duration and for the sole purpose of repair, maintenance, and/or cleaning of machinery, equipment, or the premises.
5. Any person convicted of the violation of any provision within this subsection shall be subject to the general penalties as set out in Section 1.32.01 of the Conway Municipal Code.

B. An application for a sexually oriented business license must be made on a form provided by the city. Except for a sexually oriented business lawfully operating on the date this ordinance is enacted, the application must be accompanied by a sketch or a 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 must 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 inches. Prior to issuance of a license, the premises must be inspected by the Fire Department and Code Enforcement Department.

C. An application for a sexually oriented business employee license must be made on a form provided by the city.

D. All applicants for a license must be qualified according to the provisions of this ordinance. The application may request, and the applicant shall provide, such information as to enable the city to determine whether the applicant meets the qualifications established under this ordinance. The applicant has an affirmative duty to supplement an application with new information received subsequent to the date the application was deemed completed.

E. If a person who wishes to own or operate a sexually oriented business is an individual, he must sign the application for a business license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, a representative of the partnership, corporation, or limited liability company must sign the application for a business license as applicant.

F. Applications for a business license, whether original or renewal must be made to the Chief. Applications must be submitted to the office of the Chief or the Chief's designee during regular working hours. Application forms shall be supplied by the chief, and shall only request the following information:

1. The name, street address (and mailing address if different) of the applicant(s).
2. A recent photograph of the individual or representative submitting the application form.
3. The applicant's driver's license number, Social Security number, and/or his/her state or federally issued tax identification number;
4. The name under which the establishment is to be operated and a general description of the services to be provided: If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he or she must state the sexually oriented business's fictitious name;
5. Whether the applicant has been convicted or is awaiting trials on pending charges, of a "specified criminal activity" as defined in Section 1201.2, and, if so, the "specified criminal activity" involved, the date, place, and jurisdiction of each;
6. Whether the applicant has had a previous license under this ordinance or other similar sexually oriented business ordinance from another city, county or state or political subdivision denied, suspended or revoked, including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant is or has been a partner in a partnership or an officer, director or principal stockholder of a corporation or a member of a limited liability company that is or was licensed under a sexually oriented business ordinance whose business license has previously been denied, suspended, or revoked, including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked as well as the date of denial, suspension or revocation.
7. Whether the applicant holds any other licenses under this ordinance or other similar sexually oriented business ordinance from another city or county in this or any other state and, if so, the names and locations of such other licensed businesses;
8. The single classification of the license, as found in Section 1201.3 for which the applicant is filing;
9. The telephone number of the establishment;
10. The address, and legal description of the tract of land on which the establishment is to be located;
11. If the establishment is in operation, the date on which the owner(s) acquired the establishment for which the business license is sought, and the date on which the establishment began operations as a sexually oriented business at the location for which the business license is sought;
12. If the establishment is not in operation, the expected startup date (which shall be expressed in number of days from the date of issuance

of the business license). If the expected startup date is to be more than ten (10) days following the date of issuance of the business license, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same;

G. Each application for a business license shall be accompanied by the following:

1. Payment of the application fee in full;
2. If the establishment is an Arkansas corporation, limited liability company or limited partnership, a certificate of good standing issued by the office of the Secretary of state of Arkansas;
3. If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in this state;
4. Except for a sexually oriented business lawfully operating on the date this within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within 1,000 ft. of the following types of property:

   a. the property lines of any established church;
   b. public or private elementary, secondary, or post-secondary school;
   c. public park;
   d. licensed day-care center;
   e. entertainment business that is oriented primarily towards children within 1,000 ft. of the property to be certified;
   f. property lines of any established residential district within 500 ft. of the property to be certified.

   For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

5. Any of the items (G)(2) through (g)(4) shall not be required for a renewal application if the sexually oriented business was lawfully operating at the time this ordinance was enacted or the applicant states that the documents previously furnished the Chief with the original application or previous renewals thereof remain correct and current.

H. Applications for an employee license to work and/or perform services in a sexually oriented business, whether original or renewal, must be made to the Chief by the person or a designated representative of the person to whom the employee license shall issue, except as otherwise provided in this ordinance. Applications transmitted by facsimile will be accepted for this purpose. Each application for an employee license shall be accompanied by proof of payment of the application fee in full. A photocopy of the check or money order will be accepted for this purpose if transmitting the application by

facsimile, so long as payment is actually received within five (5) working days. Application forms shall be supplied by the Chief. Applications must be submitted to the office of the Chief or the Chief's designee. Each applicant shall be required to give only the following information on the application form:

1. The applicant's given name, and any other names by which the applicant is or has been known, including "stage" names and/or aliases;
2. Age, and date and place of birth;
3. Height, weight, hair color, and eye color;
4. Present residence address and telephone number;
5. Present business address and telephone number;
6. Date, issuing state, and number of driver's license, or other identification card information;
7. Social Security number;
8. Proof that the individual is at least eighteen (18) years old.

I. Attached to the application form for an employee license to work and/or perform services in a sexually oriented business shall be the following:

1. A color photograph of the applicant clearly showing the applicant's face. If application is made by facsimile, the photograph does not have to be a color photograph, but the color photograph shall be submitted within five (5) days.
2. A statement whether the applicant has been convicted of a "specified criminal activity" as defined in Section 1201.2, and if so, the "specified criminal activity" involved, the date, place, and jurisdiction of each.

J. Every application for a license shall contain a statement under oath that the applicant has personal knowledge of the information contained in the application, that the information contained therein and furnished therewith is true and correct, and that the applicant is aware of the requirements of this ordinance.

K. A separate application and business license shall be required for each sexually oriented business classification as set forth in Section 1201.3.

L. The fact that a person possesses other types of state or city permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business or employee license. (Ord. No. 4-15, Sec. 4.)

7.80.05 Issuance of license

A. Upon the filing of an application for a sexually oriented business employee license, the Chief shall issue a temporary license to said applicant. In the case

of an application filed by facsimile transmission, proof of the facsimile transmittal shall suffice as a temporary license until the actual temporary license is issued. The application shall then be referred to the appropriate city departments for investigation to be made on the information contained in the application. The application process shall be completed within thirty (30) days from the date of the completed application. After the investigation, the Chief shall issue an employee license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

1. The applicant and/or the applicant's representative has intentionally failed to provide the information reasonably necessary for issuance of the license or has intentionally answered falsely a material question or request for information on the application form;
2. The applicant is under the age of eighteen (18) years;
3. The applicant has been convicted of a "specified criminal activity" as defined in Section 1201.2 of this ordinance;
4. The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this ordinance; or
5. The applicant has had a sexually oriented business employee license revoked by the city within one (1) year of the date of the current application.

In the event that the Chief determines preliminarily that an applicant is not eligible for a sexually oriented business employee license, the applicant shall be given notice in writing as set forth in Section 1201.26 by certified mail, return receipt requested, of each of the above reasons which support such preliminary denial within thirty (30) days of the receipt of the completed application by the Chief. The applicant shall have ten (10) days after receipt of the notice to make modifications necessary for purposes of complying with this section and to reapply for a sexually oriented business employee license. After ten (10) days, the denial will become final unless such modification and reapplication is made by the applicant. However, if additional time is shown by the applicant to be reasonably necessary to comply with this section, the Chief may grant an extension, not to exceed an additional thirty (30) days. Upon receipt of modifications and reapplication by the Chief, the Chief shall issue an employee license, unless it is determined by a preponderance of the evidence that the modifications fail to remedy the original basis for the preliminary denial by the Chief. If such determination is made by the Chief, the Chief again must give notice in writing as set forth in Section 1201.26 by certified mail, return receipt requested, to the applicant of the reasons for the denial, and said denial is final and appealable.

A final denial, suspension, or revocation by the Chief of a license issued pursuant to this section shall be subject to the same rights as those set forth in subsection (I) of this section.

B. A license issued pursuant to subsection (A) of this section, if granted, shall state on its face the name of the person to whom it is granted, the expiration date, and the address of the sexually oriented business. The employee shall keep the license available for inspection at the establishment upon lawful request at all times while engaged in employment or performing services on the sexually oriented business premises.

C. A license issued pursuant to subsection (A) of this section shall be subject to annual renewal upon the written application of the applicant and a written finding determined by a preponderance of the evidence by the Chief that the applicant has not been convicted of any "specified criminal activity" as defined in this ordinance, or committed any act during the existence of the previous license which would be grounds to deny the initial license application. The decision whether to renew an employee license shall be made within thirty (30) days of the completed application. The renewal of a license shall be subject to the fee as set forth in section 1201.6. The non-renewal of a license shall be subject to the same
notice, modification and reapplication, and appeal rights as set forth elsewhere in this section.

D. If application is made for a sexually oriented business license, the Chief shall approve or deny issuance of the license within forty-five (45) days of receipt of the completed application. The Chief shall issue a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

1. An applicant has intentionally failed to provide the information reasonably necessary for issuance of the license or has intentionally answered falsely a material question or request for information on the application form;
2. An applicant is under the age of eighteen (18) years;
3. An applicant is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business. An applicant denied a license on this basis will have all rights and remedies set forth in section 1201.5(H) to attempt to remedy any such deficiency and reapply for a license;
4. An applicant has been convicted of a "specified criminal activity" as defined in Section 1201.2;
5. Except for a sexually oriented business lawfully operating on the date this ordinance is enacted, the premises to be used for the sexually oriented business do not comply with the location restrictions set forth in section 1201.14;

6. The premises to be used for the sexually oriented business have not been approved by the Fire Department and the Code Enforcement Department as being in compliance with applicable laws and ordinance;
7. An applicant has been finally denied, after opportunity to exercise due process rights, a license by the city to operate a sexually oriented business for any of the above listed reasons within the preceding twelve (12) month, or his license to operate a sexually oriented business has been finally revoked, after opportunity to exercise due process rights, for any of the reasons listed in section 1201.10 or section 1201.11 within the preceding twelve (12) months.

E. A license issued pursuant to subsection (D) of this section, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business, and the section 1201.3 classification for which the license is issued. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

F. The Fire Department and Code Enforcement Department shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of receipt of the completed application by the Chief. The certification shall be promptly presented to the Chief.

G. A sexually oriented business license shall issue for only one classification, as set forth in section 1201.3

H. In the event that the Chief determined preliminarily that an applicant is not eligible for a sexually oriented business license, the applicant shall be given notice in writing by certified mail, return receipt requested, of each of the above reasons which support such preliminary denial within forty-five (45) days of the receipt of the completed application by the Chief. The applicant shall have ten (10) days after receipt of the notice to make modifications necessary for purposes of complying with this section and to reapply for a sexually oriented business license. After ten (10) days, the denial will become final unless such modification and reapplication is made by the applicant. However, if additional time is shown by the applicant to be reasonably necessary to comply with this section, the Chief may grant an extension, not to exceed an additional thirty (30) days. Upon receipt of modifications and reapplication by the Chief, the Chief shall issue a license, unless it is determined by a preponderance of the evidence that the modifications fail to remedy the original basis for the preliminary denial by the Chief. If such determination is made by the Chief, the Chief again must give notice in writing by certified mail, return receipt requested to the applicant of the reasons for the denial, and said denial is final and appealable.

I. An applicant may appeal the decision of the Chief regarding a final denial to the City Council by filing a written notice of appeal with the City Clerk within fifteen (15) days after service of notice upon the applicant of the Chief's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The Chief may, within fifteen (15) days of service upon him of the applicant's memorandum filed by the applicant on appeal to the City Council. After reviewing such memoranda, as well as the Chief's written decision, if any, and exhibits submitted to the Chief the City Council shall vote either to uphold or overrule the Chief's decision. Such vote shall be taken within twenty-one (21) calendar days after the date on which the City Clerk received the notice of appeal. Judicial review of a denial by the Chief and the City Council may be made pursuant to section 1201.12 of this ordinance. During the pendency of any appeal, the parties shall maintain the status quo unless in the interim, a court issues an injunction pursuant to section 1201.27.

J. A license issued pursuant to subsection (D) of this section shall be subject to annual renewal upon the written application of the applicant and a written finding determined by a preponderance of the evidence by the Chief that the applicant has not been convicted of any "specified criminal activity" as defined in this ordinance, or committed any act during the existence of the previous license which would be grounds to deny the initial license application. The decision whether to renew a business license shall be made within forty-five (45) days of the completed application. The renewal of a license shall be subject to the fees as set forth in section 1201.6.

Any determination by the Chief with respect to the renewal of a sexually oriented business license must conform to the duties and rights set forth in section 1201.5(H). Furthermore, the applicant for a renewal of a license shall have the same rights with respect to renewal as those set forth in section 1201.5(I). During the pendency of any appeal, the parties shall maintain the status quo unless in the interim, a court issues an injunction pursuant to section 1201.27. (Ord. No. O-04-15, Sec. 5.)

7.80.06 Fees the annual fee for a sexually oriented business license, whether new or renewal is Two Hundred Fifty Dollars ($250.00). The annual fee for a sexually oriented business employee license, whether new or renewal is Twenty-Five Dollars ($25.00). These fees are to be used to pay for the cost of the administration and enforcement of this ordinance. (Ord. No. O-04-15, Sec. 6.)

7.80.07 Inspection

A. An applicant or licensee shall permit representatives of the Police Department, Fire Department, Code Enforcement Department, or other city or state departments or agencies to inspect the premises of a sexually oriented

business for the purpose of insuring compliance with the law, at any time it is open for business.

B. No person who operates a sexually oriented business nor his agents or employees shall refuse to promptly permit such lawful inspection of the premises.

C. A person convicted of violation of this section shall be subject to the penalties set out in section 1.32.01 of the Conway Municipal Code. (Ord. No. O-04-15, Sec. 7)

7.80.08 Expiration of license

A. Each business license shall expire one year from the date of issuance and may be renewed only by making application as provided in section 1201.4, and by payment of the fee set forth in section 1201.6. Upon filing of an application for renewal of a business license, the existing business license shall remain in effect until a final determination on the application for renewal is made as set forth in section 1201.5(J).

B. Each sexually oriented business employee license shall expire one year from the date of issuance and may be renewed only by making application as provided in section 1201.4, and by payment of the fee set forth in section 1201.6. Upon filing an application for renewal of a business employee license, the existing license shall remain in effect until a final determination on the application for renewal is made as set forth in section 1201.5(J).

C. The applicant shall not be issued a license for one year from the date of a final denial if such denial is not appealed, or for one year from the date of a final determination by the appropriate appeals tribunal if the denial is appealed and is upheld on that appeal.

Any determination with respect to the renewal of a license must conform to the duties and rights set forth in section 1201.5 of this ordinance. (Ord. No. O-04-15, Sec. 8)

7.80.09 Assessment of fines The Chief shall fine a business license and/or any person who is an operator, as the case may be, in the amount of Two Hundred Fifty Dollars ($250.00) for each offense where he determines by clear and convincing evidence that:

A. A business licensee or an individual operator knew or should have known of the possession, use, or sale of controlled substances in the establishment;

B. A business licensee or an individual operator knew or should have known of the sale, use, or consumption of alcoholic beverages in the establishment;

C. A business licensee or an individual operation knew or should have known of nudity or "specified sexual activities" occurring in the establishment; or

D. A business licensee or an individual operator knew or should have known of a person under eighteen (18) years of age entering the establishment.

If the business licensee or the same individual operation of a sexually oriented business is fined (and such fine(s) are upheld after judicial review pursuant to section 1201.12) for the same offense three times or more, and the dates of these offenses have occurred within a twelve (12) month period, the business licensee or the individual operator, as the case may be, shall be suspended in accordance with section 1201.10. For purposes of sections 1201.9, 1201.10 and 1201.11, multiple incidents of the same nature which would constitute a violation of any of the provisions set forth in (1) and (4) above, shall be considered as only one (1) offense if they occur within the same business day.

In the event that the Chief determines that one of the above described offenses has occurred and determines that the assessment of a fine against the business licensee or an individual operator is appropriate, the Chief must give notice in writing by certified mail, return receipt requested, of each of the above reasons which support the assessment of a fine, including the date or dates which each such incident occurred. Such notice shall be given within thirty (30) days of the incident or incidences for which the business is being cited, or within thirty (30) days of the conclusion of the Chief's investigation, whichever is earlier.

A licensee may appeal the decision of the Chief regarding the assessment of a fine to the City Council by filing a written notice of appeal with the City Clerk within fifteen (10) days after service of notice upon the licensee of the Chief's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The Chief may, within fifteen (15) days of service upon him of the licensee's memorandum, submit a memorandum in response to the memorandum filed by the licensee on appeal to the City Council. After reviewing such memoranda, as well as the Chief's written decision, if any, and exhibits submitted to the Chief, the City Council shall vote either to uphold or overrule the Chief's decision. Such a vote shall be taken within twenty-one
(21) calendar days after the date on which the City Clerk receives the notice of appeal. Judicial review of a fine by the Chief and City Council may be made pursuant to section 1201.12 of this ordinance.

Furthermore, judicial review of a suspension by the Chief and City Council may be made pursuant to section 1201.12 of this ordinance. During the pendency of the appeal, the status quo shall be maintained such that the licensee shall continue to be allowed to operate its business pursuant to its license and pursuant to this ordinance. This section in no way is intended to replace or substitute for other criminal penalties which may apply under local, state or federal law for any of the activities enumerated above. (Ord. No. O-04-15, Sec. 9)

7.80.10 Suspension The Chief shall suspend the license of a business licensee and/or any person who is an operator, as the case may be, for a period not to exceed thirty (30) days if he determines by clear and convincing evidence that:

A. a business licensee intentionally answered falsely a material question or request for information during the application process;

B. a business licensee or an individual operator is convicted of a "specified criminal activity" on a charge that was pending prior to the issuance of the license;

C. a business licensee or an individual operator has, with knowledge, permitted prostitution of the premises;

D. a business licensee of an individual operator has been fined for the same offense, of those offenses listed in section 1201.9, three times or more, and the dates of those offenses occurred within a twelve (12) month period; or

E. a business licensee or an individual operator is overdue in payment to the city for taxes, fee, fines, or penalties assessed against or imposed upon him/her in relation to any business. A licensee found in violation in this regard will have all rights and remedies set forth in section 1201.5(H) to attempt to remedy any such deficiency before any suspension of the license may occur.

If business licensee is suspended by the Chief more than one time in a twelve (12) month period, the license shall be revoked in accordance with section 1201.11.

In the event that the Chief determines that one of the above described incidents has occurred, and determines that suspension of the business license is appropriate, the Chief must give notice in writing by certified mail, return receipt requested, of each of the above reasons which support the suspension of the business license, including the date or dates when each such incident occurred. Such notice shall be given within thirty (30) days of the incident or incidences for which the business is being cited, or within thirty (30) days of the conclusion of the Chief's investigation, whichever is earlier.

A licensee may appeal the decision of the Chief regarding a suspension to the City Council by filing a written notice of appeal with the City Clerk within fifteen (15) days after service of notice upon the licensee of the Chief's decision. The notice of appeal shall be accompanied by a memorandum or other wiring setting out fully the grounds for such appeal and all arguments in support thereof. The Chief may, within fifteen (15) days of service upon him of the licensee's memorandum, submit a memorandum in response to the memorandum filed by the licensee on appeal to the City Council. After reviewing such memoranda, as well as the Chief's written decision, if any, and exhibits submitted to the Chief, the City Council shall vote either to uphold or overrule the Chief's decision. Such a vote shall be taken within twenty-one (21) calendar days after the date on which the City Clerk receives the notice of appeal.

Judicial review of a fine by the Chief and City Council may be made pursuant to section 1201.12 of this ordinance. During the pendency of the appeal, the status quo shall be maintained such that the licensee shall continue to be allowed to operate its business pursuant to its license and pursuant to this ordinance. (Ord. No. O-04-15, Sec. 10)

7.80.11 Revocation The Chief shall revoke a license for one (1) year from the date the revocation becomes effective if he determines that any of the grounds for suspension set forth

in section 10 is proven by clear and convincing evidence, and that the license has already been suspended within the preceding twelve (12) months, or that the business operated while its license was suspended.

A licensee may appeal the decision of the Chief regarding a revocation to the City Council by filing a written notice of appeal with the City Clerk within fifteen (15) days after service of notice upon the licensee of the Chief's decision. The notice of appeal shall be accompanied by a memorandum or other wiring setting out fully the grounds for such appeal and all arguments in support thereof. The Chief may, within fifteen (15) days of service upon him of the licensee's memorandum, submit a memorandum in response to the memorandum filed by the licensee on appeal to the City Council. . After reviewing such memoranda, as well as the Chief's written decision, if any, and exhibits submitted to the Chief, the City Council shall vote either to uphold or overrule the Chief's decision. Such a vote shall be taken within twenty-one (21) calendar days after the date on which the City Clerk receives the notice of appeal.

Judicial review of a fine by the Chief and City Council may be made pursuant to section 1201.12 of this ordinance. During the pendency of the appeal, the status quo shall be maintained such that the licensee shall continue to be allowed to operate its business pursuant to its license and pursuant to this ordinance. (Ord. No. O-04-15, Sec. 11)

7.80.12 Judicial review After denial of an initial or renewal application by the Chief and City Council, or upon a fine, suspension or revocation by the Chief and City Council, the applicant or licensee may seek judicial review in any court of competent jurisdiction. The rules and procedures for such appeal are modeled on Rule 9 of the Arkansas Inferior Court Rules. Those Rules provide as follows:

A. Time for taking appeal All appeals from the City Council to a court of competent jurisdiction must be filed in the office of the clerk of the particular court having jurisdiction of the appeal within thirty (30) days from the date of the vote by the City Council.

B. How taken An appeal from the City Council to a court of competent jurisdiction shall be taken by filing the record of the findings and proceedings of the Chief and the City Council, to the extent such a record is available. It shall be the duty of the City Clerk to prepare and certify such record when requested by the appellant, and upon payment of any fees authorized by law therefore. The appellant shall have the responsibility of filing such record in the office of the clerk of the court of competent jurisdiction.

C. No record available When the City Clerk neglects or refuses to prepare and certify a record for filing in a court of competent jurisdiction, the person desiring an appeal may perfect the appeal on or before the 30th day from the date of the vote by the City Council by filing an affidavit in the office of the clerk of the court of competent jurisdiction showing that he has requested the City Clerk to prepare and certify the records for purposes of appeal, and that

the City Clerk has neglected to prepare and certify such records for purposes of appeal. A copy of such affidavit shall be promptly served upon the City Clerk and upon the adverse party. (Ord. No. O-04-15, Sec. 12)

7.80.13 No transfer of license A licensee shall not transfer his/her license to any person who has not obtained a license, nor shall a business licensee operate a sexually oriented business under the authority of a sexually oriented business license at any place other than the address designated in the application. This section is not intended to prevent a business licensee from being allowed to sell, assignor transfer ownership, or control of his/her business to another person already possessing a valid sexually oriented business license. It is intended only to prevent the sale, assignment, or transfer of ownership or control of a license by the licensee, or of the business to a non-licensee. (Ord. No. O-04-15, Sec. 13)

7.80.14 Location restrictions Sexually oriented businesses not already lawfully operating on the effective date of this ordinance shall be permitted only in zoning district C-3 Highway Service & Open Display District and I-3 Intensive Industrial District, subject to the following:

A. The sexually oriented business may not be operated within:

1. one thousand (1,000) ft. of a church;
2. one thousand (1,000) ft. of a public or private elementary, secondary, or post-secondary school;
3. one thousand (1,000) ft. of a public park;
4. one thousand (1,000) ft. of a licensed day-care center;
5. one thousand (1,000) ft. of an entertainment business that is oriented primarily toward children;
6. five hundred (500) ft. of a boundary of any residential district; or
7. one thousand (1,000) ft. of another sexually oriented business.

B. A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business classified pursuant to section 1201.3.

C. For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property of the premises where sexually oriented business is conducted, to the nearest property line of a church; public or private elementary, secondary or post-secondary school; public park; licensed day-care center; entertainment business that is oriented primarily toward children; boundary of any residential district or other sexually oriented business. (Ord. No. O-04-15, Sec. 14, amended by O-04-26)

7.80.15 Additional regulations for adult motels

A. Evidence that a sleeping room in a hotel, motel, or a similar commercial enterprise has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the enterprise is an adult motel as that term is defined in this ordinance.

B. A person in control of an adult motel must have a sexually oriented business license or be subject to penalties as set forth below.

C. For purposes of subsection (B) of this section, the terms "rent" or "sub-rent" mean the act of permitting a room to be occupied for any form of consideration.

D. Any person convicted of the violation of subsection (B) of this section shall be subject to the general penalties as set out in section 1.32.01 of the Conway Municipal Code. (Ord. No. O-04-15, Sec. 15)

7.80.16 Additional regulations for escort agencies

A. An escort agency shall not employ any person under the age of eighteen (18) years.

B. An escort agency may not provide or agree to provide an escort or escort service to any person under the age of eighteen (18) years.

C. A person shall not act as an escort or agree to act as an escort to any person under the age of eighteen (18) years.

D. A person convicted of a violation of any provision of this section shall be subject to the general penalties as set out in section 1.32.01 of the Conway Municipal Code. (Ord. No. O-04-15, Sec. 16)

7.80.17 Additional regulations concerning public nudity

A. A person shall not appear in person in a state of nudity or semi-nudity in a sexually oriented business.

B. A person shall not engage in any specified sexual activity n a sexually oriented business.

C. A person convicted of a violation of any provision of this section shall be subject to the general penalties as set out in section 1.32.01 of the Conway Municipal Code. (Ord. No. O-04-15, Sec. 17)

7.80.18 Types of sexually oriented businesses prohibited The following types of sexually oriented business are prohibited:

A. adult arcades
B. adult cabarets of less than six hundred (600) sq. ft. of floor space
C. adult theaters less than six hundred (600) sq. ft. in floor space
D. adult motion picture theaters with less than six hundred (600) sq. ft. of floor space
E. lingerie model studios
F. nude model studios
G. sexual encounter centers
(Ord. No. 4-15, Sec. 18)

7.80.19 Video-viewing booths or arcade booths Except for adult motels, adult video-viewing booths or adult arcade booths are prohibited in any establishment. (Ord. No. O-04-15, Sec. 19)

7.80.20 Exterior portions of and signage

A. No owner or operator of a sexually oriented business shall allow the merchandise or activities of the establishment to be visible from a point outside the establishment.

B. No owner or operator of a sexually oriented business shall allow the exterior portion of the sexually oriented business to have any photographs of any person in a state of nudity or engaged in any "specified sexual activity," nor shall such owner or operator allow the exterior portion of the sexually oriented business to have any pictorial or other representations of any kind of any person in a state of nudity or engaging in any "specified sexual activity."

C. Notwithstanding any other city ordinance, code, or regulation to the contrary, the operator of any sexually oriented business or any other person shall not 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 herein.

D. Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:

1. conform with the city's sign code;
2. be a flat plane, rectangular in shape and
3. not exceed sixty-four (64) sq. ft. in area.

E. Primary signs shall contain no photographs, and shall contain no pictorial or other representations of any kind of any person in a state of nudity or engaging in any "specified sexual activity."

F. Secondary signs shall have no more than one (1) display surface. Such display surface shall:

1. conform with the city's sign code;

2. be a flat plane, rectangular in shape;
3. not exceed twenty (20) sq. ft. in area;
4. not exceed five (5) ft. in height and four (4) ft. in width; and
5. be affixed or attached to any wall or door of the enterprise.

G. The provisions of subsection (E) above shall also apply to secondary signs.

H. A person convicted of the violation of any provision of this section shall be subject to the penalties as set out in section 1.32.01 of the Conway Municipal Code. (Ord. No. O-04-15, Sec. 20)

7.80.21 Sale, use, or consumption of alcoholic beverages

A. The sale, use, or consumption of alcoholic beverages on the premises of a sexually oriented business is prohibited.

B. A person convicted of the violation of this section shall be subject to the penalties as set out in section 1.32.01 of the Conway Municipal Code. (Ord. No. O-04-15, Sec. 21)

7.80.22 Persons younger than eighteen prohibited from entry

A. No person shall allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a sexually oriented business at any time the sexually oriented business is open for business.

B. It shall be the duty of the business licensee and/or operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented businesses' regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years of age from entering the sexually oriented business. It shall be a rebuttable presumption that a person knew a person was under the age of eighteen (18) unless the attendant asked for and was furnished:

1. a valid operator's, commercial operator's, or chauffeur's driver's license issued by any state reflecting that such person is eighteen (18) years of age or older; or
2. a valid personal identification certificate issued by any state reflecting that such person is eighteen (18) years of age or older.

C. It shall be unlawful for any person under the age of eighteen (18) years to misrepresent such person's age for the purpose of entering the premises of a sexually oriented business at any time the sexually oriented business is open for business.

D. A person convicted of the violation of any provision of this section shall be subject to the penalties as set out in section 1.32.01 of the Conway Municipal Code. (Ord. No. 4-15, Sec. 22)

7.80.23 Massages or baths It shall be unlawful for any business operating as a sexually oriented business to offer the services of a massage salon, massage parlor or any similar type business where any physical contact with the recipient of such services is provided, or where any
physical contact with the recipient of such services constitutes specified sexual activities, regardless of the gender of the recipient or the provider of the services. A person convicted of the violation of any provision of this section shall be subject to the penalties as set out in section 1.32.01 of the Conway Municipal Code. (Ord. No. O-04-15, Sec. 23)

7.80.24 Hours of operations No sexually oriented business, except for an adult motel, may remain open at any time between the hours of five o'clock (5:00) a.m. and eleven o'clock (11:00) a.m. (Ord. No. O-04-15, Sec. 24)

7.80.25 Exemptions It is a defense to prosecution under this ordinance that a person appearing in a state of nudity or semi-nudity did so in a modeling class, art class, or live performance operated:

A. by a proprietary school, licensed by the state of Arkansas, a college, junior college, or university supported entirely or partly by taxation;

B. by a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation. (Ord. No. O-04-15, Sec. 25)

7.80.26 Notices

A. Any notice required or permitted to be given by the Chief or any other city office, division, department or other agency under this ordinance to any applicant, licensee operator or owner of a sexually oriented business must be given by certified U.S. mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the license, or in any subsequent notice of address change that has been received by the Chief. Notices mailed as above shall be deemed given upon their receipt in the U.S. mail. In the event that any notice given by mail is returned by the postal service, the Chief or his designee shall cause it to be posted at the principal entrance to the establishment, and notice will be considered received upon the date of such posting.

B. A license may designate an agent for service and notify the Chief of the identity and address of the agent for service. In such event, notices are subject

to the requirement of subsection (A) above, except that notice shall be made at the address of the designated agent for service.

C. Any notice required or permitted to be given to the Chief by any person under this ordinance shall not be deemed given until and unless it is received in the office of the Chief.

D. It shall be the duty of each owner who is designated on the license application and each operator to furnish notice to the Chief in writing of any change in residence or mailing address. (Ord. No. O-04-15, Sec. 26)

7.80.27 Injunction A person who operates or causes to be operated a sexually oriented business without a valid business license, or a business shown by clear and convincing evidence to be engaging in a regular pattern or practice of violations of this ordinance, is subject to a suit for injunction as well as prosecution for criminal violation. Each day a sexually oriented business so operates, or each day a person so acts in violation of a provision of this ordinance is to be considered a separate offense or violation. (Ord. No. O-04-15, Sec. 27)

Chapter 7.84
ALARM SYSTEMS

Sections:

7.84.01 Permit
7.84.02 False alarm
7.84.03 Installation and response
7.84.04 Penalty
7.84.05 Intentional false alarms penalty
7.84.06 Failure to pay fine

7.84.01 Permit

A. Any property owner or lessee of property in the city having on his premises an alarm system shall apply to the Police Department for a permit to have such a device on his premises within sixty (60) days of the passage of this section. No such alarm system may be installed on the premises of the owner or lessee after the effective date of this chapter prior to the licensing authority having issued a permit to such owner or lessee. Operating an alarm without a permit shall constitute a Class A misdemeanor, and the violator fined in accordance with the range of fines allowed for such a misdemeanor.

B. No permit fee will be charged.

C. *Alarm system* means any mechanical or electrical device that is arranged, designed, or used to signal the occurrence in the city of Conway of a burglary, robbery, or other criminal offense requiring urgent attention, and to which

police are expected to respond. Alarm systems include those through which police personnel are notified indirectly by way of third persons who monitor the alarm systems and who report such signals to the Police Department and those designated to register a signal which is so audible, visible, or in other ways perceptible outside a protected building, structure, or facility as to notify persons in the neighborhood beyond the zoning lot where the signal is located who in turn may notify the Police Department of the signal. Alarm systems do not include those affixed to automobiles; furthermore, alarm systems do not include auxiliary devices installed by utility companies to protect equipment or systems which might be damaged or disrupted by the use of an alarm system. Alarms in separate structures are to be counted as separate systems even though owned by same person or entity.

D. Revenue generated by this chapter shall be used to cover operating costs, equipment, and supplies required for implementation and operation of this chapter.

E. The fine for repeat violations of the requirement to obtain a permit to operate an alarm system shall be double that for an initial violation, not to exceed the maximum amount authorized by law for Class A misdemeanors.
(Ord. No. O-05-82, Sec. 1)

7.84.02 False alarm

*False alarm***.** Any unintentional activation of any alarm system caused by a flaw or the design, installation or maintenance of the system. This shall not include any activation caused by violent conditions of nature or other extraordinary circumstances, not reasonably subject to control of the alarm user.

*Intentional misuse***.** Any intentional activation of an alarm system when no burglary, holdup, or other emergency is in progress.

False alarms do not include alarm signals cause by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. Alarms resulting from the following conditions are not considered false alarms:

A. Criminal activity or unauthorized entry;

B. Telephone line malfunction verified in writing to the city by at least a first-line telephone company supervisor;

C. Electrical service interruption verified in writing to the city by local power company;

D. Communication to the Police Department before a unit is dispatched to investigate, clearly indicating that the alarm has resulted from authorized entry, authorized system test, or other non-criminal cause;

E. An alarm cause on the reasonable but mistaken belief that a burglary, robbery, or other criminal offense is in progress.
(Ord. No. O-05-82, Sec. 2)

7.84.03 Installation and response

A. No alarm system shall be placed in service after installation in any dwelling, business, or place within the city of Conway until such time as an application is approved and a permit issued. The Police Chief shall have the right, either personally or through a designated representative, to verify the type and installation of any alarm system being installed. Any alarm business or company which installs an alarm system in a dwelling, business, or place within the city of Conway which has not been granted a permit shall be fined the sum of One Hundred Dollars ($100.00).

B. The alarm application shall require the names, addresses and telephone numbers of at least two (2) persons who shall have access to said building and alarm system and the knowledge and ability to make said system secure in case of activation. It shall also detail the name, address, and telephone number of any person, firm, or corporation responsible for servicing the alarm system. Update shall be made as necessary. Upon approval and issuance of the alarm permit, a copy shall be sent to the Conway Police Department prior to activation of the alarm.

C. Prior to reporting an alarm to the Conway Police Department, the monitoring company or its representative will attempt to contact the alarm site or an individual on the contact list by telephonic or other electronic means, to determine whether an alarm signal is valid before requesting an emergency police dispatch in an attempt to avoid an unnecessary alarm dispatch request. If alarm dispatch is necessary, the Police Department shall respond to the alarm and notify the person or persons listed in subsection (B) hereof. Said person shall immediately go to the place where the alarm is sounding to meet the Police Department personnel to secure said building and to reset the alarm.

D. The Conway Police Department shall develop an appropriate system to track false alarms and make notifications.

E. Should any person responsible for any alarm system, when notified of its activation, refuse to respond pursuant to subsection (C) hereof, the police units on the scene shall check the property thoroughly and secure the location as much as possible. The Conway Police Department shall not be required to

make any further responses to that building, dwelling, or place until such time as said alarm system has been properly checked and reset.

F. If an alarm is activated and the building has been broken into, and the owner or his designee cannot be located or will not come out, an off-duty police officer shall be notified and the building guarded until the next business day or until someone from management shall respond whichever comes first. The minimum rate shall be two (2) hours overtime. The Police Department shall bill the violator and the money collected shall reimburse the appropriate overtime account. (Ord. No. O-05-82, Sec. 3)

7.84.04 Penalty

A. No alarm system shall be activated by error, mistake, or malfunction in any dwelling, building, or place when no emergency exists which results in the response of the Conway Police Department.

B. Any person, firm, corporation, partnership, or other entity not in compliance with this section shall be guilty of a violation. The penalty for violations shall be the fines as set out in paragraph (C) of this section if paid on or before the District Court appearance date on the citation. If the citation is not paid on or before the court appearance date or is contested in District Court, a violator is subject to court costs of Twenty-Five Dollars ($25.00) in addition to the fine pursuant to A.C.A. 16-10-305(a)(5).

C. The following fines shall be, upon their conviction in District Court, levied upon any person, firm, corporation or other entity owning or operating said dwelling, building or place for violation of subsection (A):

1. Police alarms There shall be no charge for one (1) to three (3) false alarms per calendar month, or for a total of six (6) alarms per calendar year. After the third false alarm a written warning shall be given to the person, firm, corporation or other entity owning or operating the dwelling, building, or place wherein said alarm system was installed.

2. Police alarms On the fourth (4th) or more false alarm in one (1) calendar month or on the seventh (7th) through fifteenth (15th) false alarm in one (1) calendar year, the permittee and/or the person in possession of the property shall be fined at the rate of Twenty-Five Dollars ($25.00) per incident. For the sixteenth (16th) through thirtieth (30th) incident in one (1) calendar year, the permittee and/or person in possession of the property shall be fined at the rate of Fifty Dollars ($50.00) per incident. For thirty-first (31st) and all subsequent false alarm incidents in one (1) calendar year. the permittee and/or person in possession of the property shall be fined at the rate on One Hundred Dollars ($100.00) per incident. (Ord. No. 0-05-82, Sec. 4)

7.84.05 Intentional false alarms penalty

A. No personnel shall knowingly or intentionally activate any alarm system when no emergency situation exists.

B. No person shall knowingly or intentionally test any alarm system without first notifying the Conway Police Department of such test and receiving approval for same.

C. Any person who violates subsections (A) or (B) shall be fined not less than One Hundred Fifty Dollars ($150.00) and shall be subject to prosecution under the Arkansas state law for falsely reporting an incident (A.C.A. 5-71-210 – Communicating a false alarm) (Ord. No. O-05-82, Sec. 5)

7.84.06 Failure to pay fines Failure to pay fines within thirty (30) days of either (1) the forfeiture of bond or non-appearance in District Court following the issuance of citation, or (2) the expiration of thirty (30) days after a plea of guilty, no contest or conviction for violations of this ordinance shall require alarm deactivation. Provided, a properly perfected appeal to Circuit Court following a conviction under this ordinance shall stay any deactivation proceedings. Such deactivation order shall be in writing and issued to the owner of the real property involved or to the persons, firm, corporation or other entity owning or operating the dwelling, building, or place wherein said alarm system was installed. Notice of unpaid fine and required deactivation shall be made by registered mail. Failure to deactivate upon receipt of notice shall constitute a separate offense and, upon conviction, result in an additional Two Hundred Dollars ($200.00) fine for each day the violation continues. (Ord. No. O-05-82, Sec. 6)

TITLE 8
VEHICLES AND TRAFFIC

Chapters:

8.04 Abandoned, Inoperable or Unlicensed Vehicles
8.08 Truck Routes
8.12 Parking
8.16 Railroad Regulations
8.20 Traffic Regulations
8.24 Right Turn on Red Light
8.28 Avoiding Intersection
8.32 Negligent, Careless, or Unsafe Driving
8.36 Road Block for Charities
8.40 Traffic Control Devices
8.44 Unauthorized Persons on Airport Runways and Taxiways
8.48 Aircraft Operation
8.52 Airport Advisory Committee – **Repealed by Ord. O-03-79**
8.56 Bicycle and Pedestrian Pathways
8.60 Traffic Light System
8.64 Blocking Natural Drainage ways
8.68 Renaming Streets
8.72 Amendments to Street Classification and Design Standards
8.76 Franchise For Rights-Of-Way
8.80 Roundabouts

Chapter 8.04
ABANDONED, INOPERABLE, OR UNLICENSED VEHICLES

Sections:

8.04.01 Definitions
8.04.02 Abandonment regulated
8.04.03 Parking and storage regulated
8.04.04 Exceptions
8.04.05 Penalty
8.04.06 Adoption of state law by reference

8.04.01 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:

Abandoned motor vehicle means any motor vehicle which is left on public or private property, as defined in this section, for a period of more than seven (7) days, regardless of whether wrecked or inoperable, and regardless of whether such vehicle bears a current registration and a current vehicle inspection sticker.

Boat means any vessel initially designed for the carrying of passengers or cargo upon the water, whether currently seaworthy or not, and regardless of size or design, including, without limitation, barges, motorboats whether inboard or outboard, canoes, rowboats, rafts and sailboats.

Code enforcement division means the code enforcement division of the city, its agents, and its designees.

Inoperable motor vehicle means a motor vehicle, the condition of which is wrecked, dismantled, partially dismantled, incapable of operation by its own power upon a public street, or from which the wheels, engine, transmission or substantial part thereof has been removed, or a motor vehicle with expired vehicle license plate or expired registration tabs. (Ord. No. 04-53.)

Major portion, as applicable to boats, motor vehicles and trailers, means any part thereof which is sufficiently large to constitute a public nuisance as a harborage of snakes or rodents, or as otherwise defined by state or city nuisance laws, and shall include, without limitation, the following: Truckbed, cab or cabin, chassis or frame, axle, motor or engine, transmission, hull or pontoon, cargo compartment, seats, and portions of exterior parts or paneling such as walls and roofs.

Motor vehicle means a vehicle or conveyance which is self-propelled and designed to travel along the ground, and includes but is not limited to automobiles, buses, mopeds, motorcycles, trucks, tractors, go-carts, golf carts, campers, motor homes and trailers.

Private property means any real property within the city which is privately owned and which is not defined as public property in this section.

Public property means any real property in the city which is owned by a governmental body and includes buildings, parking lots, parks, streets, sidewalks, right-of-way, easements and other similar property.

Subject item is a comprehensive terms which includes boats, motor vehicles, trailers and major portions thereof, as defined in this section, which may become the subject of citation under this article.

Trailer means any freewheeling object designed or intended to be pulled or towed behind a motor vehicle, regardless of whether wrecked or inoperable, and regardless of whether currently inspected and/or registered, including without limitation the following: Boat trailers, camper trailers, cargo trailers, special trailers for items such as golf carts or motorcycles, utility trailers, and farm implements. (Ord. No. O-01-64, Sec. 1)

8.04.02 Abandonment regulated No person shall abandon or leave any subject item, including an inoperable subject item, whether attended or not, upon any public property within the city for a period of time in excess of seven (7) days. The presence of any subject item, or parts thereof, on public property is hereby declared to be public nuisance which may

be subject to criminal prosecution under this section or abated as a nuisance in accordance with the laws of the state of Arkansas. This section does not apply to subject items parked or stored on public property by the city or any of its departments. (Ord. No. O-01-64, Sec. 2)

8.04.03 Parking and storage regulated No person shall park, store, leave or permit the parking, storing or leaving of any subject item of any kind, which is inoperable, whether attended or not, upon any private property within the city, except that, with respect to an inoperable motor vehicle, such vehicle may be parked, stored or left on such property for a period of time not to exceed seven (7) days, after which time such inoperable motor vehicle shall constitute a nuisance subject to criminal prosecution under this section or abated as a nuisance in accordance with the laws of the state of Arkansas. (Ord. No. O-01-64, Sec. 3)

8.04.04 Exceptions

A. The provisions of Section 8.04.02 and 8.04.03 of this article shall not apply to:

1. Any subject item parked or stored within a building or enclosed garage on private property.

2. Any subject item held in connection with a business enterprise lawfully licensed by the city for the servicing and repair of subject items and properly operated in an appropriate business zone pursuant to the zoning ordinances of the city.

3. Subject vehicle within a carport that is being actively repaired on at least a weekly basis. subject vehicle and its parts when not being repaired shall be neatly and completely covered with an opaque cover.

B. Subject vehicle not defined as an inoperable vehicle except for not having a current license may be stored in a covered carport. (Ord. No. O-01-64, Sec. 4)

8.04.05 Penalty Any person, firm, corporation, partnership, association of persons, owner, occupant, agent or anyone having supervision or control, who shall violate a provision of this code, or fail to comply therewith, shall be guilty of a misdemeanor. Each such person 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 by a fine, not to exceed $500.00 for the first offense, and not more than $250.00 for each day of offenses of a continuing nature.

Prosecution under this section shall not be a waiver of the city's authority to abate any prohibited conduct set forth herein as a public nuisance, including removal and sale of the subject item. If a vehicle or other subject item which has been the basis for prosecution under this ordinance has not been removed or otherwise brought into compliance with this ordinance, said subject item may be removed and impounded following either (1) the forfeiture of bond or non-appearance in court following the issuance of a criminal

information or citation, or (2) the expiration of thirty (30) days after a plea of guilty, no contest or conviction for violation of this ordinance. Provided, a properly perfected appeal to circuit court following conviction under this ordinance shall stay any procedures for the removal and storage of the subject item.

However, the appeal of a conviction under this ordinance shall not bar the city's authority to seek abatement pursuant to any civil remedies which may be available. The reasonable costs of towing, removal and storage of any vehicle or other subject item shall constitute a lien upon both the subject item and the property from which it was removed. (Ord. No. O-01-64, Sec. 5)

8.04.06 Adoption of state law by reference As an alternative or supplemental to the procedure set forth in this article regarding abandoned vehicles on public or private property, A.C.A. 27-50-1101, 27-50-1102 and 8-6-413 are hereby incorporated by reference into this article as if fully set forth herein. If the Police Department or Code Enforcement Division, in their discretion, shall pursue a remedy pursuant to A.C.A. 27-50-1101, 27-50-1102 or 8-6-413, they are directed to comply completely and fully with such provisions. (Ord. No. O-01-64, Sec. 6)

Chapter 8.08
TRUCK ROUTES

Sections:

8.08.01 Establishment of truck routes
8.08.02 Future establishment and revision of truck routes
8.08.03 Posting and designation of truck routes
8.08.04 Protection from spilling loads
8.08.05 Prohibition against vehicles with lugged wheels
8.08.06 Penalties

8.08.01 Establishment of truck routes.

A. The following truck routes are hereby designated and established:

1. Oak Street from First Avenue westward to its intersection with Van Ronkle Street, then westward along Van Ronkle Street to North Street, thence westward along North Street to Locust Avenue, thence North on Locust Avenue to Prince Street, thence West on Prince Street to the west line of the corporate limits of the city.

2. U. S. Highway No. 65 from the South corporate limits of the city to its intersection with U. S. Highway 64.

B. It shall be unlawful for any person, firm or corporation to operate, or cause to be operated any truck of more than three quarter (3/4) ton capacity upon any road, street or other public thoroughfare in the City of Conway, Arkansas,

excepting, however, any state or federal highway or any designated truck route, whether now or hereafter established and designated.

C. This section shall not be construed to prohibit delivery trucks from making local deliveries within the corporate limits of the City of Conway, Arkansas, or to prohibit any person living within the corporate limits of Conway from operating such trucks upon the streets of the city when it becomes necessary to reach the home of such person, or to prohibit the operation of trucks in going to or coming from places of business within the city which are not situated upon truck routes or state or federal highways, but in all such excepted instances the truck shall remain upon the truck route or state or federal highway to the nearest exit therefrom to the destination and shall utilize the shortest and most direct route in passing between the truck route and/or state or federal highway and the destination and return. (Ord. No. A-548, Sec. 1)

8.08.02 Future establishment and revision of truck routes. The street committee of the city council of the City of Conway shall be, and is hereby authorized and directed to conduct surveys of the city from time to time, to ascertain existing needs and suitable locations for additional truck routes and revisions of existing truck routes and to make appropriate recommendations thereon to the city council. Upon the recommendations of the street committee or upon its own initiative, the council shall periodically, if needs dictate, establish additional truck routes and/or revise existing truck routes. Such action by the council shall be transacted by written resolution or ordinance and shall not require amendment of this ordinance. (Ord. No. A-548, Sec. 2)

8.08.03 Posting and designation of truck routes. All truck routes established hereunder shall be adequately and clearly designated by signs posted along the route which shall distinctly and precisely indicate the course of the route and warn against failure to use such routes in violation hereof. (Ord. No. A-548, Sec. 3)

8.08.04 Protection from spilling loads. Any vehicle moving upon a public street, alley or thoroughfare within the corporate limits of the city, containing, carrying or transporting any paper, trash, rubbish or rubble susceptible to spilling, falling or dislodgement from the vehicle, or dissemination or dispersion into the atmosphere, shall be equipped with a container and cover adequately constructed, attached and secured to prevent the spilling, falling, dislodgement, dissemination or dispersion of such substance or material or any part thereof.

No person shall transport dirt, sand, gravel, chat, sawdust or other loose substance over the streets of the city in trucks or other vehicles in such manner as to allow the spilling of such loose materials upon the streets of the city. It shall be the duty and responsibility of the person operating said vehicle to see that such vehicle is loaded in such manner that no such loose materials can spill upon the streets. (Ord. No. A-548, Sec. 4)

8.08.05 Prohibition against vehicles with lugged wheels. No person shall drive, propel or

pull over or across a paved street a motor driven or steam powered tractor, threshing machine, well drill or well drilling equipment, or other heavy machine or equipment with iron, iron corrugated or iron lugged wheels, or a moving van or truck with chains on the wheels of same, or run, propel or pull any truck, van, trailer or other vehicle or machinery over such paved streets on the iron rim without tire or tires. (Ord. No. A-548, Sec. 5)

8.08.06 Penalties. Failure to comply with the provisions of this ordinance shall constitute a misdemeanor and shall be punishable by a fine of not less than Fifteen Dollars ($15.00) nor more than Fifty Dollars ($50.00) for a first offense and not more than One Hundred Dollars ($100.00) for a second and subsequent offense. This provision makes reference to and incorporates Arkansas Statutes 19-2409. (Ord. No. A-548, Sec. 6)

Chapter 8.12
PARKING

Sections:

8.12.01 "Double parking" forbidden
8.12.02 Special traffic zones, nothing herein to forbid establishment of
8.12.03 Unlawful to leave engine running
8.12.04 Unlawful to park in alley
8.12.05 Particular vehicle prohibited in certain areas
8.12.06 Penalty
8.12.07 Stopping or parking on city streets restricted
8.12.08 Parking in a fire lane
8.12.09 Two hour parking zones
8.12.10 Penalty
8.12.11 Citations
8.12.12 Requirements along public right-of-way
8.12.13 Front Street (2 Hour Parking and 30 Minute Parking)

8.12.01 "Double parking" forbidden. Hereafter it shall be unlawful for any person to park or leave any vehicle, whether unattended or attended, standing in the street to the rear of or beside any vehicle parked or standing in any authorized parking area on any street in the city of Conway whether inside or outside of the congested zone as above defined; it being the intent hereof to make unlawful and punishable as herein provided the practice of "double parking" on any street of the city of Conway at any time except by express authority of the chief of police or other police officer of the city first obtained in case of emergency. (Ord. No. A-511, Sec. 10)

8.12.02 Special traffic zones, nothing herein to forbid establishment of Nothing in this ordinance shall be construed as prohibiting the City Council of the City of Conway from providing bus stops, loading zones, or traffic zones of a similar nature within the parking meter zone above referred to. (Ord. No. A-511, Sec. 12)

8.12.03 Unlawful to leave engine running. No person shall leave or permit to remain standing without an attendant any automobile in any street or alley in the City of Conway without shutting off and stopping entirely the motor or engine and when any automobile is left standing on any street within the fire limits of the City of Conway, same shall be stopped with the right wheel within twelve (12) inches of the curb and not less than twenty-five (25) feet from any street corner. (Ord. No. 240, Sec. 4)

8.12.04 Unlawful to park in alley. No person shall park a vehicle within an alley in any manner whatsoever unless said vehicle is loading or unloading merchandise from or into any business opening into or adjoining said alley, and that event, said vehicle is not to remain in said alley for any length of time greater than is reasonably necessary for the loading or unloading of merchandise and goods as aforesaid. (Ord. No. O-75-4, Sec. 1)

8.12.05 Particular vehicles prohibited in certain areas. From and after the passage and approval of this ordinance, it shall be unlawful for any person, firm or corporation to park or otherwise leave any vehicular trailer or whatever kind of greater than six (6) feet in height or longer than twenty-five (25) feet in length upon or partially upon any city street or other public property for any period of time in excess of six (6) hours whether attached to another vehicle or left free standing. It shall also be unlawful for any person, firm or corporation to park or otherwise leave any motorized vehicle of over one (1) ton in weight or greater than six (6) feet in height or longer than twenty-five (25) feet in length upon or partially upon any city street or other public property for any period in excess of six (6) hours. (Ord. No. 0-79-12, Sec. I)

8.12.06 Penalty. Any person, firm or corporation violating the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined no less than Five Dollars ($5.00) nor more than One Hundred Dollars ($100. 00). (Ord. No. 0- 86-12, Sec. 2)

8.12.07 Stopping or parking on city street restricted.

A. Every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be stopped or parked with the right-hand wheels of the vehicle parallel to an within eighteen inches (18") of the right hand curb.

B. No person shall stop or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk
2. In front of a public or private driveway
3. Within an intersection
4. On a crosswalk
5. Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway
6. Alongside or opposite any street excavation or obstruction when stopping or parking would obstruct traffic

7. On a roadway side of any vehicle stopped or parked at the edge or a curb or street;
8. At any place where official signs prohibit stopping
9. In front of any ramp or sloped section of concrete designed to join the sidewalk to the road.

C. Any person, firm or corporation violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined no less than five dollars ($5.00) nor more than One Hundred Dollars ($100.00). (Ord. No. O-96-39, Secs. 1-3)

8.12.08 Parking in a fire lane

A. No person shall stop and remain for an unreasonable period of time or park a vehicle upon or adjacent to any curb or zone of a parking area, whether public or private, and whether the vehicle is attended or unattended, where said curb or zone is marked by red paint and designated "Fire" of "Fire Lane" or "emergency vehicles only" or any other designation which communicates to a reasonable person that parking thereon is prohibited.

B. Any business, firm or other person who does business with the public or owns or operates a business which provides parking to the public may provide a designated fire lane with appropriate signage and red curb markings. Such private businesses, by providing said designated fire lane, authorizes the arrest, by warrant or citation, of any person in violation of this ordinance.

C. That violation of the provisions of this ordinance constitutes an unclassified misdemeanor and upon conviction a violator may be fined not less than $50.00 and not more than $250.00 (Ord. No. O-03-137)

8.12.09 Parking Zones The street department is hereby authorized to determine the location of certain parking zones and to maintain appropriate curb painting or lettering reasonably indicating the same, provided that the installation of such zones shall be subject to the following conditions:

A. Two hour parking zones

a. All so-called "two hour" zones heretofore designated and marked are designated as two hour parking zones.

b. No person shall park any vehicle in any two hour parking zone located in the city for longer than two (2) hours at any time between the hours of 8:00 a.m. and 6:00 p.m. If the hours are not designated, then not longer than two (2) hours at any time except on Sundays and holidays. All such two hour parking zones shall be designated by appropriate curb painting or lettering which reasonably conveys the location of such zones.
(Ord. No. O-07-159, Sec. 1)

B. Thirty minute parking zones

a. All so-called "thirty minute" zones heretofore designated and marked are designated as thirty minute parking zones.

b. No person shall park any vehicle in any thirty minute parking zone located in the city for longer than thirty (30) minutes at any time between the hours of 8:00 a.m. and 6:00 p.m. If the hours are not designated, then not longer than two (2) hours at any time except on Sundays and holidays. All such thirty minute parking zones shall be designated by appropriate curb painting or lettering which reasonably conveys the location of such zones.
(Ord. No. O-07-159, Sec. 1)

8.12.10 Penalty Any person not in compliance with this section shall be guilty of a violation. The penalty for violations in parking zones shall be $5.00 if paid on or before the court appearance date on the citation. A curb citation shall be provided in the issuance of a violation citation for the convenience of motorists. If the citation is not paid on or before the court appearance date or is contested in District Court, a violator is subject to court costs of $25.00 pursuant to Arkansas Code Annotated 16-10-305 (a)(4). (Ord. No. O-07-159, Sec. 2)

8.12.11 Citations All citations written under this ordinance shall also clearly state a time by at which a motorist may pay the fine. Motorists may contest the citation by appearing in Conway District Court. (Ord. No. 01-03, Sec. 3.)

8.12.12 Requirements along public right-of-way The paragraph with the heading Requirements along Public Right-of-way of Ord. No. 91-54 as adopted on December 10, 1991, is hereby amended to add the following sentence that shall read as follows: The fee for any application for an exception or variance shall be One Hundred Dollars ($100.00), no part of which shall be refundable. (Ord. No. O-02-84, Sec. 1.)

8.12.13 Front Street (2 Hour Parking and 30 Minute Parking)

A. The angled parking on the west side of Front Street between Main St. and Oak Street. is changed from long-term parking to two (2) hour parking except for the spaces designated for handicap parking. (Ord. No. O-05-92)

B. The area shall be designated and marked as a two hour parking zones. (Ord. No. O-05-92)

C. Parallel parking spaces on the west side of Front St. shall remain long-term parking. (Ord. No. O-05-92)

D. The two (2) northernmost and the two (2) southernmost two (2) hour parking spots on the east side of Front Street between Oak Street and Main Street excluding any handicapped parking spaces be changed from two (2) hour parking to thirty (30) minute parking spots. (Ord. No. O-06-12; Sec 1)

E. The four spots shall be designated and marked as thirty (30) minute parking spots. (Ord. No. O-06-12; Sec 2)

Chapter 8.16
RAILROAD REGULATIONS

Sections:

8.16.01 Speed limit
8.16.02 Penalty
8.16.03 Obstructing street crossings

8.16.01 Speed limit. From and after passage of this ordinance it shall be unlawful for any train or locomotive while in the city limits of the City of Conway, Arkansas, to proceed at a rate of speed greater than forty-five (45) miles per hour. (Ord. No. A-570, Sec. 1)

8.16.02 Penalty. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum of not less than Twenty-five ($25.00) Dollars nor more than One Hundred ($100.00) Dollars for each offense. (Ord. No. A-570, Sec. 3)

8.16.03 Obstructing street crossings. It shall be unlawful for any railroad company or any person running any train or locomotive in the City of Conway, Arkansas, to obstruct the crossing of any street or sidewalk longer than five (5) minutes at one time. Any person violating any provision of this ordinance shall upon conviction be fined in any sum of not less than one ($1.00) Dollar and not more than Twenty-five ($25.00) Dollars. (Ord. No. 146)

Chapter 8.20
Traffic Regulations

Sections:

8.20.01 Speed limits
8.20.02 Unlawful to board fire trucks
8.20.03 Unlawful to interfere with operations of fire department
8.20.04 Powers of fire chief
8.20.05 Penalty
8.20.06 Skateboards and skates restricted in business district

8.20.01 Speed limits.

A. Any person driving a vehicle on a street, alley or any other public grounds within the limits of the City of Conway, Arkansas shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the street, alley or other public grounds and of any other conditions then existing, and no person shall drive any vehicle upon a street, alley or any other public grounds at such speed as to endanger the life, limb or property of any person.

B. Subject to the provisions of subdivision (a) of this section and where no special hazard exists, the following speeds shall be lawful but any speed in excess of such limits shall be unlawful:

1. Twenty (20) miles per hour in any business district;
2. Thirty (30) miles per hour in any residential district;
3. Fifteen (15) miles per hour while driving upon any school or college campus or grounds, or upon any pavement or roadway thereon, or when passing a school when school is in session or children or others are going to or leaving any school or school premises;
4. Fifteen (I 5) miles per hour when passing a church when such church is in session or when persons are going to or leaving any church or church premises.

C. Any person violating any of the provisions of this Section 8.20.01 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than One ($1.00) Dollar nor more than Twenty-five ($25.00) Dollars.

8.20.02 Unlawful to board fire trucks. It shall be unlawful for any person other than members of the city fire department or volunteer fire department to board or climb upon or to attempt to board or climb upon any fire truck or other vehicle or apparatus being operated by the members of the fire department.

8.20.03 Unlawful to interfere with operations of fire department. It shall be unlawful for any person in any manner to interfere or attempt to interfere with the operation of the city fire department or with any of the members thereof while going to a fire or while performing their duties of said department at the site of a fire.

8.20.04 Powers of fire chief. The chief and all assistant chiefs of the city's fire department are hereby empowered and directed to enforce the provisions of Sections 8.20.02 and 8.20.03, and to arrest any person violating any of the provisions of said sections. Any person failing or neglecting to obey the directions of the fire chief or any assistant fire chiefs at the scene of any fire shall be guilty of a misdemeanor.

8.20.05 Penalty. Any person violating the provisions of Sections 8.20.02, 8.20.03 and 8.20.04 shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than One ($1.00) Dollar nor more than One Hundred ($100.00) Dollars.

8.20.06 Skates and skateboards restricted in business district.

A. Definitions

1. *Skateboard* a short, narrow board having roller-skate wheels mounted under it.

2. *Skate* a shoe or boot with wheels fixed to its sole, enabling the wearer to glide over hard surfaces.

3. *Sidewalk* that area adjacent to a roadway or highway commonly used by pedestrians whether composed of concrete, asphalt or other covering substance.
4. *Street* the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.
5. *Business District* that area of the City of Conway designated as C- 1, Central Business, in the Conway Land Development Code Zoning District Boundary Map as presently delineated or hereafter amended.

B. Business district restriction. No skate or skateboard shall be used upon any sidewalk or street within the business district of the City of Conway, Arkansas.

C. Responsibility of parent or guardian. Where a person under the age of fourteen
(14) years is in violation, full responsibility for noncompliance with city ordinances shall devolve upon the parent or guardian.

D. Penalty. Any individual fourteen (14) years of age or older or guardian or parent of any child who knowingly permits a child to violate any of the provisions of this chapter shall, upon conviction thereof, be fined not less than five dollars ($5.00) nor more than fifty dollars ($50.00) for each offense; and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues. (Ord. No. O-96-40, Secs. 1-4)

Chapter 8.24
RIGHT TURN ON RED LIGHT

Sections:

8.24.01 Allowed
8.24.02 Right-of-way

8.24.01 Allowed. Vehicles approaching an intersection controlled by a stop light can, after first coming to a complete stop, and after ascertaining that the way is clear, make a right hand turn when the traffic light is red. Failure to first come to a complete stop, and failure to yield right-of-way to all traffic proceeding through said intersection, and in whose favor the traffic light is green, will subject the violator the same penalties as presently provided for by the ordinance of the City of Conway, and the Laws of the State of Arkansas. (Ord. No. 0-75-17. Sec. 1)

8.24.02 Right-of-way. This ordinance is not to be interpreted to in any way make the right-

of-way of a person turning right on a red light after stopping and ascertaining that the way is clear, superior to that of a vehicle proceeding through the intersection with a green light, but, hereby specifically restricts and makes the right-of-way of said vehicle making a right hand turn on the red light, inferior to that of vehicles proceeding through the intersection with the green light. (Ord. No. 0-75-17, Sec. 2)

Chapter 8.28
AVOIDING INTERSECTIONS

Sections:

8.28.01 Unlawful
8.28.02 Penalty

8.28.01 Unlawful. It shall be unlawful for any person driving or operating any motor vehicle in the city to avoid or attempt to avoid an intersection or any traffic control device by cutting across driveways or parking lots in an effort to avoid such intersections or traffic control device. (Ord. No. 0-76-34, Sec. 1)

8.28.02 Penalty. Any person found guilty of violating this chapter shall be deemed guilty of avoiding an intersection and shall be fined in an amount not less than Twenty-one ($21.00) Dollars nor more than Fifty ($50.00) Dollars. (Ord. No. 0-76-34, Sec. 2)

Chapter 8.32
NEGLIGENT, CARELESS, OR UNSAFE DRIVING

Sections:

8.32.01 Unlawful
8.32.02 Penalty

8.32.01 Unlawful. It shall be unlawful for any person to drive any motor vehicle within the city in a negligent, careless or unsafe manner. (Ord. No. O-76-35, Sec. 1)

8.32.02 Penalty. Any person violating this chapter, upon conviction, shall be fined in an amount not less than Twenty-one ($21.00) Dollars nor more than Thirty-five ($35.00) Dollars and shall be found and deemed guilty of the offense of unsafe driving.
(Ord. No. O-76-33, Sec. 2)

Chapter 8.36
ROAD BLOCKS FOR CHARITIES

Sections:

8.36.01 Illegal to solicit funds in or along streets, penalty.

8.36.01 Illegal to solicit funds in or along streets, penalty. That from and after the passage of this ordinance, it shall be unlawful for any organization, group or individuals to solicit funds for any purpose whatsoever in or along side the intersection of any street in Conway, Arkansas or along side or in any streets in Conway, Arkansas.

A. Any persons violating this ordinance shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined an amount not to exceed $50.00 nor less than $25.00.

B. Any individual, group or organization who shall, after arrest for violation of this ordinance return to any such intersection or street to solicit funds shall be deemed guilty of a second violation of this ordinance and each such occurrence thereafter shall constitute a separate offense. (Ord. No. O-77-3)

Chapter 8.40
TRAFFIC CONTROL DEVICES

Sections:

8.40.01 Procedure for installation and/or removal

8.40.01 Procedure for installation and/or removal. That from and after the passage and publication of this ordinance the following procedure must be followed for the installation and/or removal of all traffic control devices in the City of Conway, Arkansas:

A. That any individual or city agency desiring or requesting the installation and/or removal of a traffic control device in the city limits of Conway, Arkansas must present a proposal to the City Police Committee and the City Council setting forth what type of devices that are to be installed or removed and the reason therefore.

B. That the Police Committee is to meet together, and make a recommendation to the full Council as soon as is possible after the proposal is presented to them. Recommendation of said committee is to be either that the proposal be granted or that the proposal be denied, or no recommendation.

C. That if the Council as a whole accepts the proposal, by a majority of its members on a roll call vote, the appropriate agency is to be notified of the action of the Council with directions to either install or remove the requested traffic control devices. If the Council rejects the proposal, the proposing party is to be notified by mail of the decision of the Council. (Ord. No. 0-77-4)

Chapter 8.44
UNAUTHORIZED PERSONS ON AIRPORT RUNWAYS AND TAXIWAYS

Sections:

8.44.01 Violations
8.44.02 Penalty

8.44.01 Violations. It shall be unlawful for any person to operate a motor vehicle, drive a motorcycle, bicycle or vehicle of any kind or walk on foot on the runways and taxiways of the Conway Municipal Airport, other than airport personnel and pilots who are utilizing the runways and taxiways as they are intended to be used in the operation and maintenance of the airport facility. (Ord. No. 0-80-18, Sec.

8.44.02 Penalty. Any person found guilty of violating this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than One Hundred ($100.00) Dollars, nor more than One Hundred Fifty ($150.00) Dollars. (Ord. No. 0-80-18, Sec. 2)

Chapter 8.48
AIRCRAFT OPERATION

Sections:

8.48.01 Definitions
8.48.02 Illegal landings
8.48.03 Illegal operation
8.48.04 Unnecessary noise
8.48.05 Penalties

8.48.01 Definitions. The term "aircraft" as used in this ordinance means any aero plane, airplane, gas bag, flying machine, balloon, any contrivance now known or hereafter invented, used or designed for navigation of flight in the air. (Ord. No. O-85-43, Sec. 1)

8.48.02 Illegal landings. Except in the case of emergency, no person shall land any aircraft within the corporate limits of the City of Conway, except upon a regularly established airport, field or landing place. (Ord. No. O-85-43, Sec. 2)

8.48.03 Illegal operation. Except in case of emergency, no person shall operate any aircraft within the corporate limits of the City of Conway, upon any street, roadway or any other place whatsoever not regularly established as an airport field or landing place. (Ord. No. O-85-43, Sec. 3)

8.48.04 Unnecessary noise. Unnecessary noise by operators of aircraft within or over the corporate limits of the City of Conway is hereby prohibited. (Ord. No. 0-85-43, Sec. 4)

8.48.05 Penalties. Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Three Hundred Dollars ($300.00) or be imprisoned for a term not exceeding ten (10) days or by both so fined and imprisoned. (Ord. No. 0-85-43, Sec 5)

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Chapter 8.52
AIRPORT ADVISORY COMMITTEE

Sections:

8.52.01 Repealed by Ord. No. O-03-79
8.52.02 Repealed by Ord. No. O-03-79
8.52.03 Repealed by Ord. No. O-03-79
8.52.04 Repealed by Ord. No. O-03-79
8.52.05 Repealed by Ord. No. O-03-79
8.52.06 Repealed by Ord. No. O-03-79
8.52.07 Repealed by Ord. No. O-03-79
8.52.08 Repealed by Ord. No. O-03-79

Chapter 8.56
BICYCLE AND PEDESTRIAN PATHWAYS

Sections:

8.56.01 Definitions
8.56.02 Operation
8.56.03 Exceptions
8.56.04 Fine

8.56.01 Definitions

Vehicle means every device in, upon or by which any person or property is, or may be, transported or drawn upon a street or highway.

Motor Vehicle means every vehicle which is self-propelled, including, but not limited to, "all terrain vehicles" (ATVs), "four wheelers", gold carts, cars and trucks, whether propelled by electricity, solar, gas or diesel engines or motors.

Motorcycle means every motor vehicle having a saddle for the use of the rider and designated to travel on not more than three (3) wheels in contact with the ground. (Ord. No. 98-95, Sec. 1.)

8.56.02 Operation It shall be unlawful for any person to operate any vehicle, motor vehicle or motorcycle upon property designated as a City Bicycle Pathway and/or Pedestrian

Pathway. (Ord. No. 98-95, Sec. 2.)

8.56.03 Exceptions

A. Person(s) utilizing a wheelchair due to a physical handicap, whether motorized or not.
B. Any emergency vehicle and personnel while acting within the scope of their duties.
C. Any vehicle owned, leased or maintained by the city of Conway, and duly authorized personnel, while acting within the scope of their duties.
D. Any vehicle owner, leased or maintained by any utility corporation, and duly authorized personnel, while acting within the scope of their duties.
(Ord. No. O-98-95, Sec. 3.)

8.56.04 Fine Any person, firm and/or corporation violating any of the provisions of this ordinance shall, upon conviction, be fined not less than Twenty-Five Dollars ($25.00) nor more than One Hundred Dollars ($100.00) for each offense. (Ord. No. O-98-95, Sec. 4.)

Chapter 8.60
TRAFFIC LIGHT SYSTEM

Sections:
8.60.01 Definitions

8.60.01 Definitions The City does hereby release Conway corporation from operation of the traffic light system as approved in Ordinance O-98-64 and the City will be responsible for all construction, operation and maintenance of the City's traffic light system effective January 1, 2006. (Ord. No. O-05-161)

Chapter 8.64
BLOCKING NATURAL DRAINAGEWAYS

Sections:
8.64.01 Deviation of water flow
8.64.02 Approval of drainage system
8.64.03 Enforcement
8.64.04 Violation

8.64.01 Deviation of water flow No construction of buildings or other structures, placement of fill, erosion of materials or any other means of stopping, constricting or rerouting the natural flow of water to, through or from any parcel of property shall take place in the city of Conway without the approval by the City Engineer of an alternate drainage

system and the construction of that drainage system. (Ord. No. O-00-54, Sec. 1.)

8.64.02 Approval of drainage system Approval of the alternate drainage system noted above shall be dependent upon the submission of adequate drawings to clearly explain the drainage system to the satisfaction of the City Engineer and shall be dependent upon the City Engineer's determination that the proposed drainage system is capable of handling the anticipated ten (10) year flow of water. For the purposes of this ordinance, the ten (10) year flow of water is defined as that flow, due to rain, that would be expected to have a ten (10) percent chance of happening on the subject parcel in any given year. (Ord. No. O-00-54, Sec. 2.)

8.64.03 Enforcement The Code Enforcement Officer, the Chief Building Inspector and the City Engineer shall have the authority to enforce this ordinance. The Chief Building Inspector and his authorized representative(s) shall have the authority to refuse final inspection approval on any building on any parcel of land that is in violation of this ordinance. (Ord. No. O-00-54, Sec. 3.)

8.64.04 Violation Any violation of this ordinance shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be fined not less than Fifty Dollars ($50.00), nor more than Two Hundred Dollars ($200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. (Ord. No. O-00-54, Sec. 4.)

Chapter 8.68
RENAMING STREETS

Sections:

8.68.01 Gum Street
8.68.02 Ridgefield Lane
8.68.03 Sumer Park
8.68.04 Wellesey Drive

8.68.01 Gum Street The portion of the street named Gum Street in Brown Subdivision in Conway, Arkansas, lying between Interstate Highway 40 and Siebenmorgen Road shall be renamed North Gum Street. (Ord. No. O-00-107, Sec. 1.)

8.68.02 Ridgefield Lane The street named Sycamore Lane in Ridgefield Estates in Conway, Arkansas shall be changed to Ridgefield Lane. (Ord. No. O-00-24, Sec. 1.)

8.68.03 Sumer Park The street named Sumer Park in Westin Park subdivision in Conway, Arkansas, shall be changed to Chaucer Lane. (Ord. No. O-99-80, Sec. 1.)

8.68.04 Wellesey Drive The street named Wellesey Drive in Wellington subdivision in Conway, Arkansas, shall be changed to Wellesley Drive. (Ord. No. O-99-14, Sec. 1.)

Chapter 8.72
ADMENDMENTS

Sections:

8.72.01 Amendments

8.72.01 Amendments

Article IV, General Design Principles; Section 5. Subdivision Design Standards
If the Planning Commission determines that a residential street is being designed in such a way as to encourage high-speed and/or cut-through traffic, it may require changes in the design and/or platting of that street or the use of traffic calming techniques so as to slow traffic and discourage the cut-through traffic. At the initiation of the applicant, any such required change may be appealed to the City Council. (Ord. No. O-00-17, Sec. 1.)

Table 1, Street Classification and Design Standards, Footnote 1.
Except for existing streets in the C-1 Central Business District, all streets within industrial, commercial and office zones must meet requirements for collector streets and above. Streets within commercial and office zones shall not utilize the reduced standards in footnote 3.
(Ord. No. O-00-124, Sec. 1.)

Access Management Plan
The city of Conway approves and adopts the access management plan for Segment 1 of Dave Ward Drive, and for Segment 2 of Dave Ward Drive and further approves and adopts the access management agreement for Dave Ward Drive which, pursuant to 8-9960, the Mayor has entered into on behalf of the city with the Arkansas Highway and Transportation Department and Metroplan. (Ord. No. O-00-38, Sec. 1.)

Chapter 8.76
FRANCHISE FOR RIGHTS-OF-WAY

Sections:

8.76.01 Granting franchise to private entity
8.76.02 Procedures
8.76.03 Building permit
8.76.04 Maintenance responsibility
8.76.05 Removing permitted items
8.76.06 Franchise granted to American Management Corporation
8.76.07 Lowest elevation
8.76.08 Compliance with city codes
8.76.09 Maintenance responsibility
8.76.10 Removing permitted items

8.76.01 Granting franchise to private entity Upon the finding of an extreme emergency, an existing need and/or a public interest, the City Council may grant a franchise to a private entity for the use of public right-of-way if the procedures established by this ordinance are followed. (Ord. No. O-99-101)

8.76.02 Procedures The following procedures shall be followed in the issuance of a franchise for the use of the public right-of-way:

A. An appropriate number of copies (as established by the Mayor) of completed application forms, drawings showing the location, size and nature of the proposed encroachment into the public right-of-way and any other submitted documents are
to be submitted to the appropriate department (as established by the Mayor) no less than seven (7) days prior to the City Council meeting in which the franchise is to be considered.

B. An application fee of $75.00 shall be paid at the time of the application.

C. City departments (as established by the Mayor) shall be furnished copies of the submitted application in a timely fashion to allow review and response to the proposed granting of the franchise.

D. In order to issue the franchise, an ordinance granting the franchise must be passed.

E. Conditions may be attached to the franchise. No franchise shall be effective until all conditions have been met and a signed copy of a letter acknowledging those conditions returned to the appropriate department (as established by the Mayor).

F. At the City Council's discretion, additional fees may be established for a franchise. These fees may be a one time charge or a recurrent charge. (Ord. No. O-99-101, Sec. 2.)

8.76.03 Building permit Where a franchise involves building construction, a building permit must be obtained prior to construction. The franchise shall establish the allowed location of the building, since normal setbacks from lot lines can not be taken into consideration. (Ord. No. O-99-101, Sec. 3.)

8.76.04 Maintenance responsibility The city of Conway assumes no maintenance responsibility for the permitted item. The city shall not be responsible for damage to the item by the city or by utility (public or franchised private) crews while performing normal maintenance work in the public right-of-way or easements. The city assumes no liability for personal injury or property damage as a result of the placement of permitted items and the applicant shall indemnify and hold the city harmless from actions, claims, costs, damages and expenses to which the city may be subjected arising out of the placement of permitted items in the public right-of-way. (Ord. No. O-99-101, Sec. 4.)

8.76.05 Removing permitted items Upon notice from the appropriate city department (as established by the Mayor), the franchisee shall remove the permitted items from the public

right-of-way or easements at their own expense for any public improvement project or if the situation becomes a public nuisance. (Ord. No. O-99-101, Sec. 5.)

8.76.06 Franchise granted to American Management Corporation A franchise is hereby granted from the city of Conway, Arkansas, to American Management Corporation and to its successors and assigns for fifty (50) years, for air rights above the North/South Alley in the North One-Half of Block 12, Robinson's Plan to the city of Conway, which is also that block bounded by Oak Street, Chestnut Street, Main Street and Front Street, for the purpose of constructing a second floor, elevated, enclosed walkway connecting buildings on either side of that alley. (Ord. No. O-99-102, Sec. 1.)

8.76.07 Lowest elevation The lowest elevation of such air rights shall start no less than fourteen (14) feet from the finish elevation of such alley. That such air rights shall be twenty-two (22) feet in a north-south dimension, shall be twenty (20) feet in an east-west dimension and shall be twenty (20) feet in a vertical dimension. (Ord. No. O-99-102, Sec. 2.)

8.76.08 Compliance with city codes The structure permitted by this franchise shall be constructed, erected, maintained, repaired and operated in strict compliance with all city codes, ordinances and regulations for the life of the franchise. (Ord. No. O-99-102, Sec. 3.)

8.76.09 Maintenance responsibility The city of Conway (hereinafter referred to as the city) assumes no maintenance responsibility for the permitted walkway. The city shall not be responsible for damage to the walkway by the city or by utility (public or franchised private) crews while performing normal maintenance work in the public right-of-way or easements. The city assumes no liability for personal injury or property damage as a result of the placement of permitted walkway and the applicant shall indemnify and hold the city harmless from actions, claims, costs, damages and expenses to which the city may be subjected arising out of the placement of permitted walkway in the public right-of-way. (Ord. No. O-99-102, Sec. 4.)

8.76.10 Removing permitted items Upon notice from the appropriate city department (as established by the Mayor), the franchisee shall remove the permitted items from the public right-of-way or easements at their own expense for any public improvement project or if the situation becomes a public nuisance. (Ord. No. O-99-102, Sec. 5.)

Chapter 8.80
ROUNDABOUTS

Sections:

8.80.01 Definition
8.80.02 Executing turns
8.80.03 Exceptions
8.80.04 Penalty

8.80.01 Definitions For purposes of this ordinance a roundabout is a roadway intersection with one-way, counterclockwise circulation around a central island. Entering traffic yields the right-of-way to the circulating traffic. (Ord. No. O-01-43, Sec. 1.)

8.80.02 Executing turns Vehicles shall enter the roundabout only after stopping and yielding to the cars on the left. Vehicles which enter the roundabout shall move to the right and counterclockwise and shall only exit to the right. Vehicles on the interior of the roundabout have the right-of-way. A vehicle passing around a rotary traffic island shall be driven only to the right of the circle. (Ord. No. O-01-43, Sec. 2.)

8.80.03 Exceptions This ordinance shall not apply to emergency vehicles or oversize vehicles. for purposes of this ordinance, an oversize vehicle is a vehicle which cannot safely execute a proper turn in the roundabout. Oversize vehicles shall only enter a roundabout and execute its turn when the roundabout is clear of other traffic and a clockwise left turn can be safely executed. (Ord. No. O-01-43, Sec. 3.)

8.80.04 Penalty Any person who shall violate a provision of this ordinance shall be guilty of an unclassified misdemeanor. Upon conviction of any such violation, such person shall be punished by a fine, not to exceed One Hundred Dollars ($100.00), in addition to any court costs required by law. (Ord. No. O-01-43, Sec. 4.)

Chapter 8.81
Golf Carts on City Streets

Sections:

8.81.01 Operation upon city streets
8.81.02 Operation without licensing authorized
8.81.03 Operation limited
8.81.04 Operation in accordance with law
8.81.05 Penalties

8.81.01 Operation upon city streets Pursuant to A.C.A. § 14-54-1410, golf carts may be operated by the owner upon the city streets as set forth in this section. (Ord. No. O-10-97, Sec. 1)

8.81.02 Operation without licensing authorized Pursuant to A.C.A. § 14-54-1410, any owner of a golf cart may operate his golf cart upon the city streets without such cart's being registered or licensed under the applicable section of motor vehicle registration and licensing statutes and ordinances of the city. (Ord. No. O-10-97, Sec. 2)

8.81.03 Operation limited

1. Pursuant to A.C.A. § 14-54-1410, operation of golf carts is not authorized on any city street which is also designated as a federal or state highway or as a county road.

2. Pursuant to A.C.A. § 14-54-1410, operation of a golf cart is authorized by the owner of such cart on city streets only from the owner's place of residence to the golf course and to return from the golf course to the owner's residence.
3. The owner must be at least 16 years of age and have in his or her possession a valid operator's license.
4. Golf carts shall be operated on city streets during daylight hours only.
(Ord. No. O-10-97, Sec. 3)

8.81.04 Operation in accordance with law The owner must conform to all ordinances, statutes and laws dealing with motorized vehicles except as permitted by this section. (Ord. No. O-10-97, Sec. 4)

8.81.05 Penalties Any person violating any of the provisions of this Ordinance shall, upon conviction, be punished by a fine of Twenty-five Dollars ($25.00).

The penalty for subsequent offenses shall be:

1. Fifty Dollars ($50.00) for a second offense that occurs within twelve (12) months of the prior offense.
2. One Hundred Dollars ($100.00) for the third offense that occurs within twelve (12) months of any prior offenses.
3. Two Hundred Dollars ($200.00) for the fourth and all subsequent offenses that occur within twelve (12) months of any prior offenses.
(Ord. No. O-10-97, Sec. 5)

TITLE 9
STREETS AND SIDEWALKS

Sections:

9.04 Minimum Standards for Construction
9.08 Excavations and Alterations
9.12 Street Markers
9.16 Repairs
9.20 Sidewalks
9.24 Salt Water
9.28 Blind Persons
9.32 Drains, Drainage Ways and Storm Sewers
9.36 One-Way Street
9.40 Riding of Bicycles
9.44 Sediment into Streets – **Repealed by Ord. No. O-09-55**

Chapter 9.04
MINIMUM STANDARDS FOR CONSTRUCTION

Sections:

9.04.01 Policy
9.04.02 Engineering and supervision
9.04.03 City acceptance of work
9.04.04 Subgrades
9.04.05 Table of thickness
9.04.06 Materials and methods for constructing rigid pavements
9.04.07 Materials and methods for constructing flexible base
9.04.08 Surfaces
9.04.09 Curbs and gutters
9.04.10 Tests and specifications
9.04.11 Bonds and insurance
9.04.12 Penalty

9.04.01 Policy. It is hereby declared to be the policy of the city of Conway, Arkansas, to require the employment of sound engineering procedures and the use of proper materials in the construction of streets and appurtenant structures and improvements within the area of jurisdiction of said city and the planning jurisdiction of the Planning Commission of said city. In keeping with and in furtherance of said policy, the following minimum specifications and designs are hereby declared to be the minimum standards which shall be employed in the construction of streets within the aforesaid jurisdiction or jurisdictions which have not been heretofore accepted by said city for maintenance and upkeep. Materials approved by the Arkansas Highway and Transportation Department (AHTD) are hereby approved for use provided those materials are used for the same purposes and installed per AHTD requirements. (Ord. No. 0-90-07, Sec. 1)

9.04.02 Engineering and supervision. All grading, curb and gutter and pavement work shall be designed, laid out and supervised by a registered professional engineer. Said engineer shall submit to the city and/or planning commission complete sets and plans and specifications of the proposed project for approval before work of any kind commences. In the absence of either a city engineer or planning commission to pass on the validity of said plans and specifications, the engineer shall submit to the city a certificate stating that all designs have met the minimum standards and specifications, before proceeding with the work. (Ord. No. A-363, Sec. 2)

9.04.03 City acceptance of work. Hereafter, no street not now accepted by the city for maintenance and upkeep shall be so accepted by the city until it has been curbed and guttered on both sides of the street from intersection to intersection, or for a minimum distance of three hundred (300) lineal feet centerline, and such street paved, all to be done in accordance with the standards set out hereafter. (Ord. No. A-363, Sec. 3)

9.04.04 Subgrades. The subgrade for new pavement shall be free from all organic matter, roots, brush and vegetable matter, and shall be rolled and compacted to a density of not less than ninety-five (95%) percent. Such density shall be determined by compaction tests taken by a reputable testing laboratory at intervals of not more than three hundred (300) linear feet centerline and at such other locations as may be designated by the city. All such tests shall be done and performed at the sole expense of the contractor and/or developer and the results of all tests shall be certified by the laboratory to the city. In the event any portion of the subgrade shall fail to meet the aforesaid minimum standards the contractor shall immediately proceed to perform such work as shall be required to bring that portion of the subgrade up to the minimum standards herein set out, including the making of any additional compaction tests which the city may deem necessary. If determined by the city to be advisable, all further construction may be stopped until the defective area or areas have been satisfactorily corrected. (Ord. No. A-514, Sec. 1)

9.04.05 Table of thickness. The following table has been incorporated in these specifications as a basis of standardizing the paving requirement in and around the City of Conway, Arkansas:

		Gravel or Stone		Soil-Cement		Portland
	Type of	Dbl. 2" Hot		Dbl. 1" Hot		Cement
Wheel Loads	Street	Seal	Asphalt	Seal	Asphalt	Concrete
		Base Thickness				
4,000 # or less	Residential	8"	7"	6"	5"	6"
6,000 # or less	Residential	9"	8'	6"	6"	6"
8,000 # or less	Feeder Commercial Route	11"	10"	7"	6"	7"
10,000 # or less	Highway	13"	12"	8"	8"	7"
Over 10,000 #	Special design should be made					

Note: The thicknesses are based on a subgrade that would be classified as a medium compressible clay with some sand and silt, which is a poor subgrade.

Thicknesses of both flexible and rigid type pavements may be determined from soils tests and bearing tests run by a reputable testing laboratory. The soils tests shall include soils analysis with identifying soils groups and subgrade Modulus "K" for Rigid Type Pavements and soils analysis with identifying soils groups and CBR factors for Flexible Type Pavements.

When the above tests are not run by a reputable testing laboratory, the above thicknesses shall be used without deviation whatsoever.

In no case shall there be less than eight and one-half (83-2) inches in thickness of pavement, including the surface for a flexible type pavement; six and one-half (63-2) inches of soil-cement including the surface; or five (5) inches of Portland cement concrete. (Ord. No. A-363, Sec. 5 as amended by (Ord. No. 0-77-25, Sec. 1)

All streets are to contain 53-2 sack mix per yard. (Ord. No. 0-77-25, Sec. 1)

There shall be no traffic allowed to pass through or upon the said streets within 14 days after said street has been poured (Ord. No. 0-77-25, Sec. 2)

9.04.06 Materials and methods for constructing rigid pavements.

A. Sand and gravel or stone aggregates are used with Portland cement to make Portland cement concrete and;

B. Portland cement is used to stabilize the in-place or selected soils to make soil-cement.

Portland cement concrete shall be a 28-day compressive strength of not less than three thousand (3,000) pounds per square inch, a slump of not more than three (3) inches and contain a minimum of five and five/tenths (5.5) sacks of cement per cubic yard of concrete. Concrete compression test cylinders shall be made at intervals of not more than three hundred (300) linear feet and at such other reasonable times and locations as may be specified by the city. All such test cylinders shall be delivered to and tested by a reputable testing laboratory and the results thereof shall be certified by the testing laboratory to the city. The expense of making and testing all such cylinders and certifying the results thereof shall be paid by the contractor and/or the developer.

Jointing, reinforcing, forming, placing, finishing and curing shall be in accordance with the recommendations of the engineer and/or the Portland Cement Association.

Soil-cement materials shall be tested and soil-cement shall be constructed in accordance with the recommendations of the Portland Cement Association and/or the consulting engineer. (Ord. No. A-514, Sec. 2)

9.04.07 Materials and methods for constructing flexible base. The term flexible base shall be used to describe bases that are constructed of clay gravel, crushed stone, sandy clay gravel, and other granular bases and sealed with asphaltic cement. The gradation of the base materials other than stone shall conform to Class GB-2 of the State of Arkansas Specifications and shall meet all other requirements as set forth for those Materials and Construction Methods set out in Section 202.

The gradation of the base materials for crushed stone shall conform to Class SB-2 of the State of Arkansas Specifications for Crushed Stone Bases, and shall meet all other requirements as set forth in Section 203 for those Materials and Construction Methods. (Ord. No. A-363, Sec. 7)

9.04.08 Surfaces. The surfaces included in these specifications shall be applied to the flexible and soil-cement base courses.

A. Double Seal Coat. This surface shall consist of two (2) applications of bituminous materials and mineral aggregates. The first application shall be at the rate of 0.30 to 0.50 gallons of medium or rapid curing asphalt per square yard applied evenly with a pressure distributor, followed by an even application thirty (30) to fifty (50) pounds of mineral aggregate per square yard, rolled and broomed. Mineral aggregates shall conform to the State of Arkansas Specifications, Section 506 for Bituminous Surface Courses, Class No. 8. The second application will be at the rate of 0.30 to 0.50 gallons asphalt per square yard with following application of thirty (30) to fifty (50) pounds of mineral aggregate per square yard, rolled and broomed. The second application mineral aggregates shall meet Class No. 9 of the Arkansas Highway Specifications for Bituminous Surface Courses, Section 506. The roller shall have a weight of not less than two hundred (200) pounds per inch of tread.

B. Hot Asphaltic Concrete. The hot asphaltic concrete shall meet and conform to specifications as outlined in the State of Arkansas Specifications 605 Asphaltic Concrete Hot Mix Surface Course and Mineral Aggregates meeting Type 3 Specifications. Section 607 on Material and Equipment for Hot Mix Surface Courses shall also be strictly adhered to.

C. Resurfacing Existing Streets. There shall be no resurfacing of existing paved streets, except concrete or brick, until satisfactory evidence has been submitted by a registered professional engineer or reputable testing laboratory that the existing base materials meet the hereinbefore stated minimum thicknesses. Said engineer or testing laboratory will make thickness test of not less than nine (9) test holes uniformly staggered per three hundred (300) foot block to obtain a true picture of existing base. (Ord. No. A-363, Sec. 8)

9.04.09 Curbs and gutters. All curbs and gutters shall be of six (6) inch thick Portland cement concrete, 6 x 24 inch sections, rolled or vertical type curbs when used in connection with flexible type or soil-cement pavement. The integral or lip type of curb shall be used with Portland cement concrete pavement.

All curbs and gutters shall be of 3,000# compressive strength Portland cement concrete at twenty-eight (28) days. One (1) inch contraction joints shall be every eighteen (18) feet and expansion joints every seventy-two (72) feet. Should crushed stone aggregates be used, the spacing may be twenty (20) and eighty (80) feet respectively. Curing shall be done with white pigmented membrane or wet burlap for seven (7) days, and started immediately after the concrete has received its initial set.

All curbs and gutters shall be mulled and finished with a broom finish and backfilled as soon as possible after forms are removed to prevent undermining. (Ord. No. A-363, Sec. 9)

9.04.10 Tests and specifications.

A. Concrete pavement. The engineer shall make all necessary daily tests such as slump, air content, thickness and surface variations. All daily compression test cylinders shall be tested by a reputable testing laboratory and charged to the contractor.

B. Soil-Cement pavement. The engineer shall make daily density and field density, thickness and surface variation tests. Only current ASTM or State Highway methods shall be employed.

C. Flexible pavement. Tests of all materials in the base and wearing surface shall be made during and after the paving is completed in order to control and determine the quantity, quality and thickness of the various materials used. Testing shall be done by a reputable testing laboratory and at the sole expense of the contractor and/or developer. Only current ASTM or Arkansas State Highway methods shall be employed. At least one (1) test for every three hundred (300) linear feet of base shall be made for density and thickness of base course; and for each three hundred (300) tons of asphaltic surface material, but not less than one (1) test per day shall be made. (Ord. No. A-514, Sec. 3)

9.04.11 Bonds and insurance

A. Public liability and property damage insurance. The contractor shall furnish public liability insurance in an amount of not less than Fifty Thousand ($50,000.00) Dollars for injuries, including accidental death to any one person, and subject to the same limit for each person, and for an amount of not less than One Hundred Thousand ($100,000.00) Dollars for any one accident. Property damage insurance shall be in an amount of not less than Ten

Thousand ($10,000.00) Dollars to Twenty Thousand ($20,000.00) Dollars.

B. Performance bond. This bond shall be optional except with improvement districts. This bond shall be in accordance with the State of Arkansas Legislature Act No. 351 of 1953; must be made by a satisfactory surety company, organized in conformity with the laws and/or doing business in the State of Arkansas. The bond shall be in an amount of one hundred (100%) percent of the contract price as surety for the faithful performance of all work done under the contract, and for the payment of all persons performing labor and/or furnishing materials in connection with the work.

C. Maintenance bonds. The contractor shall furnish the city with a one (1) year Maintenance Bond in the amount of fifty (50%) percent of all pavement related items, which shall go into full force and effect from the date of the city's acceptance of the project in full. The city and/or the engineer shall make periodic inspection of the project and shall notify the contractor of any failures that require immediate replacement. Prior to the end of the one (1) year period covered by the maintenance bond, the city officials with the engineer shall make an inspection of the work and shall notify the contractor of all defects which must be corrected and accepted by the city before releasing the contractor from his bond and acceptance by the city for future maintenance. (Ord. No. O-81-18, Sec. 1)

9.04.12 Penalty. Should any project willfully be started by a person, firm, organization or engineer before receiving approval from the city, said person, firm, organization or engineer shall be subject to a fine of not less than Five Hundred ($500.00) Dollars nor more than One Thousand ($1,000.00) Dollars for each offense and said project stopped until officially approved. (Ord. No. A-363, Sec. 12)

Chapter 9.08
EXCAVATIONS AND ALTERATIONS

Sections:

9.08.01 Opening and repair
9.08.02 Permits

9.08.01 Opening and repair. Before any opening is made in the pavement of any street or in any unpaved street of the City of Conway, Arkansas for the purpose of laying, re-laying, removing, replacing, repairing or servicing any line, pipe, cable or other utility service facility which is, or is to become, the property of any privately owned utility company, the person, firm or corporation desiring to make such opening shall apply to the superintendent of the department of public works of the City of Conway for a permit. The superintendent shall make an estimate of repairing the pavement after the excavation shall have been made and shall issue such permit showing such estimate. Provided, however, any emergency excavation that is required between the hours of 5:00 P.M. and 8:00 A.M., or on any legal holiday, may be commenced without the obtaining of a permit providing an application for a

permit is made prior to 9:00 A.M. on the morning following the commencement of the excavation.

A. Any person, firm or corporation representing a privately owned utility company and desiring to make an excavation, in any street or street right-of-way in the City of Conway, Arkansas shall apply to the city engineer for a permit, and at the time the permit is issued, and before any excavation is made, shall pay to the city engineer a fee of Five ($5.00) Dollars.

B. Any person, firm or corporation representing a privately owned utility company making an excavation in any paved or unpaved street in the City of Conway, Arkansas shall within five (5) days after said excavation shall have been made, unless the time therefore has been extended by the city engineer or his representative, replace and relay the said street in accordance with the following:

Where streets or alleys are cut, regardless of type of street or alley, the excavation shall be repaired as follows:

1. Concrete pavement. The fill shall be tamped in six (6) inch layers so as to obtain maximum compaction. The fill shall be tamped to within seven (7) inches of the top of original pavement. The width of concrete replaced shall be at least twelve (12) inches wider than the trench width so as to allow at least six (6) inches overlap of slab over trench walls. The concrete replaced shall be reinforced with double layer 6"x 6" 10 gauge wire mesh or 3/8" round reinforcing rods spaced on ten (10) inch centers both ways. Concrete is to conform to proper grade and alignment.

2. Asphalt pavement. The fill shall be tamped in six (6) inch layers so as to obtain the maximum compaction. The fill shall be tamped to within seven (7) inches of the top of original pavement. Then five (5) inches reinforced concrete shall be placed on the fill. The concrete replaced shall conform to the same requirements as outlined in sub-section (1) concrete pavement above. After the concrete has been placed on the fill, then two (2) inches of hot mix or cold asphalt shall be placed on the concrete so as to conform to the proper grade and alignment.

3. Gravel and/or dirt streets. The fill shall be tamped in six (6) inch layers so as to obtain maximum compaction. The fill shall be tamped to within twelve (12) inches of the top of original road bed. The remaining twelve (12) inches must be compacted red clay gravel or crushed SB2 stone.

4. Alleys. Alleys shall be treated the same as streets with comparable surface, except when the alley is unopened and unused by the public, the provisions of this ordinance shall not apply.

5. Parking areas. Cuts made within the public right-of-way and outside of asphalt or concrete surface shall be back filled and tamped in six (6) inch layers to within seven (7) inches of surface and then filled with SB2, or in lieu of the foregoing, the complete excavation shall be filled with SB2 material and rolled.

C. If any person, firm or corporation representing a privately owned utility company makes an excavation during the day, they must, if at all possible, repair the excavation the same day. If, however, it is impossible to finish repairs the same day, they must leave said excavations properly lighted and barricaded. Said barricades and lights shall bear an identification mark identifying the person, firm or corporation excavating and repairing said street. Said identification mark of each person, firm or corporation shall be registered with the city engineer and said barricades and lights shall be approved by the city engineer. Said barricades and lights shall be maintained without interruption until the repair has been completed and approved by the city engineer.

D. The work of making all repairs as herein provided, shall be done under the supervision and direction and to the satisfaction of the city engineer, or his representative who shall prescribe by regulations the manner of such refilling and repairs.

E. The person, firm or corporation responsible for such street excavations shall be responsible for excess fill dirt, dust or any foreign matter caused by said excavation. The person, firm or corporation that has made an excavation shall control the above mentioned items by whatever means that are necessary in order to preserve the health, safety and peace of the citizens of Conway, Arkansas.

F. Any person, firm or corporation representing a privately owned utility company having secured a permit and having the same approved as provided for under said provisions shall, before commencing said work of excavating, file with the clerk/treasurer a bond to the City of Conway in double the amount of the estimate made by the city engineer or his representative of the cost of making such repair. The said bond shall be approved by the city attorney and shall be conditioned that the said street shall, within five (5) days after such excavation shall have been made, or within any extension of such time by the city engineer, as herein provided, be repaired in manner as outlined above, and said repair shall thereafter be maintained in good condition for a period of two (2) years after it is replaced as provided herein. Said bond shall be a corporate surety bond.

1. The bond provided for above may be made for a specified term and shall cover the replacing and maintenance of all streets in which excavations may be made during the term thereof by the person, firm

or corporation filing said bond, and, in that case, the said bond shall be in double the amount of the estimated cost of all repairs which may be made by such person, firm or corporation at any one time during the said term, and in such case said bond must be a corporate bond.

2. In lieu of filing a bond as herein provided, any person, firm or corporation to whom a permit is issued to make repairs, may deposit with the clerk/treasurer of the city an amount of money equal to the amount of the bond required. (Ord. No. A-460, Sec. 1)

9.08.02 Permits. Before any opening is made in the pavement of any street or in any unpaved street of the City of Conway by, for, or on behalf of any person, firm or corporation other than a privately owned utility, the person desiring to make the opening shall file with the Conway Corporation, as agent for the city, his, their, or its application for a permit to make such opening. Thereupon the Conway Corporation shall make such opening and shall refill the same and make all repairs necessitated by such opening. Upon completion of all such repairs the Conway Corporation shall render to said applicant a complete statement of all costs and charges incurred and/or expended for labor and materials in making such opening and in repairing the same, and such applicant shall pay the same forthwith. it is the intention of the city council in adopting this ordinance that no person, firm or corporation other than the City of Conway or its duly designated agents, servants or employees shall make or attempt to make any street opening or to repair or attempt to repair the same, except as is specifically set forth in Section 9.08.01. (Ord. No. A-460, Sec. 2)

Chapter 9.12
STREET MARKERS

Sections:

9.12.01 Unlawful to remove
9.12.02 Unlawful to ignore
9.12.03 Penalty

9.12.01 Unlawful to remove. It is hereby declared to be unlawful for any person, firm or corporation to move, remove, set aside, alter the position of, damage, disfigure or destroy any barricade, rope, sign, lamp, light, lantern, smudge pot or any other device, or to put out, extinguish, hide, cover up or otherwise obliterate the light of such lamp, light, lantern or smudge pot, placed by the City of Conway, Arkansas, its agents or employees, upon any street, alley, sidewalk or other public grounds within said City of Conway, for the purpose of closing, wholly or in part, preventing traffic upon, warning of any foreign obstruction, impediment or other danger in, under or upon such street, alley, sidewalk or other public grounds, or for any other lawful purpose whatever. (Ord. No. A-305, Sec. 1)

9.12.02 Unlawful to ignore. It is further declared to be unlawful for any person, firm or corporation to by-pass, go around, over, under or through any such barricade, rope, sign, lamp, light, lantern, smudge pot or other device when same shall have been so placed as to

reasonably show that any street, alley, sidewalk or other public grounds within the City of Conway is closed or that traffic thereon is prohibited. (Ord. No. A-305, Sec. 2)

9.12.03 Penalty. Any person, firm or corporation violating any of the provisions of this ordinance, or who shall attempt to move, remove, set aside, alter the position of, damage, disfigure, destroy any barricade, rope, sign, lamp, light, lantern, smudge pot or other device, or to put out, extinguish, hide, cover up or otherwise obliterate the light of such lamp, light, lantern or smudge pot, or who shall attempt to by-pass, go around, over, under or through any such barricade, rope, sign, lamp, light, lantern, smudge pot or any other device, upon conviction thereof, shall be fined in any sum of not less than Five ($5.00) Dollars nor more than Twenty-five ($25.00) Dollars. Provided, however, that nothing herein shall prevent said City of Conway, its agents or employees from moving, altering the position of, removing of any barricade, rope, sign, lamp, light, lantern, smudge port or any other device from the streets, alleys, sidewalks or other public grounds within the City of Conway in the due course of their work. (Ord. No. A-305, Sec. 3)

Chapter 9.16
REPAIRS

Sections:

9.16.01 Permit
9.16.02 Penalty

9.16.01 Permit. Any person, firm or corporation desiring to move, construct, build, alter or repair any roadbed, roadway, driveway or other public or private thoroughfare on, over, under or through any public street, alley, roadway, sidewalk or other public grounds within said city shall apply to the superintendent of public works of said city for a permit so to do, setting out the type of work to be done and the site and location thereof. Such permit, if issued, shall set out clearly the size or diameter of any and all pipes, drainage or culverts, if any, required to be laid, set or placed, and the position, depth, grade, and the manner in which same shall be laid, placed, set and covered. (Ord. No. A-304, Sec. 2)

9.16.02 Penalty. Any person, firm or corporation violating any of the provisions of this ordinance or who shall attempt to move, construct, build, alter or repair any roadbed, roadway, street, alley, sidewalk, driveway or other public or private thoroughfare on, over, under or through the streets, alleys, or other public grounds within the City of Conway, Arkansas without first obtaining said permit, upon conviction thereof, shall be fined in any sum of not less than Five ($5.00) Dollars nor more than Twenty-five ($25.00) Dollars, and each day such violation or evasion of this ordinance shall exist shall constitute a separate offense and shall be punished as such. Provided, however, that nothing contained herein shall prevent the said City of Conway, Arkansas from digging, grading, cleaning, widening, deepening, altering or constructing any ditch or canal for the purpose of draining surface water from any area within the said city, and in the course thereof, breaking, cutting, digging or excavating over, under, on or through any roadbed, roadway, driveway, or other public or private thoroughfare, including removing, altering, changing or tearing out of any pipe,

drainage tile or culvert which is a part thereof, on, under, over or through any street, alley, or other public grounds within the said city. And, provided further, that nothing herein contained shall prevent said city from ordering and requiring the removal, alteration, repair, replacement, construction or installation of any pipe, drainage tile or culvert on any street, sidewalk, alley or other public grounds within said city in order to better aid and facilitate the drainage of surface waters from any area within the said City of Conway. (Ord. No. A-304, Sec. 3)

Chapter 9.20
SIDEWALKS

Sections:

9.20.01 Responsibility for cleanliness
9.20.02 Penalty

9.20.01 Responsibility for cleanliness. The owner, possessor, tenant, occupant, or anyone who has control of any real estate within the City of Conway, Arkansas is hereby required at all times to keep the sidewalk or sidewalks in front of or along side of same free and clear of all dirt, filth, paper, salt, and accumulations of any and every kind, and free and clear of all wood, timbers, chips, trash, boxes, barrels, casks and linoleum (whether or not attached to the sidewalk), and goods, wares and things that may be unsightly, unclean or deleterious to health. (Ord. No. A-280, Sec. 1)

9.20.02 Penalty. Every owner, possessor, tenant, occupant, or anyone having control of any real estate in the City of Conway, who shall fail or refuse to keep any sidewalk in said city free and clear from any of the substances or things mentioned in Sec. 9.20.01 here shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum of not less than Five ($5.00) Dollars and not exceeding Twenty-five ($25.00) Dollars, and each day that such failure or refusal is continued shall constitute a separate offense and shall be punished as such. (Ord. No. A-280, Sec. 2)

Chapter 9.24
SALT WATER

Sections:

9.24.01 Pouring on streets prohibited
9.24.02 Penalty

9.24.01 Pouring on streets prohibited. It shall be unlawful for any person to pour any salt water where same will run upon any street or alley in the City of Conway, Arkansas which has been hard surfaced with asphaltic material, or on any street or alley paved with concrete. (Ord. No. A-113, Sec. 1)

9.24.02 Penalty. Any person who shall violate Section 9.24.01 shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum of not less than one ($1.00) nor more than Twenty-five ($25.00) Dollars and each time salt water is poured where it will run upon any street or alley in the City of Conway, Arkansas covered with asphaltic material, or paved with concrete, shall be deemed a separate offense and punishable as such. (Ord. No. A-113, Sec. 2)

Chapter 9.28
BLIND PERSONS

Sections:

9.28.01 Carrying of canes regulated
9.28.02 Duty of motorists in regard to blind persons
9.28.03 Penalty

9.28.01 Carrying of canes regulated. For the purpose of guarding against accidents in traffic on the public streets, it shall be unlawful for any person, except persons wholly or partially blind, to carry or use on the public streets of the City of Conway any canes or walking sticks which are white in color, white with red end or bottom. Such canes or walking sticks may be used on the streets and other public places of the city by persons wholly or partially blind, as a means of protecting them and for the purpose of identifying them by drivers of vehicles, operators of motor-driven vehicles, and other pedestrians with whom they come in contact on such streets and public places. (Ord. No. A-185, Sec. 1)

9.28.02 Duty of motorists in regard to blind persons. Any driver of a vehicle, operator of a motor driven vehicle or pedestrian who is not wholly or partially blind, who approaches or comes in contact with a person wholly or partially blind who approaches them carrying a cane or walking stick white in color, or white with red end, shall immediately come to a full stop and take such precautions before proceeding as may be necessary to avoid accident or injury to the person so carrying a white cane or walking stick. (Ord. No. A-185, Sec. 2)

9.28.03 Penalty. Any person, other than a person wholly or partially blind, who shall carry such a cane or walking stick, such as is described in Section 9.28.01, contrary to the provisions of said Sections 9.28.01 and 9.28.02, or, who shall fail to heed the approach of a person so carrying such a cane or walking stick, or who shall fail to take precautions against accident or injury to such a person after coming to a stop as provided for therein, shall be guilty of a misdemeanor and shall be fined not less than One ($1.00) Dollar nor more than One Hundred ($100.00) Dollars for each offense. (Ord. No. A-185, Sec. 3)

Chapter 9.32
DRAINS, DRAINAGE WAYS AND STORM SEWERS

Sections:

9.32.01 General requirements

9.32.02 Approval of plans and specifications
9.32.03 Materials and methods for constructing excavations and fills, pipe culverts and storm sewers, catch basins, drop inlets and junction boxes and other structures
9.32.04 Bonds
9.32.05 Penalty

9.32.01 General requirements. The capacity of all storm sewers, drains and drainage ways shall be determined by using a rational approach giving due consideration to rainfall intensity, soil characteristics, proper runoff coefficients, slope, and the hydraulic properties of the pipes and conduits used. Interceptors should be placed at intervals not to exceed six hundred (600) linear feet, except under special conditions as approved by the city engineer. The designed rainfall intensity shall be based on four (4) inches per hour except in new subdivisions, where the rainfall intensity shall be based on a time of concentration of at least once in a ten (10) year expectancy as determined from local rainfall records. The minimum design velocity shall not be less than two and one-half (2 ½) feet per thousand, and the maximum design velocity shall not exceed ten (10) feet per second. (Ord. No. A-584, Sec. 1)

9.32.02 Approval of plans and specifications.

A Specifications. Specifications shall be defined as collectively all of the terms and stipulations contained in the written portion of information furnished. One complete set of specifications shall be submitted to the city engineer by the owner's engineer (hereinafter referred to as "engineer") prior to receiving contractor's bids on the proposed improvements. The main body of the specifications shall include such information and requirements as is necessary to produce and define a first class, workmanlike job.

B Plan. The plan shall be defined as collectively all of the drawings pertaining to the contract and made a part thereof, and also such supplementary drawings as the engineer may issue from time to time in order to clarify the drawings, or for the purpose of showing changes in the work, or for showing details not previously shown. One set of complete plans shall be submitted to the city engineer prior to receiving contractors' bids on the proposed improvements. The plan shall show the plan, profile and cross-section of the proposed improvements and shall specifically show drainage structures as to location, size, material and gradients.

C City Approval. The city engineer has the option to require of the engineer copies of all notes and calculations pertaining to any information or drawings contained in the plans and specifications. The city engineer shall write a letter of approval for the plans and specifications when said plans and specifications meet the requirements of the city. The city engineer shall approve or disapprove these plans and specifications within ten (10) days or the same shall be automatically approved. (Ord. No. A-584, Sec. 2)

9.32.03 Materials and methods for constructing excavations and fills, pipe culverts and storm sewers, catch basins, drop inlets and junction boxes and other structures.

A. Materials

1. Fills. Materials used in the construction of compacted fills for storm sewers and other drainage facilities shall be composed of earth, sand, gravel, or other suitable material meeting the approval of the city engineer.

2. Pipe. Pipe used in the construction of culverts and storm sewers, shall be reinforced concrete or bituminous coated corrugated metal pipe or pipe arch with paved invert.

   a. Reinforced Concrete Pipe. Reinforced concrete pipe shall conform to ASTM Designation C76.

   b. Bituminous Coated Corrugated Metal Pipe or Pipe Arch with Paved Invert. Bituminous coated corrugated metal pipe or pipe arch with paved invert shall be Armco Standard or equal, and shall meet requirements for H-15 truck loading plus impact.

3. Rings and Covers and Grates and Frames. Cast iron shall be of good quality and of such character that it shall make the metal of the castings strong, tough, and of even grain. All castings shall be smooth, free from scale and cracks and other defects that might render them unsuitable for the use for which they are intended.

   a. Rings and Covers. Rings and covers shall be of two main types: sidewalk and street type. The combined weight of the standard sidewalk type shall be approximately one hundred twenty-five (125) pounds, total, and the standard combined weight of the street type shall be approximately two hundred fifty (250) pounds total.

4. Portland Cement Concrete for Appurtenances. Portland Cement concrete for appurtenances shall have a minimum compressive strength of not less than two thousand (2,000) pounds per square inch in twenty-eight (28) days. Its maximum slump in place shall not exceed four (4) inches. Concrete shall be mixed in accordance with current ASTM requirements.

B. Methods

1. Excavation and Fills; Pipe Culverts and Storm Sewers. All excavation shall be carried to an elevation where foundation materials are

satisfactory to the engineer, regardless of elevations shown on the plans. Pipe culverts and storm sewers shall be placed either by hand or by mechanical means, and shall be laid and back filled as specified herein.

a. Forming Bed for Pipe. Where pipe is laid below the ground line, the trench shall be excavated to the required depth and the minimum width practicable for the existing working conditions. The bottom of the trench shall be shaped to conform to the bottom of the pipe, and to afford a uniform bearing throughout its entire length. Recesses shall be excavated to receive the bells where bell and spigot pipe is used. When rock is encountered in the trench, it shall be removed to a minimum depth of six (6) inches below the pipe, and this excess depth shall be refilled with suitable material and stabilized. Where pipe is not laid in a trench, a uniform, firm bed shall be made as specified above.

b. Laying the Pipe. Pipe culverts and storm sewers shall be laid to the lines and grades established by the engineer, with the hubs and bells upgrade. Spigot ends shall be fully entered into the adjacent hubs or bells. All joints shall be cemented with a ratio of 1:3 Portland cement mortar. The insides of all joints shall be wiped and finished smooth. When corrugated metal pipe or pipe arch sections are used, they shall be joined with a band made of the same material as the pipe. Any pipe which is not in true alignment or which shows settlement after laying shall be taken up and relaid by the contractor.

c. Backfilling. The material used for backfilling pipe culverts and storm sewers under any improvement shall be at optimum moisture, and shall be free from large lumps, clods or rocks, and it shall be placed alongside the pipe culverts or storm sewers in layers of approximately eight (8) inches and thoroughly compacted to an elevation equal to the spring line of the pipe. Subsequent layers of backfill material shall be placed uniformly over the contour of the pipe in layers not to exceed eight (8) inches, and shall be compacted for the entire depth of the trench. Backfill compaction by puddling or jetting with water shall not be permitted unless it is nonplastic materials.

2. Catch Basins, Drop Inlets, and Junction Boxes. Concrete floors for catch basins, drop inlets and junction boxes shall be poured at least twenty-four (24) hours prior to beginning construction on the walls. Floors shall be constructed to the full outside dimensions indicated in

the plans. Walls shall be so constructed as to form a tight joint with the floor and around all inlets and the outlet pipes. Walls may be constructed of reinforced concrete meeting current ASTM requirements or concrete blocks laid and filled with concrete, as required by the engineer. (Ord. No. A-584, Sec. 3)

9.32.04 Bonds. Contractors submitting bids shall furnish satisfactory proof of the carriage of performance and maintenance bonds, as follows:

A. Performance Bond. This bond shall be optional except with improvement districts. This bond shall be in accordance with the State of Arkansas Legislature Act No. 351 of 1953; must be made by a satisfactory surety company, organized in conformity with the laws and/or doing business in the State of Arkansas. The bond shall be in an amount of one hundred (100%) percent of the contract price as surety for the faithful performance of all work done under the contract, and for the payment of all persons performing labor and/or furnishing materials in connection with the work.

B. Maintenance Bond. The contractor shall furnish the city with a one (1) year Maintenance Bond in the amount of fifty (50%) percent of all items, which shall go into full force and effect from the date of the city's acceptance of the project in full. The city and/or the engineer shall make periodic inspection of the project and shall notify the contractor of any failures that require immediate replacement. Prior to the end of the one (1) year period covered by the maintenance bond, the city officials with the engineer shall make an inspection of the work and shall notify the contractor of all defects which must be corrected and accepted by the city before releasing the contractor from his bond and acceptance by the city for future maintenance. (Ord. No. 81-17, Sec. 1)

9.32.05 Penalty. Should any project willfully be started by a person, firm, organization or engineer before receiving approval from the city, said person, firm, organization or engineer shall be subject to a fine of not less than Five Hundred ($500.00) Dollars nor more than One Thousand ($1,000.00) Dollars for each offense and said project stopped until officially approved. (Ord. No. A-548, Sec. 5)

Chapter 9.36
ONE-WAY TRAFFIC

Sections:

9.36.01 Fourth Street
9.36.02 South Boulevard
9.36.03 Poplar Street
9.36.04 Lee Street
9.36.05 Prince Street

9.36.01 Fourth Street Fourth Street is to be a one-way street going west from its intersection with Factory Street to its intersection with Harkrider Street from 7:30 a.m. to 9:00 a.m. and from 3:00 p.m. until 4:00 p.m. Monday through Friday during the time that school is in session. (Ord. No. O-02-8, Sec. 1.)

9.36.02 South Boulevard South Boulevard is to be a one-way street going east from its intersection with Davis Street to its intersection with Center Street from 7:30 a.m. to 9:00 a.m. and from 3:00 p.m. until 4:00 p.m. Monday through Friday during the time that school is in session. (Ord. No. O-02-8, Sec. 2.)

9.36.03 Poplar Street Poplar Street is to be a one-way street going east from 7:30 a.m. to 9:00 a.m. and from 3:00 p.m. until 4:00 p.m. Monday through Friday during the time that school is in session. (Ord. No. O-02-8, Sec. 3.)

9.36.04 Lee Street Lee Street is to be a one-way street going east from its intersection with Eastfield Street to its intersection with Donaghey Avenue from 7:30 a.m. to 9:00 a.m. and from 3:00 p.m. until 4:00 p.m. Monday through Friday during the time that school is in session. (Ord. No. O-02-8, Sec. 4.)

9.36.05 Prince Street From and after the passage of this ordinance, that portion of Prince Street lying between Parkway Street and Locust Avenue to the city of Conway, Arkansas, will be a one-way street going west. (Ord. No. O-76-39, Sec. 1.)

Chapter 9.40
RIDING OF BICYCLES

Sections:

9.40.01 Definitions
9.40.02 Business district restriction
9.40.03 Responsibility of parent or guardian
9.40.04 Penalty

9.40.01 Definitions.

Bicycle every device propelled by the feet acting upon pedals, having two or more wheels.

Sidewalk that area adjacent to a roadway or highway commonly used by pedestrians whether composed of concrete, asphalt or other covering substance.

Business District that area of the City of Conway designated as C-1, Central Business, in the Conway Land Development Code Zoning District Boundary Map as presently delineated or hereafter amended.

Operate the word "operate" or any form or tense thereof shall mean and refer to the use,

putting into action or causing to function of a bicycle by a person mounted thereon. (Ord. No. 0-82-17, Sec. 1)

9.40.02 Business district restriction. No bicycle shall be operated upon any sidewalk in the business district of the City of Conway, Arkansas. (Ord. No. O-82-17, Sec. 2)

9.40.03 Responsibility of parent or guardian. Where the operator of a bicycle is under the age of 14 years, full responsibility for the proper operation of the bicycle in compliance with state statutes and city ordinances shall devolve upon the parent or guardian. (Ord. No. O-82-17, Sec. 3)

9.40.04 Penalty. Any individual 14 years of age or older or guardian or parent of any child who knowingly permits a child to violate any of the provisions of this ordinance shall, upon conviction thereof, be fined not less than Five Dollars ($5.00) nor more than Fifty Dollars ($50.00) for each offense; and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues. (Ord. No. O-82-17, Sec. 4)

9.44.01 Sediments and mud – Repealed by Ord. No. O-99-55
9.44.02 Exclusions - Repealed by Ord. No. O-99-55
9.44.03 Clean-up - Repealed by Ord. No. O-99-55
9.44.04 Fine - Repealed by Ord. No. O-99-55

TITLE 10
WATER AND SEWER

Chapters:

10.04 Operation of Systems
10.08 Accounting Period
10.12 Water Rates
10.20 Fluoride
10.24 Sewer Rates
10.28 Use of Sewage Facilities
10.32 Laundry and Washateria Wastes
10.36 Cross-Connection Control Program
10.40 Uniform Requirements for Contributors to Wastewater Collection System

Chapter 10.04
OPERATION OF SYSTEMS

Section:

10.04.01 Conway Corporation to operate
10.04.02 Extension of franchise
10.04.03 Acceptance in writing
10.04.04 Provisions of Ordinance

10.04.01 Conway Corporation to operate. The city does hereby approve, ratify and affirm all acts, deeds and things heretofore done or performed in operating, managing, maintaining, repairing, constructing, reconstructing, billing, collecting monies, paying bills, or otherwise, both the waterworks system and the sanitary sewer system of the city.

The city does hereby request that the Conway Corporation, hereinafter referred to as "The Corporation" shall continue to undertake and assume the full responsibility of and for the entire operation of each of said waterworks and sanitary sewer systems, subject to lawful directions imposed by the city and/or the laws of the state and under the following conditions.

A. The corporation shall perform, or shall secure the performance of all maintenance, repairs, construction, reconstruction or other work upon all portions of each of said systems, and in a prudent and efficient manner.

B. The corporation shall render all billings for water consumed and for sewer service charges to all customers or recipients of service from either of said systems, shall collect all monies or sums due upon such billings, and shall pay there from all expenses of costs incurred by, for or on behalf of each of said systems, including appropriate portions of joint payroll and other expenses or costs incurred by the corporation for, on behalf of, or as the result of operating each of said systems. The corporation shall at all times maintain accurate and complete records and accounts in which complete and correct entries shall be

made of all transactions relating to each of said systems, and shall cause such accounts and records to be audited annually by an independent certified public accountant. Immediately upon completion of each such audit the corporation shall furnish the city with copies thereof in sufficient quantities to permit the city to furnish copies thereof to the trustee of each of the bond issues authorized by proper ordinance of the city and outstanding against either of said systems, whether heretofore or hereafter issued.

C. The corporation shall not alter or amend the rates now being charged for the services rendered by each said system unless and until specific authorization therefore has been granted by the city.

D. The corporation shall cause all monies and funds received by it for or on behalf of each of said systems to be deposited in a bank or banks whose deposits are insured by the Federal Deposit Insurance Corporation, or invested in lawful interest bearing obligations, and withdrawn in payment of the proper obligations of the respective systems, all in accordance with sound and prudent operation and management and in compliance with the various bond ordinances now or hereafter outstanding against said systems.

E. At no time shall the corporation be required to undertake or perform any act, deed or thing that would require an expenditure or expenditures of money or funds for either of said systems which is not available from the revenues of the respective system, after providing for payment of the principal of and interest on the then outstanding bonded indebtedness of each said system and establishing all necessary and proper reserves and accounts. In the event that funds shall be required for either of said systems for any purpose and in amounts which exceed the funds available for said system, the city will cause such funds to be made available from increased rates or from additional bonded or other lawful indebtedness of the system requiring such funds. Provided, that the necessity, propriety and amount of such rate increase or additional indebtedness, if any, shall be determined by the city.

F. In addition to the operating costs discussed in subparagraph "b" above, for its services in managing and operating said systems pursuant to this chapter, the corporation shall annually receive the sum of Eight Thousand ($8.000.00) Dollars of and from the municipal waterworks system and shall receive the sum of Twenty-five Hundred ($2,500.00) Dollars of and from the municipal sanitary sewer system, or such other amounts as shall be equivalent to the charges for water and sewer service rendered to certain other agencies, departments or facilities of the city and other institutions as approved by the city and paid by the corporation, plus the sum of One ($1.00) Dollar per year, which payments shall be full payment and compensation for any and all services rendered hereunder by the corporation. Provided, however, the corporation shall pay to the city for this franchise and contract the sum of Twenty-five ($25.00) Dollars each month during the term of this agreement,

which payment shall be made of and from the separate funds of the corporation and not from the funds of the waterworks system and sanitary sewer system. (Ord. No. O-86-11)

10.04.02 Extension of franchise The term of the franchise granted to the Corporation by Ord. No. O-86-11, s amended, is hereby extended to December 31, 2037 and Section 4 of Ordinance No. O-86-11 is herby deemed further amended to such effect. (Ord. No. O-86-11; as amended by Ord. No. O-01-112, Sec. 1)

10.04.03 Acceptance in writing The extension of franchise granted by this ordinance shall be accepted in writing by the Corporation within thirty (30) days from the date of adoption of this ordinance, whereupon the franchise shall be deemed to be extended as provided in Section 1. (Ord. No. O-01-112, Sec. 2 amended by Ord. No. O-12-25; Sec. 2)

10.04.04 Provisions of Ordinance The provisions of this Ordinance are hereby7 declared to be severable, and if any section, phrase or provision shall for any reason be declared to be illegal or invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Ordinance. (Ord. No. O-12-25, Sec. 3)

CHAPTER 10.08
ACCOUNTING PERIOD

Sections:

10.08.01 Established
10.08.02 Conway Corporation to cause conformance

10.08.01 Established. The annual accounting period of the municipal water department and of the municipal sewer department is hereby changed and amended from a fiscal year beginning July 1 of each year and ending June 30 of the year next thereafter to a period beginning the first day of January of each year and ending on December 31 of the same year. (Ord. No. A-421, Sec. 1)

10.08.02 Conway Corporation to cause conformance. The annual accounting period of each of said departments as hereinabove changed and established shall be and become effective for the annual period and calendar year beginning January 1, 1965, and the Conway Corporation, as operator of both said departments, shall cause all books, records and accounts of such departments to be established to conform to such period and shall cause a complete audit of the records, books and accounts of each department to be made by an independent accounting firm for the period beginning July 1, 1964, and ending December 31, 1964, and for each calendar year thereafter. (Ord. No. A-421, Sec. 2)

Chapter 10.12
CITY WATER RATES

Sections:

10.12.01 Single unit - Residential service
10.12.02 Commercial and industrial service
10.12.03 Multi-family dwelling, mobile home park, Business - dwelling
10.12.04 Institutional
10.12.05 Sprinkler systems
10.12.06 Water taken from fire hydrants
10.12.07 Out of City Customers
10.12.08 Yearly Increase

10.12.01 Single unit - Residential service.

Availability - At any point on the existing water main system inside the city limits.

Application - For residential service to single family residences or individual family apartments supplied through one meter, including incidental family use, on the appurtenant premises.

Net Monthly Rate

Consumption Per Month

First 20,000 gallons	$2.28 per 1,000 gallons
Next 30,000 gallons	$2.13 per 1,000 gallons
All over 50,000 gallons	$1.84 per 1,000 gallons

Customer Charges

5/8” or ¾” inch meter	$3.96 per month
1" inch meter	$8.93 per month
1 1/2" inch meter	$17.02 per month
2" inch meter	$26.28 per month
3” inch meter	$52.45 per month
4” inch meter	$85.10 per month
5” inch meter	$170.13 per month
6” inch meter	$212.71 per month

(Ord. No. O-08-71)

Taxes - The above rates are subject to all local, state and federal taxes which are currently in effect or any taxes which are imposed by laws or ordinances on or after the effective date of this rate schedule.

Payment - The net bill, computed in accordance with the net monthly rate, shall be due and payable upon presentation. If payment is not received within thirty (30) days after presentation of bill, service will be discontinued. The delinquent bill plus a reconnect charge of $15.00 must be paid before service will be restored. (Ord. No. O-00-19, Sec. 1.)

10.12.02 Commercial and industrial service.

Availability - At any point on the existing water main system inside the city limits.

Application - For service not specifically included under another rate schedule including commercial and industrial operations. Not applicable to separate buildings on one meter or separate homes.

Net Monthly Rate	Consumption Per Month
First 20,000 gallons	$2.28 per 1,000 gallons
Next 30,000 gallons	$2.13 per 1,000 gallons
Next 50,000 gallons	$1.84 per 1,000 gallons
All over 100,000 gallons	$1.70 per 1,000 gallons

Customer Charges

5/8" or ¾" inch meter	$3.96 per month
1" inch meter	$8.93 per month
1 1/2" inch meter	$17.02 per month
2" inch meter	$26.28 per month
3" inch meter	$52.45 per month
4" inch meter	$85.10 per month
5" inch meter	$170.13 per month
6" inch meter	$212.71 per month

(Ord. No. O-08-71)

Taxes - The above rates are subject to all local, state and federal taxes which are currently in effect or any taxes which are imposed by laws or ordinances on or after the effective date of this rate schedule.

Payment - The bill, computed in accordance with the monthly rate, shall be due and payable upon presentation. If payment is not received within thirty (30) days after presentation of bill, service will be discontinued. The delinquent bill plus a reconnect charge of Seven Dollars Fifty Cents ($7.50) must be paid before service will be restored. (Ord. No. 0-85-40 as amended by Ord. No O-90-15)

10.12.03 Multi-family dwelling, Mobile home park, business dwelling.

Availability - At any point on the existing water main system inside the city limits.

Application - The multi-family (single building) dwellings, mobile home parks, (RT zones) and
dwellings that are partially used for business, such as beauty shops or auto repair. Not applicable to separate buildings on one meter or separate mobile homes in a mobile home park (RT zone).

Net Monthly Rate	Consumption Per Month
All water consumed	$2.28 per 1,000 gallons

Customer Charges

5/8" or 3/4" inch meter	$ 8.93 per month
1" inch meter	$ 13.39 per month
1-1/2" inch meter	$ 24.55 per month
2" inch meter	$ 39.06 per month

Ord. No. O-08-71

Taxes - The above rates are subject to all local, state and federal taxes which are currently in effect or any taxes which are imposed by laws or ordinances on or after the effective date of this rate schedule.

Payment - The bill, computed in accordance with the monthly rate, shall be due and payable upon presentation.

If payment is not received within thirty (30) days after presentation of bill, service will be discontinued. The delinquent bill plus a reconnect charge of Seven Dollars Fifty Cents ($7.50) must be paid before service will be restored. (Ord. No. 0-85-40 as amended by Ord. No. 0-90-15)

10.12.04 Institutional

Availability - At any point on the existing water main system inside the city limits.

Application - For service to college campuses, public school facilities and the Conway Human
Development Center. At the Conway Corporation's option, delivery may be made at more than one point through more than one meter. In this instance, meters will be added together and billed as if measured through one meter.

Net Monthly Rate	Consumption Per Month
First 20,000 gallons	$2.28 per 1,000 gallons
Next 30,000 gallons	$2.13 per 1,000 gallons
Next 50,000 gallons	$1.84 per 1,000 gallons
All over 100,000 gallons	$1.70 per 1,000 gallons

Ord. No. O-08-71

Taxes - The above rates are subject to all local, state and federal taxes which are currently in effect or any taxes which are imposed by laws or ordinances on or after the effective date of this rate schedule.

Payment - The bill, computed in accordance with the monthly rate, shall be due and payable upon presentation.
If payment is not received within thirty (30) days after presentation of bill, service will be discontinued. The delinquent bill plus a reconnect charge of Seven Dollars Fifty Cents ($7.50) must be paid before service will be restored. (Ord. No. 0-85-40 as amended by Ord. No. 0-90-15)

10.12.05 Sprinkler systems

Availability - At any point on the existing water main system inside the city limits.

Application - For automatic fire protection only. May also be used through on site fire hydrants for fire fighting only. Water used for any other purpose through sprinkler and fire systems must be metered.

Net Monthly Rate

First 1,000 sprinkler heads	$11.00 monthly minimum
Each additional sprinkler head	$0.01 monthly

(Ord. No. O-08-71)

Taxes - The above rates are subject to all local, state and federal taxes which are currently in effect or any taxes which are imposed by laws or ordinances on or after the effective date of this rate schedule.

Payment - The bill, computed in accordance with the monthly rate, shall be due and payable upon presentation.

If payment is not received within thirty (30) days after presentation of bill, service will be discontinued. The delinquent bill plus a reconnect charge of Seven Dollars Fifty Cents ($7.50) must be paid before service will be restored. (Ord. No. 0-85-40) as amended by (Ord. No. 0-90-15)

10.12.06 Water taken from fire hydrants

Availability - At any point on the existing water system where a fire hydrant is located and adequate pressure and capacity is available.

Application - For the occasional and incidental taking of water from the water system for the purpose of filling tank trucks or for other purposes approved by the Water Department management.

All water taken under this rate schedule must be in conformance with ordinance No. 0-76-4 and any amendments thereto.

Consumption Rate – $2.28 Per thousand gallons

Monthly Customer Charge - $55.80
(Ord. No. O-08-71)

Taxes - The above rates are subject to all local, state and federal taxes which are currently in effect or any taxes which are imposed by laws or ordinances on or after the effective date of this rate schedule,

Payment - The bill, computed in accordance with the monthly rate, shall be due and payable upon presentation.

The net bill for System services, computed in accordance with the monthly rates set forth above, shall be due and payable upon presentation. If payment is not received within 30 days after presentation of a bill, System service may be discontinued. The amount of the delinquent bill plus a reconnect charge of $16.75 must be paid before System service will be restored. (Ord. No. O-08-71)

10.12.07 Out of City Customers

Shall pay 150% of the applicable Customer User Charge and water consumption fee of in-city customers indicated above.
(Ord. No. O-08-71)

10.12.08 Yearly Increase

The Schedule of charges as described above shall be indexed on February 1 each year by the amount of increase in the Consumer Price Index (or 3% whichever is less) for the preceding year. A copy of the revised rates shall be posted on the Conway Corp web site.
(Ord. No. O-08-71)

Chapter 10.20
FLUORIDE

Sections:

10.20.01 Introduction of
10.20.02 Notification

10.20.01 Introduction of. That the introduction of fluoride ion of approximately 1.10 parts per million concentration to the municipal water supply be approved. (Ord. No. A-443, Sec. 1)

10.20.02 Notification. That a copy of this ordinance be spread on the minutes of the City Council of the City and the Clerk/Treasurer of the City is hereby directed to send a copy of this ordinance to the Conway Corporation, operator of the municipal water system and the Arkansas State Board of Health. (Ord. No. A-443, Sec. 2)

Chapter 10.24
SEWER RATES

Sections:

10.24.01 Schedule of charges
10.24.02 Unoccupied property
10.24.03 Payment

10.24.01 Schedule of charges

A. That all customers of the System shall be classified by the corporation as residential, commercial or industrial/institutional.

B. That Section 2(b) of the Prior Rate Ordinance is hereby amended to read as follows with respect to sewer service billed on and after June 1, 2012, and the rates contained below are declared by the City and the Corporation to be fair, reasonable and necessary.

OM&R (Operation, Maintenance and Replacement Charge)

1. Residential Customers. For the purpose of providing for the operation, maintenance and replacement of the System ("OM&R"), for sewer service billed on and after June 1, 2012, all residential users of the System shall be charged monthly $2.28 per 1,000 gallons or portion thereof of metered water consumption, with a $4.56 minimum charge for 2,000 gallons or less. For the purpose of providing for OM&R for sewer service billed on and after January 1, 2013, all residential users of the System shall be charged monthly $2.35 per 1,000 gallons or portion thereof of metered water consumption, with a $4.70 minimum charge for 2,000 gallons or less. For the purpose of providing for OM&R for sewer service billed on and after January 1, 2014, all residential users of the System shall be charged monthly $2.81 per 1,000 gallons or portion thereof of metered water consumption, with a $5.62 minimum charge for 2,000 gallons or less.

2. Commercial Customers For the purpose of providing for OM&R, for sewer service billed on and after June 1, 2012, all commercial users of the System shall be charged monthly $2.28 per 1,000 gallons for the first 25,000 gallons or portion thereof of metered water consumption, $2.63 per 1,000 gallons for the next 75,000 gallons or portion thereof, and $2.28 per 1,000 gallons for all use over 100,000 gallons, with a $4.56 minimum charge for 2,000 gallons or less. For the purpose of providing for OM&R for sewer service billed on and after January 1, 2013, all commercial users of the System shall be charged monthly $2.35 per 1,000 gallons for the first 25,000 gallons or portion thereof of metered water consumption, $2.76 per 1,000 gallons for the next 75,000 gallons or portion thereof, and $2.35 per 1,000 gallons for all use over 100,000 gallons, with a $4.70 minimum charge for 2,000 gallons or less. For

the purpose of providing for OM&R for sewer service billed on and after January 1, 2014, all commercial users of the System shall be charged monthly $2.81 per 1,000 gallons for the first 25,000 gallons or portion thereof of metered water consumption, $3.37 per 1,000 gallons for the next 75,000 gallons or portion thereof, and $2.81 per 1,000 gallons for all use over 100,000 gallons, with a $5.62 minimum charge for 2,000 gallons or less.

3. Industrial and Institutional Customers For the purpose of providing for OM&R, for sewer service billed on and after June 1, 2012, all industrial and institutional users of the System shall be charged monthly $2.28 per 1,000 gallons for the first 25,000 gallons or portion thereof of metered water consumption, $2.63 per 1,000 gallons for the next 75,000 gallons or portion thereof, and $2.28 per 1,000 gallons for all use over 100,000 gallons, with a $4.56 minimum charge for 2,000 gallons or less. For the purpose of providing for OM&R for sewer service billed on and after January 1, 2013, all industrial and institutional users of the System shall be charged monthly $2.35 per 1,000 gallons for the first 25,000 gallons or portion thereof of metered water consumption, $2.76 per 1,000 gallons for the next 75,000 gallons or portion thereof, and $2.35 per 1,000 gallons for all use over 100,000 gallons, with a $4.70 minimum charge for 2,000 gallons or less. For the purpose of providing for OM&R for sewer service billed on and after January 1, 2014, all industrial and institutional users of the System shall be charged monthly $2.81 per 1,000 gallons for the first 25,000 gallons or portion thereof of metered water consumption, $3.37 per 1,000 gallons for the next 75,000 gallons or portion thereof, and $2.81 per 1,000 gallons for all use over 100,000 gallons, with a $5.62 minimum charge for 2,000 gallons or less." (Ord. No. O-09-48 Sec. 1 amended by Ord. No. O-12-14, Sec. 1)

The schedule of charges as described in section B shall be increased on February 1, beginning 2015 and each subsequent year by the amount of increase in the Consumer Price Index (CPIU) or three (3) per cent (whichever is less) for the preceding year. A copy of the revised rates shall be posted on the Conway Corporation web site. Minimum charges in Section 4 will be adjusted on the web site each February 1 to reflect such new rates.

C. Excessive Strength Charges: For any users, when the BOD exceeds two hundred and fifty milligrams per liter (*250 mg/1), the suspended solids exceed two hundred and fifty milligrams per liter (*250 mg/1) or when other pollutant concentrations exceed the range of concentrations of these pollutants in normal domestic sewage, a surcharge may 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

biochemical oxygen demand ("BOD")

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

S_c = O&M cost for treatment of a unit of suspended solids ("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.

D. Charges for Extraneous Flows: The costs for O&M for all flows not directly attributable to users (such as Infiltration/Inflow) shall be distributed among users on the same basis as operation and maintenance charges.

E. Toxic Pollutants Charge: 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. That Section 3(f) of the Prior Rate Ordinance is hereby amended to read as follows with respect to sewer service billed on and after June 1, 2012, and the rates contained below are declared by the City and the Corporation to be fair, reasonable and necessary:

Debt Service

1. Residential Customers For the purpose of providing for the repayment of principal and interest on debt to be incurred to finance and refinance improvements to the System ("Debt Service"), for sewer service billed on and after June 1, 2012, all residential users of the System shall be charged monthly $1.64 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of $3.56, with a minimum charge of $6.84 for 2,000 gallons or less. For the purpose of providing for Debt Service for sewer service billed on and after January 1, 2013, all residential users of the System shall be charged monthly $2.36 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of $4.28, with a minimum charge of $9.00 for 2,000 gallons or less. For the purpose of providing for Debt Service for sewer service billed on and after January 1, 2014, all residential users of the System shall be charged monthly $3.55 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of $5.77, with a minimum charge of $12.87 for 2,000 gallons or less. (Ord. No. O-12-14, Sec. 3)

2. Commercial Customers For the purpose of providing for Debt Service, for sewer service billed on and after June 1, 2012, all industrial and institutional users of the System shall be charged monthly $1.64 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of $16.04, with a minimum charge of $19.32 for 2,000 gallons or less. For the purpose of providing for Debt Service for sewer service billed on and after January 1, 2013, all industrial and institutional users of the System shall be charged monthly $2.36 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of $19.25, with a minimum charge of $23.97 for 2,000 gallons or less. For the purpose of providing for Debt Service for sewer service billed on and after January 1, 2014, all industrial and institutional users of the System shall be charged monthly $3.55 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of $25.99, with a minimum charge of $33.09 for 2,000 gallons or less." (Ord. No. O-12-14, Sec. 3)

3. Industrial and Institutional customers. For sewer service billed on and after June 1, 2009, all residential users of the System shall be charged monthly $0.90 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of $12.15, with a minimum charge of $13.95 for 2,000 gallons or less. For the purpose of providing for Debt Service for sewer service billed on and after January 1, 2011, all industrial and institutional users of the System shall be charged monthly $0.99 per 1,000 gallons or portion thereof of metered water consumption and a fixed customer charge of $13.37, with a minimum charge of $15.35 for 2,000 gallons or less. (Ord. No. O-12-14, Sec. 3)

G. Fixed Customer Charge. Repealed by Ord. No. O-03-88.

H. The section 5(h) of the Prior Rate Ordinance is hereby amended to read as flows with respect to sewer service billed on and after June 1, 2012.

Total Minimum User Charge

1. Residential Customers: For sewer service billed on and after June 1, 2012, the total minimum user charge for residential users of the System shall be $11.40 calculated as follows: OM&R for 2,000 gallons (minimum) $4.56 + Debt Service for 2,000 gallons (minimum) $3.56 + $3.28 ($1.64 x 2). For sewer service billed on and after January 1, 2013, the total minimum user charge for residential users of the System shall be $13.70 calculated as follows: OM&R for 2,000 gallons (minimum) $4.70 + Debt

Service for 2,000 gallons (minimum) $4.28 + $4.72 ($2.36 x 2). For sewer service billed on and after January1, 2014, the total minimum user charge for residential users of the System shall be $18.49 calculated as follows: OM&R for 2,000 gallons (minimum) $5.62 + Debt Service for 2,000 gallons (minimum) $5.77 + $7.10 ($3.55 x 2). (Ord. No. O-12-14, Sec. 4)

2. Commercial Users For sewer service billed on and after June 1, 2012, the total minimum user charge for commercial users of the System shall be $12.30 calculated as follows: OM&R for 2,000 gallons (minimum) $4.56 + Debt Service for 2,000 gallons (minimum) $4.46 + $3.28 ($1.64 x 2). For sewer service billed on and after January 1, 2013, the total minimum user charge for commercial users of the System shall be $14.78 calculated as follows: OM&R for 2,000 gallons (minimum) $4.70 + Debt Service for 2,000 gallons (minimum) $5.36 + $4.72 ($2.36 x 2). For sewer service billed on and after January 1, 2014, the total minimum user charge for commercial users of the System shall be $19.95 calculated as follows: OM&R for 2,000 gallons (minimum) $5.62 + Debt Service for 2,000 gallons (minimum) $7.23 + $7.10 ($3.55 x 2). (Ord. No. O-12-14, Sec. 4)

3. Industrial and Institutional Customers For sewer service billed on and after June 1, 2012, the total minimum user charge for industrial and institutional users of the System shall be $23.88 calculated as follows: OM&R for 2,000 gallons (minimum) $4.56 + Debt Service for 2,000 gallons (minimum) $16.04 + $3.28 ($1.64 x 2). For sewer service billed on and after January 1, 2013, the total minimum user charge for industrial and institutional users of the System shall be $28.67 calculated as follows: OM&R for 2,000 gallons (minimum) $4.70 + Debt Service for 2,000 gallons (minimum) $19.25+ $4.72 ($2.36 x 2). For sewer service billed on and after January 1, 2014, the total minimum user charge for industrial and institutional users of the System shall be $38.71 calculated as follows: OM&R for 2,000 gallons (minimum) $5.62 + Debt Service for 2,000 gallons (minimum) $25.99 + $7.10($3.55 x 2)." (Ord. No. O-12-14, Sec. 4)

I. The provisions of this Ordinance are separable and if a section, phrase or provision hereof shall be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

J. The sewer charge for residential customers for the months of May, June, July, August, September and October will be based upon the average monthly metered water consumption for the preceding months of November, December, January, February and March. In the case of residential users which were not on a meter

during the previous winter period, the Corporation shall establish water consumption based on a comparison of the new user with a metered user of similar class for the previous winter period. In the case of other users not on a metered basis, the Corporation shall establish water consumption based on a comparison of the non-metered user with a metered user of similar class. (Ord. No. O-97-37, Sec. 1.)

K. Service Line Fee. that there shall be a service line fee in an amount equal to the actual cost to the city for every customer who connects to the system.

L. None of the facilities or services afforded by the System shall be furnished without a charge being made therefore. (Ord. No. O-92-15, Sec. 1)

M. Users of the System will be billed on a monthly basis with payment due twenty (20) days after the date of billing. Users on metered water service will be billed on the same notice as water charges and will be designated as a separate entry.

Users with delinquent accounts of thirty (30) days will be notified in writing by the Corporation 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. O-92-15, Sec. 2)

N. A financial management system shall be established and maintained by the corporation 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. O-92-15, Sec. 3)

O.

1. The Corporation will continually monitor the revenues of the system, including specifically the adequacy of its rates and delinquent billings, and will take appropriate steps to remedy any delinquent billings or inadequacy of rates. The Corporation will make a full review annually of the rates and charges of the System.
2. The City shall at all times fix, charge and collect rates and charges for services furnished by the System including increasing rates and charges as necessary, which shall provide revenues sufficient to at least:

    a. pay the City's annual costs of OM&R.
    b. pay annual Debt Service; and
    c. provide the necessary bond coverage. (Ord. No. O-92-15, Sec. 4)

P. 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 OM&R costs attributable to that user. (Ord. No. O-92-15, Sec. 5)

Q.

1. Any user who feels his user charge is unjust and inequitable may make written application to the Corporation 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.

2. Review of the request shall be made by the Corporation 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. O-92-15, Sec. 6)

R. 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. O-92-15, Sec. 7)

10.24.02 Unoccupied property. That vacant, unoccupied property not actually using the System shall not be subject to a charge, but the burden of showing vacancy and nonuse shall rest upon the owners of the property. (Ord. No. O-76-18, Sec. 2)

10.24.03 Payment. The sewer service charges provided in this chapter shall be payable monthly at the same time and place as that at which bills for water used from the Conway Municipal Water System are payable. The respective amount due for sewer service, as above fixed, shall be placed monthly on the water bill of each occupant of real property in the City and shall be paid monthly by said occupant and should such occupant fail to pay the amount due for said sewer charges along with his water bill, the Corporation shall immediately discontinue the water connection of such occupant and keep same discontinued until all arrearages are paid in full, but nothing contained in this section shall relive the owner of the real estate rented to such occupant of his obligation to pay the charge or in any manner affect the lien on the real estate to secure the charge which lien is set out in Section 19-4113, Ark. Stats. (Repl. 1968), and will remain in full force and effect regardless of whether the water connection has been discontinued or not. Provided further, that nothing herein contained shall be construed to be or shall operate as a waiver of any of the methods of collection provided for in Act 132 of the 1933 Acts of the General Assembly of the State of Arkansas, which rights are hereby expressly reserved to the City. (Ord. No. O-76-18, Sec. 3)

Chapter 10.28
USE OF SEWAGE FACILITIES

Sections:

10.28.01 Definitions
10.28.02 Use of public sewer required
10.28.03 Private sewage disposal

10.28.04 Building sewers and connections
10.28.05 Standard of construction
10.28.06 Use of the public sewers
10.28.07 Protection from damage
10.28.08 Powers and authority of inspectors
10.28.09 Penalties
10.28.10 General provisions
10.28.11 Regulations
10.28.12 Fees
10.28.13 Administration
10.28.14 Industrial surcharge
10.28.15 Enforcement
10.28.16 Penalty, costs

10.28.01 Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used in this ordinance 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 procedure in five (5) days at 20° c, expressed in milligrams per liter.

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

"Floatable Oil" shall mean 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 solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

"Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business, including sanitary wastewater therefrom.

"Natural Outlet" shall mean any outlet into a watercourse, including storm sewers, pond, ditch, lake, or other body of surface or ground water.

"Person" shall mean any individual, firm, company, association, society, corporation or group.

"pH" shall mean the logarithm of the reciprocal of hydrogen ions in grams per liter of solution.

"Properly Shredded Garbage: shall mean the wastes from the preparation, cooking, and disposing 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 (1/2) inch (1.27 centimeters) in any dimension.

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

“Sanitary Sewer” shall mean a sewer which carries wastewater and to which storm, surface, and ground waters are not intentionally admitted.

“Environmental Specialist” shall mean a health officer appointed by the Arkansas Department of Health. The terms Health Officer and Environmental Specialist shall have the same meaning in this Ordinance.

"Sewage" is the spent water of a community. . "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.

"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.

"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. The term is sometimes used as synonymous with

"waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".

"Sewer" shall mean a pipe or conduit that carries wastewater.

“Shall” is mandatory; “May” is permissive.

“Slug” shall mean any discharge of water, wastewater, or industrial waste whose concentration of any given constituent or quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

“Storm-Drain” (Sometimes termed “Storm sewer”) shall mean a sewer which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling water.

“Manager of Water Systems” shall mean the manager of Conway Corporation of the City of Conway or his authorized agent, deputy or representative.

“Water Systems Department” shall mean the agency which operates and maintains the sanitary sewer system for the City of Conway.

"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".

“Settleable Solids” shall mean suspended solids which will subside in quiescent water, wastewater, or other liquids in a reasonable period of time, such time being commonly accepted as two hours.

“Unpolluted Water” is quality of water 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 the discharge to the sanitary sewers and wastewater treatment facilities provided. (Ord. No. O-10-117)

10.28.02 Use of public sewers required. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within corporate limits of the City of Conway, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste, 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.

Hereafter no wastewater and/or toilet facilities shall be constructed or placed in, upon or about any real property situated within the City of Conway, Arkansas, or in any area under the jurisdiction of said City, unless such facilities shall be properly connected with a publicly owned or operated wastewater disposal system or a privately owned or operated wastewater disposal system which is connected with a public system. Any person, firm or corporation desiring to construct, place or install any wastewater and/or toilet facilities within any structure to be constructed upon any lands within the City of Conway shall, prior to commencing work thereon, submit proper application therefore to the City Inspector in the form and manner now or hereafter provided by ordinances of said City, and shall pay the fees therefore. If the proposed facilities meet the specifications and requirements of the Plumbing Code then in existence in said City, and any portion of the lands upon which such facilities are to be constructed and installed is within 300 feet of any public sewer system or any private sewer line which is connected with a public sewer system, said Inspector shall issue a permit therefore and the owner may then proceed to install the said facilities.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

The owner of all houses, buildings, or properties situated within the City and used for human occupancy, employment, recreation, or other purposes, the property line of which is now or may in the future be within 300 feet of a public sanitary sewer of the City, is hereby required at his sole expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provision of this ordinance, within thirty (30) days after date of official notice to do so. (Ord. No. O-10-117)

10.28.03 Private sewage disposal. Where a public sanitary sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

Before commencement of construction of a private wastewater disposal system the owner shall first obtain a written permit signed by the Environmental Specialist. The application for such permit shall be made on a form furnished by the Arkansas Department of Health, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the City. The minimum lot area for a single-family residence shall be in accordance with current Arkansas Department of Health regulations.

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Environmental Specialist. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Environmental Specialist when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Environmental Specialist.

In the event no portion of the lands owned by the person, firm or corporation installing or desiring to install private sewer facilities thereon shall be situated within 300 feet of a public sewer system or a privately owned sewer system which is connected with and discharges into a public sewer system, then the owner of such lands may install a private wastewater disposal system in strict compliance with the specifications of the Arkansas Department of Health. If, the property being more than 300 feet from any such sewer line, the owner thereof does not desire to connect with any such sewer system, such owner shall nevertheless file his application for sewer permit and a building permit in accordance with the ordinances of the City, but upon receiving such application said Inspector shall refuse to issue a building permit or a plumbing permit therefore and it is expressly provided, however, that said private wastewater disposal system shall be constructed in strict compliance with the specifications of the Arkansas Department of Health. The construction and installation of the septic tank and field lines of the same shall be inspected and approved by the Environmental Specialist at the times and in the manner set forth by the Rules and Regulations of the Arkansas Department of Health and approved by the Manager of Water Systems. Immediately upon completion of the construction and installation of such private system, in the approved manner, the Environmental Specialist shall notify the City Inspector of his approval thereof in writing. (Ord. No. O-10-117)

10.28.04 Building sewers and connections. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance

thereof without first obtaining a written permit from the Manager of Water Systems.

No unauthorized person, firm, corporation or institution shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance, or construct, reconstruct, lay, relay, enlarge, extend or repair or attempt so to do, any sewer line, main, or drain which is tied into or connected with the sanitary sewer system of the City of Conway, Arkansas, whether such connection be made immediately upon completion of such work or at some future time, without having first submitted complete plans and specifications therefore to the Manager of Water Systems, and having obtained its approval thereof. Final approval of plans and specifications shall be withheld until a correct and complete copy thereof shall have been furnished to the Manager of Water Systems for the permanent files. Provided, however, that at the discretion of the Manager of Water Systems, plans and specifications may be dispensed with when the sewer line to be constructed is for the purpose of serving a single family residential structure.
In no instance shall departure or deviation from the approved plans and specifications be permitted until such time as written request therefore, setting forth in detail such departure or deviation, shall have been submitted to and approved by the Manager of Water Systems.

Each residence or business building shall front on a City sewer main and shall have a separate and independent building sewer running to said City sewer main. If, in the discretion of the Manager of Water Systems, based on City Subdivision and Zoning Regulations, there is a possible building site between the building to be served and the City sewer main, then a sewer main shall be constructed past the possible building site to the building to be served. Before a new residence or business building shall be tied onto an existing building sewer, written permission to do so must be obtained from the Manager of Water Systems.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Owner and approval of the Manager of Water Systems, to meet all requirements of this ordinance.

In the absence of code provisions or in amplifications thereof, the materials and procedures set forth by the Manager of Water Systems shall apply. The Water Systems Department of said City is hereby expressly empowered to inspect any and all work done and all materials used in constructing, laying, extending or repairing such building sewers and may, at its discretion, have an inspector at the site of construction at any and all times. The construction, reconstruction or repair of any such sewer may be halted by the Manager of Water Systems when in his discretion, or in the discretion of his duly authorized representative, the work is being done in such manner or under such conditions that the resulting sewer will be substandard or detrimental to the sewer system of the City. Prior to contacting the Water Systems Department for an inspection of a new building sewer or the repair of an existing building sewer, the sewer pipe shall have been laid and backfilled up to the center line of the pipe. The Manager of Water Systems, or his duly authorized representative, is hereby further empowered to order the removal of any connection made to the public sewer system when such connection has been made in violation of any provision of this ordinance, or other ordinances of said City, or of any rule or regulation promulgated

hereunder, or when, in his discretion, such construction or connection is detrimental to the municipal sewer system. In the event such order for the removal of a building sewer is not complied with forthwith, the Water Systems Department is hereby empowered to use its own forces to disconnect such building sewer and to collect from the property owner a reasonable fee therefore.

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

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, unmetered water source, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, nor shall any person make or cause to be made, any opening into a sewer main or drain whereby surface water is permitted to enter the sanitary sewer system of the City, either directly or indirectly.

The connection of the building sewer into the public sewer shall be made by the Water Systems Department, and all costs thereof shall be paid by the property owner. 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.

All connections into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations and the procedures set forth in appropriate specifications (latest revision thereof). All such connections shall be made gastight and watertight and shall be verified by proper testing. All materials and methods of construction shall conform to Conway Corporation standard specifications.

All excavations for building sewer installation shall be adequately guarded with barricades and warning lights so as to protect the public from hazard, all in accordance with applicable standards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

All repairs or replacement of building sewers, regardless of length, shall be subject to the same inspection and material requirements as new installations. Where the repair or replacement of the building sewer requires a new point of connection to the City sewer main, the abandoned building sewer shall be sealed to prevent entrance of surface water or debris into the City sewer main by the Water Systems Department and all costs thereof shall be paid by the property owner. A double cleanout shall be installed in building sewer lines, where holes are needed for rodding the line. The repaired building sewer shall be inspected and approved by the Manager of Water Systems. (Ord. No. O-10-117)

10.28.05 Standard of construction. In order that proper quality may be achieved and maintained in materials and workmanship in all sewers, mains and drains, both public and private, the Manager of Water Systems is hereby authorized and empowered to prepare plans

and specifications for the construction of any and all sewers, mains and drains, both public and private, within the City of Conway, Arkansas, and no deviation from such plans and specification shall be permitted except at the discretion of the Manager of Water Systems. All materials and methods of construction shall conform to the Conway Corporation standard specifications. (Ord. No. O-10-117)

In the event of the destruction, removal or alteration of any building to the extent that any part of the sewer service line serving the building is rendered inactive or in disrepair it shall be the duty of the property owner to advise the Manager of Water Systems so they may make an inspection of the line and if necessary plug up the line so as to prevent the entrance of surface or ground water into the sanitary sewer. All costs thereof shall be paid by the property owner.

It is specifically ordained that the terms of this ordinance shall apply to any changes in building wastewater lines, mains or drains in existence at the time of passage and approval of this ordinance.

In addition to the specific provisions of this ordinance the Manager of Water Systems is hereby authorized to promulgate such other reasonable rules and regulations as are necessary to secure the proper construction of wastewater lines which are to be tied onto and become a part of the Wastewater System. Rules and regulations so made shall have the effect of law and become effective upon the filing of a correct copy for permanent record with the City Clerk. (Ord. No. O-10-117)

10.28.06 Use of the public sewers. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

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 superintendent. Industrial cooling water or unpolluted process waters may be discharged, on written approval of the City, to a storm sewer, or natural outlet.

No person shall discharge or cause to be discharged any of the items as described in the City of Conway Pretreatment Ordinance to any public sewers.

If any waters or wastes are discharged, which waters contain the substances or posses the characteristics enumerated herein, and in the City of Conway Pretreatment Ordinance, and which in the judgment of the Manager of Water Systems, may have a deleterious effect upon the wastewater works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or property or constitute a public nuisance, the Manager of Water Systems may:

(a) Reject the wastes,
(b) Require pretreatment to an acceptable condition for discharge to the public sewers,

(c) Require control over the quantities and rates of discharge and/or
(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions herein.

If the Manager of Water Systems permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Manager of Water Systems, and subject to the requirements of all applicable codes, ordinances and laws.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation as determined by the Manager of Water Systems by the owner at his expense.

When required by the Manager of Water Systems, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be lockable, accessible and safely located, and shall be constructed in accordance with plans approved by the Manager of Water Systems. The manhole shall be accessible to the Water Systems Department at all times.

All measurements, tests, and analyses 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, shall be determined at the control manhole provided, or upon suitable samples taken at said control manholes. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by industry accepted methods to reflect the effect of constituents upon the wastewater works and to determine the existence of hazards to life, limb, and property. (Ord. No. O-10-117)

10.28.07 Protection from damage. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and/or causing damage to or destruction of property.

No unauthorized person shall cover any manhole on a public sewer with earth or paving, or otherwise render it inaccessible.

No unauthorized person shall remove the earth cover from a public sewer so that less than three (3) feet of earth cover remains over the pipe bells. Approval to remove subsequent cover shall require written consent from the Manager of Water Systems. (Ord. No. O-10-117)

10.28.08 Powers and authority of inspectors. The Manager of Water Systems and other

duly authorized agents, employees and representatives of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Manager of Water Systems or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

While performing the necessary work on private properties referred to in Article VIII, Section 1, above, the Manager of Water Systems or duly authorized agents, employees and representatives of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the 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 herein.

The Manager of Water Systems and other duly authorized agents, employees and representatives of the City bearing proper credentials and identifications shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater 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. O-10-117)

10.28.09 Penalties. Any person found to be violating any provision of this ordinance except Article VII 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.
Any person who shall continue any violation beyond the time limit provided for in Article IX, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any amount not exceeding one thousand dollars ($1,000.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

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.

Any person or entity found violating this ordinance as correlated to the Pretreatment Ordinance shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding the amount as specified in the Pretreatment Ordinance for each violation. . Each day in which any such violation shall continue shall be deemed a separate offense.

A user, who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation file, as required to be maintained,

pursuant to this Ordinance, Wastewater Discharge Permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than one thousand dollars ($1,000.00) per violation, per day, or imprisonment for not more than six (6) months, or both. (Ord. No. O-10-117)

10.28.10 General provisions.

Purpose and Policy. This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system of the City of Conway, Arkansas, and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 (Public Law 95-217) and the General Pretreatment Regulations (40 CFR, Part 403)

The objectives of this ordinance are:

A. To prevent the introduction of pollutants into the city's wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

B. To prevent the introduction of pollutants into the city's wastewater system which will pass through the system, inadequately treated, into the receiving waters, the atmosphere or otherwise be incompatible with the system;

C To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

D To provide for the equitable distribution of the cost of the city wastewater system.

This ordinance provides for the regulation of direct and indirect contributors to the city wastewater system through the issuance of permits to non-domestic users and through the enforcement of general requirements for the other users; authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply to all contributors to the wastewater system of the City of Conway, Arkansas.

This ordinance is a supplement to City Ordinance No. A-566, as amended.

Except as otherwise provided herein, the Manager of the Conway Corporation, the operator of the city's wastewater system shall administer, implement, and enforce the provisions of this ordinance.

Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

Approval Authority. The Director of the Arkansas Department of Pollution Control and Ecology.

Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (1) A principal executive officer of at least the level of vice- president, if the Industrial User is a corporation; (2) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/1)).

Building Sewer. A sewer service line conveying wastewater from the customer's building or buildings to the city's sewer collection system.

Categorical Standards. National Categorical Pretreatment Standards promulgated by the U.S. EPA.

City. The City of Conway, Arkansas, or the City Council of Conway, Arkansas, or its designated agents.

Cooling Water. The water discharged from any air conditioning equipment, water cooled equipment or refrigeration, or to which the only pollutant added is heat.

Control Authority . The Manager of the Conway Corporation, if the city has an approved pretreatment program under the provisions of 40 CFR, 403.11. If the city does not have an approved pretreatment program, then the Control Authority shall refer to the Approval Authority as defined hereinabove.

Corporation. The Conway Corporation, operators of the city's wastewater systems.

Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Arkansas.

Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency or where appropriate, the term may also be used as a designation for the Administrator or other

duly authorized official of said agency.

Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect Discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307 (b) or (c) of the Act (ee U.S.C. 1317) into the POTW (including building tank waste discharged into the system).

Industrial User. A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 40-1 of the Act (33 U.S.C. 1342).

Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NFDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA applicable to the method of disposal or use employed by the POTW.

Manager. The manager of the Conway Corporation.

National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307 (b) of the act and 40 CFR, Section 403.5.

New Source. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307 (c) (33 u.s.c. 1317) Categorical Pretreatment Standard which will be applicable to such source if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source the construction of which is commenced after the date of promulgation of the standard.

National Pollution Discharge Elimination System or (NPDES) Permit. A permit to discharge effluent from public or private wastewater treatment plants, issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or the legal representative, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Pollution. The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellular dirt and industrial, municipal and agricultural waste discharged into water.

Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes by other means, except as prohibited by 40 CFR Section 403.6 (d).

Pretreatment Requirements. Any substantive or procedural requirements related to pretreatment other than a National Pretreatment Standard imposed on an industrial user.

Publicly Owned Treatment Works (POTW). A Treatment Works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW Treatment Plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City of Conway who are, by contract or agreement with the City of Conway, users of the city's POTW.

POTW Treatment Plant. That portion of the POTW designed to provide treatment to the wastewater.

Shall. Is mandatory; *May* is permissive.

Significant Industrial User. Any industrial user of the city's wastewater disposal system who (i) has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day, or (ii) has a flow greater than five percent (5%) of the flow in the city's wastewater treatment system or (iii) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act of Arkansas Statutes and rules or (j-v) is found by the Conway Corporation, the Arkansas Department of Pollution Control and Ecology or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other

contributing industries on the wastewater treatment system, the quality of sludge, the system's effluent quality or air omissions generated by the system.

State. The State of Arkansas.

Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

Storm Water. Any flow occurring during or following any form of natural precipitation and resulting there from.

Suspended Solids. The total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids and which is removable by laboratory filtering.

Superintendent. An employee of the Conway Corporation that supervises the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307 (a) or other acts.

User. Any person who contributes, causes or permits a contribution of wastewater into the city's POTW.

Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with such ground, surface and storm waters which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

Wastewater Contribution Permit. As set forth in Section 4.2 of this ordinance. (Ord. No. O-88-14, Sec- 1)

10.28.11 Regulations.

General Discharge Prohibitions. No user shall contribute or cause to be contributed directly or indirectly any pollutant or wastewater which will interfere with the operation or performance of the POTW. These General Prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the

following substances to any POTW:

A. Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited materials include but are not limited to: gasoline, kerosene, naptha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

B. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, greases, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and or glass grinding or polishing wastes.

C. Any wastewater having a pH less than 5.9 or greater than 12.0 or wastewater having any other corrosive or acidic property capable of causing damage or hazard to structures, equipment or personnel of the POTW.

D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interacting with other pollutants, to injure or interfere with any wastewater treatment process,, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.

E. Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

F. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Wastes Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State

criteria applicable to the sludge management method being used.

G. Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.

H. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

I. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case shall wastewater with a temperature of the introduction into the POTW which exceeds sixty-five (56) degrees C. (one hundred fifty (150) degrees F.)

J. Any pollutants, including oxygen demanding Pollutants (BOD), etc. released at a flow rate or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or certain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities or flow during normal operation.

K. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Manager in compliance with applicable state or federal regulations.

L. Any wastewater which causes a hazard to human life or creates a public nuisance.

M. Any wastewater which is prohibited by Article 6 of City Ordinance No. A-566 (City Sewer Use Ordinance) as amended.

When the Manager determines that a user is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Manager shall: (1) advise the user of the impact of the contribution on the POTW, and (2) develop effluent limitations for such user to correct the interference with the POTW.

Federal Categorical Pretreatment Standards. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory shall immediately supersede the limitations imposed under this ordinance. The Manager shall
notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

State Requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this ordinance.

City's Right of Revision. The city reserves the right to establish by ordinance more stringent limitations and/or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 1.1 of this ordinance.

Specific Pollutant Limitations. No person or firm shall discharge wastewater containing in excess of the following:

Arsenic	0.50 mg/l	Manganese	5.00 mg/l
Barium	5.00 mg/l	Mercury	0.50 mg/l
Benzene	5.00 mg/l	Methylene Chloride	10.00 mg/l
Boron	1.00 mg/l	Nickel	1.50 mg/l
Cadmium	0.015 mg/l	1,2-Dichlorobenzene	2.50 mg/l
Chloroform	10.00 mg/l	1,4-Dichlorobenzene	2.50 mg/l
Chromium (Total)	1.00 mg/1	1,1,2,2-Tetrechlorethane	0.35mg/l
Chromium (Hex)	0.50 mg/l	1,1,1-Trichlorethane	0.35mg/l
Copper	2.50 mg/l	Selenium	0.40mg/l
Cyanide	1.00 mg/l	Silver	0.50 mg/l
Lead	1.00 mg/l	Toluene	5.00 mg/l
TTO	2.13 mg/l		
Oil and Grease	100.00 mg/l		

Excessive Discharge. No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards or in any other pollutant specific limitation developed by the city or state.

Accidental Discharges. Each user shall provide protection from accidental discharge of prohibitive materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibitive materials shall be provided and maintained at the owner's or users own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Conway Corporation for review and shall be approved by the Conway Corporation before construction of the facility. All existing users shall complete such a plan by January 1, 1983. No user who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Conway Corporation. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facilities as necessary to meet the requirements of this
ordinance. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. Notification shall include

location of discharge, type of waste, concentration and volume and corrective actions.

Written Notice. Within five (5) days following an accidental discharge, the user shall submit to the Manager a detailed written report describing the cause of the discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

Notice to Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. No. O-88-14, Sec. 2)

10.28.12 Fees

Purpose. It is the purpose of this chapter to provide for the recovery of costs from users of the city's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Conway Corporation's schedule of charges and fees.

Charges and Fees. The Conway corporation may adopt charges and fees which may include:

A. Fees for reimbursement of costs of setting up and operating the city's Pretreatment Program;
B. Fees for monitoring, inspections and surveillance procedures;
C. Fees for reviewing accidental discharge procedures and construction;
D. Fees for Permit Application;
E. Fees for filing appeals;
F. Fees for consistent removal (by the POTW) of pollutants otherwise subject to federal pretreatment standards;
G. Other fees as the Conway Corporation may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by the city and the Conway Corporation. (Ord. No. O-88-14, Sec. 3)

10.28.13 Administration

Wastewater Dischargers. It shall be unlawful to discharge without a city permit to any natural outlet within the City of Conway or in any area under the jurisdiction of said City of Conway and/or to the POTW any wastewater except as authorized by the Manager in accordance with the provisions of this ordinance.

Wastewater Contribution Permits

General Permits. All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within one hundred eighty (180) days after the effective date of this ordinance.

Permit Application. Users required to obtain a Wastewater Contribution Permit shall complete and file with the Conway Corporation an application in the form prescribed by the Conway Corporation and accompanied by a fee as determined by the Conway Corporation. Existing users shall apply for a Wastewater Contribution Permit within sixty (60) days after the effective date of this ordinance and proposed new users shall apply at least thirty (30) days prior to being connected to or contributing to the POTW. In support of the application, the user shall submit a completed industrial wastewater questionnaire and any other information as required by the Manager. The Manager will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Manager may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

Permit Modifications. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of users subject to such standards shall be reviewed to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard has not previously submitted an application for a Wastewater Contribution Permit as required by paragraph 2, Permit Application, the user shall apply for a Wastewater Contribution Permit within one hundred eighty (180) days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the user with an existing Wastewater Contribution Permit shall submit to the Manager within one hundred eighty (180) days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by the Conway Corporation.

Permit Conditions Wastewater Discharge Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the city and the Conway Corporation. Permits may contain the following:

A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
B. Limits on the average and maximum wastewater constituents and characteristics;
C. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
D. Requirements for installation and maintenance of inspection and sampling facilities;
E. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and

reporting schedule;

F. Compliance Schedules;

G. Requirements for submission of technical reports or discharge reports;

H. Requirements for maintaining and retaining plant records relating to Wastewater Discharge as specified by the Conway Corporation and affording the Conway Corporation access thereto;

I. Requirements for notification of the Conway Corporation of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

J. Requirements for notification of slug discharges;

K. Other conditions as deemed appropriate by the Conway Corporation to insure compliance with this ordinance;

Permits Duration Permits shall be issued for a specified time period not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit re-issuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions for the permit may be subject to modification by the Conway Corporation during the term of the permit as limitations or requirements as identified in Section 2 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Permit Transfer Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the Manager. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

Reporting Requirements for Permittee.

Compliance Date Report. Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to Pretreatment Standards and Requirements shall submit to the Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user facility which are limits by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional treatment is necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User and certified to by a qualified professional.

Periodic Compliance Reports

A. Any User subject to a Pretreatment Standard after the compliance date of such Pretreatment Standard or, in the case of a New Source after commencement of the discharge into the POTW shall submit to the Manager during the months of June and December unless required more frequently in the Pretreatment Standard or by the Manager, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the Manager and in the consideration of such factors as high or low flow rates, holidays, budget cycles, etc., the Manager may agree to alter the months during which the above reports are to be submitted.

B. The Manager may impose mass limitations on users which are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Paragraph (1) of this section shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the Manager of pollutants contained therein which are limited by the applicable Pretreatment Standards.

Frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the approval authority, pursuant to Section 304 (g) of the Act and contained in 40 CFR. Part 136 and amendments thereto or with any other test procedures approved by the Manager. Sampling shall be performed in accordance with the technique approved by the Manager.

Monitoring Facilities Industrial users shall be required to provide and operate at the user's own expense monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the Conway Corporation may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it would not be obstructed.

When constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Conway Corporation's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Conway Corporation.

Inspection and Sampling The Conway Corporation shall inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Corporation or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the

performance of any of their duties. When directed to do so by the Manager,; the owner and/or occupant of any property discharging industrial waste into the POTW shall his expense, obtain a representative sample of his wastewater and have the appropriate physical, chemical and biological tests performed on the sample by a qualified testing laboratory acceptable to the Manager. The purpose of such test shall be to determine the conformance of the wastewater characteristics to this ordinance and a report shall be made in writing to the Manager by the laboratory stating the test results.

Pretreatment Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limits as specified by the Federal Pretreatment Regulations. Any facilities required to pre-treat wastewater to a level acceptable to the Manager shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Manager for review and shall be acceptable to the Manager before construction of the facilities. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Manager under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Manager prior to the user's initiation of the changes. The Corporation shall annually publish in the Log Cabin Democrat a list of the users which were significantly not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

Confidential Information Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Manager that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Manager as confidential shall not be transmitted to any

governmental agency or to the general public by Manager until and unless a ten (10) day notification is given to user.

The Manager or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point of having a direct bearing on the kind and source of discharge to the sewers or wastewaters or facilities for waste treatment. (Ord. No. 0-88-14, Sec. 4)

10.28.14 Industrial surcharge.

Costs A user discharging industrial waste into the sanitary sewer which exhibits some of the characteristics of waste prohibited in Section 10.28.11 other than excessive BOD or suspended solids shall pre-treat the industrial waste so that BOD or suspended solids concentrations do not exceed two hundred fifty milligrams per liter (250 mg/1). However, the waste may be accepted by the POTW for treatment by the manager if all the following requirements are met:

A. The waste will not cause damage to the collection system.
B. The waste will not impair the city's treatment processes.
C. The BOD or suspended solids concentration of waste discharged does not cause the average BOD or suspended solids of waste received by the wastewater treatment plant to increase above two hundred fifty milligrams per liter (250 mg/1).
D. The user, at his expense, provides the Manager reports as required.

Also, the user responsible for the waste may be billed according to the industrial surcharge formula in the Sewer Rate Ordinance No. 76-18, as amended. (Ord. No. O-88-14, Sec. 5)

10.28.15 Enforcement

Harmful Contributions The Manager may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary in the opinion of the Manager in order to stop an actual or threatened discharge which presents or may present an imminent or substantial danger to the health or welfare of persons to the environment causes interference to the POTW or causes the city to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individual. The Manager shall reinstate the Wastewater Contribution Permit and/or the Wastewater Treatment Service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the cause of the harmful contribution and the measures taken to prevent any future occurrence shall be

submitted to the Manager within fifteen (15) days of the date of occurrence.

Revocation of Permit Any user who violates the following conditions of this ordinance or applicable State and Federal Regulations is subject to having his permit revoked in accordance with the procedures of Section 10.28.15 of this ordinance:

A. Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
B. Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
D. Violation of conditions of the permit.

Notification of Violation When the Manager finds that any user has violated or is violating this ordinance, wastewater contribution permit, or any prohibition, limitation of requirements contained herein, the Manager may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Manager by the user.

Show Cause Hearing

Notification of Hearing The Manager may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of the hearing to be held by the Manager regarding the violation, the reason why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Manager why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

Hearing The Manager may himself conduct the hearing and take the evidence or may designate an employee of the Corporation to:

i. Issue in the name of the Manager notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

B. Take the evidence;

C. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Manager for action thereon.

Transcription of Hearing At any hearing held pursuant to this ordinance, testimony must be taken under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

Decision of Manager After the Manager has reviewed the evidence, he may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service will be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Legal Action If any person discharges sewage, industrial wastes or other wastes into the city's POTW, contrary to the provisions of this ordinance, Federal or State Pretreatment Requirements, or any order of the Manager, the City Attorney may commence an action for appropriate legal and/or equitable relief. (Ord. No. O-88-14, Sec. 6)

10.28.16 Penalty, costs

Civil Penalties. Any user who is found to have violated an order of the Manager or who willfully or negligently failed to comply with any provision of this ordinance and the orders, rules, regulations and permits issued hereunder shall be fined not less than Twenty-Five Dollars ($25.00) nor more than Two Hundred Fifty Dollars ($250.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

Falsifying Information Any person who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance or Wastewater Contribution Permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment for not more than six (6) months, or by both. (Ord. No. O-88-14, Sec. 7)

Chapter 10.32
LAUNDRY AND WASHATERIA WASTES

Sections:

10.32.01 Discharged into sanitary sewer system
10.32.02 Penalty

10.32.01 Discharged into sanitary sewer system. All persons, firms and corporations which may now or hereafter be engaged in or doing business as a laundry or washateria within the City of Conway, Arkansas, and which shall wash, rinse or otherwise cleanse

clothing
and/or other fabrics for hire by immersing same in water and/or chemical solutions, whether such work be performed by employees or agents of said person, firm or corporation owning ox operating said laundry or washateria or by the owner of the clothing and/or fabrics being washed in machines or equipment owned by said laundry or washateria or rented by it, shall discharge all liquid wastes and/or liquid by-products from said business into the sanitary sewer system of said city. (Ord. No. A-348, Sec. 1)

10.32.02 Penalty. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined in any sum not less than Twenty-Five Dollars ($25.00) nor more than Two Hundred Dollars ($200.00) or imprisoned for any period not exceeding thirty (30) days or by both such fine and imprisonment. Provided, that each day any violation shall continue to exist shall constitute a separate offense and shall be punished as such. Provided, further, that any such person, firm or corporation not now complying with the provisions hereof shall have until January 1, 1960 within which to comply herewith. (Ord. No. A-348, Sec. 2)

Chapter 10.36
CROSS-CONNECTION CONTROL PROGRAM

Sections:

10.36.01 Intent
10.36.02 Purpose
10.36.03 Definitions
10.36.04 Operating criteria
10.36.05 Facilities requiring backflow protection
10.36.06 Approval of backflow prevention devices
10.36.07 Non-Compliance with the program
10.36.08 Ownership and installation of backflow preventer
10.36.09 Testing and maintenance
10.36.10 New and existing facilities

10.36.01 Intent In compliance with the Arkansas Department of Health and Human Services "Rules and Regulations Pertaining to Public Water Systems", Section VII.E, the city of Conway finds it necessary for the health, safety and welfare of the people served by city's Water System operated and maintained by the Conway Corporation, to adopt cross-connection control standards which establish requirements for the design, construction and maintenance of connections to the city's Water System. The standards of this ordinance are supplemental to and do not supersede or modify the "Arkansas State Plumbing Code"(ASPC) and its latest revisions under which the city and Conway Corporation operate. This Ordinance pertains to commercial and industrial establishments only. Single-family residential dwelling units, unless involved in commercial operations, are exempt from the requirements of this Ordinance except where they fall under the purview of the "Arkansas State Plumbing Code" (ASPC). (Ord. No. O-06-92, Sec. 1.)

10.36.02 Purpose

A. To provide for the protection of the City's Water System;
B. To isolate the service connection of any actual or potential pollution or contamination within the customer's premises;
C. To provide a continuous, systematic and effective program of cross-connection control. (Ord. No. O-06-92, Sec. 2)

10.36.03 Definitions The following terms and phrases, as used in this ordinance, shall have the meanings designated:

Air Gap (AG)-A physical separation between two piping systems.

ASPC- The Arkansas State Plumbing Code.

AWWA- The American Water Works Association.

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

Backflow Prevention Assembly (BFPA)- A testable assembly installed in a water service line to prevent backflow into the potable water system.

City- The city of Conway.

Commercial Establishment- is any building intended for conducting any form of business (profit or non-profit), any multifamily building, any construction site or any facility that Conway Corporation bills in its electric rate schedule as institutional or municipal.

Conway Corporation - The municipal utility authorized by the City of Conway to operate the Electric, Water, Wastewater, and CATV systems serving the City of Conway

Cross-Connection Prevention Program (Program) - The program developed by the Conway Corporation to prevent cross-connections to the City's Water System from non-potable water sources.

Double-Check Valve Assembly (DCVA)- A complete assembly meeting AWWA Standard C-5 10 and the requirements of the ASPC consisting of two internally loaded, independently operating check valves between two tightly closing resilient-seated shutoff valves, with four (4) properly placed resilient seated test cocks.

Detector Double-Check Valve Assembly (DDC VA)- A Double-Check Valve Assembly with a meter in parallel to detect system leaks or unauthorized use.

Reduced-Pressure Zone Assembly (RPZA)- A complete assembly meeting AWWA Standard C-51 1 and the requirements of the ASPC consisting of a hydraulically operating,

mechanically independent differential relief valve located between two independently operating, internally loaded check valves that are located between two tightly closing resilient seated shutoff valves with four (4) properly placed resilient-seated test cocks.

Water System- The City of Conway's water system serving the City of Conway, including the Water Treatment Plant (Plant) and the Water Distribution System.
(Ord. No. O-06-92, Sec. 3)

10.36.04 Operating criteria It shall be the responsibility of the Conway Corporation to evaluate the hazards inherent in supplying a customer's water system; i.e., determine whether solid, liquid, or gaseous pollutants or contaminants are, or may be, handled on the customer's premise in such a manner as to possibly contaminate the city's water system. When a hazard or potential hazard to the city's Water System is found on the customer's premise, the customer shall be required to install an approved backflow prevention assembly, or an air gap, at each water service connection to the city's water system on the premise in accordance with the requirements or this ordinance Conway Corporation shall develop and maintain on file a cross connection prevention program guideline manual. The type of backflow prevention assembly shall depend on the degree of hazard involved. The degree of hazard shall be as described in the Program developed by the Conway Corporation and based on American Waterworks Association M- 14 Manual.

A. In the case of any premise where there is an auxiliary water supply, connected to the water service line, the city's Water System shall be protected from the possibility of backflow by a reduced pressure zone assembly (RPZA) in the water service line prior to the first outlet.

B. In the case of any premise where substances are handled that are objectionable, but not hazardous to human health, and the likelihood exists of its being introduced into the city's Water System by virtue of a backflow occurrence, the Water System shall be protected by an air gap or an approve DCVA in the water service line.

C. In the case of any premise where there is any material, hazardous to human health, which is handled in such a fashion as to create an actual or potential threat to the Water System by virtue of a backflow occurrence, the Water System shall be protected by an air gap or an approved RPZA in the water service line prior to the first outlet.

D. In case of any premise where there are unprotected cross-connections, either actual or potential, the city's Water System shall be protected by an air gap or an approved RPZA in the water service line prior to the first outlet.

E. In the case of any premise where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey, the Water System shall be protected by the installation of an air gap or an approved RPZA in the water service line prior

to the first outlet. (Ord. No. O-06-92, Sec. 4)

10.36.05 Facilities requiring backflow protection

A. The following is a partial list of facilities, which ordinarily will require an air gap or a RPZA in their water service line in accordance with the ASPC. Requirements are based upon the degree of hazard to the Water System.

1. Automobile and truck car washes.
2. Auxiliary water systems.
3. Exterminators and veterinary clinics.
4. Facilities with boilers, condenser water or chilled water systems.
5. Fire sprinkler systems containing chemical additives.
6. Hospitals, medical clinics, dental clinics, health clinics, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes
7. Irrigation systems and lawn sprinkler systems.
8. Laboratories (industrial, commercial, photography, medical, and school).
9. Commercial laundries.
10. Radiator and Battery shops.
11. Restricted, classified or other facilities closed to inspection.
12. Sand and gravel operations and concrete plants.
13. Wastewater treatment plants, pump stations and storm water pumping facilities.
14. Commercial swimming pools
15. Farms or other facilities using pesticides and herbicides.
16. Livestock sale barns or slaughter houses.
17. Beauty parlors and barbershops.
18. Hotels and motels.
19. Restaurants, cafeterias, fast food marts and other food handling facilities.
20. Any buildings with exterior or interior hose-bib connections.

B. The following is a partial list of facilities which ordinarily will require a minimum of an air gap or a DCVA in accordance with the ASPC and Department of Health and Human Services, Engineering Division:

1. Multi-story buildings with water booster pumps.
2. Fire sprinkler systems without chemicals.
(Ord. No. O-06-92, Sec. 5)

10.36.06 Approval of backflow prevention devices Any backflow prevention assembly required shall be an approved type, as described in the Program, which complies with the requirements of the "Arkansas State Plumbing Code". (Ord. No. O-06-92, Sec. 6)

10.36.07 Non-compliance with the program

A. In emergency situations when the city's water system is being contaminated or is in immediate danger of contamination, water service, from the Water System, shall be discontinued to the facility from which there is danger of contamination.

B. No water service shall be connected to the water system from a facility unless the water system is protected as required by this ordinance.

C. Delivery of water to the premises of any customer may be discontinued by the Conway Corporation if any protective device required by this ordinance has not been installed, is defective, or has been removed or bypassed. A discontinued water service shall not be resumed until conditions at the customer's premise have been abated or corrected to the satisfaction of the Conway Corporation.

D. Upon discovery of a violation of this ordinance, written notice shall be given to the customer. If violations are not corrected by the date and time as stated in the notice, water service to the customer will be discontinued and damages may be assessed or other action taken against the customer.

E. For the purpose of making any inspections or discharging the duties imposed by this ordinance, the Conway Corporation, the State of Arkansas Department of Health and Human Services, and/or the plumbing inspector shall have the right to enter upon the premises of any customer or property owner. Each customer or property owner, as a condition of the continued delivery to his/her premises of water from the city's water system, shall be considered as having stated his consent to the entry upon his premise of the Conway Corporation for the purposes stated herein.
(Ord. No. O-06-92, Sec. 7)

10.36.08 Ownership and installation of backflow preventer

A. Backflow prevention assemblies installed downstream of the water meter are owned by and are the responsibility of the customer.

B. Customers of the water system requiring backflow prevention assemblies shall pay all costs associated with installation and testing of the appropriate size and type of backflow prevention assembly. For newly constructed facilities, backflow prevention assemblies shall be installed prior to the final plumbing inspection so that the device can be included as part of the final inspection. Backflow prevention assemblies shall be installed in accordance with the requirements of the "Arkansas State Plumbing Code" and the Conway Corporation's "Cross-Connection Control Program." (Ord. No. O-06-92, Sec. 8)

10.36.09 Testing and maintenance

A. The customer shall be responsible for the testing of backflow prevention assemblies by a certified Assembly Test Technician within ten (10) days of their installation and annually thereafter.

B. The customer shall furnish the Conway Corporation with a certificate of satisfactory testing within ten (10) days of each test.

C. If the Conway Corporation or the plumbing inspector deems the hazard great enough, testing may be required at more frequent intervals.

D. The customer shall be responsible for costs of testing and repairing the backflow prevention assemblies. A certified Assembly Repair Technician shall do all repairs.

E. Records of inspections, testing and repairs to backflow prevention assemblies shall be kept by the Conway Corporation and made available to the State Health Department upon written request. (Ord. No. O-06-92, Sec. 9)

10.36.10 New and existing facilities

A. All new construction within the city of Conway shall be effected upon the passage of this Ordinance.

A. All existing facilities within the City of Conway shall be in compliance with this Ordinance upon written notification by Conway Corporation with a time schedule for such compliance. (Ord. No. O-06-92, Sec. 10)

Chapter 10.40
UNIFORM REQUIREMENTS FOR CONTRIBUTORS TO WASTEWATER COLLECTION SYSTEM

Sections:

10.40.01 Adopted by reference
10.40.02 Publication
10.40.03 Effective Date

10.40.01 Adopted by reference The City Council hereby adopts by reference that certain ordinance and code entitled "An Ordinance Setting Forth Uniform Requirements for Direct and Indirect Contributors into the Wastewater Collection System and the Wastewater Treatment System for the City of Conway, Arkansas and for Other Purposes," which is attached to this ordinance. Three (3) copies of the code have been filed in the office of the

Clerk/Treasurer for inspection and view by the public prior to the passage of this ordinance and the code has been posted on the web site of Conway Corporation. (Ord. No. O-02-122, Sec. 1. Amended by Ord. No. O-12-08)

10.40.02 Publication The city has given notice to the public, by publication in a paper of general circulation within the city of Conway, stating that copies of the code, or the pertinent parts thereof, and the related documents are open to public examination prior to the passage of this ordinance. (Ord. No. O-02-122, Sec. 2. Amended by Ord. No. O-12-08)

10.40.03 Effective Date This ordinance shall have an effective date of April 1, 2012 and shall otherwise be in full force and effect from and after its passage and publication.

TITLE 11
BUILDINGS AND CONSTRUCTION

Chapters:

11.04 Electrical Code and Electricians
11.08 Plumbing Code
11.12 Fire Prevention Code
11.16 Building Code
11.24 Razing or Removal of Certain Structures – **Repealed by Ord. No O-09-55**
11.28 Moving of Buildings
11.32 City Inspector
11.36 Gas Code
11.44 Fair Housing
11.48 Public Facilities Board
11.52 Parking Lots
11.56 Mechanical Code

Chapter 11.04
ELECTRICAL CODE AND ELECTRICIANS

Sections:

11.04.01 Adoption of Electric Code
11.04.02 Code Official
11.04.02.01 Duties and Powers of the Code Official
11.04.02.02 Unlawful Interference
11.04.03 Permits
11.04.04 Inspection
11.04.04.01 Required Inspections
11.04.05 Standards – Repealed by (Ord. No. O-12-03, Sec. 7)
11.04.06 Bonding of electricians
11.04.07 Failure to comply
11.04.08 Penalty
11.04.09 Licensing of Electricians
11.04.09.01 Electrical Licensing Requirements.
11.04.10 Board of Electrical Examiners and Supervisors Created - Repealed by (Ord. No. O-94-07, Sec. 2)
11.04.11 Appointment, terms and officers of Board – Repealed by (Ord. No. O-94-07)
11.04.12 Rules and regulations of Board – Repealed by (Ord. No. O-94-07, Sec. 2)
11.04.13 License required – Repealed by (Ord. No. O-94-07, Sec. 2)
11.04.14 Examinations – Repealed by (ord. No. O-94-07, Sec. 2)
11.04.15 Classes of electricians – Repealed by (Ord. No. O-12-03, Sec. 7)
11.04.16 Compliance with ordinances – Repealed by (Ord. No. O-12-03, Sec. 7)
11.04.17 Bond required – Repealed by (Ord. No. O-12-03, Sec. 7)
11.04.18 Requirements of license – Repealed by Ord. No. O-94-07, Sec. 2)
11.04.19 Display of license – Repealed by (Ord. No. O-12-03, Sec. 7)

11.04.20 Requirements of licensee – Repealed by (Ord. No. O-12-03, Sec. 7)
11.04.21 Permits and inspections – Repealed by (Ord. No. O-12-03, Sec. 7)
11.04.22 Exceptions – Repealed by (Ord. No. O-12-03, Sec. 7)
11.04.23 Electrical inspector – Repealed by (Ord. No. O-12-03, Sec. 7)
11.04.24 Wiring methods – Repealed by (Ord. No. O-12-03, Sec. 7)
11.04.25 Local Amendments to the Electrical Code
11.04.26 Inspections, permits and fees
11.04.27 Harmful to supply current until wiring approved
11.04.28 Penalty – Repealed by (Ord. No. O-12-03, Sec. 7)

11.04.01 Adoption of Electrical Code That there is hereby adopted by the City of Conway, Arkansas, pursuant to A.C.A. 14-55-207(a), for the purpose of establishing rules and regulations for the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems as herein provided; providing for the issuance of permits and collection of fees thereto so as to safeguard life, health, and public welfare and the protection of property, that certain Electrical Code known as the National Electrical Code, 2011 edition thereof, as well as subsequent editions as adopted by the State of 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 in the construction and installation of all electrical work and electrical systems within the corporate limits of the City of Conway, Arkansas, except as regulated by other ordinances of this code. (Ord. No. O-08-61.) Amended by Ord. No. O-12-03, Sec 1)

Not less than three (3) copies of this code, or the pertinent parts thereof, have been and are now filed in the office of the Clerk/Treasurer of the City of Conway, Arkansas, for inspection and view by the public prior to the passage of this ordinance, and the same are hereby adopted and incorporated, as amended, as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all electrical systems within the corporate limits of the City of Conway, Arkansas, except as regulated by other ordinances of the Conway Municipal Code.
(Ord. No. O-12-03, Sec. 2)

11.04.02 Code Official The officer or other designated authority charged with the administration and enforcement of the City Electrical Code, or a duly authorized representative shall be recognized as the Code Official. Ord. No. O-12-03, Sec 4

11.04.02.01 Duties and Powers of the Code Official The Code Official shall have the duty and is hereby authorized, empowered and directed to:

A. See that all provisions of this ordinance are fully complied with, and to inspect all the electrical work done within the corporate limits for lighting, power or heating, and shall keep proper and permanent records of such inspections; he shall report the results of inspections to the general or electrical contractor or to the owner or occupant of the building or structure in or on which the electrical work is being done or has been done, and cause to be corrected any

deviation from the requirements of this ordinance, or issue approval in writing when said requirements are found to be satisfied.

B. Inspect all interior wires and wiring and all electrical apparatus conducting or utilizing electrical current for any purpose whatsoever, within the limits of the City of Conway. He/she shall be empowered to make such tests as he may deem necessary to ascertain the condition of such wiring, apparatus or appliances and he/she shall have the right to remove or compel the removal of any obstructions, such as lath, plastering, ceiling or flooring which may hinder a full and complete inspection of such wires or apparatus. He/she may remove or compel the removal of conductors which are enclosed in conduit or otherwise inaccessible for complete inspection. When said conductors or appliances are not in accordance with the requirements of this ordinance, or found to be unsafe to life or property, he/she shall have the right to condemn such conductors or appliances as hereinafter provided.

C. Enter any building, manhole, subway or premises in discharging his duties or for the purpose of making any inspection or tests of any electrical apparatus contained therein. He/she shall have the power to make arrests for the violation of any of the provisions of this ordinance, and to compel the suspension of any electrical work being done in a manner prohibited by this ordinance.

D. Inspect or re-inspect at his option, all interior wiring or apparatus conducting or using electrical current for lights, heat or power, and when the said conductors or apparatus are found to be unsafe to life or property, he/she shall notify the person, firm or corporation owning, using or operating them, to place the same in a safe and secure condition within forty-eight (48) hours; or within such further time as the electrical inspector shall determine is necessary.

E. Render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purposes of this code.
Ord. No. O-12-03, Sec. 4

11.04.02.02 Unlawful Interference It shall be unlawful for any person, firm or corporation to hinder or interfere with the code official in the discharge of his/her duties under this ordinance. Ord. No. O-12-03, Sec. 4

11.04.02.03 Liability The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for an damage accruing to persons or property as a result of any act or by reason of an act or

omission in the discharge of official duties. Any suit instituted against any officer of employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings.

The code official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any official, officer or employee, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith. Ord. No. O-12-03, Sec. 4

11.04.03 Permits No installation, alteration or removal shall be made in/or of the wiring of any building or structure for light, heat, or power or to increase the load of energy carried by such wires or equipment nor shall any building or structure be wired for electric lights, appliances, motors, apparatus or heating devices nor alterations made thereto without a written permit therefore being first obtained from the city by the person firm or corporation having direct charge of such installation, except for the following work exempt from permits:

A. Listed cord and plug connected temporary decorative lighting.
B. Reinstallation of attachment plug receptacles, but not the outlets therefore.
C. Repair or replacement of branch circuit overcurrent devices of the required capacity in the same location.
D. Temporary wiring for experimental purposes in suitable experimental laboratories.
E. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
F. Minor repair to or replacement of common receptacles, light switches, lights and/or light fixtures, appliances or equipment when no addition to or replacement of wiring is done.
G. Work performed by employees of the firm or corporation engaged in providing the generation and distribution of electrical energy for light, heat or power, or the electrically operated transportation when such work is conducted on the electrical systems owned by the utility company.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction. Ord. No. O-12-03, Sec. 5

11.04.04 Inspection Upon the completion of the wiring, installation or alteration of any building or structure for light, heat, power, appliance or apparatus, it shall be the duty of the person, firm or corporation having direct charge of such to notify the code official who shall, as early as possible, inspect such wiring, installation, appliance and apparatus and if installed, altered and constructed in compliance with the permit and in accordance with the requirements of this ordinance, he/she shall provide written approval of satisfactory inspection, which shall contain the date of such inspection and the result of his examination,

but no such approval shall be issued unless such electric wiring, motors, heating devices, appliances and apparatus be in strict accord with the rules and requirements and the spirit of this ordinance, nor shall current be turned on such installation, equipment, appliance, motors, heating devices and apparatus until said approval is issued. Ord. No. O-12-03, Sec 6

11.04.04.01 Required Inspections The following inspections shall be required:

A. Underground. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping and conductors installed, and before backfill is put in place. Where excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the raceway, cable or conductors, or where corrosive action will occur, protection shall be provided in the form of granular or selected material, approved running boards, sleeves or other means.

B. **Rough-in.** Rough-in inspection shall be made after roof, framing, fireblocking and bracing are in place and wiring and other components to be concealed are complete, and prior to installation of wall or ceiling membranes. No job shall be considered as completely roughed-in until all joints have been soldered, rubber and friction taped, or approved connectors used, pigtails provided for the hanging of fixtures and overcurrent devices installed in the electrical panels.

C. **Final.** The final inspection shall be made after all work required by the permit is completed. It is the responsibility of the electrical contractor to arrange for the structure or structures to be open in order that the inspection can be made. Occupied structures or structures containing personal property will not be entered by the inspector unless accompanied by the owner or owner's representative. **(**Ord. No. O-12-03, Sec. 6)

11.04.05 Standards – Repealed by (Ord. No. O-12-03, Sec. 7)

11.04.06 Bonding of electricians Every person, firm or corporation doing business in the City of Conway as a licensed electrical contractor shall file with the City of Conway a bond in the penal sum of Five Hundred Dollars ($500.00) with a recognized corporate surety, authorized to do business in the State of Arkansas; provided, however, that in lieu thereof any person,, firm or corporation may deposit with the City of Conway the sum of Five Hundred Dollars ($500.00) in U.S. currency, together with his personal bond therefore conditioned as hereinafter set forth.

The bond and surety shall be approved by the City Attorney of Conway, said bond being conditioned, however, that the principal will hold harmless the City of Conway, Arkansas, or any resident of said City against loss or damage by reason of faulty or improper electrical work done or suffered by said principal, and conditioned further that the principal shall strictly comply with the ordinances of the City of Conway governing such work; that the principal will do or suffer no work to be done without a permit, and will report work done for

inspection by the city electrical inspector in conformity with the laws and ordinances of the City of Conway. (Ord. No. O-12-03, Sec. 8)

11.04.07 Failure to comply Any person, firm or corporation who shall fail to correct any defect or defects in his or her work or to meet the required standards after having been given notice of the unfit condition by the city inspector within a reasonable time, shall be refused any other permit until such defect or defects have been corrected and shall be subject to revocation of license for continual defective work or either upon conviction for violation of the provisions of this ordinance. Upon failure to comply with this ordinance, the city inspector shall have authority, after due notice, to cut out electric current in the locality concerned. (Ord. No. A-490, Sec. 7)

11.04.08 Penalty Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined not less than Fifty Dollars ($50.00) nor more than Three Hundred Dollars ($300.00) for each offense, and each day such violation shall continue and shall constitute a separate offense. (Ord. No. A-334, Sec. 19) amended by (Ord. No. A-490, Sec. 9)

11.04.09 Licensing of Electricians Persons, firm and/or corporations performing electrical work in the City of Conway shall be licensed to perform such work in accordance with the State of Arkansas Electrical Licensing Laws except,

A) Any individual desiring to perform his own electrical work personally shall not be required to make the required bond or to obtain the required license, but shall be required to obtain the regular permit if said work is to be done on a single family residence to be occupied by the individual seeking the permit, and said single family residence is to be used as his own permanent home, and not for the public, generally, or for any single family residence built for resale. Provided, that such individual shall satisfactorily complete a written examination prepared by the City Electrical Inspector which shall test the individual on basic electrical knowledge and demonstrate to the City Inspector that the individual has the minimal experience and knowledge necessary to safely perform his own electrical work. (Ord. No. O-01-61, Sec. 1) amended by (Ord. No. O-12-03, Sec. 10)

11.04.09.01 Electrical Licensing Requirements A copy of the State Electrical License for each state licensed master electrician shall be provided to the City to be kept on file. Such licensing information shall indicate the name of the electrical company the master electrician represents. No licensed master electrician can represent more than one (1) firm at a time. (Ord. No. O-12-03, Sec. 10)

11.04.10 Board of Electrical Examiners and Supervisors created Repealed by (Ord. No. O-94-07, Sec. 2)
11.04.11 Appointment, terms and officers of Board Repealed by (Ord. No. O-94-07)
11.04.12 Rules and regulations of Board Repealed by (Ord. No. O-94-07, Sec. 2)
11.04.13 License required Repealed by (Ord. No. (O-94-07, Sec. 2)
11.04.14 Examinations Repealed by (Ord. No. O-94-07, Sec. 2)

11.04.15 Classes of electricians – Repealed by (Ord. No. O-12-03, Sec. 7)
11.04.16 Compliance with ordinances – Repealed by (Ord. No. O-12-03, Sec. 7)
11.04.17 Bond required – Repealed by (Ord. No. O-12-03, Sec. 7)
11.04.18 Requirement of licensee Repealed by Ord. No. O-94-07, Sec. 2)
11.04.19 Display of license – Repealed by (Ord. No. O-12-03, Sec. 7)
11.04.20 Requirements of licensee – Repealed by (Ord. No. O-12-03, Sec. 7)
11.04.21 Permits and inspections – Repealed by (Ord. No. O-12-03, Sec. 7)
11.04.22 Exemptions - Repealed by (Ord. No. O-12-03, Sec. 7)
11.04.23 Electrical inspector. - Repealed by (Ord. No. O-12-03, Sec. 7)
11.04.24 Wiring methods - Repealed by (Ord. No. O-12-03, Sec. 7)

11.04.25 Local Amendments to the Electrical Code hereby adopted The Electrical Code hereby adopted is amended by adding the following language:

A. All electrical work of any kind and all systems shall satisfactorily fulfill the purpose for which it is installed and all work shall be executed in a good and workmanlike manner. Slipshod work or work not in keeping with good electrical practice shall be classified as defective and shall be immediately corrected by persons causing the same.

B. Residences and apartments shall be done with wire not smaller than No. 14 gauge wire, allowing ten (10) outlets per 15 amp circuit and twelve (12) outlets per 20 amp circuits. Provided, however, in residences and apartments, laundry rooms shall have not more than two (2) outlets per circuit, and kitchen above counters shall have not more than (4) four duplex receptacles per circuit installed with wire not smaller than No. 12 gauge. (Ord. No. O-07-161)

C. Non metallic sheathed cable is not permitted except in single family dwellings, two-family dwellings, townhouses and multifamily apartment uses.

D. Aluminum wire is prohibited other than feeders and service with no smaller than No. 4 gauge. (Ord. No. O-07-161)

E. Residential Master Electricians, as defined by the Arkansas Board of Electrical Examiners shall be limited to pulling electrical permits for residential dwelling units with up to four attached units and their accessory structures.
(Ord. No. O-12-03, Sec. 11)

11.04.26 Inspections, permits and fees

E. Application for permits shall be made according to the following table of charges:

All other fees (includes remodeling, renovations, alteration and repairs, excluding minor repairs as noted in Section (A) of this ordinance):
ALL TRADES

Rough and Final Inspections	$15.00
Re-inspect	$25.00

ELECTRICAL All new construction is $0.06 per square foot, with a minimum of $36.00, whichever is greater.

Temporary Construction Pole (service) **(MUST BE INSPECTED)**	no charge
Outlets - 1 – 5	$5.50
Outlets Over 5	$0.30 ea
Light Fixtures & Switches 1 - 5	$5.50
Light Fixtures Over 5	$0.30 ea
Outside Electric Signs	$6.25
Electric Window Signs	$3.75
Neon Borders, window and outside	$ 3.75
Service only (such as mobile homes)	$30.00
TPP (temporary power to structure prior to final inspection – expires in 30 days)	$20.00
Electric Stoves, Ranges, Dryers, or Hot Water Heaters	$6.75
Vent Hoods	$2.00
Dish Washers	$2.00
Disposals	$2.00
Electric Heater - 1to15 KW	$3.75
Electric Heater - 16 to 25 KW	$6.75
Air Conditioners – 20 to 30 amp	$3.00
Air Conditioners – 40 to 60 amp	$4.00

In case the electrical inspector is required to make more than one trip for the purpose of inspecting any work due to a violation of codes, ordinances, wrong address, or any other irregularities caused by the master electrician or his agents, a charge of $25.00 Twenty Five Dollars shall be paid for each additional trip or reinspection. (Ord. No. O-12-03, Sec.12)

11.04.27 Unlawful to supply current until wiring approved

A. It shall be unlawful for any person, firm or corporation in the City of Conway to furnish current to any new building, tent, structure or outdoor wiring of any kind, nature or description, without first obtaining a clearance from the electrical inspector, stating that such wiring is approved and a permit has been issued for the use of current.

B. The said electrical inspector is hereby authorized and empowered to cause the turning off of all electric current from all conductors or apparatus which are deemed by him to be in an unsafe condition or which have not been installed in conformity with the provisions of this ordinance. No person, firm or corporation, or agent thereof shall supply or cause to be supplied any electric current to conductors or apparatus which have been deemed by said inspector to be in an unsafe condition or which have not been installed in conformity with the provisions of this ordinance and from which the said electrical inspector has caused the electric current to be turned off. (Ord. No. A-334, Sec. 18)

11.04.28 Penalty - Repealed by (Ord. No. O-12-03, Sec. 7)

Chapter 11.08
PLUMBING CODE

Sections:

11.08.01 Definitions
11.08.02 Adoption of Plumbing Code
11.08.03 Amendments to said code
11.08.04 Inspection and supervision
11.08.05 Applications; permits
11.08.06 Bond required
11.08.07 Street openings

11.08.01 Definitions Plumbing for the purposes of this ordinance is hereby defined as follows:

A. All piping, fixtures, appliances and appurtenances in connection with the water supply and drainage systems within a building and to a point from three (3) to five (5) feet outside of the building.

B. The construction and connection of any drain or waste pipe carrying domestic sewage from a point within three (3) to five (5) feet outside of the foundation walls of any building with the sewer service lateral or other disposal terminal, including private domestic sewage treatment and disposal systems and the alteration of any such system, drain or waste pipe, except minor repairs to faucets, valves, pipes, appliances and removing of stoppages.

C. The water service piping from a point within three (3) to five (5) feet outside of the foundation walls of any building to the water meter or other water utility property or other terminal and the connecting of domestic hot water storage tanks, water softeners and water heaters with the water supply system.

D. Water pressure systems other than public utility systems.

E. A plumbing and drainage system so designed and vent piping so installed, as to keep the air within the system in free circulation and movement, and to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals or retard the discharge from plumbing fixtures, or permit sewer air to escape into the building. (Ord. No. A-517, Sec. 1)

11.08.02 State code The provisions and regulations of the Arkansas State Plumbing Code, and amendments thereto, adopted by the State Board of Health of Arkansas, being the 2006 edition of said code, save and except such portions as may be hereinafter amended, are hereby made a part of this ordinance by reference, three (3) certified copies of which shall be on file in the office of the Clerk/Treasurer, and shall extend over and govern the installation of all plumbing installed, altered or repaired in the city of Conway, Arkansas. (Ord. No.O-08-60)

11.08.03 Amendments to said code

A. Section 10.1.5 of said code being hereby adopted shall be and hereby is amended to read as follows:
10. 1.5 Water Service Pipe (Materials).
Cold water service piping shall be cast iron pipe, ductile iron pipe, type K or L copper tubing or schedule 40 PVC except when such service is under concrete, then such pipe shall be cast iron pipe, ductile iron pipe or type K copper tubing.

1. Schedule 40 PVC pipe shall be limited to sizes 2 inches and smaller and may be installed from a pint 5 feet from the water meter to the house or building being served.

2. The water pipe from the water meter to a point at least 5 feet from the meter shall be cast iron pipe, ductile iron pipe or type K or L copper tubing.

B. Section 11.2.1 of said code shall be and hereby is amended to read as follows:

11.2.1. Separate trenches. The building sewer, when installed in a separate trench from the water service pipe, shall be cast iron pipe, ductile iron pipe, clay sewer pipe or schedule 40 PVC sewer pipe (4 inch in diameter only). Joints shall be watertight and root proof (Ord. No. A-517, Sec. 3, as amended by Ord. No. O-96-68, Sec. 3.)

11.08.04 Inspection and supervision It shall be the duty of the city inspector to enforce all provisions of this ordinance and to inspect and test all plumbing work for compliance with

said code and said inspector is hereby granted the authority to enter all buildings in the City of Conway in the performance of his duties between the hours of 8:00 a.m. and 5:00 p.m. daily. The city inspector shall issue permits for plumbing work as herein provided and shall prepare suitable forms for applications, permits and other reports. (Ord. No. A-517, Sec. 4)

11.08.05 Applications, permits

A. Before beginning any plumbing work in the city of Conway, the person installing same shall apply to the city inspector or other designated official and obtain a permit to do such work. Only those persons authorized to do plumbing may be issued permits. A permit may be issued to a property owner to install plumbing in a single family resident provided the property owner does the work himself and the building is owned and occupied by such owner as his home.

B. Application for permits shall be made on suitable forms provided by the Permits Inspection Department. The application shall be accompanied by fees in accordance with the following fee schedule:

All new construction (under roof)	$0.06 per square foot Beginning January 1, 2008 $0.10 per square foot Beginning July 1, 2008
Commercial & Residential minimum	$250.00
All other:	
Plumbing All new construction	$0.06 per square foot min (Minimum of $36.00)
Accessory	$20.00
Fixtures	$ 3.50
Water Heater	$10.00
Gas Service Line per meter	$20.00
MECHANICAL Heating and Cooling System for a New Structure	$0.06 per square foot (Minimum $36.00)
Replacement or addition of a Mechanical Heating or Cooling system	$15.00 ea
Remodeling of a Heating and Cooling System for a structure (ductwork only)	$36.00 minimum

Any re-inspection or additional inspection required by the inspector and

caused by the failure of the subcontractor to be ready for testing or not complying with code procedures is $25.00 Twenty Five Dollars.
(As amended by O-07-130, Sec. 2)

11.08.06 Bond required Every master plumber doing business in the city of Conway shall execute and deliver to the city a bond with a surety bonding company in the sum of One Thousand ($1,000.00) Dollars to indemnify the city or any citizen for the damage caused by the failure of such master plumber to comply strictly with the provisions of this ordinance. No plumbing permit shall be issued to any master plumber unless this bond has been delivered to the city and is in full force and effect. (Ord. No. A-517, Sec. 6)

11.08.07 Street openings All openings or cuts made in the public streets, alleys or ways to install plumbing must be made in strict compliance with ordinances of the city now or hereafter in force and effect. (Ord. No. A-517, Sec. 7)

Chapter 11.12
FIRE PREVENTION CODE

Sections:

11.12.01 Adoption of
11.12.02 Enforcement
11.12.03 Definitions
11.12.04 Establishment of limits of districts in which storage of flammable liquids in outside aboveground tanks, bulk storage of liquefied petroleum gases and storage of explosives and blasting agents is to be restricted
11.12.05 Amendments to the code hereby adopted
11.12.06 Modifications
11.12.07 Appeals
11.12.08 Penalties
11.12.09 Novelty Lighters

11.12.01 Adoption of There is hereby adopted by the city of Conway, Arkansas, pursuant to the A.C.A. 14-55-207(a), for the purpose of establishing rules and regulations to assist in preventing and controlling fires in and outside of structures in the city of Conway so as to safeguard life, health and public welfare and the protection of property, that certain Arkansas Fire Prevention Code, which has been adopted by the state of Arkansas as the 2002 or most current edition of the Arkansas Fire Prevention Code.

A. Not less than three (3) copies of the code, or the pertinent parts thereof, have been and are now filed in the office of the Clerk/Treasurer of the city of Conway, Arkansas, for inspection and view by the public prior to the passage of this ordinance, 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.

B. Pursuant to A.C.A. 14-55-207(c), the City Clerk of the city of Conway has published a public notice, by publication in a paper of general circulation within the city of Conway, stating that copies of code, or the pertinent parts thereof, are open to public examination prior to the passage of this ordinance.

C. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of that conflict, including, specifically, Ord. No. 04-71. (Ord. No. O-04-142, Secs. 1-4.)

11.12.02 Enforcement The code hereby adopted shall be enforced by the Chief of the Fire Department. (Ord. No. O-99-78, Sec. 2)

11.12.03 Definitions Whenever the word "Municipality" is used in the code hereby adopted, it shall be held to mean the city of Conway, Arkansas. (Ord. No. 99-78, Sec. 3)

11.12.04 Establishment of limits of districts in which storage of flammable liquids in outside aboveground tanks, bulk storage of liquefied petroleum gases and storage of explosives and blasting agents is to be restricted The limits referred to in Section 1406 of the code hereby adopted in which storage of flammable liquids in outside aboveground tanks is prohibited, the limits referred to in Section 1900 of the code hereby adopted, or by Act 18 of the Acts of the General Assembly of Arkansas for 1957, and in which bulk storage of liquefied petroleum gas is restricted, and the limits referred to in Section 1803 of the code hereby adopted, in which storage of explosives and blasting agents is prohibited, are hereby established as those areas of the city of Conway, Arkansas which may be now or hereafter zoned to be industrial under valid zoning ordinances and laws of said city. Provided, however, nothing herein contained shall be construed as requiring the removal of any outside aboveground tanks for the storage of flammable liquids and the bulk storage of liquefied petroleum gas which are now situated within the areas of the city of Conway, which are now zoned other than industrial. Provided, further, that nothing herein contained shall be construed, nor is it intended, to permit the storage of flammable liquids in outside aboveground tanks or the bulk storage of liquefied petroleum gases, or the storage of explosives and blasting agents with any less degree of caution or protection than is now or may be hereafter provided or required by applicable statutes of the state of Arkansas or of lawful rules and regulations adopted by lawful agencies pursuant to such statutes. (Ord. No. O-99-78, Sec. 4)

11.12.05 Amendments to the code hereby adopted The code hereby adopted is amended and changed in the following respects:

a. Section 2802 is amended as follows:

Section 2802: BURNING OF TRASH.

A. No person or persons shall kindle or maintain a bonfire, or burn trash, lumber, leaves, straw or any other combustible material in any street or alley, or on any premises or vacant lot, unless burning be done in covered receptacles or

incinerators approved by the city health officer or the Chief of the Fire Department. The Chief of the Fire Department may issue a general permit, by publication, during the seasons of the year, for the burning of leaves or other like materials outside the receptacles. All burning of materials permitted by this paragraph shall be conducted on still days, during daylight, with an adult in constant attendance, and shall be done in a location at least twenty-five (25) feet from any building or structure, and where standing grass or weeds will not communicate fire to nearby property.

B. Article XV of said code pertaining to the regulation of the sale and handling of fireworks, is hereby deleted in its entirety, it being the specific intention of the City Council to leave in full force and effect its existing ordinances prohibiting the sale, at wholesale or retail, and the firing or discharging of fireworks within the corporate limits of the city of Conway, Arkansas. (Ord. No. O-99-78, Sec. 5)

11.12.06 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. O-99-78, Sec. 6)

11.12.07 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 decisions of the Chief of the Fire Department to the City Council of the city of Conway, Arkansas within thirty (30) days from the date of the decision appealed. (Ord. No. O-99-78, Sec. 7)

11.12.08 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 in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council of the city of Conway, Arkansas, 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 ($10.00) Dollars nor more than Fifty ($50.00) Dollars or by imprisonment for not less than one (1) day nor more than ten (10) days or by both such fine and imprisonment. The

imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) 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. O-99-78, Sec. 8)

11.12.09 Novelty Lighters

A. Prohibitions; Inapplicability The retail sale, offer of retail sale, gift or distribution of any novelty lighter within the territorial jurisdiction of the City of Conway is prohibited. The prohibition is inapplicable to: (1) novelty lighters which are only being actively transported through the city; or (2) novelty lighters located in a warehouse closed to the public for purposes of retail sales.

B. Definition "Novelty lighter" means a lighter that has entertaining audio or visual effect, or that depicts, through the use of logos, decals, art work or by other means, or that resembles in physical form or function articles commonly recognized as appealing to or intended for use by children ten (10) years of age or younger. This includes , but is not limited to, lighters that depict or resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages, or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel.

C. Exceptions The term "novelty lighter" excludes: (1) any lighter manufactured prior to 1980; and (2) any lighter which lacks fuel; or (3) any lighter which lacks a device necessary to produce combustion or a flame.

D. Enforcement The provisions of this section shall be enforced by the fire marshal, any police officer, any code enforcement officer, and any other City official authorized to enforce any provision of the City of Conway Municipal Code.

E. Violation; Penalty Any person or entity violating any provision of this section is guilty of an infraction, an upon conviction therefore, shall be subject to a fine or penalty of not less than $25.00 nor more than $500.00.
(Ord. No. O-07-158, Sec. 1)

Chapter 11.16
BUILDING CODE

Sections:

11.16.01 Adoption of
11.16.02 Enforcement
11.16.03 Right of entry

11.16.04 Definitions
11.16.05 Fire limits established
11.16.06 Amendments to the code hereby adopted
11.16.07 Site drainage systems

11.16.01 Adoption of There is hereby adopted by the City of Conway, Arkansas, pursuant to Arkansas Code Annotated Stat. 14-55-207(a), 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 International Arkansas Fire Prevention Code Volumes II and III, 2007 edition thereof, as well as subsequent editions as adopted by the State of Arkansas, of which not less than three (3) copies of each of the codes, or the pertinent parts thereof, have been and are on file in the office of the Clerk/Treasurer of the City of Conway, Arkansas, for inspection and view by the public prior to the passage of this ordinance, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and other structures within the corporate limits of the City of Conway, Arkansas, except as regulated by other ordinances of this code.

11.16.05 Limits of the Fire District established The limits of the fire district of the City of Conway, Arkansas, are hereby established as follows:

> Beginning at the Northeast corner of Lot One Hundred Forty-Seven (147) of Fidlar's Survey of the City of Conway, and running thence in a Southeastwardly direction along the West line of Parkway Avenue to Southeast corner of Lot One Hundred Thirty-Nine (139) of said Fidlar's Survey of said city; thence running West to the Northwest corner of Lot One Hundred Thirty-Six (136) of Fidlar's Survey of said city; running Southeastwardly along the East line of Lot Two Hundred Forty-Three (243) of said Fidlar's Survey to the Southwest corner of Lot One Hundred Thirty-Two (132) of said Fidlar's Survey of the City of Conway, Arkansas; thence running due East to a point on the North line of Price Street, which is due North of the West line of Locust Avenue; thence South to the Northeast corner of Lot Thirty-Seven (37), Block Twenty-Five (25), Robinson's Plan of Conway; thence in a South and Southeasterly direction along the West line of Locust Avenue to the Southeast corner of Lot Four (4) of Block Forty-Eight (48) of Robinson's Plan to the City of Conway; thence running Northeast to the Southwest corner of Lot Sixteen (16), Block Twenty-one (21), Robinson's Plan; thence Northeastwardly along the North line of Prairie Street to the East line of the Missouri Pacific Railroad Company right-of-way; thence Southeastwardly along the East line of the said Missouri Pacific Railroad Company right-of-way to the Southwest corner of Lot Six (6), Block Fifteen (15), Robinson's Plan; thence Northeastwardly along the North line of Elm Street to the Southeast corner of Lot One (1), Block Eight (8) of said Robinson's Plan to the City of Conway; thence running North along the West right of-way of Harkrider (State Highway 65B) to its intersection with the centerline of Garland Street; thence West along the centerline of Garland Street to its intersection with the centerline of Markham Street;

thence North along the centerline of Markham Street a distance of twenty-four (24) feet; thence West along the centerline of a certain alleyway which lies between Lots Five (5) and Six (6) of Bruce Addition for a distance of one hundred forty-seven and a half (147.5) feet; thence South for a distance of one hundred (100) feet; thence West to centerline of Spencer Street; thence South along the centerline of Spencer Street to a point where the centerline of Smith Street, extended Westward would intersect the centerline of Spencer Street; thence Westward along and with the centerline of Smith Street and to the centerline of Front Street; thence Northward along and with the centerline of Front Street; and to its intersection with the South line of Mill Street; thence West along and with the South line of Mill Street to the Northeast corner of Lot One Hundred Forty-Seven (147), according to Fidlar's Survey of the city of Conway and to the point of beginning." (Ord. No. O-87-37, Sec. 1)

11.16.06 Amendments to the code hereby adopted The code hereby adopted is amended and changed in the following respects:

Building Permit Fees
Schedule of building Permit Fees for One and Two Family Dwellings

1	New Building	$0.10 per square foot of area under roof with a minimum of $250.00
2	Addition	$0.10 per square foot area Under roof with a minimum of $35.00
3	Remodeling	$1.00 per $1,000 of Construction Cost with a minimum of $30.00
4	Accessory	$0.10 per square foot of area Under roof with a minimum of $20.00
5	Re-Inspections and Additional Inspections (*See note below)	$25.00 per inspection
6	Work Commencing before permit Issuance	Permit fee shall be doubled
7	Building Code Appeals Board Application Fee	$250.00
8	Temporary Certificate of Occupancy	$25.00 for 1st 30 days and $250.00 for every extension thereafter.

**** Re-inspections will not be rescheduled until each re-inspection fee for each trade that failed inspection has been paid.*** (Ord. No. O-09-117) as amended by (Ord. No. O-10-114, Sec 1)

Schedule of Building Permit Fees for Other than One and Two Family Dwellings

1	New Building	$0.10 per square foot of area under roof with a minimum of $250.00
2	Addition	$0.10 per square foot area under roof with a minimum of $45.00
3	Remodeling	$1.00 per $1,000 of Construction Cost with a minimum of $30.00
4	Accessory	$0.10 per square foot of area under roof with a minimum of $50.00
5	Temporary Structures	$0.10 per square foot of area under roof with minimum of $250.00
6	Re-Inspections and Additional Inspections (*see note below)	$25.00 per inspection
7	Work commencing before permit Issuance	Permit fee shall be doubled
8	Building Code appeals Board Application Fee	$250.00
9	Temporary Certificate of Occupancy	$500.00

**** Re-inspections will not be rescheduled until each re-inspection fee for each trade that failed inspection has been paid.*** (Ord. No. O-10-76, Sec 1) as amended by (Ord. No. O-10-114, Sec 1)

2. Building Permit Required No person, firm, corporation, partnership, association or any other organization of any kind or character whatsoever shall build, construct, or erect any residence, as that term is defined herein, nor remodel or construct, build, or erect any addition, as defined herein, to any such residence without first obtaining a building permit for such construction, building, erection, remodeling project or addition, as set forth herein.

3. Definitions As used in this article, the following definitions shall apply:

Addition or remodel: Any construction involving substantial changes, improvements, repairs or additions to a residence.

Homebuilder: Any person who, in the pursuit of an independent business, undertakes to, or offers to undertake, or submits a bid to, or

contracts or undertakes to construct, or assumes charge, in a supervisory capacity or otherwise, or manages the construction of a private residence on behalf of another person, or who, to do similar work upon his own property with the intent to resell the private residence, employs members of one or more building trades upon a single job or project or under a single building permit.

Property Owner: Any person who assumes the responsibility of a homebuilder for the purpose of constructing their own personal single-family detached residence with the expressed intent of occupying said structure.

Person: Any natural person, limited or general partnership, association, corporation or other organization or entity, or any combination thereof.

Residence: Any dwelling, from one (1) to four (4) units in design, intended principally for residential purposes.

4. Applications for Permit

Homebuilders applying to the Department of Building Permits and Inspections for the issuance of a Building Permit for the construction of a residence, or for the construction of an addition or a remodeling project, with a value of $20,000 or greater, shall include a copy of their current Residential Building Contractor's License issued by the Arkansas Contractor's Licensing board pursuant to the provisions of the Arkansas State Residential Licensing Law Act 950 of 1999 (A.C.A. 17-25-501 et. seq.), as the same may be amended from time to time, together with the statement of the applicant that the said license, is currently in full force and effect.

A property owner who acts as a residential building contractor for the purpose of constructing his own personal residence need not submit proof of a Residential Building Contractor's License, provided that this person does not construct more than one (1) residence per calendar year.

5. Applications for Permit – Certificate of Insurance

All applications to the Department of Building Permits and Inspections for the issuance of a Building Permit for the construction of a residence, or for the construction of an addition or a remodeling project, with a value of $20,000 or greater, shall include a certificate issued by an insurance company licensed to do business in the state of Arkansas that the applicant has procured and has in effect public liability and property damage insurance covering the applicant's

homebuilding operations in the sum of not less than $20,000 for injury or damage to property and $50,000 for injury and damage, including death to any one person, and $100,000 for injury or damage, including death to more than one person.

6. Concurrent Homebuilder Registration

The Residential Building Contractor's License Law Act 950 of 1999 (A.C.A. 17-25-501 et. seq.), will become effective after July 1, 2001, and will supersede the Homebuilders Registration Law Act 859 of 1987 (A.C.A. 17-47-101 et. seq.). Current homebuilder's registrations were due to expire on November 30, 2000, and the homebuilder licensure law is scheduled to be effective after July 1, 2001. However, the Residential building contractor's committee of the State Contractors Licensing Board is currently issuing residential building contractor's licenses to those homebuilders complying with the requirements for licensure as a residential building contractor.

In order to provide a smooth and workable transition between the requirements of Act 950 of 1999 and Act 859 of 1987, the city of Conway will accept either a current homebuilder registration issued by the Secretary of State's office as per Act 859 of 1987, or a residential building contractor's license issued by the State Contractors Licensing board as per Act 950 of 1999, as meeting the requirements above from the date of the passage of this ordinance until July 1, 2001. Beginning on July 1, 2001, a homebuilder must comply with the requirements herein. (Ord. No. O-01-54, Sec. 1.)

11.16.07 Site drainage systems That the site drainage systems for all building projects in the City of Conway, with the exception of those listed below, shall be reviewed and approved by the City Engineer prior to issuance of any building permits.

A. All accessory buildings under one hundred sixty (160) square feet in area.
B. Individual single family homes on separate lots and their related accessory buildings.
C. Individual duplexes on separate lots and their related accessory buildings.
D. Individual triplexes on separate lots and their related accessory buildings.
E. Individual quadruplexes on separate lots and their related accessory buildings. (Ord. No. O-94-29, Sec. 1)

Chapter 11.24
RAZING OR REMOVAL OF CERTAIN STRUCTURES

11.24.01 Council my order – Repealed by Ord. No. O-09-55
11.24.02 Notice – Repealed by Ord. No. O-09-55
11.24.03 Procedure for removal – Repealed by Ord. No. O-09-55

Chapter 11.28
MOVING OF BUILDINGS

Sections:

11.28.01 Permit required
11.28.02 Applications
11.28.03 Fees
11.28.04 Notice of hearing
11.28.05 Hearing
11.28.06 Permits-conditions
11.28.07 Removal-clean up
11.28.08 Denial of permit-grounds
11.28.09 Bond-completion
11.28.10 Bond-damage to streets or property

11.28.01 Permit required It is hereby declared unlawful for any person, persons, firm, company, or corporation to move any building in the City of Conway from one place to another upon the same lot, or from one place in the city to another place in the city not upon the same lot, or from without the city into the city, without first securing a permit to do so from the city council.

11.28.02 Applications All applications for a relocation permit to move any building shall be made in writing to the Planning Commission of the City of Conway on a form furnished by said commission, and shall contain the following information:

A. Description of type of building to be moved.
B. Present location of building.
C. Proposed location of building.
D. Present and future use of the building.
E. Route over which said building is to be moved and method to be used in moving said building.
F. Photographs of the building or structure to be moved and photographs of the buildings on the properties contiguous with the premises onto which the building or structure is to be moved.
G. A report from a licensed structural pest control contractor stating the condition of the building or structure as to decay and pest infestation.
H. Such other information as may reasonably be required in order to carry out the

purposes of this Section.
(Ord. No. A-581, Sec. I-2)

11.28.03 Fees Before any application for a relocation permit is accepted, an application fee shall be paid by the applicant to the building inspector to cover the cost of investigation and inspection. The application fee shall be Twenty-five ($25.00) Dollars for any building located within the City of Conway. For any building located outside the City of Conway, the application fee shall be Twenty-five ($25.00) Dollars plus One ($1.00) Dollar for each mile, or fraction thereof, when the building to be moved is located beyond the city limits of the City of Conway. This application fee shall be in addition to all other fees required by the city code of the City of Conway.

Upon acceptance of any application for a relocation permit, the planning commission will cause to be inspected the building or structure proposed to be moved, the district into which the building is to be moved, and the premises onto which the building is to be moved. (Ord. No. A-581, Sec. I-3)

11.28.04 Notice of hearing The planning commission shall cause to be posted, seven (7) days prior to the date on which application for a permit is to be heard, a notice in a conspicuous place upon the property to which said building is to be moved, which said notice shall contain the following:

A. The date on which the planning commission of Conway shall hold a hearing on the application for a permit to move a building.
B. Description of type of building to be moved.
C. Present location of building.
D. Proposed location of building.
(Ord. No. A-581, Sec. I-4)

11.28.05 Hearing At the time fixed in said notices to be posted as aforesaid any person may appear before the planning commission of the City of Conway and make objections to the granting of said permit. After hearing the application and all objections, if any, to such application for a permit, the planning commission of Conway shall forward to the city council of the City of Conway the original application, and the planning commission's findings recommending the approval or disapproval of the application. The hearing on said application may be continued from time to time at said planning commission's discretion. On receipt of said recommendations, the city council of the City of Conway may in its discretion either grant or deny the application for a permit, and may attach any conditions to said permit deemed necessary by said council. (Ord. No. A-581, Sec. I-5)

11.28.06 Permits-conditions No permit shall be issued to relocate any building or structure which is so constructed or in such condition as to be dangerous or which is unsanitary; or which if it be a dwelling or habitation, is unfit for human habitation; or which is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district into which the building is to be relocated; or,

if the proposed use is prohibited by any provision of the city code or by any other law or ordinance; provided, however, that if the conditions of the building or structure in the judgment of the building inspector admits of practicable and effective repair, the permit may be issued on such terms and conditions as the building inspector may deem reasonable and proper including but not limited to the requirement of changes, alterations, additions, or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to public welfare or to the property and improvements, or either, in the district into which it is to be moved.

The terms and conditions upon which each permit is granted shall be written upon the permit or appended in writing thereto. Said terms and conditions and the relocation bond shall provide for the removal of all concrete, lumber, and other debris and the filling of basements, cellars, or other excavations remaining from the removal of the building or structure from the premises from which it is moved when such premises are within the City of Conway. (Ord. No. A-581, Sec. I-6)

11.28.07 Removal-clean up When a building or structure is moved from any property located in the city to any other location, the site from which the building is moved shall be cleaned of all concrete, lumber, and other debris remaining from the removal of the building and all basements, cellars, and other excavations shall be filled. Such work shall be performed by the person moving such building or structure. (Ord. No. A-581, Sec. I-7)

11.28.08 Denial of permit-ground. If the unlawful, dangerous, or defective condition of the building or structure proposed to be relocated is such that remedy or correction cannot practicably and effectively be made, the relocation permit shall be denied. (Ord. No. A-581, Sec. I-8)

11.28.09 Bond-completion No relocation permit required by this Section shall be issued by the city council unless the applicant therefore shall first post with the City of Conway a bond executed by the owner of the premises where the building or structure is to be located, as principal, and a surety company authorized to do business in the state, as surety. The bond shall be in form joint and several, shall name the city as obligee and shall be in an amount equal to the cost plus ten (10%) percent of the work required to be done in order to comply with all the conditions of such relocation permit and any other ordinance, rules or regulations of the City of Conway, as such cost is estimated by the building inspector of the City of Conway. In lieu of a surety bond the applicant may post a bond executed by the owner, as principal, and which is secured by a deposit in cash in the amount named above and conditioned as required in the case of a surety bond; such a bond as so secured is hereafter called a "cash bond" for the purpose of this section. (Ord. No. A-581, Sec. I-9)

11.28.10 Bond-damage to streets or property In granting any permit, the council may in its discretion require applicant to give a separate and additional bond to the City of Conway in an amount to be fixed by said council to insure payment for any damage which applicant may cause to any public property, streets, sidewalks, trees or shrubs in the moving of any building. (Ord. No. A-581, Sec. I-10)

Chapter 11.32
City Building Department

Sections:

11.32.01 Creation of the Department
11.32.02 Deputies

11.32.01 Creation of the Department There is hereby created the City of Conway Building Division, also known as the City of Conway Division of Permits, Inspections and Code Enforcement, and the person in charge shall be known as the Building Official.

11.32.02 Deputies The Building Official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plans examiners and other employees. Such employees shall have powers as delegated by the building official.
(Ord. No. O-09-52)

Chapter 11.40
RESIDENTIAL HOUSING FACILITIES BOARD

*** Repealed by Ord. No. O-02-64**

Chapter 11.44
FAIR HOUSING

Sections:

11.44.01 Declaration of policy
11.44.02 Acts prohibited by this ordinance
11.44.03 Acts not prohibited by this ordinance
11.44.04 Provisions for enforcement
11.44.05 Not an administrative prerequisite

11.44.01 Declaration of policy

A. An ordinance providing regulations to govern the availability of fair housing to each and every person regardless of race, color, religion, national origin, or sex in compliance with Title VIII of the Civil Rights Act of 1968 is hereby adopted and declared to be the policy of the City of Conway. This ordinance shall commonly be referred to as the "Fair Housing Ordinance" for the City of Conway, Arkansas and shall be placed in the City Clerk's office for inspection by members of the general public of the City of Conway during normal business hours.

B. It is further declared that this policy is grounded upon a recognition of the right of every person to have access to adequate housing of their choice without regard to race, color, religion, national origin or sex; and further, that

the denial of such right through considerations based on race, color, religion, national origin or sex is detrimental to the health, safety, morals and welfare of the community and its inhabitants and constitutes an unjust denial or deprivation of such rights which is within the power and responsibility of government to prevent.
(Ord. No. 0-80-25, Sec. 1)

11.44.02 Acts prohibited by this ordinance

A. It Shall be Unlawful:

1. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex or national origin.

2. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, color, religion, sex or national origin.

3. To make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex or national origin or an intention to make any such preference, limitation or discrimination.

4. To represent to any person because of race, color, religion, sex or national origin that any dwelling is not available for an inspection, sale or rental when such dwelling is in fact so available.

5. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex or national origin.

6. To deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation on account of race, color, religion, sex or national origin.

B. Discrimination in the Financing of Housing: it shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in

the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling on account of race, color, religion, sex or national origin, or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, to the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given on account of race, color, religion, sex or national origin.

C. Conspiracy to Violate This Ordinance Unlawful: It shall be unlawful practice for a person or for two or more persons to conspire:

1. To retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this ordinance, or because he or she has made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing under this ordinance.

2. To aid, abet, incite, compel or coerce a person to engage in any of the acts or practices declared unlawful by this ordinance.

3. To obstruct or prevent a person from complying with the provisions of this ordinance or any order issued thereunder.

4. To resist, prevent, impede or interfere with the enforcing agent(s) in the lawful performance of duty under this ordinance.
(Ord. No. 0-80-25, Sec. 2)

11.44.03 Acts not prohibited by this ordinance The following acts are not covered by this ordinance. It is important to remember, however, that these acts are covered by the 1968 Civil Rights Act when discrimination based on race occurs in connection with such acts:

A. The sale or rental of single-family houses owned by a private individual owner of three or fewer such single-family houses if:

1. A broker is not used.
2. Discriminatory advertising is not used.
3. No more than one house in which the owner was not the most recent resident sold during any two-year period.

B. Rentals of rooms or units in owner-occupied dwellings for two to four families, if discriminatory advertising is not used.

C. Limiting the sale, rental or occupancy of dwellings which a religious organization owns or operates for other than a commercial purpose to persons

of the same religion, if membership in that religion is not restricted on account of race, color, national origin or sex.

D. Limiting to its own members the rental or occupancy of lodgings which a private club owns or operates for other than commercial purposes.
(Ord. No. 0-80-25, Sec. 3)

11.44.04 Provisions for enforcement

A. The Mayor or his designated agent shall serve as Fair Housing Officer who shall have the responsibility for implementing this ordinance.

B. The Mayor shall provide sufficient staff to perform these duties as required.

C. Any person claiming to be aggrieved by a violation of this ordinance may, within sixty (60) days of the alleged violation, file a written complaint (notarized if possible) with the Fair Housing Officer. The complaint shall contain the name of the alleged violators), or set forth facts sufficient to identify such person(s) and include an outline of the material facts upon which the complaint is based and the date of the alleged violation. Proper forms will be provided by the Fair Housing officer.

D. The Fair Housing Officer shall furnish a copy of the complaint to the person(s) against whom the complaint is made by certified mail-return receipt requested. Upon receipt of the complaint, the respondent may file an answer to the complaint within thirty (30) days of the receipt thereof. With leave from the Fair Housing Officer, the Complainant may amend their complaint anytime up until ten (10) days prior to the date set for hearing; and the Respondent may amend their answer anytime before a hearing set by the Fair Housing Officer. Within thirty (30) days of the service of the complaint upon the respondent, the Fair Housing officer shall conduct an inquiry to determine if there is sufficient data to substantiate the complaint. During the course of an inquiry being conducted as a result of a complaint filed hereunder, the Fair Housing Officer, may at any reasonable time request voluntary access to premises, records and documents relevant to the complaint and may request the right to examine, photograph and copy evidence. If the Fair Housing officer is denied access to such records or premises, he may provide the necessary information concerning such matters to the City Attorney who, in turn, may obtain subpoenas or search warrants relative to possible misdemeanor violations of this ordinance. All such discovery measures, however, shall be subject to the Fourth Amendment relating to unreasonable searches and seizures.

E. If the Fair housing Officer determines that the person(s) charged has not engaged in an unlawful practice or if there is insufficient data, he shall state his findings of fact and conclusions of law and shall issue an order dismissing

the complaint. A copy of the order shall be delivered to the complainant, the person(s) charged, the City Attorney and such other public officials, officers and persons as deemed proper. The complainant will be advised of the right to file an appeal with the Fair Housing Board, which Board will consist of seven (7) members who shall be appointed by the City Council with four (4) members of said Board representing each of the four city wards and three (3) members being appointed from the city at large. Said appeal shall be filed with the Mayor within fifteen (15) days. Upon receiving notice of the appeal, the Fair Housing Board shall hear and review the matter and any other information relative thereto and render its decision therein. Should any party not be satisfied with the decision of said Board, they shall be advised of the right to file a complaint under any other federal, state or local statute. HUD Form 903 may be obtained from the Fair Housing Officer for filing complaints with the U.S. Department of Housing and Urban Development (HUD).

F. If the Fair Housing Officer determines that there is substantial data to support the complaint, an effort to eliminate the violation shall be made by conference, conciliation and persuasion. The Fair Housing officer is authorized to work toward conciliating agreements whereunder the alleged violation is eliminated and the complaining person(s) made whole to the extent possible. If such an agreement is reached, it will be signed by the Fair Housing Officer, the complainant and the person(s) charged. It will not be necessary for any conciliation agreement to contain a declaration or finding that a violation has in fact occurred.

If the Fair Housing Officer fails by conciliation to accomplish the elimination of the alleged unlawful discriminatory practice, the complaint and all records and findings relating thereto shall be turned over to the City Attorney for appropriate action to secure enforcement of this ordinance. The City Attorney shall institute a misdemeanor proceeding in the District Court unless such Attorney shall determine that such proceeding could not lawfully be sustained.

G. Affirmative action negotiated through conciliation and under this section may include, but not be limited to:

1. Extension to all individuals of the full and equal enjoyment of the advent ages, facilities, privileges and services of the person(s) charged.
2. Reporting as to the manner of compliance.
3. Posting notices in conspicuous places in the person(s) charged place of business in a form prescribed by the Fair Housing officer.
4. Sale, exchange, lease, rental, assignment or sublease of real property to an individual.

H. The provisions for conciliation and affirmative action shall not preclude or in

any way impair the enforcement provisions of this ordinance.

I. Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Two Hundred and Fifty Dollars ($250.00) for each violation thereof, and each day such violation shall be permitted to exist shall constitute a separate offense. (Ord. No. O-80-25, Sec. 4)

11.44.05 Not an administrative prerequisite Nothing in this ordinance shall be construed as an administrative prerequisite to a citizen pursuing his or her rights under any other federal, state or local statute, case decision or administrative ruling. Complaints may be filed at any time with the Department of Housing and Urban Development within one hundred and eighty (180) days of the alleged discriminatory act. (Ord. No. O-80-25, Sec. 5)

Chapter 11.48
PUBLIC FACILITIES BOARD

Sections:

11.48.01 Creation of Board
11.48.02 Membership of the Board; Term of office
11.48.03 Organization of the Board
11.48.04 Meeting of the Board
11.48.05 Powers of the Board
11.48.06 Issuance of bonds
11.48.07 Records
11.48.08 Annual reports

11.48.01 Creation of Board Pursuant to the authority of the Act there is hereby created and established a public facilities board which is named the "Public Facilities Board of the City of Conway, Arkansas", (the "Board"). The Board shall have authority as hereinafter provided to undertake one or more public facilities projects within the meaning and scope of the Act, as amended, from time to time. The governing body of this city may at its sole discretion, and at any time, alter or change the structure, organization, programs, or activities of the Board, including exercising the power to terminate the Board, but no such action shall be effective to alter or impair contracts entered into by the Board prior to the effective date of such action. (Ord. No. O-82-1, Sec. 1)

11.48.02 Membership of the Board; Term of office The Board shall consist of five (5) persons who shall be residents of the City of Conway, Arkansas. The initial members of the Board shall be appointed by the Mayor of the City of Conway, Arkansas, and confirmed by the Conway City Council (the "City Council"). The initial members of the Board shall serve for terms of one, two, three, four and five years respectively. Successor Board members shall be elected by a majority of the Board for terms of five (5) years each and confirmed by the City Council. As soon as practicable after the appointment of the initial Board members, each member shall qualify by taking and filing with the City Clerk the oath of office prescribed by the Act. (Ord. No. O-82-1, Sec. 2)

11.48.03 Organization of the Board The members of the Board shall meet and organize by electing one of their members as chairman, one as vice-chairman, one as secretary and one as treasurer, and such officers shall be elected annually thereafter in like manner. The duties of Secretary and Treasurer may be performed by the same member. The Board may also appoint an Executive Director who shall not be a member of the Board and who shall serve at the pleasure of the Board and receive such compensation as shall be fixed by the Board. The members of the Board shall receive no compensation for their services but shall be entitled to reimbursement of expenses incurred in the performance of their duties. Any member of the Board may be removed pursuant to the Act. (Ord. No. O-82-1, Sec. 3)

11.48.04 Meetings of the Board The Board shall meet upon the call of its chairman, or a majority of its members; and at such times as may be specified in the Board's bylaws for regular meetings, and a majority of its members shall constitute a quorum for the transaction of business. The affirmative vote of the majority of the members present at a meeting of the Board shall be necessary for any action taken by the Board. Any action taken by the Board may be authorized by resolution and such resolution shall take effect immediately unless a later effective date is specified in the resolution. No vacancy in the membership in the Board shall impair the rights of a quorum to exercise all the rights and perform all the duties of the Board. All meetings of the Board shall be held in accordance with Act 93 of the Acts of the General Assembly of Arkansas for the year 1967, as amended, and commonly referred to as the Arkansas Freedom of Information Act. (Ord. No. O-82-1, Sec. 4)

11.48.05 Powers of the Board The Board is empowered, from time to time, to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, land for the purpose of constructing, acquiring or equipping, or to otherwise deal in or dispose of any one or more public facilities projects authorized in the Act, or any interest in such public facilities projects, including, without limitation, leasehold interests in and mortgages on such public facilities projects. (Ord. No. O-01-29)

In addition to the foregoing, the Board is authorized and empowered:

A. To have perpetual succession subject to Section 11.48.01 hereof as a body politic and corporate and to adopt bylaws, not in conflict with this ordinance or the Act, as amended from time to time, for the regulation of its affairs and the conduct of its business;

B. To adopt an official seal and alter the same at its pleasure;

C. To maintain an office at such place or places in this city as the Board may designate from time to time;

D. To fix, charge and collect rents, fees, loan repayments, interest and charges for the use of any public facilities project or loan or loans made in connection therewith;

E. To employ and pay compensation to such employees and agents, including

attorneys, consulting engineers, architects, surveyors, accountants, financial experts, contractors and such other employees and agents as the Board in its judgment may find necessary for the accomplishment of the purposes and objectives for which it has been created, and to fix their compensation;

F. To accomplish public facilities projects as authorized by the Act and this ordinance;

G To do any and all other acts and things in the Act and this ordinance authorized or required to be done, whether or not included in the powers enumerated herein;

H. To lend money, directly or indirectly, for the financing of the construction, acquisition and equipment of a public facilities project; and

I. To do any and all other things necessary or convenient to accomplish the purposes of the Act and this ordinance. (Ord. No. O-82-1, Sec. 5)

11.48.06 Issuance of bonds. The Board is authorized to issue revenue bonds, from time to time, and to use the proceeds, either alone or together with other available funds and revenues, to accomplish the purposes for which the Board is created as the same relate to the financing and development of one or more public facilities projects as enumerated in this ordinance. Provided, however, that before the issuance of any bonds hereunder, the approval of such issue shall be obtained from the Conway City Council by resolution passed by the Conway City Council. Such revenue bonds shall be obligations only of the Board and shall not constitute an indebtedness for which the faith and credit of the city of Conway, Arkansas, or any of its revenues are pledged. The principal of and interest on the bonds shall be payable from and secured by a pledge of revenues derived from the public facilities project or projects acquired, constructed, reconstructed, equipped, extended and/or improved, in whole or in part, with the proceeds of the bonds or other obligations of the Board as authorized by and in accordance with the provisions of the Act, together with such other collateral as may be properly pledged under the Act and as the Board in its discretion may determine. Any net earnings of the Board, beyond that necessary for retirement of any indebtedness of the Board or to implement any authorized public facilities project or to comply with any covenants contained in any contract or indenture made to secure the rights of bondholders or other lenders of the Board, shall not inure to the benefit of any person other than the city of Conway, Arkansas. (Ord. No. 0-82-1, Sec. 6)

11.48.07 Records The secretary shall keep a record of the proceedings of the Board and shall be custodian of all books, documents, and papers filed with the Board and of the minute book or journal of the Board and its official seal, if any shall be adopted, provided that such documents may be delivered to the City Recorder for safekeeping. The secretary may cause copies to be made of all minutes and other records and documents of the Board to the effect that such copies are true copies, and all persons dealing with the Board may rely upon such certificates. (Ord. No. O-82-1, Sec. 7)

11.48.08 Annual reports Within the first ninety (90) days of each calendar year, the Board shall cause a written report concerning its activities for the preceding calendar year to be delivered to the Mayor and City Council of this city.- Each such report shall include and set forth a complete operating and financial statement covering its operation during the year. (Ord. No. O-82-1, Sec. 8)

Chapter 11.52
PARKING LOTS

Sections:

11.52.01 Purpose
11.52.02 Applicability
11.52.03 Requirements for side areas
11.52.04 Requirements along public right-of-ways
11.52.05 Safety
11.52.06 Interiors
11.52.07 Pavement
11.52.08 Maintenance
11.52.09 Exceptions
11.52.10 Permits
11.52.11 Fees
11.52.12 Cash bond or surety bond for postponed improvements
11.52.13 Definitions

11.52.01 Purpose The purpose of this ordinance is to reduce curb cuts on city streets, to reduce accidents caused by backing out of parking lots into streets, to make parking lots more attractive and thereby improve their value, to improve traffic flow and to provide more attractive green space.

11.52.02 Applicability This ordinance shall apply to all new parking lots. When existing areas are expanded and require permits, this ordinance shall apply to the parking lots serving those areas. This ordinance will not apply to street parking or to lots where maintenance only is being done or to parking lots for one (1) or two (2) family dwellings.

11.52.03 Requirements for side areas If the parking area is within forty (40) feet of a property line, some landscaping must be done. A four (4) foot wide perimeter strip, planted with grass or covered with an attractive ground cover, must be left between the parking lot and the property line. Trees or shrubs must be planted in such perimeter areas to provide at least one tree or shrub for every forty (40) feet of perimeter strip and shall provide a minimum vertical eight (8) feet height clearance to the lowest limb. A five (5) to six (6) foot barrier (live or not) must be provided if the lot adjoins a residential area to ensure the privacy of the residence. Access between adjoining lots may b e provided by drives no greater than forty (40) feet wide. Concrete curbing is required around all planted areas and all strips.

11.52.04 Requirements along public right-of-ways A six (6) foot strip between any parking lot and a public right-of-way or a six (6) foot strip between any street curb and

property line, provided that a five (5) foot setback is maintained between the street curb and parking lot. Trees, curbing and plantings are required as above. Access curb cuts to parking lots from the streets shall not exceed forty (40) feet in width and may be no less than forty (40) feet apart. Except for curb cuts for driveways serving specific single-family residences on a lot on which a horizontal property regime has been established. In such cases, the curb cuts shall not exceed forty-four (44) feet in width and may be no less than eighteen (18) feet apart. Access curb cuts must be at least fifty (50) feet from the nearest street intersection to minimize traffic hazards at intersections. Exceptions may be granted only by the City Council.

11.52.05 Safety Lots shall be laid out so as to discourage backing into public streets, except for local streets. As identified in the Conway, Arkansas, Master Street Plan, year 2005 and future amendments or City Council approval.

11.52.06 Interiors Five percent (5%) of the interior of lots having more than twenty-five (25) spaces shall be devoted to landscape plantings. Such planted areas shall contain at least eight (80) square feet and include one (1) tree or shrub per twenty-five (25) parking spaces, evenly distributed throughout the lot. Appropriate ground cover, including low shrubs which shall be maintained less than thirty (30) inches tall should be used in planted areas.

All plantings will count toward the minimum required for side areas and right-of-way areas. Property owners shall be responsible for planting and maintenance of grass only on the right-of-ways abutting his property. No trees or shrubs shall be planted on the five (5) foot setback between the street curb and the six (6) foot strip.

The intent is to exclude industrial storage and work areas from the requirements for interior coverage, therefore; industrial yards and compounds used for storing materials, manufactured products, equipment and/or for truck loading and unloading shall be excluded from interior landscaping requirements.

11.52.07 Pavement All parking lots shall be surfaced with a durable asphalt material or concrete. Minimum specifications are on file in the Planning Department. Chapter 9.04 Minimum Standards For Construction of the Conway Municipal Code shall be complied with in paving operations and thicknesses.

11.52.08 Maintenance Plants, trees and ground cover appropriate for this climate shall be used. It is intended that this ordinance improve the visual quality of public parking lots and that lot owners maintain the lot, planting, curbs and ground cover with that goal in mind.

11.52.09 Exceptions The interior requirements of this ordinance may be waived in those cases where storage and loading areas are the primary usage of the lot.

11.52.10 Permits Permits will be granted only after a detailed plan has been submitted. Work must be started within one hundred twenty (120) days of the permit date and must be continued until completion. All existing safety requirements for public construction must be met. A Certificate of Completion must be issued upon completion and before occupancy can

begin. An on-site inspection must be made before the Certificate of Completion may be issued.

11.52.11 Fees A fee of Twenty-Five Dollars ($25.00) will be charged for all permits for lots of less than twenty-six (26) spaces. Ten dollars ($10.00) will be charged for each additional fifty (50) spaces or portion thereof. The fees pay for the initial inspection only. Additional inspections will cost Twelve Dollars ($12.00) each.

11.52.12 Cash bond or surety bond for postponed improvements When the then current season of the year is not conducive to sustaining life for trees and plants required hereunder, and/or it would be advantageous for the paving base to have longer to set up prior to paving, compliance with these provisions may be postponed for not more than one (1) year and a temporary Certificate of Occupancy issued and/or electrical power connected to a related structure conditioned on the owner and/or developer posting a cash or surety performance bond or letter of credit payable to the City of Conway, Arkansas, in an amount equal to the estimated cost of the postponed improvements. Estimates of landscaping costs shall be prepared by a Landscape Contractor. Failure to complete such postponed landscaping within any such one year postponement period shall effect an automatic forfeiture of the bond or letter of credit; provided, however, such forfeiture shall not relieve the owner and/or developer from complying with the provisions of this ordinance. (Ord. No. O-91-54)

11.52.13 Definitions

Curb Cut: Any access to a parking lot from Any right-of-way of any street, road, highway or alley or from any other parking lot.

Earth Berm: A mounding of soil volume or the alteration of existing plants in order to create a screen or change in elevation from the elevation of the use area to adjacent areas. Earth berm must be protected from erosion with suitable plant materials, ground cover, and/or lawn grass. Earth berm should not be constructed and/or planted in areas which would destroy existing plants selected to remain in place.

Ground Cover: Plant materials which reach a maximum height of not more than eighteen (18) inches and may be used in lieu of grass.

Hedge: Self-supporting woody deciduous or evergreen species which are a minimum of eighteen (18) inches in height at the time of installation.

Lawn Grass: Species normally grown as permanent lawn in Faulkner County, Arkansas.

Parking Lot: All open areas and open spaces on the land which are designated, used, required or intended to be used for storage, parking maintenance, service, repair, display, circulation or operation of vehicles, including automobiles, busses, trailers, trucks, boats and motorcycles. This definition is intended to include areas used or intended to be used for driveways to such parking lots, but does not include improvements to public roads, streets,

highways and alleys.

Parking Lot Permit: A permit which must be secured from the City of Conway, Arkansas, by any person, firm or corporation as part of compliance with applicable provisions of this ordinance.

Parking Space, Off-Street: A space, not less than nine (9) feet wide and eighteen (18) feet long with the necessary maneuvering room within private property on private land accessible from a usable street or alley.

Trees: Self-supporting woody plants which normally grow to a minimum height of fifteen (15) feet or greater in Faulkner County, Arkansas, and having trunks which can be maintained with over eight (8) feet of clear trunk. Trees are required to have an average mature crown spread of fifteen (15) feet. Trees having an average mature crown spread of less than fifteen (15) feet may be submitted by grouping the same so as to create the equivalent of fifteen (15) feet crown spread. All trees shall have a minimum caliper diameter of two (2) inches at planting.

Validity: That in the event any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby; and it is intended that every other section, paragraph, sentence, clause and phrase of this ordinance shall remain and be in full force and effect.
Emergency Clause: That it is ascertained and declared that it is necessary for the public peace and welfare of the citizens of the City of Conway, Arkansas, an emergency is hereby declared to exist and this ordinance shall take effect and be in force from and after its passage and publication. (Ord. No. O-91-59)

Chapter 11.56
MECHANICAL CODE

Sections:

11.56.01 Adopted by reference
11.56.02 Copies on file in office of Clerk/Treasurer
11.56.03 Appendix A
11.56.04 Penalty
11.56.05 Mechanical Permit Fees
11.56.06 Mechanical Permit Fees Table

11.56.01 Adopted by reference That there is hereby adopted by the City of Conway, Arkansas, pursuant to A.C.A. 14-55-207(a), for the purpose of establishing rules and regulations for safe mechanical installations, including alteration, repair, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto so as to safeguard life, health and public welfare and the protection of property, that certain Mechanical Code known as the Arkansas Mechanical Code, 2010 edition thereof, as well as subsequent editions as adopted by the State of 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 in the construction and installation of all mechanical systems within the corporate limits of the City of Conway, Arkansas, except as regulated by other ordinances of this code. (Ord. No. O-04-73, Sec. 1) as amended by (Ord. No. O-11-02, Sec. 1)

11.56.01 <u>Copies on file in office of Clerk/Recorder</u>

1. Not less than three (3) copies of this code, or the pertinent parts thereof, have been and are now filed in the office of the Clerk/Treasurer of the City of Conway, Arkansas, for inspection and view by the public prior to the passage of this ordinance, and the same are hereby adopted and incorporated, as amended, as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all electrical systems within the corporate limits of the City of Conway, Arkansas, except as regulated by other ordinances of the Conway Municipal Code.

2. Pursuant to A.C.A. 14-55-207©, the City of Conway has published a public notice, by publication in a paper of general circulation within the City of Conway, stating that copies of code, or the pertinent parts thereof, are open to public examination prior to passage of this ordinance.
(Ord. No. O-04-73, Secs. 2-3.) as amended by (Ord. No. O-11-02; Sec. 2-3)

<u>11.56.03 Amendments to the code hereby adopted</u> The code hereby adopted is amended and changed in the following respects:

A. **<u>Amend Section 603.5 of the Arkansas Mechanical Code</u>** as adopted by the City of Conway to add the following:

603.5.2 City of Conway Amendment - Fiber duct prohibited. Fiber duct shall not be allowed in the City of Conway.

B. **<u>Amend Section 603.6.2 of the Arkansas Mechanical Code</u>** as adopted by the City of Conway to add the following:

603.6.2.3 City of Conway Amendment - Flex duct limitations. The following limitations apply to the use of flex duct in the City of Conway:

a. Flex duct shall be allowed only on branch lines.
b. Flex duct shall be no longer than fourteen (14') in length.
c. Mechanically approved fittings are required for all turns.
d. Mechanically approved fittings are required for take off.
(Ord. No. 0-96-13, Sec. 4.) as amended by (Ord. No. O-11-02; Sec 4)

<u>11.56.04 Penalty</u> A.C.A. 14-55-102 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 $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 $250.00 per day. (Ord. No. O-96-13, Sec. 5.)

11.56.05 Mechanical Permit Fees

As amended by (Ord. No. O-10-43 Sec. 1)

11.56.06 Schedule of Mechanical Permit Fees

Schedule of Mechanical Permit Fees		
1.	**Heating and Cooling Systems for a new construction, Additions and Accessory Buildings**	$0.06 per square foot of area under roof, with a minimum of 436.00, whichever is greater.
2.	**Remodel, Renovations, Alterations, Replacement and Repairs to:**	
	One and Two Family Dwellings	$30.00
	Other than One and Two Family Dwellings:	
	Boilers	$50.00 for one boiler + $15.00 per each additional boiler
	Commercial Vent Hoods and Exhaust system	$50.00 for one exhaust system + $15.00 per each additional system
	Ductwork	$50.00 for one system + $35.00 per each addn. system
	HVAC Change Out/Repair	$50.00 for one unit + $25.00 per each additional unit
	Refrigeration	$50.00 for one refrigeration unit + $15.00 per each additional unit
4.	**Re-Inspections and Additional Inspections (*See note below)**	$25.00 per inspection
5.	**Work commencing before permit issuance**	Permit fee shall be doubled
6.	**Building Code Appeals Board Application Fee**	$250.00
**Note – Re-inspections will not be rescheduled until each re-inspection fee for each trade that failed inspection has been paid.*		

As amended by (Ord. No. O-10-43 Sec. 1)

TITLE 12
PARKS AND RECREATION

Sections:

12.04 City Parks and Recreation Department
12.08 Activity in Parks
12.12 Activity on and Around Beaverfork Lake
12.16 Smoking Prohibited

Chapter 12.04
CITY PARKS AND RECREATION DEPARTMENT

Sections:

12.04.01 Created
12.04.02 Advisory Committee

12.04.01 Created There is hereby created a "City Parks and Recreation Department" within and for the city of Conway, Arkansas to be supervised and operated by the Mayor and City Council of the city. The Mayor, by and with the advice and consent of the council, shall have the power to employ a parks and recreation director and such other employees as may appear to be reasonably necessary to efficiently control, manage, supervise and operate all of the public parks, parkways, recreation centers and playgrounds now or hereafter municipally owned, whether situated within or without the corporate limits of the city, and the recreational facilities now or hereafter established in them, including houses, buildings, zoos, museums, golf courses, archery ranges, swimming pools, play fields, amusement rides and devices, carnival concessions, refreshment stands, picnic shelters and facilities, and all other facilities necessary for or used in said programs, together with the power to make and collect reasonable fees or charges for admittance to such municipally owned parks and recreational areas and for the use of the facilities therein, and to operate and to rent or lease in the name of the city amusement, entertainment and refreshment facilities therein upon terms acceptable to them. (Ord. No. A-526, Sec. 1)

12.04.02 Advisory Committee An Advisory Committee consisting of four (4) persons appointed by the Mayor and eight (8) persons appointed by the City Council shall be established to serve as an Advisory Committee on parks and recreation. Each member of the City Council shall appoint one (1) person from his or her respective ward to said committee. Committee members shall serve until the end of the tenure of the elected official that appointed them. Committee members shall be residents of the city of Conway and shall serve in an advisory capacity only. (Ord. No. O-02-21, Sec. 2.)

Chapter 12.08
ACTIVITY IN PARKS

Sections:

12.08.01 Definitions
12.08.02 Park property

12.08.03 Operating policy
12.08.04 Traffic
12.08.05 Dogs
12.08.06 Alcoholic beverage
12.08.07 Merchandising, advertising, and signs
12.08.08 Penalty
12.08.09 Smoking and use of tobacco
12.08.10 Hunting – added new subchapter

12.08.01 Definitions The following words and phrases when used in this chapter shall, for the purposes of this chapter have the meanings respectively ascribed to them as follows:

City The city of Conway, Arkansas.

Park or *Parks* The public parks of the city of Conway, Arkansas, whether now in being or hereafter acquired or established.

Vehicle Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power.

Motor Vehicle Every vehicle which is self-propelled. (Ord. No. A-518, Sec. 1)

12.08.02 Park property It is hereby declared to be the duty and responsibility of every person who shall enter upon the public parks of the city of Conway or who shall utilize the property and facilities thereof to aid in maintaining the beauty of such parks and preserving the facilities thereof. To that end, no person shall commit, aid in or knowingly permit the commission of any of the following acts:

A Disfiguration and removal: No person shall willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, bridge, table, bench, fireplace, railing, paving or paving material, waterline or other public utility or part or appurtenance thereof, sign, notice or placard, whether temporary or permanent, monument, stake, post or other boundary marker or other structure or equipment, facility, timber, tree, shrub, wood, rock, minerals, soil, material or any other park property or appurtenance whatsoever, either real or personal, whether the same be hereinabove designated or not.

Removal of any City property is prohibited. (Ord. No. O-12-62, Sec. E)

B. Rest rooms and washrooms: No person shall fail to cooperate in maintaining rest rooms and washrooms in a neat and sanitary condition. (Ord. No. A-518, Sec. 2). No person shall use restrooms designated for the opposite sex unless such person is under the age of six (6) years and is accompanied by his parent or guardian. (Ord. No. O-12-62, Sec. F). No person shall use any portion of any park or facility for toilet purposes, except the public restrooms or provided portable toilets. (Ord. No. O-12-62, Sec. G)

C. Sanitation: No person shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay, bayou or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters, any substance, matter or thing, whether liquid, gas or solid, which will or may result in the pollution of said water.

D. No person shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash in any waters in or contiguous to any park, or upon the grounds thereof, except in the proper receptacles provided therefore, and if receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and shall be properly disposed of elsewhere. (Ord. No. A-518, Sec. 2)

12.08.03 Operating policy

A. Any section or portion of any park may be declared closed to the public at any time and for any interval of time deemed necessary, expedient or proper, either temporarily, permanently or at regular or stated intervals, by the proper authorities of the city. All persons shall be prohibited from using any area so closed pursuant to this section of the chapter.

B. No person, group, association or organization shall use any of the pavilion facilities located in any of the parks of the City of Conway unless said person, group, association or organization shall have obtained a reservation and paid a fee of Five ($5.00) Dollars for the use thereof through the Parks and Recreation Department. Said fee, with the exception of one ($1.00) Dollar, shall be refunded only upon the cancellation of any such reservation at least forty-eight (48) hours prior to reserved time. (Ord. No. O-81-4, Sec. 1)

C. No person shall picnic or lunch at any place in a park other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors and persons in any park shall comply with any directions given by attendants to achieve this end.

D. No fire whatsoever shall be set in any park except in areas designated as picnic areas and when the fire is contained within an incinerator, stove, charcoal broiler or other facility which will properly and safely contain said fire and when said fire is used only for outdoor cooking. If a person provides his own container it must be of a type which will not leave any burning substance or ashes in the park and all such containers shall be so placed so as to insure that no trees, shrubs or other property shall be exposed to flames. Provided, the director of parks and recreation may designate an area or areas within the parks to be used solely for the purpose of an outdoor fire, commonly referred to as a "wiener roast". No such fire shall be left unattended and the person or persons causing such fire shall fully extinguish said fire

prior to leaving the area thereof.

E. Open Fires in city parks without a permit are prohibited.

1. No permit shall be issued without a fire permit from the Conway Fire Department and approved by the Parks Director. (Ord. No. O-12-62, Sec. 1 I, 1)

F. Quiet hours are between the hours of 10:00 pm and 6:00 a.m. (Ord. No. O-12-62 Sec. 1 A)

G. No person shall stay after quiet hours within a public park or city owned and operated facility except by special written permission granted by the office of the Mayor or his designee. This includes but is not limited to camping, sleeping, or lodging. (Ord. No. O-12-62 Sec. 1 B)

1. Special written permission will be limited to no more than two (2) consecutive nights.
2. Usage of Expo Center RV Park is restricted to city events.
3. In addition to any other sanction that may be assessed for the violation of this provision, any person in violation of this rule shall be subject to the immediate removal from the park of their person and belongings. (Ord. No. O-12-62 Sec. 1 B, 1-3)

H. All unauthorized use of fireworks and or explosive devices is prohibited.

12.08.04 Traffic

A. It shall be unlawful for any person to operate a motor vehicle in any area in any part at a speed greater than that clearly designated by signs or other means, but in no event shall any motor vehicle be operated in any part at a speed in excess of twenty (20) miles per hour.

B. No motor vehicle shall be driven or operated, nor shall any bicycle or other means of transportation which is propelled by human power be ridden, nor shall any horse, pony or other animal be ridden or driven in any park except upon the streets, roads or parking lots therein or upon other paths or thoroughfares designated therefore. In no event shall any vehicle, motor vehicle, bicycle or other means of transportation propelled by human power, horse, pony, mule or other such animal, be placed, driven or permitted in any pavilion. (Ord. No. A-518, Sec. 4)

C. Vehicles are restricted to designated roads and parking areas only. (Ord. No. O-12-62 Sec. 1 D)

12.08.05 Dogs No dog shall be taken or permitted to enter into any park except when the same is in the possession and control of the owner thereof or of some other responsible

person, and all dogs shall be on a leash and properly restrained thereby at all times while in any park. (Ord. No. A-518, Sec. 5)

12.08.06 Alcoholic beverage It shall be unlawful for any person to have in his or her possession, custody or control or to consume any alcoholic beverages (including wine, beer or other spirituous liquors) of any kind whatsoever in any park. (Ord. No. A-518, Sec. 6)

12.08.07 Merchandising, advertising, and signs No person in a park shall:

A. Vending and peddling: Expose or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is herein made as to any regularly licensed concessionaire acting by and under the authority and regulation of the parks and recreation commission. (Ord. No. A-518, Sec. 7)

B. It is prohibited to offer for sale any food, drink, merchandise, or service without Parks Director approval. (Ord. No. O-12-62, Sec. 1 D).

C. Advertising: Announce, advertise, or call the public attention in any way to any article or service for sale or hire. (Ord. No. A-518, Sec. 7).

D. Signs: Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park. (Ord. No. A-518, Sec. 7).

12.08.08 Penalty Failure to comply with these rules, policies and regulations can result in a warning, eviction from park facilities, restriction of access to park facilities or be considered a violation of this ordinance, punishable by a fine of no less than $25.00 nor more than $100.00 per occurrence; violations which are continuing in nature may be treated as an ongoing violation and upon conviction, each day of the violation may be treated as a separate offense and fines assessed up to $100.00 per day. (Ord. No. O-12-62, Sec. 4)

12.08.09 Smoking and use of tobacco

1. The smoking and use of tobacco products in all city parks and recreational facilities, and within 50 feet of city parks and recreational facilities is prohibited.

   (a.) Smoking and use of tobacco products shall be prohibited in any and all present and future city parks and recreational facilities.
   (b.) Smoking and use of tobacco products shall be prohibited at all times in all city park or recreational facility.
   (c.) Disposal shall be prohibited at all times of any cigarette, cigar or tobacco product, or any part of a cigarette, cigar or tobacco product in an y city park or recreational facility.

2. Violations; penalties

(a.) Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and subject to the following penalties:

1. A fine of twenty five dollars ($25) plus court costs for the first offense.
2. A fine of fifty dollars ($50) plus court costs for the second offense.
3. A fine of one hundred dollars($100) plus court costs or the third and subsequent offense. (Ord. No. O-10-31)

12.08.10 Hunting Hunting is prohibited on park property.

Chapter 12.12
ACTIVITY ON AND AROUND BEAVERFORK LAKE

Sections:

12.12.01 Permitted subject to certain rules
12.12.02 Definitions
12.12.03 Boating
12.12.04 Fishing
12.12.05 Camping and picnicking
12.12.06 Littering
12.12.07 Swimming
12.12.08 Water skiing
12.12.09 Unlawful activities on intake structure and tower
12.12.10 Hunting
12.12.11 Hours of operation and conduct
12.12.12 Patrolling
12.12.13 Rights of city
12.12.14 Fences
12.12.15 Cutting trees and vegetation
12.12.16 Use of chemicals
12.12.17 Gardens
12.12.18 Storage
12.12.19 Trailers or campers
12.12.20 Septic tanks
12.12.21 Retaining wall and rip-rap
12.12.22 Structures
12.12.23 Ramps
12.12.24 Public moorings/city boat dock
12.12.25 Other improvements
12.12.26 Fees
12.12.27 Penalty

12.12.01 Permitted subject to certain rules Recreational activity upon the waters of Beaverfork Lake, or upon any land surrounding or adjacent thereto, shall be permitted subject to and in compliance with the following rules and regulations. (Ord. No. 0-77-8)

<u>12.12.02 Definitions</u> As used in this chapter:

Boat as used herein, shall mean and include all fishing boats, pleasure boats, speed boats, party barges or any other craft or vessel whatever which is intended to travel upon or in the water for the purpose of transporting persons and/or property, and which is propelled by a paddle or paddles, oars, sail, motor or other means, unless the context clearly indicates a contrary intent.

Private Dock as used herein, shall mean and include any structure used to tether, hold, or otherwise secure a boat while said boat remains in contact with water of said lake.

City means the City of Conway, Arkansas.

Lake means Beaverfork Lake.

Lake Front Property Owner means any person, trust, or other legal entity who maintains ownership of property immediately contiguous to Lake Beaverfork sharing a common boundary except those property owners whose property abuts city property west of Highway 25 or east of Highway 65.

Resident means a person who maintains his bona fide residence within Faulkner County, Arkansas, as indicated by his valid driver's license. The burden of proof to indicate an incorrect driver's license address will be on the individual. Additionally, any lake front property owner regardless of residence shall for the purposes of this code be deemed a "resident."

Non-Resident means any person whose bona fide place of residence is situated without the boundaries of Faulkner County, Arkansas, as indicated by his valid driver's license. The burden of proof to indicate an incorrect driver's license address will be on the individual. (Ord. No. O-01-46, Sec. 2.)

<u>12.12.03 Boating</u>

A. No boat shall be permitted to be placed or operated upon the lake unless the same meets all specifications, conditions and requirements therefore as set forth in this or other applicable ordinances of the city of Conway and/or in the statutes of the state of Arkansas.

B. A boating permit shall be purchased for each boat prior to its use or operation upon the lake. Such permit shall be non-transferable and shall be issued for a period of one (1) calendar day or for an annual period beginning the first day of April of any year and ending March 31st of the next succeeding calendar year.

C. No boat shall be docked at any place on the lake other than the public mooring/city boat dock or a permitted private boat dock.

D. All boats, together with all other property therein, thereon, or accessory thereto, which shall be permitted to be or remain upon the lake and/or the lands adjacent to or surrounding the lake which are owned by the city of Conway, for a period of thirty (30) days after the permit for such boat issued by the city under the provisions of this chapter shall have expired, shall be confiscated and held by the city subject to the provisions of this chapter. Immediately upon confiscation of any such boat and other property, as above set out, the city shall notify the owner thereof, as revealed by the registration of such boat for a permit to enter said boat upon the lake, that unless he calls for and redeems said boat and property will within thirty (30) days from the date said notice is mailed, the boat and property will be sold at public sale. Such notice shall be sent to such owner at his last known address by certified or registered United States mail, with return receipt requested, and return of such receipt properly signed and shall be sufficient evidence of the delivery of such notice. If the city, after good faith efforts, cannot determine ownership and/or owner address of said confiscated boat, a legal notice published in a newspaper of local circulation will constitute said notice. This legal notice will be published once a week for three (3) consecutive weeks, the last publication to occur seven (7) days before the occurrence of the proposed public sale. If redemption takes place, the owner redeeming said boat will bear the cost of said publication upon redemption in addition to any other fees. Said notice shall further describe the boat and property confiscated and shall set forth the date and time of the proposed public sale. The proceeds derived from the sale of any boat and property hereunder shall be first applied to payment of all costs of sale incurred by the city, then to payment of all charges, fees and sums due to the city under the terms of this chapter, and the balance thereof, if any, shall be paid to the owner of the boat and property so sold.

E. All boats which do not have a unified hull but which, instead float upon pontoons shall be equipped with pontoons constructed of wood, metal, fiber glass or other approved watertight materials and so constructed that each pontoon is a single continuous member or unit providing exterior watertight integrity over the entire length thereof, which provides adequate air space along the entire interior length thereof or which is filled with Styrofoam or other suitable flotation material. It is the express intent of this provision that one or more barrels or drums of the type commonly referred to as "oil drums" or other separate flotation chambers shall not be placed together in a series so as to form a unit or pontoon, whether the same be welded together or held together by some other means. Provided, however, those boats now situated upon the lake for which valid permits have been issued and which float upon barrels, drums or other separate flotation chambers placed together in a series so as to form a unit or units, or pontoon or pontoons, shall be permitted to

remain upon the lake so long as the presently existing separate flotation chambers remain watertight and in good condition and capable of providing adequate and safe flotation of the boat of which they are a part. Should any one or more of such barrels, drums or separate flotation chambers for any reason cease to be watertight and in good condition, the same shall be removed from the boat and shall not be replaced by the same or a similar chamber and should a sufficient number of such separate flotation chambers on any boat cease to be watertight and become capable of providing adequate and safe flotation therefore, such boat shall be removed from the lake by the owner thereof and shall not be again placed on the lake until the same is equipped with approved pontoons as hereinabove defined.

F. Any person, firm or corporation placing any boat upon said lake does so at his or its own risk, and the City of Conway shall in no manner be liable for damage to or theft of boats or any articles left in any boat.

G. All boats shall be operated in such manner so as not to endanger other boats or the occupants thereof. Normal boating safety precautions and courtesy shall be observed at all times. (Ord. No. O-01-46, Sec. 3.)

12.12.04 Fishing Fishing shall be permitted only in those areas not designated by the city as swimming areas. No charge shall be made for fishing in the lake and no permit whatever shall be required for fishing from the bank. All fishing shall be done with pole and line or rod and reel with either live or artificial bait. All regulations of the State Game and Fish Commission pertaining to such manner of fishing shall be in full force and effect and all fishing in Beaverfork Lake shall be subject thereto.

It is hereby expressly declared to be unlawful for any person, firm or corporation to take or to attempt to take fish from Beaverfork Lake through the use of trot lines, gigs, Yo Yos, set lines, throw lines, seines, nets or any other means than that hereinabove expressly permitted.

The city of Conway, or its duly appointed agents or employees are hereby authorized and directed to remove and to confiscate all trot lines, gigs, seines, and other unlawful fishing tackle and/or equipment as herein described, which may be found in, on or under said lake.

No gold fish or other species of carp shall be used as bait when fishing in Beaverfork Lake. (Ord. No. O-01-46, Sec. 4.)

12.12.05 Camping and Picnicking It shall be unlawful for any person to camp upon any lands surrounding or adjacent to Lake Beaverfork which are owned by or leased to the City of Conway, but picnicking will be encouraged in the park areas designated therefore. All persons engaging in picnicking are requested to place all papers, unused food, trash and refuse in the receptacles provided therefore. (Ord. No. O-01-46, Sec. 5.)

12.12.06 Littering No person, whether boating, fishing, or picnicking, shall deposit any refuse, trash or other materials in the waters of the lake, or upon those lands surrounding or adjacent to the lake and owned by the city. Any person violating these rules designed to prevent littering of the lake premises shall be prosecuted. Proper rest room facilities will be provided and human excreta and urine shall not be deposited in the water of said lake or on any lands surrounding the lake that are owned by the city, except at such facilities. (Ord. No. O-01-46, Sec. 6.)

12.12.07 Swimming The area or areas in which only swimming and bathing is permitted shall be clearly marked by cables, ropes, or other means, and by such signs as the city may desire. No person under the age of twelve (12) years shall be permitted to swim or bathe in the lake except when accompanied by his parent, guardian or other responsible adult. Each person who swims or bathes in the lake shall do so at his own risk and the city refuses to assume or accept any responsibility therefore. (Ord. No. 01-46, Sec. 7.)

12.12.08 Water Skiing Water skiing shall be permitted in limited areas of the lake. The areas in which skiing is not permitted shall be marked by signs, cables, buoys, or other means and any person who shall water ski, or who shall attempt to do so, in any portion of the lake which is so marked shall be deemed guilty of abuse of park property and upon conviction thereof shall be punished in the manner set forth. Provided, however, should any person violate the provisions of this section of the chapter two (2) times during any period of twelve (12) consecutive months he shall, in addition to any other punishment provided herein, be barred from entering upon or otherwise participating in any recreational activities in, on or about the lake. (Ord. No. O-01-46, Sec. 8.)

12.12.09 Unlawful activities on intake structure and tower It shall be unlawful for any person to climb upon, enter or fish from the concrete intake structure or tower of the lake. (Ord. No. O-01-46, Sec. 9.)

12.12.10 Hunting Hunting of any kind, or the discharging of pistols, rifles, shotguns or any other firearm shall be prohibited upon the waters of said lake that are owned by or leased to the city of Conway. (Ord. No. O-01-46, Sec. 10.)

12.12.11 Hours of operation and conduct It is hereby declared to be a privilege for any person to enter upon or utilize the waters of Lake Beaverfork or any land surrounding said lake or adjacent thereto which are owned by the city of Conway. Should any person at any time be or become disorderly while upon said lake or lands, he shall forthwith be removed therefrom through the use of such force as may reasonably be necessary to accomplish such removal and his privilege to thereafter enter upon said lands and lake may be revoked. Provided, however, the penalties hereinabove set forth shall be in addition to any criminal or other penalties which may now or hereafter be provided by law, and should any person enter upon said lake or lands during the time his or her privilege to do so shall have been revoked he or she shall be deemed guilty of a misdemeanor and upon conviction be fined as hereinafter set forth. Provided, further, that nothing herein shall be construed so as to prevent or prohibit the entry upon said lake or lands by any agent, officer or employee of the city of Conway in the discharge of his official duties. (Ord. No. O-01-46, Sec. 11.)

12.12.12 Patrolling The City Council shall employ such personnel as may be or become necessary to effectively patrol the lake and to enforce the provisions of this chapter. Such personnel shall, during their employment, be members of the police department of the city of Conway, and their salaries and/or wages shall be paid from and out of the city's Recreation Department funds. (Ord. No. O-01-46, Sec. 12.)

12.12.13 Rights of city The city of Conway or its duly appointed agent or employee shall have the power and authority to revoke any permit issued hereunder for violation of these rules and regulations. The city further reserves the right, for cause shown, to refuse entry of any boat, boat owner or operator, or person to said lake, and the lands surrounding or adjacent to said lake that are owned by, leased to, or under the control and/or supervision of the city of Conway, Arkansas. In addition, the city of Conway hereby prohibits the construction of any structure on any land owned by the city of Conway on or around said lake without a resolution passed by the City Council approving this construction and/or structure presence on said land. (Ord. No. O-01-46, Sec. 13.)

12.12.14 Fences Fences cannot extend onto city property. Livestock fences, dog pens, chicken yards, garden fences and all other fences will not be allowed. Private fences existing on city property at the time of passage of this ordinance shall be removed after January 1, 2002, depending upon the provisions of the original purchase deeds. (Ord. No. O-01-46, Sec. 14.)

12.12.15 Cutting trees and vegetation An adjacent landowner is allowed to remove dead timber from an area directly in front of his lot. If this timber is cleared it may be burned or removed from the lake. Landowners are also allowed to clear out weeds and brush, but not cut live trees. In no case, may live trees be cut on city property or in the lake. Trees are defined to be at least four (4) inches in diameter three (3) feet above the ground. Permission to cut timber must be requested in writing of Lake Supervisor prior to removal. The Lake Supervisor shall insure these regulations are followed prior to granting approval. The Lake Supervisor shall respond to requests within seven (7) days of the receipt of such written requests. (Ord. No. O-01-46, Sec. 15.)

12.12.16 Use of chemicals Lakefront owners are allowed to use chemicals approved by the United States Department of Agriculture for aquatic weed control. The use of chemicals should be confined to the area directly in front of one's lot. The Lake Supervisor shall also maintain a list of approved chemicals, fertilizer, pesticides, and herbicides that may be used on city property surrounding the lake. Notification any such chemical use must be given to the Lake Supervisor prior to its use. No chemical may be applied to city property that has not been approved by the Lake Supervisor. The Lake Supervisor shall respond to requests within seven (7) days of the receipt of such written requests. (Ord. No. O-01-46, Sec. 16.)

12.12.17 Gardens Lake Front property owners will be allowed to maintain small gardens no larger than five thousand (5,000) square feet on city property. The garden plot should be cultivated in such a way as to prevent excessive runoff of sediments into the lake. All use of chemicals must conform to regulations within this code. (Ord. No. O-01-46, Sec. 17)

12.12.18 Storage buildings Storage buildings either of a permanent or temporary nature will not be allowed on city property except as part of a dock or boathouse. (Ord. No. O-01-46, Sec. 18)

12.12.19 Trailers or campers Trailers and campers will not be allowed except in designated camping areas. (Ord. No. O-01-46, Sec. 19.)

12.12.20 Septic tanks Septic tanks and field lines are not allowed on city property. (Ord. No. O-01-46, Sec. 20)

12.12.21 Retaining wall and rip rap Lakefront landowners may stabilize, beautify, and/or deepen the shoreline and build retaining walls. A written request must be made to the office of the Lake Supervisor, describing the type of work to be done, the exact location of the lot, and drawings outlining the project as well as other visuals to show the materials and manner of construction. A retaining wall may be built at the normal shoreline as illustrated in Figure 1. Normal shoreline is deemed to be 296 above mean sea level. If the bottom of the lake is deepened, the waste dirt may be used as fill behind the retaining wall or spread evenly over the bottom of the lake. The person doing the work is responsible for disposing of the waste dirt. This dirt is not to be left piled in the lake, as it would be a boating hazard. No other manipulation of the shore will be permitted without special permission. It is not permissible to extend or retract the shoreline in any manner. The Lake Supervisor's approval will be contingent upon conformance of the plans to these regulations. If the shoreline is steep, retaining walls may be built in a stair-step fashion. (Ord. No. O-1-46, Sec. 21.)

12.12.22 Structures Lakefront landowners and/or property owners associations with easements may wish to build a variety of structures on city property adjacent to their lot or into the lake adjacent to their lot.

A. Structures into the lake

1. Boat houses, boat docks, and piers: Boat houses (not to include sleeping, toilet, cooking, or living facilities), boat docks, or piers for private adjacent landowners may be constructed if the structure is a minimum of 100 linear feet from any other existing structure in the lake and if application has been made and written approval granted by the city of Conway City Council. (Ord. No. O-06-157, Sec. 1)

Dimensions: Boathouses and boat docks are not to exceed twenty-six feet (26') width along the shore by thirty feet (30') in length. Together with its walkway it must not exceed forth feet (40') in length from the shore. No boathouse shall exceed one story except for attic space entirely under the roof. Boathouses and docks may hold a maximum of two (2) boats.

Piers, meaning all platforms or walkways without a superstructure or intended as a permanent boat dock, shall not exceed six feet (6') in width or forty feet (40') in length. Exception to this restriction is allowed for "T" design piers which allow a cross platform to be built at the end of the pier. The cross platform can be no wider than sixteen feet (16') as measured along the shore not longer than eight feet (8') as measured from the shore. At no time can the overall length of the pier exceed forty (40') feet.

Structures into the lake existing at the time of the passage of this ordinance which exceed the dimension limitations may be required to pay a higher annual permit fee.

2. Rules governing boat docks, boat houses, and piers generally: Landowners wishing to construct a new structure into the lake must complete an application to apply for approval to build a structure into the lake. The applicant must submit documentation showing the location of the property for which a permit is requested, the existing lot lines and the extrapolation of these lines into the lake, the design and dimensions of the structure, the materials to be used in construction and a written agreement, signed by all owners of record of the adjacent property for which the permit is requested, providing that if the structure is removed or demolished by the City pursuant to the procedures of Chapter 12.12 of the Conway Municipal code, the permittee, applicant and property owner agrees to pay to the city the costs of such removal or demolition. Additional documentation may be required if the submitted documents do not clearly show the application meets the requirements of this code. The Lake Supervisor as well as the City Building Inspector, and a registered professional engineer must certify the application and they must conform to Beaverfork ordinance and design guidelines. New structures permitted for construction only are subject to periodic review of city building inspectors. Final approval must be granted by the City Building Inspector in writing and the written agreement governing removal or demolition costs must be executed prior to the issuance of the annual permit and occupancy and use of the structure by the applicant. (As amended by Ord. No. O-10-37)

Structures in the lake must remain in good repair, pass the annual inspection, have on file with the City the written agreement governing removal or demolition costs set out above and pay the required annual fee. Failure to maintain those fees and standards or execute the written agreement shall be grounds for revoking or non-renewal of the permit, demolition of the structure, and denial of lake access. (As amended by O-10-37)

3. Structures and Other Improvements on City Property Surrounding the Lake: Owners of lakefront property and/or lakefront easements may also place other structures or construct improvements on city property adjacent to the property owner's property for the purpose of enhancing the recreational environment of the lake.

Structures can be no larger than one story and be no greater than twenty-six feet by thirty feet. Structures, which may be placed on city property, can include decks, gazebos, pavilions, arbors, or other open-air structures used for outdoor leisure and recreational activities. Structures, which may not be placed on city property, are sheds, barns, trailers, campers, storage units, living quarters, toilets, or other closed structures. Structures may be placed on city property only immediately adjacent to the property owned by the person or group seeking to place the structure as determined in this section. All structures placed on city property are subject to an annual permit fee. All structures existing at the time of the passage of this ordinance shall be allowed to continue in existence subject to an annual permit fee. Any structure placed or built on city property must receive the written permission of the Lake Supervisor prior to placement in order to insure compliance with these regulations.

Non-structural improvements may also be made to the city property. Such improvements can include walkways, patios, stairways or steps, beaches, landscaping, or other "on-ground" improvements. Improvements must receive the written permission of the Lake Supervisor prior to placement.

Moveable objects such as benches, seats, chairs, tables, swings, hammocks, planters, etc. are not considered structures or improvements and are not subject to a fee.

The Lake Supervisor shall respond to all requests, or forward to the City Council with their recommendation for approval or denial as the case may be, for any new construction, renovation, alteration, or placement of structures or improvements within fourteen (14) days of receipt of the written request.

4. Maintenance requirements: All structures and improvements must pass an annual inspection to determine its structural soundness. The Lake Supervisor will determine structural soundness with the assistance of the City Building Inspector and/or a registered professional engineer or their designees. For structures failing to pass inspection, the Lake Supervisor shall issue a certified letter to the owner detailing the structural problems and the required correction. The owner shall have sixty (60) days to come into comply with the

requirements of the instructions. Failure to comply after sixty (60) days will result in the confiscation of the structure and/or improvement and its removal. Access to the lake may be denied until the city has been compensated for the cost of removal.
(Ord. No. O-01-46; as amended by Ord. No. O-07-97 Sec. 1)

12.12.23 Ramps Lakefront landowners and/or property owners associations with easements to the lake shall be permitted to have private boat ramps or access points to the lake. All newly constructed ramps shall be ten (10) feet wide and four (4) inches thick of concrete. (Ord. No. 0-06-156, Sec. 1)

12.12.24 Public moorings/city boat dock Moorings at sites approved by the Lake Supervisor may be obtained on a first come-first serve basis when available. Mooring sites will be subject to an annual fee. Use of the public mooring sites will also require the possession of an annual boating permit. The city is not responsible for any damage to the boat that may occur at the mooring site. Nor is it responsible for any improvements such as piers or docks or for any damages to such improvements at the mooring site. (Ord. No. O-01-46, Sec. 24)

12.12.25 Other improvements All other private improvements on, in, or around the public domain of the lake must be approved by resolution of the city council. Approval may require the presentations of detailed plans and specifications and the continued existence of the improvements may be subject to annual fees, regular inspections, maintenance of liability insurance and/or other requirements as deemed necessary. All improvements in the public domain are open to the public unless a specific franchise is granted by the City Council. (Ord. No. O-01-46, Sec. 25)

12.12.26 Fees The following fees are to be assessed for the various permits need for activities, structures, or improvements on or around Lake Beaverfork:

A. DAILY BOATING PERMIT, COUNTY RESIDENT	$5.00
B. DAILY BOATING PERMIT, NON-RESIDENT	$50.00
C. ANNUAL BOATING PERMIT, COUNTY RESIDENT	$50.00
D. ANNUAL BOATING PERMIT, NON-RESIDENT	Not Available
E. GOLDEN AGE BOATING PERMIT (60 years of age or older and must live in the county Permit good for one (1) year.)	$ 5.00
F. ANNUAL BOAT DOCK PERMITS	$100.00
G. ANNUAL OVERSIZE BOAT DOCK PERMIT	$100.00 PLUS $ 0.25 per sq. ft.
H. PUBLIC MOORING/ CITY BOAT DOCK ANNUAL PERMITS	$100.00
I. STRUCTURE ANNUAL PERMIT (On land maximum $100.00)	$ 25.00
J. RAMP ANNUAL PERMITS	$ 100.00

1. Golden age permits issued prior to the effective date of this ordinance will be honored as "lifetime" permits.
2. Boats or watercraft powered manually without the aid of motors, jets, wind, or other non-manual means of propulsion will be exempt from the daily fee.
3. A receipt will be issued as a daily permit and must be present on each watercraft not permitted annually.
4. A permit sticker will be issued yearly for each annual and golden age permittee which is to be installed on the right side of the permittee's boat
5. "Lifetime" golden age permittees will be issued a new sticker for free each year.
6. Golden age permitted boats can only be used by persons qualifying as golden age.
   Use of the boat by other persons would require the purchase of a daily or annual permit.

If the above fees for boat docks, public moorings, structures, ramps, and the annual boating permits for lake front property owners are not paid within thirty (30) days of the annual renewal due date, a certified letter shall be mailed to the owner/occupier advising them of the payment due and granting them sixty (60) days from the date of issuance of the letter in which to render payment due. Failure to comply after sixty (60) days will result in the confiscation of the structure and/or improvement and its removal. Access to the lake may be denied until the cost of removal has been compensated to the city. (Ord. No. O-01-46, Sec. 26.)

12.12.27 Penalty Any violation of any of the foregoing provisions shall be deemed a misdemeanor and shall be punishable by a fine of not less than $15.00 nor more than $200.00 for each offense. (Ord. No. O-01-46, Sec. 27)

12.12.28 Commercial activities prohibited Commercial activities of any kind including rental equipment shall be expressly prohibited on city property and subject to a fine of One Hundred Dollars ($100.00) per occurrence unless granted a specific franchise from the city of Conway. (Ord. No. O-01-46, Sec. 28)

Chapter 12.16
Smoking Prohibited

Chapters:

12.16.01 Definitions
12.16.02 Prohibition of Use of Tobacco Products
12.16.03 Violations & Penalties

12.16.01 Definitions

Tobacco product. Means a cigarette, cigar, snuff, chewing tobacco, dip, or other preparations of pulverized tobacco, smoking tobacco, or tobacco of any kind suitable for chewing or smoking or any article made of tobacco or tobacco substitute.

Smoking. Means inhaling, exhaling, or carrying any lighted cigarette, cigar, pipe, plant, or other combustible substance in any manner or in any form.

Recreational facility Means a building, office or structure, enclosed or open, which is accessible by the public, owned leased or operated by the City of Conway; and are used for athletics, recreation, relaxation, entertainment, cultural development, and other recreational activities, including, without limitation, park pavilions, amphitheaters, covered stage areas, tennis courts walking/bike trails, athletic fields, baseball fields, softball fields, dugouts , and various other similar park or recreation facilities.

City park Means any real property owned, leased or operated by the City of Conway, which by reason of location, natural features, scenic beauty, or historical interest, possesses distinctive physical, aesthetic, intellectual, creative or social values and are used for athletics, recreation, relaxation, entertainment, cultural development, and other recreational activities.

12.16.02 Prohibition of Use of Tobacco Products The prohibition of smoking or use of tobacco products in all city parks and recreational facilities, and within 50 feet of city parks and recreational facilities.

a. smoking and use of tobacco products shall be prohibited in any and all present and future city parks and recreational facilities.
b. smoking and use of tobacco products shall be prohibited at all times in all city park or recreational facility.
c. disposal shall be prohibited at all times of any cigarette, cigar, or tobacco products in any city park or recreational facility.

12.16.03 Violations & Penalties

a. Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and subject to the following penalties:
   1. A fine of twenty five dollars ($25) plus court costs for the first offense.
   2. A fine of fifty dollars ($50) plus court costs for the second offense.
   3. A fine of one hundred dollars ($100) plus court costs for the third and subsequent offense.

b. Any person who smokes or uses tobacco products in an area where smoking or use of tobacco Products is prohibited and who refuses to cease smoking other use of such products when asked may be required to leave the premises, and shall be subject to prosecution for criminal trespass if he does not leave when asked. (Ord. No. O-10-31

TITLE 13
PLANNING

Chapters:

13.04 Planning Commission
13.08 Annexation

Chapter 13.04
PLANNING COMMISSION

Sections:

13.04.01 Commission created
13.04.02 Terms of members
13.04.03 Election of officers; rules
13.04.04 Employment of assistance; expenditures
13.04.05 Powers and duties
13.04.06 Plan
13.04.07 Subdivision regulations
13.04.08 Coordination of plans
13.04.09 Master street plan

13.04.01 Commission created Pursuant to the provisions of Act No. 186 of the Acts of the General Assembly of the State of Arkansas for the year 1957, there is hereby created a Planning Commission for the city of Conway, Arkansas, to consist of ten (10) members at least two-thirds (2/3) of which members of said Commission shall hold no other appointive or elective municipal office. The members of said Planning Commission shall be nominated by the members thereof then serving thereon and when confirmed by the City Council of the city of Conway, such nominee shall be deemed duly selected and qualified for membership on said Commission. Provided, however, no member shall be permitted to succeed himself as a member of said Commission upon the expiration of his term, however, any member of the Commission who was appointed to fill an unexpired term of a withdrawing member can be re-nominated to serve one full term on said Commission. A member shall continue to serve until his successor is qualified for membership. (Ord. No. O-76-8, Sec. 1)

13.04.02 Terms of members The nine (9) members serving upon the Planning Commission of the city of Conway, Arkansas, at the time of the enactment of this chapter shall select one (1) other qualified person and such ten (10) persons shall comprise the membership of said Commission first to serve following the enactment hereof, such enactment constituting the confirmation of members of said Commission as hereinafter set forth. The members of said Commission shall each be selected for a term of five (5) years, commencing with the anniversary date of his selection and confirmation, provided, that the members of said Commission first selected following the enactment of this chapter as hereinabove set forth shall by lot determine the term for which each shall serve as follows: Two (2) members shall be selected initially for a term of one (1) year; two (2) members shall be selected initially for a term of two (2) years; two (2) members shall be selected initially for a term of three (3)

years; two (2) members shall be selected initially for a term of four (4) years; and two (2) members shall be selected initially for a term of five (5) years. Upon the expiration of the term of any member thereafter the remaining members of said commission shall nominate one (1) person to succeed such retiring member and upon confirmation by the city council the person so nominated shall be duly appointed and selected a member of the commission, provided that no member may succeed himself. And should a vacancy occur on said commission for any reason other than the expiration of the term of any member, then a member shall be selected in the manner aforesaid to serve the unexpired term for such member so vacating such office. (Ord. No. A-331, Sec. 2)

13.04.03 Election of officers; rules At a time and place to be designated by the mayor, which time shall be not more than sixty (60) days after the effective date of this chapter, the city planning commission shall meet and organize by electing from its members a chairman, a vice chairman and a secretary. The chairman shall hold no other municipal office or appointment.

The city planning commission shall make and adopt such rules and regulations to govern its proceedings, which shall provide for a regular meeting date of said commission at least one (1) time monthly and more often if prescribed by the commission, and such rules and regulations shall provide for such committees within the commission as may be found necessary and advisable, and the duties of such committees shall be prescribed by the commission. No committee may exercise duties delegated by the Acts of the State of Arkansas and this chapter that are organic to the commission.

Such rules and regulations may also provide for special meetings and the manner of their calling. (Ord. No. A-306, Sec. 3)

13.04.04 Employment of assistance; expenditures The city planning commission is hereby authorized to employ such assistance (staff, consultants, etc.) as are deemed necessary in carrying out its duties and responsibilities. The city planning commission cannot expend or encumber city funds without appropriation thereof having been previously made by the city council. (Ord. No. A-306, Sec. 4)

13.04.05 Powers and duties The city planning commission as hereby created is vested with all the powers and duties prescribed and set forth in said Act 108 of 1929, as amended by said Act 295 of 1937, and particularly shall make a comprehensive study of present conditions and future growth of the City of Conway and its neighboring and/or adjacent territory, for the purpose of planning a coordinated, adjusted and harmonious development of the municipality and its environs which would promote, in accordance with present and future needs, the safety, morals, order, convenience, prosperity, and general welfare of its citizens; efficiency and economy in the process of development; convenience of traffic; safety from fire and other dangers; adequate light and air; healthful and convenient distribution of population; provision of adequate open spaces; good civic design and arrangement; wise and efficient expenditure of public funds; adequate provision for public utilities; and for other matters pertaining to the public requirements.(Ord. No. A-306, Sec. 5)

13.04.06 Plan The city planning commission shall formulate and maintain a plan of the territory within its planning jurisdiction in accordance with said Act 108 of 1929, as amended by Act 295 of 1937, which plan shall at least embrace the subjects prescribed in said acts, and which shall be adopted by the commission by resolution after public hearing and notice as provided in said acts. Upon approval by the city planning commission of any such plan or plans the same shall be certified to the city council of said City of Conway and shall be filed in the office of the clerk/treasurer and in the office of the circuit clerk of Faulkner County, Arkansas.

The city council of the City of Conway, upon receipt of a certified copy of a plan or plans, may accept, amend, modify or reject the plan or plans in whole or in part. On acceptance of a plan or plans by the city council of the City of Conway they shall be and become in full force and effect and binding upon all persons within the force of the law.

Whenever a plan has been adopted by the city planning commission, filed for record and accepted by the city council, all as aforesaid, the same shall not be changed, altered or amended except by the procedure required by said Act 108 of 1929, as amended by said Act 295 of 1937, for the adoption of a plan as specified above.

When a plan or plans have been so adopted, filed and become effective, no new street, square, park or other public way, ground or open space or any public building or structure or public utility, whether publicly or privately owned, shall be constructed or authorized to be constructed in any section or district of the planning jurisdiction embraced within a plan or plans until the location, character, and extent thereof shall have been submitted to the city planning commission in the manner prescribed in said Act 108 of 1929, as amended by said Act 295 of 1937. (Ord. No. A-306, Sec. 6)

13.04.07 Subdivision regulations After a master street plan is adopted and filed as provided herein the city planning commission shall prepare and administer rules governing the subdivision of land within its jurisdiction in accordance with said Act 108 of 1929, as amended by said Act 295 of 1937. (Ord. No. 306, Sec. 7)

13.04.08 Coordination of plans The city planning commission shall have the authority to cooperate with official and unofficial planning bodies for the purpose of coordinating the preparation of plans for the City of Conway and the adjacent territory. (Ord. No. A-306, Sec. 8)

13.04.09 Master street plan That the Conway, Arkansas, Master Street Plan Year 2005 is hereby adopted as the Master Street Plan of the City of Conway and shall constitute the Master Street Plan until reviewed.

That the Master Street Plan shall include an eastern bypass in Section VII which shall extend Old German Lane north to connect with State Highway 65 and that this eastern bypass shall be a part of the minor arterial system and shall appear in Category A of Section VII of the Master Street Plan.

That the project located at Markham Street from Spruce Street to Harkrider/U.S. 65B and the western loop shall both appear in Category A of Section VII of the Master Street Plan. (Ord. No. O-87-41)

Chapter 13.08
ANNEXATION

Sections:

13.08.01 Required documents

13.08.02 Required documents That prior to the passage by the City Council of an ordinance or resolution annexing any proposed annexation of land into the city, the following documents must be submitted to the city:

1. A copy of the plat of the proposed annexation.
2. A copy of the description of the proposed annexation.
3. A copy of the order of the county court releasing the proposed annexation.
4. A proposed ordinance to annex the proposed annexation.
5. A copy of the petition requesting annexation. (Ord. No. O-87-46)

TITLE 14
ZONING

Please follow the link below for the Zoning Ordinance:
www.conwayplanning.org/zoning/Zoning.htm

Chapters:

14.04 Purpose
14.08 Flood Damage Prevention
14.16 Standards for Temporary Buildings
14.24 Procedures For Annexation of Property

CHAPTER 14.04
ORDINANCE ADOPTED BY REFERENCE

Sections:

14.04.01 Title
14.04.02 Authority
14.04.03 Purpose
14.04.04 Jurisdiction
14.04.05 Nature and Application

14.04.01 Title The title of this ordinance shall be known as the "Zoning Ordinance of the City of Conway, Arkansas." The ordinance shall consist of the text written herein as well as that certain map identified by the approving signatures of the Mayor and City Council, marked and designated as "Zoning district Boundary Map," which map is now on file in the Office of the City Clerk/Treasurer. (Ord. No. O-94-54)

14.04.02 Authority These regulations are adopted under the authority conferred on the City of Conway by the General Assembly of the State of Arkansas by Act 186 of the 1957 enabling legislation. This ordinance shall be known as the City of Conway zoning Ordinance and may be cited as such.

All membership in various Boards and Commissions acting prior to the effective date of the Ordinance shall remain in office and serve for the duration of the term, unless otherwise relieved of duty. (Ord. No. O-94-54)

14.04.03 Purpose The purpose and intent of the City council in enacting this Ordinance is to establish zoning regulations and districts for the purpose and general welfare of the City of Conway. The regulations and districts have been designed to provide adequate light and air; secure safety from fire, flood and other catastrophic dangers to prevent overcrowding of land; avoid undue concentration or wasteful scattering of population; to lessen the congestion in the streets; and to facilitate adequate provision of water, sewer, schools, transportation, parks, open space and other public necessities. The zoning regulations and districts have been made with reasonable consideration for the character of the district, its particular suitability for the

particular uses specified, and a view to conserve the value of buildings and property and encourage the most appropriate use of land through the City consistent with a comprehensive plan. (Ord. No. O-94-54)

14.04.04 Jurisdiction The provisions of the Ordinance shall apply to all land and structures within the corporate limits of Conway, Arkansas, as they now or may hereafter exist.

14.04.05 Nature and Application For the purposes hereinbefore stated, the City has been divided into zone districts in which the regulations contained herein will govern lot coverage; the height, area, bulk, location and size of buildings; open space and the uses of land, buildings and structures. In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare.

Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located, and in accordance with the provisions of the articles contained herein relating to any or all districts.

No proposed plat of any new subdivision of land shall hereafter be considered for approval by the City Planning Commission unless the lots within such plat equal or exceed the minimum size and area regulations specified in applicable land use zoning district of the Ordinance.

Chapter 14.08
FLOOD DAMAGE PREVENTION

Sections:

14.08.01 Statutory Authority
14.08.02 Findings of fact
14.08.03 Statement of purpose
14.08.04 Lands to which this ordinance applies
14.08.05 Methods of reducing flood losses
14.08.06 Flood Damage Prevention Code adopted by reference
14.08.07 Abrogation and greater restrictions
14.08.08 Interpretation
14.08.09 Warning and disclaimer of liability
14.08.10 Compliance
14.08.11 Penalty for non-compliance

14.08.01 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 Conway City Council of the City of Conway, Arkansas, does hereby ordain as follows. (Ord. No. O-06-128, Sec. 1.)

14.08.02 Findings of Fact

A. the Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of the City of Conway in the current scientific and engineering report entitled "The Flood Insurance study (FIS) for Faulkner County and Incorporated Areas," dated December 19, 2006, with an effective Flood Insurance Rate Map (FIRM) dated December 19, 2006.

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 of 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 in to Special Flood Hazard Areas. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events. (Ord. No. O-06-128, Sec. 2)

14.08.03 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 eh expense of the general public
F. Minimize prolonged business interruptions due to flooding events
G. Minimize damage to public facilities utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridg3es located in Special Flood Hazard Areas
H. Minimize future flood blight areas to help maintain a stable tax base
I. Provide for notice to potential buyers when property is in a Special Flood Hazard Area. (Ord. no. O-06-128, Sec. 3)

14.08.04 Lands to which this ordinance applies the ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of the city of Conway, Arkansas. (Ord. No. O-06-128, Sec. 4)

14.08.05 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 constructions, 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. O-06-128, Sec. 5)

14.08.06 Flood Damage Prevention Code adopted by reference there is hereby adopted by reference a "Flood Damage Prevention Code for the city of Conway, Arkansas," dated September 26, 2006. the code shall include:

Article 1. Definitions
Article 2. Administration
Article 3. Provisions for flood hazard reduction

A copy of the referenced code shall be filed in the office of the City Clerk and shall be available for inspection and copying by any person during normal office hours. (Ord. No. O-06-128, Sec. 6)

14.08.07 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. O-06-128, Sec. 7)

14.08.08 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

C. Be deemed to neither limit nor repeal any other powers granted under state statutes. (Ord. No. O-06-128, Sec. 8)

14.08.09 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 form 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 damage that result while strictly following this ordinance, or from any lawful administrative decision made under the provisions of this ordinance. (Ord. No. O-06-128, Sec. 9)

14.08.10 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 their ordinance and all other applicable regulations. (Ord. No. O-06-128, Sec. 10)

14.08.11 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.

The Floodplain Administrator must enforce the provisions of this ordinance and is authorized to

A. Issue cease and desist orders on non-compliance floodplain development projects.

B. Issue citations for non-compliance.

C. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties.

D. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this ordinance.

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. O-06-128, Sec. 11)

Chapter 14.16
STANDARDS FOR TEMPORARY BUILDINGS

Sections:

14.16.01 Definitions
14.16.02 City codes
14.16.03 Zoning ordinance requirements
14.16.04 Building Code requirements
14.16.05 Electrical Code requirements
14.16.06 Health Department requirements
14.16.07 Construction building permits
14.16.08 Interim building permits
14.16.09 Temporary building permits
14.16.10 Special event temporary building permits
14.16.11 Parking
14.16.12 Restrooms
14.16.13 Penalties

14.16.01 Definitions The following words and phrases shall have the following meanings for the purposes of this ordinance.

Construction Building A building, whether built on another site or transported to the site on which it is to rest, which is intended to serve as the office and/or storage building on a construction site.

Interim Building A building built on another site and transported to the site on which it is to rest in order to serve the same purpose as a permanent building for which a building permit has been issued.

Permanent Building Any building, tent or awning (other than a construction building or an interim building) which is more than one hundred and sixty (160) square feet in area and/or more than sixteen (16) feet in its greatest dimension and/or which is located on any parcel or lot for longer than eleven (11) consecutive months.

Temporary Building A building (other than a construction building or an interim building) which is designed to be transported and capable of being transported as a complete building without division into components and which is no more than one hundred and sixty (160) square feet in area, no more than sixteen (16) feet in its greatest dimension and which is located on any parcel or lot for no longer than eleven (11) consecutive months. This definition shall also include collapsible tents and/or awnings which meet the same dimensional requirements. (Ord. No. O-00-22)

14.16.02 City Codes All permanent buildings are required to meet all the requirements of all city codes and ordinances, including but not limited to the Zoning Ordinance, building codes, electrical codes, plumbing codes and mechanical codes. All construction buildings, interim buildings and temporary buildings are required to meet all requirements of those same codes except as noted herein. (Ord. No. O-00-22, Sec. 2.)

14.16.03 Zoning Ordinance Requirements All construction, interim and temporary buildings must meet all the requirements of the Zoning Ordinance except that no construction, interim or temporary building is required to obtain a building moving permit. (Ord. No. O-00-22, Sec. 3.)

14.16.04 Building Code Requirements All construction, interim and temporary buildings must meet all the requirements of the Building Code currently adopted by the city of Conway except as stated herein:

Exceptions:

A. Construction buildings Construction buildings may be constructed elsewhere and transported onto a parcel or lot from outside the City of Conway without the requirement for any structural inspections. Any construction building constructed on the lot on which it is to rest shall be inspected to meet all structural requirements unless otherwise excepted.

B. Interim and Temporary buildings Interim and temporary buildings may be constructed elsewhere and transported onto a parcel or lot from outside the city of Conway without the requirement for any structural inspections. Any interim or temporary building constructed within the Conway city limits shall be inspected to meet all structural requirements unless otherwise excepted. Interim and temporary buildings which are tents and/or awnings are not required to meet those structural requirements.

C. Temporary buildings in place for no longer than seven (7) days Temporary buildings in place for no longer than seven (7) days are not required to have foundations or tie downs to resist wind loads.

D. Temporary buildings in place for longer than seven (7) days but no longer than eleven (11) months Temporary buildings in place for longer than seven (7) days but no longer than eleven (11) months are not required to have foundations, but must have tie downs sufficient to resist design wind loads as established by the Building Code.

E. Construction and Interim buildings Construction and interim buildings are not required to have foundations, but must have tie downs sufficient to resist design wind loads as established by the Building Code. (Ord. No. O-00-22, Sec. 4.)

14.16.05 Electrical Code Requirements All power supplies to construction, interim and temporary buildings shall be protected from vehicular traffic. All construction, interim and temporary buildings must meet all the requirements of the electrical code currently adopted by the city of Conway except as stated herein:

Exceptions:

A. Construction buildings Construction buildings may be served from a temporary power pole.
B. Interim buildings Interim buildings must be served by permanent power.
C. Temporary buildings in place for no longer than six months Temporary buildings in place for no longer than six (6) months may be served from a temporary power pole.
D. Temporary buildings in place longer than six (6) months Temporary buildings in place for longer than six (6) months must be served by permanent power. (Ord. No. O-00-22, Sec. 5.)

14.16.06 Health Department Requirements All construction, interim and temporary buildings are required to meet all requirements of the State Health Department. (Ord. No. O-00-22, Sec. 6.)

14.16.07 Construction Building Permits Construction buildings are not required to obtain building permits, but must meet all the requirements in this Ordinance and may be subject to inspection to insure compliance. (Ord. No. O-00-22, Sec. 7.)

14.16.08 Interim Building Permits Interim buildings are required to obtain interim building permits prior to moving the building onto a parcel or lot. The procedures and fees for obtaining interim building permits will be the same as those for obtaining a building permit except as noted in this ordinance. The interim building permit will only be issued after the issuance of the building permit for the building that is to replace the interim building. The interim building permit will state the date the interim building is to depart the parcel or lot. The interim building is to leave the site no later than the end of the day noted on the permit. An interim building permit may be issued for a period of time up to and including six (6) months.

The Mayor may grant an extension of that interim building permit for an additional six (6) months. The City Council may grant up to two six (6) month extensions of that interim building permit, providing they find unusual circumstances that justify the extension of the interim building permit. In no case will an interim building be allowed to continue in place for longer than two (2) years. (Ord. No. O-00-22, Sec. 8.)

14.16.09 Temporary Building Permits Temporary buildings are required to obtain temporary building permits prior to moving the building onto a parcel or lot. The procedures and fees for obtaining temporary building permits will be the same as those for obtaining a building permit except as noted in this ordinance. The temporary building permit will state the date the temporary building is to depart the parcel or lot. The temporary building is to

leave the site no later than the end of the day noted on the permit. A temporary building permit may be issued for a period of time up to and including six (6) months. The City Council may grant an extension of that temporary building permit for an additional five (5) months. In no case will a temporary building be allowed to continue in place for longer than eleven (11) months. (Ord. No. O-00-22, Sec. 9.)

14.16.10 Special Event Temporary Building Permits The Mayor may grant Special Event Temporary Building Permits for events which are seven (7) or fewer days in length and which are community-wide events which bring benefits to the community as a whole. At the Mayor's discretion, no fees will be paid for those permits and the permits may be issued for temporary buildings which may be situated in the public right-of-way and/or which may not meet the Zoning Ordinance requirements for building setbacks. At the Mayor's discretion, a tent or awning, or in special circumstances, a building which exceeds the dimensional requirements of this ordinance, may be granted a Special Event Temporary Building Permit. (Ord. No. O-00-22, Sec. 10.)

14.16.11 Parking In no instance, except for Special Event Temporary Building Permits, may the movement of a construction, interim or a temporary building onto a parking lot reduce the number of available parking spaces below the minimum required for that building and for other buildings upon that same lot that are complete and ready for occupancy. (Ord. No. O-00-22, Sec. 11.)

14.16.12 Restrooms All submissions for temporary building permits, but not for Special Event Temporary Building Permits, are required to be accompanied by a letter from the owner/agent of the primary building on the lot indicating that the employees of the temporary building may use the restroom facilities in the primary building. No temporary building permit may be issued without this letter. (Ord. No. O-00-22, Sec. 12.)

14.16.13 Penalties A violation of this ordinance shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be fined not less than twenty dollars ($20.00), nor more than one hundred ($100.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Upon violation of this Ordinance, any electrical service to a construction, interim or temporary building or a Special Event temporary building may be ordered discontinued by the Mayor or his appointed agent.

If any construction, interim, temporary or Special Event temporary building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this Ordinance, the proper authorities of the city may institute appropriate legal action or other remedies to prevent the unlawful action. (Ord. No. O-00-22, Sec. 13.)

Chapter 14.24
PROCDURES FOR ANNEXATION OF PROPERTY

Sections:

14.24.01 Established in annexing ordinance
14.24.02 Dedicated streets
14.24.03 Accepting streets
14.24.04 Annexed property
14.24.05 Accompanying map
14.24.06 Amendments

14.24.01 Established in annexing ordinance No property shall be annexed to the city of Conway before it has been established in the annexing ordinance, directly or by reference, which portions of which existing streets within that property shall be accepted by the city as public streets for maintenance and which streets shall be recognized as public streets for the sole purpose of allowing the issuance of building permits. (Ord. No. O-99-95, Sec. 1.)

14.24.02 Dedicated streets Prior to acceptance as a public street for maintenance, the appropriate right-of-way for each such street, based on the Master Street Plan and related ordinances, shall be dedicated by abutting property owners or any street or section of street lacking appropriate right-of-way shall be delineated as a street or section of street that shall not be maintained by the city. (Ord. No. O-99-95, Sec. 2.)

14.24.03 Accepting streets No street that are not specifically noted in the annexing ordinance or by reference as being accepted as a public street for maintenance or as a public street for the sole purpose of allowing the issuance of building permits shall be maintained by the city nor accepted as a public street until the city of Conway shall accept them as such by passage of an appropriate ordinance. (Ord. No. O-99-95, Sec. 3.)

14.24.04 Annexed property No property shall be annexed to the city of Conway before all current configurations of parcels of property within the area have been identified. Upon annexation, only those parcels that have been found to be in compliance with the Subdivision Ordinance of the city of Conway regarding the manner in which they arrived in their particular configurations shall be eligible for issuance of building permits. (Ord. No. O-99-95, Sec. 4.)

14.24.05 Accompanying map In order to ascertain the configuration of existing parcels of property, all submissions for annexation shall be accompanied by a map of the area, drawn to scale, and showing the parcels and their ownership. Such map shall show all subdivisions that have been approved by the Conway Planning Commission and properly filed and all subdivisions that were properly filed prior to the creation of the Conway Planning Commission or that were filed when the area was not under the jurisdiction of the Conway Planning Commission. For parcels that are not part of a legal subdivision, copies of deeds dated prior to July 1, 1986, showing each parcel in its current configuration must be submitted or all such parcels must be created through a legal subdivision or its must be established through copies of deeds that the parcel was created at a time when it was not

within the territorial jurisdiction of the city of Conway or those parcels shall not be eligible for issuance of building permits. (Ord. No. O-99-95, Sec. 5.)

14.24.06 Amendments

Ord. No. 01-12

That Ord. No. 99-95 as passed on the 12th day of October, 1999, is hereby amended to add Section 5A, which shall read as follows:

Section 5A: That, in order to have adequate information available regarding the existence, location and addresses of any buildings located in the area proposed for annexation, the applicant or applicants for annexation are required to provide a map showing the approximate location of all buildings within the area proposed for annexation, any private or public streets located within the proposed annexation and the addresses, as assigned by the Faulkner County 911 Office, of all buildings located within the proposed annexation. Location of sanitation pickup points will be approved by the Sanitation Department prior to annexation. (Ord. No. O-01-12, Sec. 1.)

TITLE 15
SUBDIVISION REGULATIONS

Please follow the link below for the Subdivision Ordinance:
www.conwayplanning.org/pdfs_and_docs/ords/Sub_ord.pdf.

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