

CARAWAY MUNICIPAL CODE

**A Code of the General Ordinances
of the city of Caraway**

Date of Incorporation

September 14, 1923

Prepared with assistance of the

ARKANSAS MUNICIPAL LEAGUE

P. O. Box 38
2nd and Willow
North Little Rock, Arkansas 72115
501-374-3484

CARAWAY MUNICIPAL OFFICIALS

AT THE TIME OF THIS CODE'S PREPARATION

Mayor **Barry Riley**

Recorder/treasurer **Rick Stevens**

Police Chief **William Hicks**

Fire Chief **Scott Browning**

Water Superintendent **Terry Couch**

Street Superintendent **David Roberson**

Sanitation Superintendent **Aaron Bopp**

Parks & Recreation Director **Gary Jeffers**

Council Members

John Boatman

Marvin Browning

Joe "Bo" James

Jerry Martin

Mitchell Tipton

Roger Williams

ORDINANCE NO. _____

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

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
CARAWAY, ARKANSAS:**

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "Caraway 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 _____, 2017, 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 _____, 2017. All ordinances of a general and permanent nature not included in such Code shall remain in full force and effect unless repealed even if they are not contained in the Caraway Municipal Code.

Section 3. That whenever in such code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefore, the violation of any such provision of such code shall be punishable as provided by Section 1.32.01 of such code.

Section 4. 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 Caraway Municipal Code shall be understood and intended to include such additions and amendments.

Section 5. That in case of the amendment of any section of such code for which a penalty is not provided, the general penalty as provided in Section 1.32.01 of such code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 6. That three copies of such code shall be kept on file in the office of the Clerk 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, or someone authorized by the Clerk, to insert in their designated places all amendments or ordinances which indicate the intention of the City Council to make the same a part of such code when the same have been printed or reprinted in page form, and to extract from such code all provisions which may be from time to time repealed by the City Council. These copies of such code shall be available for all persons desiring to examine the same.

Section 7. 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 Caraway to be misinterpreted thereby. Any person violating this section shall be punished as provided in Section 3 of this ordinance.

Section 8. That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

P R E F A C E

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

The loose-leaf binder and numbering system have been designed to permit the code to be easily and efficiently kept up to date. We hope this will enable the municipal code to be of the greatest assistance to the citizens and municipal officials of the city of Caraway.

**ARKANSAS MUNICIPAL LEAGUE
CODE SERVICE**

TABLE OF CONTENTS

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

TITLE 1

GENERAL PROVISIONS

Chapters:

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

CHAPTER 1.04

HOW CODE IS DESIGNATED AND CITED

Sections:

- 1.04.01 How code is designated and cited

1.04.01 How code is designated and cited

The ordinances embraced in the following chapters and sections shall constitute and be designated “The Caraway Municipal Code”, and may be so cited.

State law reference – See A.C.A. 14-55-701-, *et seq.*

CHAPTER 1.08

RULES OF CONSTRUCTION

Sections:

1.08.01 Rules of construction

1.08.01 Rules of construction

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

City Council Whenever the words “City Council” or “Board” are used, they shall be construed to mean the City Council of the city of Caraway, Arkansas.

City The words “the city” or “this city” shall mean the city of Caraway, Arkansas.

County The words “the county” or “this county” shall mean the county of Clark, Arkansas.

Gender A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, and corporations as well as to males.

Municipality The words “the municipality” or “this municipality” shall mean the city of Caraway, Arkansas.

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

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

Or, And “Or” may be read “and”, and “and” may be read “or” if the sense requires it.

Other city officials or officers Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., “Mayor”, etc., they shall be deemed to refer to the officials, boards, commissions and departments of the city of Caraway, Arkansas.

Person The word “person” shall extend and be applied to firms, partnerships, associations, organizations and bodies politic and corporate, or any combination thereof, as well as to individuals as context requires.

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.

State The words “the state” or “this state” shall be construed to mean the state of Arkansas.

State law reference: A.C.A. refers to the Arkansas Code Annotated which are the laws passed by the General Assembly of the state of Arkansas.

Street The word “street” shall be construed to embrace streets, avenues, boulevards, roads alleys, lines, 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 tense.

CHAPTER 1.12

SUBHEADINGS OF SECTIONS

Section:

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

Section:

1.16.01 Effect of repeal of ordinances

1.16.01 Effect of repeal of ordinance

1. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.
2. 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

Section:

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

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

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

CHAPTER 1.28

ALTERING CODE

Sections:

1.28.01 Altering code

1.28.01 Altering code

It shall be unlawful for any person to change or amend by additions or deletions, any part of 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 Board, which shall cause the law of the city of Caraway, Arkansas, to be misrepresented thereby. Any person violating this section shall be punished as provided by 1.32.01 hereof.

CHAPTER 1.32

GENERAL PENALTY

Sections:

1.32.01 General penalty

1.32.02 Commitment to jail for failure to pay fine

1.32.01 General penalty Whenever in this Municipal Code, the doing of any act or the omission to do any act or duty, is declared unlawful, and further, 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 (\$500.00) Dollars and if the act is continuous, not more than Two Hundred and Fifty (\$250.00) Dollars for each day of continuance. Provided, for any offense committed against the code, for which there is set forth by state law a similar offense, the penalty therefor shall be no less nor greater than that set forth by state law.

1.32.02 Commitment to jail for failure to pay fine Whenever a fine is imposed upon any person for a violation of any provision of this Code or other ordinance of the city and is not paid, the party convicted shall by order of the court, or on process issued for the purpose, be committed to jail until such fine and the costs of prosecution are paid or the party is discharged by due course of law.

CHAPTER 1.36

REFERENDUM PETITIONS

Sections:

- 1.36.01 Filing date
- 1.36.02 Notice of hearing
- 1.36.03 City Council calls election
- 1.36.04 Upon defeat of ordinance

1.36.01 Filing date All referendum petitions under Amendment No. 7 to the Constitution of the State of Arkansas must be filed with the-City Recorder within thirty days after the passage of the measure upon which the referendum is sought. (Ord. No. 95.)

1.36.02 Notice of hearing Whenever any referendum petition is filed the City Council shall give notice by publication for one insertion of a time not less than five days after the publication of such notice at which they will hear all persons who wish to be heard upon 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 Craighead County within thirty days to review its action. (Ord. No. 95.)

1.36.03 City Council calls 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 a vote of the qualified electors whether the ordinance shall stand or be revoked. The date for such election shall be not less than ten days after the order therefor has been made by the Council, and said election shall be had and conducted as general municipal elections held in the City of Caraway. (Ord. No. 95.)

1.36.04 Upon defeat of ordinance 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 with red ink.

If any provision of this ordinance is held to be void, it shall not affect the validity of the remainder, but the remainder shall stand. (Ord. No. 95.)

TITLE 2

CLASSIFICATION, ADMINISTRATION

AND PERSONNEL

Chapters:

- 2.04 City Administration
- 2.08 Police and Court Administration
- 2.12 Elected Officials and Personnel
- 2.16 Civil Defense and Disaster Relief

CHAPTER 2.04

CITY ADMINISTRATION

Sections:

- 2.04.01 City Classification
- 2.04.02 Voting Times
- 2.04.03 Special Meetings
- 2.04.04 Wards

2.04.01 City Classification That from and after the passage, publication and approval of this Ordinance, at an election as hereinafter provided for, the Incorporated Town of Caraway, Arkansas, shall be and is hereby declared to be a City of the Second Class. (Ord. No. 93, Sec. 1.)

2.04.02 Voting Periods That in order to secure good and wholesome government for the City of Caraway the qualified voters thereof shall on the Tuesday following the first November in the year 1950, and on the same day every two years thereafter, elect one Mayor, one Recorder, one Treasurer, one Marshall, and for each of the wards of the city shall elect two Aldermen, which Aldermen and Mayor shall compose the City Council.

That beginning with the year 1950 all municipal officials shall take office January 1st of the year following their election. (Ord. No. 94-C.)

2.04.03 Special Elections Special meetings of the Council may be held upon call of the Mayor, whenever in his opinion it shall be necessary, or by three members of the Council, by giving at least two (2) days notice of such special meeting, 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 the purpose thereof. If notice is given by mail, it shall not be effective unless received at least two (2) days prior to the scheduled meeting. (Ord. No. 1997-3.)

2.04.04 Wards An ordinance dividing the city of Caraway, Arkansas, into three wards to be known as ward 1, ward 2 and ward 3 of the city of Caraway, Arkansas.

- A. WARD 1 - North side of Tennessee Street to North boundary line. Where Tennessee Street does not exist, an imaginary line due East and West will be used.
- B. WARD 2 - South side of Tennessee Street to North side of State Street. Where Tennessee Street does not exist, an imaginary line due East and West will be used.
- C. WARD 3 - South side of State Street to South boundary.

(Ord. No. 1992-2.)

CHAPTER 2.08

POLICE AND COURT ADMINISTRATION

Sections:

2.08.01	Police fee
2.08.02	City Prisoner Fee
2.08.03	Additional Fee
2.08.04	Fine Collection
2.08.05	LOPFI

2.08.01 Police fee The City Council of Caraway has determined that the need exists to maintain, upgrade and purchase equipment for the Caraway Police Department and that an additional court cost of \$5.00 will be added to all present Caraway cases handled in Municipal Court. This money will be placed in the General Fund for the purpose of operation of the Police Department. (Ord. No. 1992-6.)

2.08.02 City Prisoner Fee

- A. That pursuant to Act 209 of 2009, of the General Assembly of the State of Arkansas, an additional fine of Twenty Dollars (\$20.00) shall be levied and collected from each defendant who pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for any misdemeanor or traffic violation in the District Court(s) within Craighead County, Arkansas.
- B. That the additional fine levied by the city under this Ordinance shall be deposited into a special fund within the City Treasury, and revenues generated by the additional fine shall be used exclusively to help defray the cost of incarcerating city prisoners.
- C. The additional fine authorized by this Ordinance shall apply to each charge, count, violation, or offense that a defendant pleads guilty or nolo contendere to, is found guilty of or forfeits bond for, including each misdemeanor or traffic violation. (Ord. No. 2010-3.)

2.08.04 Additional Fee In addition to such costs as are now or hereafter maybe provided by law for the Municipal Court for the City of Jonesboro, Arkansas, there shall be levied the following costs:

For any conviction of public drunkenness \$1.00;

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

The Municipal Court Clerk shall keep all costs so collected in a separate account which account shall be used in defraying the purchase, maintenance and operation, and expenses of equipment designed to test the fact and degree of intoxication of persons arrested on charges of public drunkenness or driving while under the influence of intoxicants. The surplus of such

account, if any, after accomplishment of above purposes may be used in defraying any other legitimate administrative expenses of the Court. (Ord. No. 1984-2.)

2.08.03 Fine Collection

A. The City of Caraway hereby designates the Craighead County District Court Clerk as its agent to collect and disburse to the City all fines or other charges related to actions brought by the City in this Court against persons for violations of City or State laws.

B. Accounts so collected as shall by State law be dispersed to the City of Caraway. (Ord. No. 2014-2.)

2.08.04 LOPFI

A. That if accepted by the Arkansas Local Police and Fire Retirement system (LOPFI), the administration of the retirement program coverage for all Caraway Vol, Fire Department Pension and Relief Fund participants shall be transferred to the Arkansas Local Police and Fire Retirement System (LOPFI) pursuant to the authority of Act 364, Acts of Arkansas, 1981, as amended, and including other acts of the State Legislature, provided that such retirement coverage for said Relief Fund participants shall mean the administration of that fund only and not a change in the Relief Fund's benefit program. (Ord. No. 1992-1.)

B. The Chief Administrative Officer is hereby authorized to enter into an agreement with the Arkansas Local Police and Fire Retirement System (LOPFI) to administer the Firemen's Pension and Relief Fund as stated in Section I hereof. (Ord. No. 1992-1.)

CHAPTER 2.12

ELECTED OFFICIALS AND PERSONNEL

Sections:

2.12.01	City Marshall
2.12.02	Recorder/Treasurer

2.12.01 City Marshall

A. That effective January 1, 1957, the City Marshall of the City of Caraway, Arkansas, shall be appointed by the Mayor with the approval of the City Council.

B. The Marshall, upon his appointment, shall within ten (10) days thereafter, take and subscribe to an oath of office and shall, before entering upon the discharge of his duties, execute, with sureties, a good and sufficient bond for the faithful performance of his duties in such sum as the Council, by resolution, from time to time may designate, which bond, after being approved in open Council, shall be filed with the Mayor, and thereafter the Marshall shall enter upon the discharge of his duties, and shall devote his entire time and services to the City of Caraway. He shall be a general conservator of the peace, make all arrests, have charge of all prisoners, collect all fines assessed by the Mayor, licenses, privileges and other sums due the City and perform such other duties as the Council may from time to time prescribe.

C. The Marshall shall be allowed and receive for his services the sum of \$150.00 per month and in addition thereto such fees as are allowed by law to Sheriffs, which salary and fees shall be in lieu of any and all other commissions, fees or compensation heretofore allowed by law or ordinance. (Ord. No. 115.)

2.12.02 Recorder/Treasurer

A. That the office of Recorder and Treasure are hereby combined into one office known as Recorder/Treasurer effective Jan. 1, 1980. (Ord. No. 1980-1.)

B. That the salary or expense account of the Recorder/Treasurer shall be Set by council, payable in equal monthly instalments. (Ord. No. 1980-1.)

CHAPTER 2.16

CIVIL DEFENSE AND DISASTER RELIEF

Sections:

2.16.01	Policy and Purpose
2.16.02	Definitions
2.16.03	Civil Defense Agency
2.16.04	Civil Defense Advisory Council
2.16.05	Civil Defense Powers of the Mayor
2.16.06	City Civil Defense Organization
2.16.07	Appropriations and Authority to accept Services, Gifts, Grants and Loans
2.16.08	Utilization of existing services and facilities
2.16.09	Political Activity Prohibited
2.16.10	Civil Defense Personnel
2.16.11	Enforcement

2.16.01 Policy and Purpose

Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size, and destructiveness resulting from an enemy attack, sabotage, or natural causes, and in order to insure that preparations of this city will be adequate to deal with such disasters, and generally to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of this city; it is hereby found and declared to be necessary; 1) to create an Executive Office of Civil Defense and Disaster Relief; 2) to provide for the rendering of mutual aid to other areas within the State of Arkansas, and those adjoining States, and to cooperate with the State Government with respect to carrying out Civil Defense functions. (Ord. No. 1965-1.)

It is further declared to be the purpose of this ordinance, and the policy of this City, that all City Civil Defense Functions to be coordinated to the maximum extent with the comparable functions of the State Government, including its various departments and agencies of every type, to the end that the most effective preparation and use may be made of this City's man power, resources and facilities for dealing with any disaster that may occur.

It is further declared to be the purpose of this ordinance, and the policy of this City, to organize its Civil Plan as directed by Act 156 of 1956, which is cited as "the Arkansas Civil Defense Act of 1959."

2.16.02 Definitions

As use in this ordinance: 1) "Civil Defense" shall mean the preparation for, and the carrying out of, all emergency functions, other than functions for which military forces are primarily responsible; to prevent, minimize, and repair injury and damage resulting from

disasters caused by enemy attack, sabotage, or other hostile action, or by fire, flood, earthquake, or other natural causes.

“Qualified Civil Defense Worker” shall mean a Civil Defense volunteer worker, duly qualified and registered with either an Accredited Local Civil Defense Organization, or the Executive Office of Civil Defense and Disaster Relief, and who has on file in either of the aforementioned, the following information:

1. Name and address
2. Date enrolled
3. Loyalty Oath
4. Class of Service assigned

Accredited CD Organization – “Accredited Local Civil Defense Organization” shall mean by any local Civil Defense organization which has completed the requirements under this act and has complied with the rules promulgated by the Executive Office of Civil Defense and Disaster Relief, and has received by reason thereof an Accreditation Letter from the Executive Office of Civil Defense and Disaster Relief, State of Arkansas.
(Ord. No. 1965-1.)

2.16.03 Civil Defense Agency

There is hereby created within the City of Caraway, Arkansas an Executive Office of Civil Defense and Disaster Relief (hereinafter called the ‘Office’) which shall be headed by a Director of Civil Defense (hereinafter called the ‘Director’), who shall be directly responsible to the Mayor. The Director shall be appointed by the Mayor with the advice and consent of the Council.

The Director and other personnel of the Office shall be provided with appropriate office space, furniture, equipment, supplies, stationary, and printing in the same Manner as provided for personnel of other City Departments.

The Director shall coordinate the Civil Defense activities of all City Departments, Civic Club, Church groups, and other Social organizations; and shall maintain liaison with, and cooperate with, Civil Defense Agencies and organizations of other cities, counties, States, and of the Federal Government; and shall have such additional authority, duties, and responsibilities authorized by this ordinance and as may be prescribed by the Mayor. (Ord. No. 1965-1.)

2.16.04 Civil Defense Advisory Council There is hereby created a Civil Defense Advisory Council (hereinafter called the Council), the members of which shall be appointed by the Mayor, to include all city constitutional officers and 5 citizens. The council shall advise the Mayor and the Director on all matters pertaining to Civil Defense. The mayor shall serve as Chairman of the Council, and the members thereof shall serve without compensation, but maybe reimbursed for their reasonable and necessary expenses incurred in the performance of their duties. (Ord. No. 1965-1.)

2.16.05 Civil Defense Powers of the Mayor

The Mayor shall have general discretion and control of the affairs of the Office, and shall be responsible for carrying out the provisions of this ordinance.

In performing his duties under this ordinance, the Mayor is authorized to cooperate with the County, State and Federal Governments, and with private agencies in all matters pertaining to the Civil Defense of this City, State and Nation.

In performing his duties under this ordinance, and to effect its policy and purpose, the Mayor is fully authorized and powered:

- 1) To make, amend and rescind the necessary order, rules, and regulations to carry out the provisions of this ordinance within the limits of the authority conferred upon him herein, with due consideration for the plans of the County and State Governments.
- 2) To prepare a comprehensive plan and program for the Civil Defense of this city, such plan and program to be integrated into and coordinated with the Civil Defense Plan of the County Government and State Government to the fullest possible extent.
- 3) In accordance with such plan and program for the Civil Defense of the City or procure supplies and equipment to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of the City Civil Defense, the development of fallout shelter utilization plans, the construction of new fallout shelters, and the upgrading of existing fallout shelters areas, in advance of actual disaster to insure the furnishing of adequately trained and equipped forces of Civil Defense personnel in time of need and to assure protection facilities for residents of the city.
- 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 more efficient emergency use thereof.
- 5) On behalf of this City to enter into mutual aid arrangements with cities and counties.
- 6) To delegate any administrative authority vested in him under this ordinance, and to provide for the subobligation of any such authority.
- 7) To cooperate with the Governor and the Arkansas Office of Civil Defense and other appropriate State Offices and Agencies, and with the officials and agencies of other cities and counties within the State, pertaining to the Civil Defense of the State, including the direction or control of (a) survival 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 conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to drills or attacks; (d) public meetings or gatherings; and (e) the evacuation and reception of the civil population.

(Ord. No. 1965-1.)

2.16.06 City Civil Defense Organization In accordance with Section 9 of the Arkansas Civil Defense Act of 1959 this city may confer or authorize the conferring upon members of the auxiliary police the power of police officers, subject to such restriction as shall be imposed. The City organization for Civil Defense shall perform Civil Defense functions within the territorial limits of the city; and, in addition shall conduct such functions outside of such territorial limits as maybe required pursuant to the provision of Section 5 of this Ordinance.

If any disaster as described in Section II hereof occurs, the city shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property; and providing emergency assistance to the victims of such disaster. The city is authorized to exercise the powers vested under this section in the light of the exigencies of the extreme emergency situation without regard to the time consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation and expenditures of public funds. (Ord. No. 1965-1.)

2.16.07 Appropriations and Authority to accept Services, Gifts, Grants and Loans

The city shall have the power to make appropriations in the manner provided by law for making appropriation for the ordinary expenses of the city for payment of expenses of the City Civil Defense Organization.

Whenever the State Government or any agency or officer thereof, or any person, firm or corporation, shall offer to this city, services, equipment, supplies, materials, or funds by way of gifts, grant or loan, for the purpose of Civil Defense, this city, setting through the Mayor, may accept any officer of the city to receive such services, equipment, supplies, materials, or funds on behalf of the city, and subject to the terms of the offer. (Ord. No. 1965-1.)

2.16.08 Utilization of existing services and facilities In carrying out the provisions of this ordinance, the Mayor is directed to utilize the services, equipment, supplies, and facilities to the Mayor, and to the Civil Defense organization of the City upon request. (Ord. No. 1965-1.)

2.16.09 Political Activity Prohibited No organization for the Civil Defense established under the authority of this ordinance shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes. (Ord. No. 1965-1.)

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

“I, Jimmy Isbell, 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 Caraway Civil Defense, Caraway, Arkansas, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States, or of this State, by force or by violence.” (Ord. No. 1965-1.)

2.16.11 Enforcement It shall be the duty of the organization for Civil Defense established pursuant to this ordinance, and of the officers thereof, to execute and enforce such orders, rules and regulations, as may be made by the Mayor under the authority of this ordinance. Such organization shall have available for inspection at its office all orders, rules, and regulations made by the Mayor, or under his authority. (Ord. No. 1965-1.)

TITLE 3

FISCAL AFFAIRS

Chapters:

- 3.04 Purchases
- 3.08 Taxes
- 3.12 City Officials Doing Business with City

CHAPTER 3.04

PURCHASES

Sections:

- 3.04.01 Mayor Authorized to enter State Contracts
- 3.04.02 Purchase of Lighting Fixtures

3.04.01 Mayor Authorized to enter State Contracts

A. That the Mayor of the City of Caraway hereby requests authority in the name of the City of Caraway to participate in state contracts which the Department of Finance and Administration, Office of State Purchasing, has entered into for the purchase of supplies, services, equipment and certain materials pursuant to the State Purchasing Law and Amendment 54 to the Arkansas Constitution.

B. That the Mayor is hereby authorized to agree in the name of the City of Caraway to be bound by all contract terms and conditions as the Department of Finance and Administration, Office of State Purchasing, prescribes. Such terms and conditions may include a reasonable fee to cover the administrative costs which the Department of Finance and Administration incurs as a result of City of Caraway participation in a contract. Further, that the Mayor does hereby agree to be bound by all such terms and conditions.

C. That the Mayor is hereby authorized to agree in the name of the City of Caraway to directly pay the vendor under such state contract in which it participates, for items it received pursuant to the contract, and that the Mayor does hereby agree to directly pay the vendor. (Ord. No. 1993-2.)

3.04.02 Purchase of Lighting Fixtures

The City Council hereby determines that the cost of acquiring shielded outdoor lighting fixtures will be prohibitive.

The City of Caraway hereby expressly intends to avail itself of the exemption from the

requirements of the Act pertaining to the purchase of shielded outdoor lighting fixtures. (Ord. No. 2006-3.)

CHAPTER 3.08

TAXES

Sections:

3.08.01 Sales and Use Tax

3.08.01 Sales and Use Tax Under the authority of the Authorizing Legislation, there is hereby levied a one percent (1%) tax on the gross receipts from the sale at retail within the City of all items which are subject to the Arkansas Gross Receipts Act of 1941, as amended (A.C.A.&26-52-101, et seq.), and the imposition of an excise (or use) tax on the storage, use, distribution or other consumption within the City of tangible personal property subject to the Arkansas Compensating Tax Act of 1949, as amended (A.C.A.& 26- 53-101), et seq.), at a rate of one percent (1%) of the sale price of the property or, in the case of leases or rentals, of the lease or rental price (collectively, the "Sales and Use Tax"). (Ord. No. 2011-4.)

CHAPTER 3.12

CITY OFFICIALS DOING BUSINESS WITH CITY

Sections:

3.12.01 City Officials Authorized

3.12.01 City Officials Authorized

Whereas it is illegal to hire a City Alderman to work for the City since he is a voting member, it is hereby agreed by ordinance to employee Alderman Dean Story to take care of City Cemetery during summer months, dates to be determined by Mayor. (Ord. No. 1990-1.)

Whereas, it is illegal for the City of Caraway to do business with a voting member of the City Council, it is hereby agreed by Ordinance that the City of Caraway to purchase chemicals and supplies from Dwight Whittenburg and UAP Midsouth. (Ord. No. 2001-3.)

Whereas, it is illegal for the City of Caraway to do business with a voting member of the City Council, it is hereby agreed by Ordinance that the City of Caraway hire Marvin and Jimmy's Heating and Air Conditioning to work on city equipment from time to time. (Ord. No. 2001-4.)

Whereas, It is not illegal for Reuben Stubblefield, City Clerk and Treasurer, to do business with the City, he still desires that the City pass an Ordinance that permits Stubblefield Insurance and Stubblefield Car Wash to do business with the City of Caraway, mainly for providing Insurance and Police Department car wash services. (Ord. No. 1991-9.)

Whereas, it is illegal for the City to do business with a voting member of the City Council, it is hereby agreed by Ordinance that the City of Caraway hire Asa Boatman to do work on city equipment from time to time. (Ord. No. 1991-10.)

TITLE 4

BUSINESS LICENSES AND REGULATIONS

Chapters:

- 4.04 Franchises
- 4.08 Business Licenses

CHAPTER 4.04

FRANCHISES

Sections:

- 4.04.01 Arkansas-Missouri Power Company
- 4.04.02 Contel Systems of Arkansas

4.04.01 Arkansas-Missouri Power Company

1. That the City of Caraway, Arkansas subject to the terms, conditions and stipulations mentioned in this ordinance consents and the exclusive right, permission and franchise is hereby given to the Arkansas-Missouri Power Company, a corporation organized and existing pursuant to the laws of the State of Arkansas, Grantee, and to its successors, lessees, and assigns to lay, construct, equip, operate, repair and maintain a system of gas mains, pipes, conduits, and feeders for the purpose of supplying and distributing natural gas for light, fuel, power, and heat and for any other purpose, to the residents or inhabitants of the said City, as rapidly as the said Company, Grantee herein, shall find it practicable to do so; and further, the exclusive right to lay, construct, operate and maintain a system of gas mains, pipe lines, pipe conduits and feeders and the necessary attachments, connections, fixtures and appurtenances for the purpose of conveying, conducting or distributing natural gas from any point beyond said City limits in order to enable the said Grantee to distribute and sell natural gas to the said City and to the residents or inhabitants thereof, and to others. (Ord. No. 61-3.)

2. The Grantee herein is expressly given the exclusive permit (subject to the proviso hereinafter contained) to use the streets, avenues, roads, highways, alleys, sidewalks and other public places, as now laid out, or hereafter to be established, for the purpose of laying gas mains, pipe lines, conduits and feeders, and the necessary attachments, fixtures, connections and appurtenances for the purpose of conveying or conducting natural gas from any point within the said City or to any point beyond the city limits of the said City or to any other point, through and beyond the city limits of said City, and to operate and maintain a system of pipe lines, pipes, conduits, feeders and the necessary attachments, connections, fixtures and appurtenances for the distribution of natural gas within said City to serve the said City and the residents and inhabitants

thereof, and others; provided, however, that where alleys are accessible for laying mains and pipes, the City shall have the right to require that the mains and pipes shall be laid in the alleys instead of the streets, and plans for laying mains must be submitted to the Council or specially appointed representatives before final designation is made. (Ord. No. 61-3.)

3. Subject to the proviso in Section 2 hereof, the main pipes of the Grantee may be laid in the highways, roads, streets, avenues, alleys and other public places as now laid out or as the same shall hereafter be established, and when laid in high- ways, roads, avenues, streets, alleys, and other public places, same shall be laid in accordance with the lines and grades now established or hereafter to be established by the City, provided that such main pipes and service pipes be laid at the minimum depth of eighteen inches below the grade of streets, alleys or ditches. (Ord. No. 61-3.)

4. In the opening and refilling of all openings made by the Grantee, it shall relay the pavements and do all other work necessary to complete restoration of the streets, sidewalks or grounds to the condition equally as good as when disturbed; and when the Grantee shall open any ground in said City for the purpose of laying any gas pipe or for any other purpose whatsoever, the Gran- tee shall open no more space at any one time or at any one place, nor keep the same open any longer than is necessary to properly execute the work for which same shall have been opened; and it is especially required that in all cases where work requires the exercise of skill, as the laying or relaying of pavements or sidewalks, the Grantee shall employ skilled workmen familiar with the execution of such work. Whenever deemed necessary by the proper authorities it shall have the right to designate its engineer or other person to superintend and supervise the refilling of the highways, streets, avenues, roads, alleys or other public places, and the relaying or refilling of the sidewalks and pavements, all of the repair and replacement of pavement, sidewalks and other grounds disturbed for the laying of the said pipes, shall be at the expense of the Grantee. (Ord. No. 61-3.)

5. No fees or charges of any kind shall be imposed upon the Grantee or upon any successors or upon any consumer of natural gas for the breaking or opening of any highway, street, road, avenue, alley, or other public places, or for the laying of any main, service pipe or other connections therein, except as provided herein.

Nothing in this franchise shall be construed in such manner as to in any manner abridge the right of the City to pass and enforce the necessary police regulations for the purpose of protecting the citizens of said City and their property and the property of the Grantee. (Ord. No. 61-3.)

Grantee shall at all times keep and display the necessary danger signals and proper guards around all excavations and obstructions, and shall keep sufficient space in good condition for the travel of vehicles on at least one side of all excavations and obstructions, and shall as soon as practicable restore all openings on the highway, road, street, avenue, alley and other public places to condition equally as good as before said openings or obstructions were made. (Ord. No. 61-3.)

6. The Grantee shall do no injury to any highway, road, street, avenue, alley, lane,

bridge, stream or water course, park or public place, nor in any manner disturb or interfere unnecessarily with electric lines, nor with any public or private sewer or drainage system, or water lines, now or hereafter laid or constructed by the said City or by any authorized person or corporation, but no electric conduits or sewer or water pipes shall be so laid as to interfere unnecessarily with any gas main or pipes which shall have been laid prior to the time of laying such electric conduits, sewer or water pipes. The Grantee shall fully indemnify and save harmless the City from any and all claims for damages for which said City shall or might be made or become liable by reason of the granting of this franchise, or any negligence or carelessness on the part of said Grantee, or because of any act or omission of the Grantee in the construction and operation of its system of mains and pipes. (Ord. No. 61-3.)

7. The Grantee shall supply natural gas under the terms and conditions herein specified to all applicants not in arrears for any bills for natural gas, service, pipes, appliances, or other things, owning or occupying premises on or abutting the streets, avenues, or other public places in which such gas mains or conduits are laid.

The Grantee shall have the right to require a written agreement with all applicants for natural gas. The rate or rates to be charged for natural gas, according to Section 15 hereof, the minimum monthly bill, the meter connection, moving or other charge, the amount of the immediate deposit, the terms and conditions under which natural gas is to be served the individual applicant, and other things shall be determined by such agreement. Such agreements are to conform with the state laws and regulations governing same. (Ord. No. 61-3.)

8. The Grantee shall make, own and maintain all necessary connections with its mains, lay pipe to curb line, or to point on or near property line where no curb line has been determined, and may at its option install a service cock and box. Grantee will also designate location of, set and own the meter, but all other piping, connections and appliances for the purpose of utilizing gas shall be furnished and installed by the house owner, or consumer, at his risk and expense.

The Grantee shall have the right to make and enforce as a part of the conditions under which it will supply natural gas for heat, power, light, fuel or other purposes as herein provided, all needful rules and regulations not inconsistent with law and the provisions of this franchise. (Ord. No. 61-3.)

9. The Grantee shall furnish promptly to the proper authorities any and all information which may be asked for by them in regard to the size, location or depths of any of the pipes, mains, conduits or service pipes, in any form whatsoever, and any other information in regard to its occupation of roads, highways, streets, avenues or public grounds of said City, which they may demand. Whenever the word Grantee occurs in this ordinance, it shall mean and it shall be understood to be the Arkansas-Missouri Power Company, its successors, lessees, or assigns, and whenever the words it authorizes or "proper authorities" occur in this franchise they shall mean and shall be understood to mean the authorized officer or officers, committee or board representing the City of Caraway, Arkansas, or Grantor. (Ord. No. 61-3.)

10. This franchise shall take effect and continue and remain in force perpetually as

provided in Section 44 of "Public Utilities Act of 1935", Acts of the State of Arkansas., as same may be amended from time to time., and upon the written acceptance by the Grantee of the terms and conditions of this franchise. (Ord. No. 61-3.)

11. Be it further ordained that the Arkansas-Missouri Power Company., Grantee, shall have 12 months from the final passage., approval and publication of this ordinance., and not longer, in which to begin the actual laying of pipe lines and laterals for the distribution of natural gas in said City, a failure on the part of the Arkansas-Missouri Power Company, Grantee., to comply with the foregoing provisions of this section as to the time in which to begin the work shall render null and void this ordinance; it is further provided however, that upon a showing by the grantee, that the actual laying of pipe lines and laterals for the distribution of natural gas in said City has been delayed due to the Grantee's inability to secure necessary pipe or other materials, or due to Acts of God, the period allowed above shall be automatically extended for an additional period of six (6) months. It is further provided that the City Council may at the end of the six months extension give Grantee additional time in which to begin construction if the City Council deems that such extension of time should be granted. (Ord. No. 61-3.)

12. Said Grantee shall have the full right and power to assign to any other person or persons, copartnership firm or corporation, any and all rights conferred upon it by the terms of this ordinance, after It has installed, erected and built a gas distribution system; provided., that a mortgage or trust deed or judicial sales made thereunder or under tax sales shall not be deemed as assignment within the meaning of this section. Any assignee of the rights of the Grantee herein, by accepting such assignment, shall thereby become subject to all of the terms, conditions and provisions of this ordinance; and in the event of any assignment by said Grantee of the rights hereby conferred upon it., such assignment shall be in writing and a duly authenticated copy thereof shall be filed in the office of the Clerk of said City of Caraway, Arkansas. (Ord. No. 61-3.)

13. The Grantee shall maintain sufficient., suitable and adequate pressure of gas in its mains., where the service line to consumer attaches to the Grantee's main or pipe line in a street or alley adjacent to such consumer's property line, for domestic, commercial and industrial users. (Ord. No. 61-3.)

14. Be it further ordained that the rates charged and the Rules and Regulations under which service is to be supplied, as per Section 7 above, for domestic, commercial and industrial consumption of natural gas shall be reasonable and as may be approved by the Arkansas Public Service Commission or the Commission or Regulatory Body then having jurisdiction over the rates of public utilities operating in the State of Arkansas., as is now provided by the "Public Utilities Act of 1935", as amended., or as same may be further amended from time to time. (Ord. No. 61-3.)

4.04.02 Contel Systems of Arkansas

1. That the Contel Systems of Arkansas, a corporation organized under the laws of the State of Arkansas, with a license to do business in the State of Arkansas, its successors and assigns, be and they are hereby granted the right, in operating a telephone system, to construct

and maintain all the necessary poles, wires, cables, pole and wire fixtures, telephone plant and telephone apparatus of whatsoever nature for the purpose of conducting such business, to erect and maintain such telephone poles and string the same with wire and cable along the streets, avenues, boulevards, alleys and other public places of said City of Caraway, and to construct or lay and maintain such conduits as Grantee, its successors and assigns, may require, under the streets, avenues, boulevards, alleys and other public places, aforesaid, for the purpose, of such business under the following terms and restrictions, to-wit:

2. The term of this grant shall be for ten (10) years from this date, subject to all ordinances regulating, taxing and controlling telephone lines or systems, in the City of Caraway, Arkansas. (Ord. No. 1991-2.)

3. The Grantee, its successors and assigns, shall conduct telephone business in such a manner as shall be to the benefit of the City of Caraway, and its inhabitants, rendering good telephone service at reasonable rates as authorized by the Arkansas Public Service Commission, or any other State or local governmental agency charged by law with the power to regulate public utilities. (Ord. No. 1991-2.)

4. All poles and overhead wires or cables erected under this ordinance shall be placed, whether on streets, avenues, boulevards, alleys or other public places, as not to interfere unnecessarily with ordinary travel on such streets, avenues, boulevards, alleys or other public places. All poles erected under this ordinance shall be so located as not to injure unnecessarily any drains, sewers, catch basins, or other like public improvements, and said Grantee shall forthwith repair any damages so caused to the satisfaction of the Mayor of said City, and in default thereof, said City may repair such damage and charge the cost thereof to, and collect same from said Grantee. (Ord. No. 1991-2.)

5. The poles of the Grantee, its successors and assigns, shall be placed and erected in such a manner as not unreasonably to interfere with the orderly conduct of the business and the rights of any other public service corporation having a right or franchise to operate its business in said City. (Ord. No. 1991-2.)

6. All work of locating and erecting poles or placing underground conduit under and by virtue of this Ordinance, shall be done with the cooperation of the Mayor, or some other authorized person or persons. (Ord. No. 1991-2.)

7. The Grantee shall hold the City of Caraway free and harmless from all damages arising by reason of any abuse or negligence in said occupancy, for the payment of which said city may have become liable to any person, persons, or corporations, by reason of the granting of this ordinance or by reason of the construction or operation of said telephone system, or by reason of said telephone company failing to conform or comply with any of the provisions or requirements of this Ordinance. (Ord. No. 1991-2.)

8. The said telephone company shall remove, raise or adjust its aerial plant after forty-eight (48) hours notice by the Mayor of Caraway, or another properly authorized City official, for the purpose of permitting the moving of houses, or other structures, along the streets

of said City; however, the person or persons for whose benefit such telephone plant is removed, raised or adjusted, shall first secure proper permission from said City for the moving and agree to pay said telephone company for its related costs and damages. If desired, an advance deposit by the mover may be required by the telephone company. (Ord. No. 1991-2.)

9. 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. 1991-2.)

10. In consideration for rights and privileges herein granted, the said telephone company shall pay annually, in arrears, one percent of local service revenues to the City of Caraway effective January 1, 1991, and such payment shall be payable by the 1st day of February each year following the collection year during the term of this Ordinance. Same shall be in lieu of any general or special license tax, occupation tax, or any other such tax for the period covered during the term of this Ordinance. (Ord. No. 1991-2.)

11. Said telephone company shall file its acceptance of this Ordinance with the Clerk of said City, within thirty (30) days after its passage and approval. (Ord. No. 1991-2.)

12. Failure to comply with the terms and conditions of this Ordinance shall work a forfeiture of this franchise. (Ord. No. 1991-2.)

13. The franchise, as well as the rights hereunder, may be assigned by the Grantee as well as all succeeding Grantees, at their option, and the assigns shall succeed to all the rights, duties and liabilities of the Grantee hereunder. (Ord. No. 1991-2.)

CHAPTER 4.08

BUSINESS LICENSES

Sections:

4.08.01	Business Licenses
4.08.02	Occupational Licenses Required
4.08.03	Procurement of license
4.08.04	Application
4.08.05	False statements
4.08.06	Separate license for each trade or business
4.08.07	Fee not returnable
4.08.08	Transfer prohibited
4.08.09	Posting
4.08.10	Occupational tax
4.08.11	Itinerant Vendors

4.08.01 Business Licenses The conducting and carrying on of all trades, businesses, occupations, vocations, callings and professions, except those specifically exempted by the laws of the State of Arkansas, and also excepting public utilities otherwise taxes by the City, within the boundaries of the City of Osceola, is hereby declared to be a privilege, and each and every person, firm or corporation conducting or engaging in any such trade, business, occupation, vocation, calling or profession, shall apply for and pay for a license therefore in the amounts and procedural requirements as set out. (Ord. No. 1991-7.)

4.08.02 Occupational Licenses Required It shall be unlawful for any person in the city to engage in exercise, or pursue any line of business without first having obtained and paid for a city license therefore from the city recorder/treasurer; the amount of which license are hereby fixed in Section 10. However, any person, firm or corporation whose primary business location is outside the city limits, maintains no permanent business in Osceola, and who pays occupational license in other city is exempt from this license. (Ord. No. 1991-7.)

4.08.03 Procurement of license Except as herein provided, all licenses issued under this Ordinance shall become due on July 1st of each year. If not paid by September 15th a penalty of double the amount of the license fee provided will be assessed, also if it becomes necessary for the city recorder/treasurer or other officials to go to the business to collect, a Five (\$5.00) Dollar additional penalty will be imposed. All Licenses shall be payable annually and except as herein provided no license shall be issued for a longer period of time than one (1) year. (Ord. No. 1991-7.)

4.08.04 Application Any person desiring to engage in, pursue, or carry on any of the occupations, callings, or businesses mentioned in this ordinance, shall apply to the city recorder / treasurer who shall collect from the applicant the license fee provided for herein, and the city recorder/treasurer shall issue to the applicant his receipt and license certificate. (Ord. No. 1991-7.)

4.08.05 False statements or failure to furnish information It shall be unlawful for any person knowingly and willfully to make a false written or verbal statement in applying for a license under this ordinance for the purpose of defrauding the city, by which statement a license is procured for a less sum than is lawfully due hereunder. It shall likewise be unlawful for any person to fail or refuse to furnish the city recorder/treasurer all required information necessary to determine the amount of the annual occupational license fee in accordance with the provisions of this ordinance. (Ord. No. 1991-7.)

4.08.06 Separate license for each trade or business Any person engaged in two or more trades, callings, vocations, businesses or professions enumerated in this ordinance shall be required to take a license for each trade, business, vocation or profession. (Ord. No. 1991-7.)

4.08.07 Fee not returnable The license fee provided for in this ordinance, when paid for any period provided herein, shall not be returnable in case the licensee, for any reason, surrenders his license or discontinues his business, and any sum so paid shall not be returnable to any person. (Ord. No. 1991-7.)

4.08.08 Transfer prohibited No license issued under the provisions of this chapter shall be transferred from one person to another or from one business to another without authorization from the city council. (Ord. No. 1991-7.)

4.08.09 Posting Each license procured under the provisions of this chapter shall be posted in a permanent place where the business covered thereby is carried on, and the holder thereof shall immediately show such license to any officer of the city, upon being requested to do so. (Ord. No. 1991-7.)

4.08.10 Occupational tax Each business or occupation which is the subject of this ordinance shall be charged an occupational tax of \$20.00 per year. (Ord. No. 1997-4, Sec. 1.)

4.08.11 Itinerant Vendors

A. Any person, firm or corporation engaged in the sale of, or soliciting the sale of any goods, wares, merchandise or services, either at wholesale or retail, that does not maintain an established place of business within the town of Caraway, is hereby defined as an itinerant vendor. (Ord. No. 112B.)

B. No itinerant vendor shall engage in business in the incorporated town of Caraway without first applying to the town recorder and obtaining a license therefor. (Ord. No. 112B.)

C. Fees for licenses under this ordinance shall be as follows, to-wit:

For one year	\$30.00
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(Ord. No. 112B.)

D. Any person, firm or corporation who engages in business as an itinerant vendor without a license, or shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed \$100.00. (Ord. No. 112B.)

TITLE 5

HEALTH AND SANITATION

Chapters:

5.04 Maintenance of Real Property

CHAPTER 5.04

MAINTENANCE OF REAL PROPERTY

Sections:

5.04.01	Property Clean-up
5.04.02	Abandoned Automobiles
5.04.03	Cleanup Procedures
5.04.04	Enforcement

5.04.01 Property Clean-up Property owners are required to cut weeds; to remove garbage, rubbish, and other unsightly and unsanitary articles and things upon the 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.

- A. The specific maximum height of weeds and grass permitted in the City is established at eight (8) inches.
- B. A waiver of this requirement may be granted by the Mayor or the Chief of Police on application in writing by the owner thereof, specifying the property to be included. Such waiver may only be provided for agricultural use, including such related uses as bee keeping. Granting of the waiver shall be at the sole discretion of the persons named herein. (Ord. No. 2017-3, Sec. 1.)

5.04.02 Abandoned Automobiles The City of Caraway declares that inoperable vehicles are an unsightly nuisance under Section 1 of this ordinance. In this subsection "abandoned automobile" means:

- A. Any motor vehicle or part thereof that is in a state of disrepair or incapable of being moved under its own power; or
- B. Any vehicle that is inoperative or not roadworthy that is allowed to remain on city streets or within 100 ft. of a street or highway for more than 60 days; or
- C. Any vehicle, whether operative or not, that remains on city streets or within 100 ft. of a street or highway unmoved, for a period of 6 months, or any vehicle whose owner, according to state registration records, cannot be located for a period of 3 months. (Ord. No. 2017-3, Sec. 2.)

5.04.03 Cleanup Procedures The City of Caraway adopts by reference the provisions of Arkansas Code Annotated Section 14-54-901 through 904, concerning the procedures for enforcing the clean-up of property referenced in Section 1. (Ord. No. 2017-3, Sec. 3.)

5.04.04 Enforcement In addition to, and not as a substitute thereof, the procedures of Arkansas Code Annotated Sections 14-54-901 through 904, at the discretion and judgment of the Chief of Police, or police officer employed by the City, the City may pursue enforcement of the requirements of the foregoing sections through the misdemeanor criminal courts.

- A. Notice shall be sent to the party or parties responsible for the conditions surrounding the property which meets the requirements in Section 1, by registered or certified mail, written notice by a police officer employed by the City, or Mayor of the City specifying the action to be taken within 14 days from receipt of such notice.
- B. If no action is taken satisfying the conditions with that period, a police officer employed by the City may prepare and file a summons with the District Court. A first offense violation penalty will be up to \$100.00. If no action is taken to remedy the condition within 10 days of the summons, a second offense summons shall be filed, which may bear an additional fine of up to \$250.00, and after another 10 days without correction, an additional summons may be issued for a fine up to \$500.00. (Ord. No. 2017-3, Sec. 4.)

TITLE 6

ANIMALS AND FOWL

Chapters:

- 6.04 Animals, Generally
- 6.08 Dogs
- 6.12 Dangerous Animals

CHAPTER 6.04

ANIMALS, GENERALLY

Sections:

- 6.04.01 Animal distribution prohibited
- 6.04.02 City fish pond

6.04.01 Animal distribution prohibited It shall be unlawful for any person, firm or corporation to sell, give away or trade in any manner any animal on property owned or controlled by, whether by lease or other means, the city of Caraway, Arkansas. Fish will be exempt from this ordinance. (Ord. No. 1997-5.)

Any person, firm or corporation violating the provisions of this ordinance shall be guilty of a misdemeanor and fined in an amount not less than \$500.00 for each offense. (Ord. No. 1997-5.).

6.04.02 City fish pond

A. The number of fish that may be taken by each person from the city owned and operated fish pond shall be limited to five (5) fish per day.

B. Any person, organization, group or association found guilty of violating the provisions of this ordinance shall be fined in an amount not to exceed \$100.00. (Ord. No. 1999-5.)

CHAPTER 6.08

DOGS

Sections:

- 6.08.01 Definitions

6.08.02	Number of Dogs
6.08.03	License and Registration Required
6.08.04	Tag and Collar
6.08.05	Running at Large
6.08.06	Confinement of Dogs. Beginning
6.08.07	Impounding and Redemption by Owner
6.08.08	Disposition of Unclaimed or Infected Dogs
6.08.09	Barking and Howling
6.08.10	Condition of Pen and Premises
6.08.11	Penalties

6.08.01 Definitions The following words and phrases shall, for the purpose of this Ordinance, have the following meaning:

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

B. **Owner** - Every person, firm, partnership or corporation owning, keeping or harboring a dog within the corporate limits of Caraway.

C. **At Large** - Any dog not confined to the premises of the owner or within a house or other building, or enclosed or restrained on the premises of the owner by a leash sufficiently strong to prevent the dog from escaping and restrict the dog to the premises, or not confined by leash or confined within an automobile when away from the premises of owner.
(Ord. No. 1987-3.)

6.08.02 Number of Dogs It shall hereafter be unlawful for any person, firm or corporation to own, keep or harbor more than 4 dogs over six months old within the corporate limits of the City, except that this provision shall not apply to the proprietor of a dog hospital or veterinarian when dogs are kept upon the premises used by dog hospitals or veterinarians as their normal place of business. Keeping on the premises of the owner of more than four dogs shall be prima facie evidence of violation of this section and the burden of proof shall be on the owner to show the ages of such dogs. (Ord. No. 1987-3.)

6.08.03 License and Registration Required All dogs kept harbored or maintained by their owners or keepers in the City of Caraway, Arkansas, shall be licensed and registered if over six months of age. Dog licenses shall be issued by the City Collector or Animal Control Officer in the City of Caraway, Arkansas, upon the owner of such dog producing a Certificate signed by a licensed veterinarian that the dog has been vaccinated against rabies within six (6) months prior to the time of application for license and upon payment of a license fee of \$2.00 for each dog. The owner shall state at the time application is-made for such license and upon forms provided for such purpose, his name and address and the name, breed, color and sex for each dog owned or kept by him. This section shall not apply to dogs whose owners are non-residents temporarily within the City nor to "seeing eye" dogs properly trained to assist blind persons when such-dogs are actually being used by blind persons for the purpose of aiding them in going from place to place. Licenses for dogs shall be purchased on or before the first day of June of each year for the

ensuing year or immediately upon the bringing of such dogs into the city or immediately upon the dog becoming six months of age. Licenses and the right to use the particular tag shall expire on May 31st of the year following that in which the license is issued. All dogs within the City of Caraway shall be vaccinated at least once a year against rabies and it is made the duty of all owners of dogs or persons having the possession or control of dogs within the city to have such animals vaccinated with the vaccine against rabies in an amount, quantity and quality to be approved by the State Veterinarian. (Ord. No. 1987-3.)

6.08.04 Tag and Collar Upon payment of the license fee, the City Collector or Animal Control Officer shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The tag shall be changed each year and the owner shall be required to provide each dog with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn. If a dog tag is lost or destroyed, a duplicate will be issued upon presentation of a receipt showing payment for the license fee for the current year and the payment of a 50 cent fee for such duplication. Dog tags shall not be transferrable from one dog to another. (Ord. No. 1987-3.)

6.08.05 Running at Large No person owning, possessing or keeping a dog shall allow the same to run at large within the City of Caraway, Arkansas. (Ord. No. 1987-3.)

6.08.06 Confinement of Dogs Beginning any person owning, possessing or keeping a dog or dogs, whether vaccinated or not, licensed or unlicensed, shall confine such dog or dogs within an adequate fence or enclosure or within a house, garage or other building or shall confine such dog or dogs by a chain or leash affixed to the dog's collar and attached to some substantial stationary object adequate to prevent the dog from running at large. (Ord. No. 1987-3.)

6.08.07 Impounding and Redemption by Owner It shall be the duty of every animal control officer, police officer or other designated official to apprehend or cause to be apprehended, any dog found running at large and to impound such dog in the City Animal Shelter or other suitable designated place and it shall be unlawful for any person to interfere with or obstruct such designated official in the execution of said duty. The owner of any licensed dog, which has been impounded may claim and retrieve such dog from the City Animal Shelter by payment of an impoundment fee of Ten Dollars (\$10.00). The owner of any unlicensed dog which has been impounded shall, before said dog is released, assure the City that said dog is vaccinated and licensed in accordance with this Ordinance or sign a statement in writing that such person will immediately, within three (3) days, have the dog vaccinated and licensed if the animal is released to him. The expense of such vaccination and license fee shall be paid by the owner and be in addition to the above fee. Should any dog be impounded a second time within six (6) months from the date of the first impoundment, the dog shall not be released to the owner until an impoundment fee of Twenty-Five Dollars (\$25.00) has been paid and the event the same dog is impounded for a third time within six (6) months from the first impoundment, the impoundment fee shall be Fifty Dollars (\$50.00). (Ord. No. 1987-3.)

6.08.08 Disposition of Unclaimed or Infected Dogs All dogs, whether licensed or unlicensed, that are impounded shall be kept for a period of five (5) days, and if at the expiration of five (5) days, such dogs shall not have been redeemed, they may be destroyed. During the five days of impoundment, the animal control officer or other designated official shall make diligent efforts to determine the owner of such dog and notify him of the impoundment. In the event the dog has a tag or collar which carries the owner's address, then prior to the dog being destroyed, the City shall, by certified letter, return receipt requested, or by personal contact, give the dog owner at least five (5) days notice of the proposed date of destruction of the dog. Any dog which gives an appearance of rabies shall be quarantined for a period of ten (10) days under the supervision of a qualified veterinarian before being destroyed.
(Ord. No. 1987-3.)

6.08.09 Barking and Howling It shall hereafter be unlawful for any person, firm or corporation to keep on his premises or under his control and within the City of Caraway, any dog which by loud and frequent barking and howling shall disturb the peace and quiet of any person who may reside within a reasonable proximity of the place where the dog is kept.
(Ord. No. 1987-3.)

6.08.10 Condition of Pen and Premises It shall be unlawful for any person, firm or corporation keeping or harboring dogs to fail to keep the premises where such dogs are kept, free from offensive odors to the extent that such odors are disturbing to the persons residing within reasonable proximity to the premises; and it shall be unlawful to allow the premises where dogs 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. 1987-3.)

6.08.11 Penalties Any owner found violating any, provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). In the event the conviction is for failure to have a dog vaccinated within one (1) year as required by this Ordinance and state law, the fine will not exceed the sum of Twenty-Five Dollars (\$25.00) for each offense.
(Ord. No. 1987-3.)

CHAPTER 6.12

DANGEROUS ANIMALS

Sections:

6.12.01	Scope
6.12.02	Definitions
6.12.03	Dangerous Dogs
6.12.04	Impoundment and destruction authorized
6.12.05	Right to appeal
6.12.06	Pit Bull violations and Penalties
6.12.07	Ord. No. 2004-4 Violations

- 6.12.08 Exceptions
- 6.12.09 Service Dogs

6.12.01 Scope This Ordinance applies to the City of Caraway. An owner living within the City of Caraway, but allowing an animal to run at large in the City limits area shall be subject to this Ordinance. (Ord. No. 2004-4.)

6.12.02 Definitions Animal Control Officer/Officers means any person charged by the City with performing the duties necessary to effectuate this Ordinance, including all police officers and workers of the City of Caraway.

"**At Large**" means any animal not confined to the property of the owner.

"**Dangerous Animal**" means any animal, particularly a dog, that:

1. Physically threatens or attacks human beings or other animals without provocation, or
2. Has previously inflicted bodily harm on a human being or other animal without provocation.

(Ord. No. 2010-2.)

"**Owner**" means any person giving ownership rights in a dog or other animal, or any person who keeps in his care, acts as custodian for, or knowingly permits a dog or other animal to remain on or about any premises occupied by him.

(Ord. No. 2004-4.)

"**Pit Bull Dog**" a dog is determined to be a Pit Bull Dog if any of the following apply:

- A. The dog is a Bull Terrier breed of dog.
- B. The dog is a Staffordshire Bull Terrier breed of dog.
- C. The dog is an American Pit Bull Terrier breed of dog.
- D. The dog is an American Staffordshire Terrier breed of dog.
- E. The dog is a mixed breed or of other breeds than above listed breed or mixed breed known as Pit Bull Dogs or Pit Bull Terrier.
- F. Any dog which has the appearance and characteristics of being predominately of the breeds of Bull Terrier, Staffordshire Terrier, American Pit Bull Terrier, American Staffordshire Terrier, any other breed commonly known as Pit Bulls, Pit Bull Dogs or Pit Bull Terriers; or a combination of any of these breeds.

A Pit Bull Dog is a dangerous animal, pursuant to the Caraway Animal Control Ordinance. (Ord. No. 2017-6.)

6.12.03 Dangerous Dogs

1. It shall be unlawful to keep, harbor, own or in any way possess a dangerous dog within the corporate limits city limits of Caraway, except when transporting to a veterinarian office (restrained and muzzled).

a. Determination

- i. An Animal Control Officer shall deem a canine to be a dangerous dog if the Animal Control Officer determines that the canine satisfies the

definition of dangerous dog, in addition to dogs specifically enumerated as dangerous dogs herein.

- ii. A dog will be considered dangerous if it is the offspring of a domestic dog and an innately wild animal. The behavior of the dog should not be considered dangerous if the dog was provoked or teased.

- 1. When rendering a determination pursuant to this section, any canine that reasonably resembles an innately wild animal shall be presumed to be the offspring of a domestic dog and an innately wild animal. However, this presumption may be defeated by a preponderance of evidence to the contrary. Offspring include animals that are separated by less than three reproductive generations from an innately wild animal.

(Ord. No. 2017-6.)

6.12.04 Impoundment and destruction authorized

- 1. The Animal Control Officer shall take into custody any animal found kept in the city that is a dangerous dog or dangerous animal and shall impound the animal in an Animal Facility or such other place as such Animal Control Officer may designate for the purpose of impoundment.
- 2. Such impounded animal shall be held for a period of five (5) business days, at the end of which time the animal may be destroyed unless custody of the animal is released prior thereto as provided in other portions of the Caraway Animal Control Ordinances.
- 3. Such animal may be destroyed prior to the expiration of such five (5) business day waiting period when such animal has been seriously injured or seriously ill and destruction would eliminate suffering on the part of the animal and would constitute the human solution to such animal's suffering.
- 4. Such animal may be destroyed prior to the expiration of the five (5) day waiting period when such animal presents itself in a vicious or dangerous manner that places the public or the Animal Control Officer or employees in ongoing danger and such destruction would eliminate this threat.

(Ord. No. 2017-6.)

6.12.05 Right to appeal If an animal owner who has received notice that his or her animal has been determined by the Animal Control Officer to be a dangerous animal feels that such determination was made in error, the owner may appeal the officer's decision within ten (10) days after receiving the notice by filing an appeal with the Craighead County District Court.

(Ord. No. 2004-4.)

6.12.06 Pit Bull violations and Penalties

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

- a. Any person violating or permitting the violation of any provision of this shall upon conviction in the District Court be fined a sum not less than two hundred dollars (\$200) and not more than two thousand five hundred dollars (\$2,500). The Court may

also sentence the defendant to imprisonment in the county jail for a period not to exceed ninety (90) days. Any such conviction shall include seizure of the animal by the Animal Control Officer or personnel, if that has not already been done, to be humanely destroyed or sent to a suitable rescue outside the corporate limits of the City of Caraway, if the dog has not already been destroyed. Additional fines shall be in accord with the Amendment to Ordinance 2004-4.

6.12.07 Ord. No. 2004-4 Violations A violation of this Ordinance shall be a misdemeanor, and the person or persons in violation shall be fined One hundred dollars (\$100.00) for a first offense, Three Hundred Dollars (\$300.00) for a second offense, and not less than Five Hundred Dollars (\$500.00) or more than Two Thousand Five Hundred Dollars (\$2,500) for all subsequent offenses. Furthermore, the Animal Control Officer/Officers or any individual may institute a civil action to compel compliance with this Ordinance and seek injunctive relief damages, or other civil sanctions including the award of attorney's fees and costs.
(Ord. No. 2004-4.) (Ord. No. 2017-6.)

6.12.08 Exceptions
Animals may not be declared dangerous if the threat, injury, or damage was sustained by a person:

1. Who was committing at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog; or
2. Who was provoking, tormenting, or abusing the animal or who can be shown to have repeatedly, in the past, provoked, tormented, or abused the animal; or
3. Who was committing or attempting to commit a crime.
(Ord. No. 2004-4.)

6.12.09 Service Dogs No animal that is shown to be a Certified Service Animal registered with the National Service Animal Registry shall be subject to this or previous animal control ordinances. The City will comply with all laws and regulations of the Americans with Disability Act. If it is not obvious that it is a service animal, two questions will be asked of its controller: (1) is the dog a service animal required because of a disability, (2) What work or task has the dog been trained to perform. (Ord. No. 2017-6.)

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Miscellaneous Violations
- 7.12 Curfew

CHAPTER 7.04

STATE CRIMINAL STATUTES AND PENALTIES

Sections:

- 7.04.01 State Criminal Statutes and Penalties

7.04.01 State Criminal Statutes and Penalties

That the City of Caraway, Arkansas, hereby adopts and enact the Statutes of the State of Arkansas defining and prescribing penalties for all offenses under the grade of a felony, with the same force and effect as if each of said statutes were copied in full into separate and distinct ordinances.

CHAPTER 7.08

MISCELLANEOUS VIOLATIONS

Sections:

- 7.08.01 Fireworks
- 7.08.02 Property Damage from Food
- 7.08.03 Housing Numbers
- 7.08.04 Gambling Machines

7.08.01 Fireworks Be it ordained by the City Council of the City of Caraway that it shall be lawful to sell and/or shoot fireworks within the corporate limits Of the City of Caraway under the following provisions:

(a)Fireworks may be sold and/or shot ONLY between the hours of 9:00 a.m. and 9:00 p.m. on any day within the corporate limits of the City of Caraway.

(b) Anyone who offers for sale any type of fireworks must have a fireworks permit issued by the city.

(c) A permit good for one year may be purchased (after January 1 and expires on December 31 of that year) for \$15.00 at the Caraway City Hall.

(d) It shall be unlawful to sell, purchase, or shoot any type of "bottle rocket" or reasonable facsimile of this type of fireworks,

(e) It shall be unlawful to shoot or discharge ANY type of fireworks on/onto or directed toward a public street, alley,, sidewalk,(public building, private dwelling, vehicle, or person.).
(Ord. No. 1993-3.)

Penalties

(a) Any person who sells or shoots fireworks between the hours of 9:00 p.m. and 9:00 A.m. without direct supervision of the Fire Department, is subject to a fine of no less than \$25.00 and nor more than \$100.00.

(b) Any person selling fireworks without an issued permit is subject to a fine of no less than \$25.00 and no more than \$500.00.

(c) Any person who shoots or discharges fireworks on/onto or directed at a public, street, alley, sidewalk,, public building,, private dwelling,, vehicle, or person, is subject to a fine of no less than \$100.00 and no more than \$500.00 for each violation. (Ord. No. 1993-3.)

7.08.02 Property Damage from Food

A. That during past years, it has been a practice of individuals to throw eggs, biscuits, dough and other items of food at public and private property in a destructive and disorderly way for the purpose other than food consumption.

B. This Ordinance is necessary in order to control the destruction of both public and private property, preserve the public health and preserve the peace of the citizens of the City of Caraway.

C. It shall be a violation of this Ordinance to have, in a persons possession, any food substance to be used for any purpose other than food consumption. Namely, eggs, biscuits, dough, or such like, that could be used to inflict damage to public or private property. Each item of possession will be a separate violation of this Ordinance.

D. Each violation of this ordinance shall be subject to a fine of no less than \$25.00 and no more than \$50.00. In the event that any part of this Ordinance is declared unconstitutional, the remaining provisions shall be severable. (Ord. No. 1992-7.)

2.08.03 Housing Numbers

A. That all residences within the City of Caraway, Arkansas, shall display a house number. (Ord. No. 1993-1.)

B. That all house numbers placed on residences within the City limits of the City of Caraway,, shall be four (4") inches high and be clearly visible from the street. (Ord. No. 1993-1.)

C. That said house numbers shall be placed in allocation on said residence which would be clearly visible from the street in order to enable the City of Caraway Police Department and the City of Caraway Fire Department to more promptly respond to calls for assistance within the City of Caraway. (Ord. No. 1993-1.)

D. That violations of this ordinance shall be punishable by a find not exceeding \$25.00 per day for each day such ordinance is violated. (Ord. No. 1993-1.)

2.08.04 Gambling machines It shall be unlawful for any person, firm or corporation to operate Slot Machines, Roscoes, Pin Ball, Jack Pots and any machine equipped with any automatic pay-off system within the limits of the City of Caraway, Arkansas.

Any person, firm or corporation violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less that \$25.00 and not more than \$100.00 and each day shall be a separate offense.

Whenever the Marshall shall have reason to believe that any slot machine, roscoe, pin ball, Jack pot or other machine equipped with any automatic pay-off system to kept, operated or maintained In any house or building within the limits of said City, it shall be his duty to search therein for same' and the finding of any such device shall be prima facie evidence of the operation thereof by the owner or occupant of such house or building, and the said Marshall shall take charge of such device and destroy the same. (Ord. No. 112A.)

CHAPTER 7.12

CURFEW

Sections:

- 7.12.01 Definitions
- 7.12.02 Curfew for Minors
- 7.12.03 Exceptions
- 7.12.04 Parental Responsibility
- 7.12.05 Enforcement Procedure

7.12.01 Definitions

- (a) Minor is any person under eighteen (18) years of age, (Ord. No. 1995-1)
- (b) Parent is any person having custody of a minor (i)as a natural or adoptive parent, (ii)

as a legal guardian, (iii) as a person standing in loco parentis, (iv) by order of a court of competent jurisdiction.

(c) Street means a street, alley, road, highway, driveway or other way of any nature, public or private, and shall include side-walks and all areas located within any right-of-way of a street.

(d) Public place means a business, shopping center, church, parking lot, park, playground, school, public building, the common area of a public housing development, and other places that are ordinarily open to the public.

(e) Property of another means any property or place owned by someone other than the parent of the minor. (Ord. No. 1992-5.)

7.12.03 Curfew for Minors It shall be unlawful for any person under eighteen (18) years of age to be in or upon a street, public place or property of another, whether on foot, in a vehicle, or otherwise, within the City of Caraway during the periods:

(a) From 12:00 midnight on Friday and Saturday 5:00 A.M. the following morning; and

(b) From 11:00 P.M. on all other nights until 5:00 A.M. the following morning.

(c) From 8:00 P.M. on October 29, 30, 31, November 1st and 2nd until 5:00 A.M. the following morning. (Ord. No. 1992-5.)

7.12.04 Exceptions A person under eighteen (18) years of age shall not be in violation of this ordinance in the following instances:

(a) When accompanied by a parent or such minor.

(b) When accompanied by a person at least twenty-one (21) years of age designated by a parent of the minor to supervise the minor at the particular time.

(c) In the event of an emergency or in case of reasonable necessity involving the need to procure food, medicine, clothing, fuel, shelter or other necessities of life.

(d) When attending or going directly to or from, without deviation, any school, public, church or organizational activity organized and supervised by a person twenty-one (21) years of age or older, but not including an informal social gathering.

(e) when engaging in the duties of one's employment or traveling directly to or from, without deviation, such place of employment.

(f) When traveling through the City of Caraway on a state or federal highway. (Ord. No. 1992-5.)

7.12.05 Parental Responsibility It shall be unlawful for a parent of a minor to permit or allow the minor to be in or upon a street, public place or property of another under circumstances constituting a violation of this Ordinance, regardless of whether or not the parent knows the whereabouts of the minor. (Ord. No. 1992-5.)

7.12.06 Enforcement Procedure If a Police officer reasonably believes that a minor is in violation of the Curfew Ordinance, the Officer shall stop and notify the minor that he or she is in violation of the Ordinance, shall require the minor to provide his or her name, address and telephone number and how to contact his or her parent, and shall instruct the minor to return home immediately. In determining the age of the minor and in the absence of convincing evidence, a police officer shall use his or her best judgement in determining age. A warning notice shall be personally delivered or mailed by certified mail, return receipt requested, to a

parent of a minor an initial violation of this Ordinance by a minor.

Upon a second violation of this Ordinance by a minor, the police shall have the authority to take the minor into custody for the Purpose of taking such minor home and shall cite a parent of such minor for violation of this Ordinance, with such violation to be punishable by a fine of not less than \$25.00 and not more than \$250.00. It shall not be necessary for the police to cite the same parent as was previously provided with a warning notice. Further, the police shall report such minor to the juvenile authorities as a juvenile in need of supervision and shall refer the matter to such juvenile authorities for appropriate action.

TITLE 8

VEHICLES AND TRAFFIC

Chapters:

8.04 Traffic Regulations

CHAPTER 8.04

TRAFFIC REGULATIONS

Sections:

8.04.01	Inattentive Driving
8.04.02	Engine Braking
8.04.03	U-turns
8.04.04	Squealing Tires
8.04.05	Three-wheeled cycles
8.04.06	Heavy Truck Routes
8.04.07	Heavy Truck Parking

8.04.01 Inattentive Driving

- A. It shall be unlawful for any person to drive any motor vehicle upon the public way or upon any private driveway with-in the City of Caraway, Arkansas, in an inattentive manner.
- B. An inattentive manner of driving is defined as the operation of any motor vehicle on the public way of private way of the City of Caraway, Arkansas, while failing to give reasonable regard or attention to the act of driving or operation of such vehicle.
- C. Any person adjudged guilty of violation of this section shall, upon conviction, be fined in the amount of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00).

(Ord. No. 2001-2.)

8.04.02 Engine Braking

- A. The use or application of Un-Muffled Engine Braking, also known as "Jake Braking", is hereby prohibited within the city limits of Caraway, Arkansas. (Ord. No. 2014-3.)
- B. Violation of this Ordinance shall be a misdemeanor, and upon conviction be

subject to a fine of not less than \$50.00 nor more than \$100.00 for a first offense, and a fine of not less than \$500.00 for a second or subsequent offenses within one (1) year of the previous conviction. Ownership or lease of the vehicle by the same party, regardless of drivers, shall constitute subsequent offenses. (Ord. No. 2014-3.)

- C. The Mayor of Caraway shall apply to the Arkansas Highway and Transportation Department for a permit to erect signs regarding the existence of such Ordinance on every state highway at the city limit lines of the City of Caraway. (Ord. No. 2014-3.)

8.04.03 U-turns

- A. It shall be unlawful for any person to turn a vehicle across any street or to turn said vehicle around or make a U-turn In any street or street intersection, but said vehicle shall proceed to an intersection of street there turning with the traffic, always keeping to the right of the street. (Ord. No. 112A.)
- B. Any person violating the Provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$1.00 nor more then 100.00. (Ord. No. 112A.)

8.04.04 Squealing tires

- A. It shall be unlawful for any person to squeal tires on any motor vehicle or to drive in any hazardous manor as to endanger life or property or to disturb the peace of the City. (Ord. No. 1975-5.)
- B. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$20.00 nor more than \$50.00. (Ord. No. 1975-5.)

8.04.05 Three-wheeled cycles The operation of three wheel cycles within the city limits of Caraway, Arkansas has been deemed to be a hazard to the health and safety to the operator and to others the City of Caraway, has declared that the following regulations must be observed while operating any three wheel cycle, regardless of size, on the streets of Caraway, Arkansas:

1. The three wheel cycle must be registered and licensed in accordance with Arkansas Act 872 as approved March 28, 1983.
2. All operators must be at least 14 years of age and have in their procession a valid riders permit issued by City of Caraway.
3. Such vehicle and operator shall at all time be in compliance and in accordance with the standards and rules fixed by the Motor Vehicle Laws of the State of Arkansas and by Ordinances by the City of Caraway, Arkansas.
4. All three wheel cycles shall be equipped with an exhaust in good working order sufficient to prevent excessive and unusual noises.

5. Such three wheel cycle shall not be operated in any manner so as to cause a disturbance in any area of the City Limits.
6. Such three wheel cycles shall not be allowed to be operated on a public sidewalk or in City Parks.
7. Any person corporation partnership or any other legal entity violating any of the terms or provisions of this ordinance shall upon conviction thereof be punished by a fine not exceeding \$100.00 plus court costs.

(Ord. No. 1984-1.)

8.04.06 Heavy Truck Routes From and after the passage of this ordinance, all heavy trucks shall be operated only on the following designated highways and streets within the city limits of Caraway, Arkansas.

A. Arkansas Highway No. 158

B. Arkansas Highway No. 139

C. Beginning at the South end of the intersection of Arkansas Highway No. 158 and Chicago Avenue, thence following Chicago Avenue North to the intersection with Kentucky Street; provided, commercial trucks may use streets as are necessary to permit them to load and unload merchandise at established businesses within the City of Caraway.

Any driver of any vehicle who shall violate the provisions of Section I of this ordinance, upon conviction before a court of competent jurisdiction, shall be fined in any sum not less than twenty-five (25) dollars nor more than five hundred (500) dollars and shall also be liable for any damage done to the surface of said street by reason of the violation of this Ordinance. (Ord. No. 1991-3.)

8.04.07 Heavy Truck Parking

A. From and after the passage of this Ordinance, all heavy trucks shall not park within ten (10) feet of any street or highway within the City of Caraway. (Ord. No. 1991-4.)

B. Any driver of any vehicle who shall violate the provisions of section I of the Ordinance, upon conviction before a court of competent jurisdiction, shall be fined in any sum not less than twenty-five (25) dollars nor more than five hundred (500) dollars and shall also be liable for any damage done to the surface of street by reason of the violation of this Ordinance. (Ord. No. 1991-4.)

TITLE 9

STREETS AND SIDEWALKS

Chapters:

9.04 Streets, Alleys, and Sidewalks

CHAPTER 9.04

STREETS, ALLEYS, AND SIDEWALKS

Sections:

9.04.01 Parking Regulations
9.04.02 Kentucky Street Parking
9.04.03 Stop Sign Placement

9.04.01 Parking Regulations

- A. That hereafter the direction of all traffic of all vehicles shall be to the right. It shall be unlawful to turn to cut the corners of street intersections; vehicles shall proceed to the center of the intersection before turning to the left. (Ord. No. 99.)
- B. That hereafter all vehicles parking on Kentucky Street between San Francisco Avenue and the St. Louis-Southwestern Railroad shall park parallel with the curb of said street. (Ord. No. 99.)
- C. That hereafter the police department shall have full power to establish "NO PARKING" zones by locating sign posts bearing the words: "NO PARKING BETWEEN POSTS" on any street in the City of Caraway, Arkansas. (Ord. No. 99.)
- D. That hereafter it shall be unlawful to drive or operate any automobile, motor vehicle, or other propelled or drawn vehicle upon the streets of the City of Caraway at speeds greater than hereafter shown, as follows:
 - a. State Street from the west city limits to San Francisco Avenue, not to exceed 25 miles per hour;
 - b. State Street from San Francisco Avenue to New York Avenue, not to exceed 20 miles per hour;
 - c. State Street from New York Avenue to Dallas Avenue, not to exceed 15 miles per hour;
 - d. New York Avenue from the south city limits to State Street, not to exceed 15 miles per hour;

- e. New York Avenue from State Street to the north city limits, not to exceed 20 miles per hour;
- f. Upon all other streets within the city limits and not hereinabove named, not to exceed 20 miles per hour.

(Ord. No. 99.)

- E. Any person, persons or corporation, whether owners of the vehicle or not, who shall violate any of the provisions of this Ordinance, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not to exceed the sum of \$100.00 for each offense. (Ord. No. 99.)

9.04.02 Kentucky Street Parking That hereafter all vehicles parking on Kentucky Street, between New York Ave. and St. Louis Ave., shall park at an angle of 45 degrees with the curb on the right side of said street. Any vehicle whose overall length exceeds 20 feet shall not be allowed to park on Kentucky St. between New York Ave. and St. Louis Ave. (Ord. No. 100A.)

9.04.03 Stop Sign Placement

Location:

Ord. No. 1992-4

- (a) A 4-way stop shall be placed at the intersection of Tennessee Street and San Francisco Street.
- (b) A 4-way stop shall be placed at the intersection of School Street and San Francisco Street.
- (c) A 3-way stop shall be placed at the intersection of Chicago Street and Kentucky Street. (Ord. No. 1992-4.)

Ord. No. 1999-4

- (a). A stop sign shall be placed at the intersection of Payne Street and Missouri Street extended (northwest corner).
- (b). A stop sign shall be placed at the intersection of Payne Street and Missouri Street extended (southwest corner). (Ord. No. 1999-4.)

TITLE 10

UTILITIES

Chapters:

- 10.04 Utility Rates
- 10.08 Solid Waste Collection
- 10.12 Backflow Regulations

CHAPTER 10.04

UTILITY RATES

Sections:

- 10.04.01 Water district established
- 10.04.02 Sewer district established
- 10.04.03 Water rates
- 10.04.04 Sewer rates

10.04.01 Water district established

There is hereby established an improvement district embracing the following property: All real property lying within the corporate limits of the City of Caraway, Craighead County, Arkansas for the purpose of constructing a waterworks system to serve the City, in such manner and with such materials as the Commissioners to be elected for said improvement district shall deem to be best for the interests of said district; and that the cost thereof, over and above any aid received from any agency of the federal or city government, be assessed and charged upon the real property above described. (Ord. No. 98.)

Said District shall be known as Water Improvement District No. One, and _____, _____, _____ are hereby named commissioners, who shall compose the Board of Improvement for said District. (Ord. No. 98.)

10.04.02 Sewer district established There is hereby established an improvement district embracing all territory within the City Limits of the City of Caraway, Arkansas for the purpose of constructing a sewage treatment plant and facilities. including a pumping stations force mains and interceptor lines, In and adjacent to the City of Caraway, Arkansas. which district shall be known as Caraway Sewer Improvement District No. 1 and Royce Stubblefield, Jack Fincher and William are hereby named commissioners, who shall compose the Board of Improvement for said District. (Ord. No. 1960-1.)

10.04.03 Water rates Therefore, the new fee for water and sewer rates will be

reestablished with 1% increase per year. Water rates: \$7.43 for the first 1,000 gallons, then \$4.12 for next 1,000 gallons and beyond. (Ord. No. 2017-4.)

10.04.04 Sewer Rates Therefore, the new fee for water and sewer rates will be reestablished with 1% increase per year. Sewer rates: \$12.45 for the first 1,000 gallons, then \$4.73 for next 1,000 gallons and beyond. (Ord. No. 2017-4.)

10.04.05 Connection Required All occupied buildings in the City must be connected to the City's sewer facilities. The users of all occupied buildings shall be notified of the rates established herein and required to connect to the City's sewer facilities within six (6) months of adoption of this Ordinance. If a required connection is not made within the six-month period, the City shall make the connection and shall charge a fee for such connection in an amount which is not less than the cost to the City. (Ord. No. 2002-4.)

10.04.06 Billing and Payment Bills for service shall be rendered and paid monthly. A single bill will be submitted for water and sewer charges. (Ord. No. 2002-4.)

10.04.07 Penalty and Discontinuance of Service If any charge is not paid on or before the 20th day of the month, a penalty of five dollars (\$5.00) shall be added to the bill. If a bill is not paid on or before the 20th day of the month, service for the affected premise or customer may be discontinued; in such event, the City may levy a reconnection charge and/or may refuse to reconnect until all past due charges are paid in full. (Ord. No. 2002-4.)

10.04.08 Other Charges The City may levy reasonable charges for other services, including but not limited to connection fees. (Ord. No. 2002-4.)

10.04.09 Service Provided to City In the event that the City or any department, agency, or instrumentality thereof shall avail itself of any of the facilities or services afforded by the System, the reasonable value thereof shall be charged against such department, agency, or instrumentality, and shall be paid for as the charges accrue. The revenues so received from the City shall be deemed to be revenues from the operation of the System and shall be accounted for in the same manner as any other revenues derived from such operation; provided, however, that nothing herein shall be construed as requiring the City or any department, agency, or instrumentality thereof to avail itself of the facilities or services afforded by the System. (Ord. No. 2002-4.)

10.04.10 Rates Necessary The City Council finds that the foregoing schedule of rates is required to provide the funds necessary for payment of the proper and reasonable expense of operation, repair, replacements, and maintenance of the System, making capital improvements, and paying debt service on the Bonds. (Ord. No. 2002-4.)

10.04.11 Future Rate Adjustments Said rates shall never be reduced below an amount sufficient to provide for payment of the proper and reasonable expense of operation, repair, replacements, and maintenance of the System and for the payment of principal and interest on the Bonds. Such rates shall, if necessary, be increased to provide for payment of the proper and reasonable expense of operation, repair, replacements, and maintenance of the System and for

the payment of principal and interest on the Bonds. (Ord. No. 2002-4.)

CHAPTER 10.08

SOLID WASTE COLLECTION

Sections:

10.08.01	Collection fee
10.08.02	Residence
10.08.03	Payable with water service
10.08.04	Weekly pickup
10.08.05	Bags required
10.08.06	Commercial garbage
10.08.07	Commercial fees
10.08.08	Rate increases
10.08.09	Collection procedures
10.08.10	Craighead County Solid Waste Disposal Authority

10.08.01 Collection fee Each resident shall be charged a fee of \$.3.00 per month for garbage removal. Said fee shall be charged on a monthly basis and placed on each water meter bill. This shall include any residences which are not within the confines of the present City limits but which are receiving City water services. (Ord. No. 1989-1.)

10.08.02 Residence A residence is defined as any dwelling in which people reside and has a water meter that serves as a measuring device for measuring water services by the City of Caraway, Arkansas. (Ord. No. 1989-1.)

10.08.03 Payable with water service Fees for the garbage removal service will be due and payable at the same time as the water service bill is due. Failure to pay when due shall result in termination of both garbage pick up and water services to the residence(Ord. No. 1989-1.)

10.08.04 Weekly pickup The City, through a private contractor shall remove the garbage once a week. Areas of the City will be notified of what day and during what hours in each week that garbage will be removed. (Ord. No. 1989-1.)

10.08.05 Bags required Residential garbage shall be accumulated and deposited in plastic bags of at least two-ply, one and a half mil durability with suitable ties at the residents' own expense. Said garbage must be placed next to the street in a manner that does not interfere with the regular flow of traffic on the morning of the regular pick up for the garbage to be collected. Garbage must be so placed prior to the beginning of the pick up time for the residents in that area to insure removal. (Ord. No. 1989-1.)

10.08.06 Commercial garbage Commercial garbage is defined as that garbage, trash or refuse accumulated for disposal from a commercial business whether manufacturing, retail, professional, restaurant, church, school or civic entity. Said garbage shall be either placed in

bags, the same as residents' requirements, or be placed in a metal container furnished by the City or its private contractor. (Ord. No. 1989-1.)

10.08.07 Commercial fees Commercial fees shall be no less than Ten Dollars (\$10.00) per month, but may exceed that based upon the amount of garbage. A determination will be made by the private contractor and the business owner. If the business owner objects to the fee then he may remove the garbage at his own expense and pay the minimum of Ten Dollars \$10.00 per month. Provided however, said garbage shall be removed no less frequently than on a weekly basis. (Ord. No. 1989-1.)

10.08.08 Rate increases The rates set forth above shall continue for a period of one year unless landfill rates are increased at the designated landfill. Then, only the amount of increase shall be passed on the residence and commercial accounts. (Ord. No. 1989-1.)

10.08.09 Collection procedures

A. Garbage shall be collected weekly at the residence and as needed at commercial businesses. Collection points shall be curbside of the property within ten (10) feet of the collection route on the street or alley at ground level. Garbage shall be placed for collection in garbage containers provided by our vendor. (Ord. No. 2012-6.)

B. Containers must not be put on curbside any sooner than twenty-four (24) hours prior to pick up time, and must not be left on roadside twenty-four (24) hours after pickup(Ord. No. 2012-6.)

C. Debris not picked up will be the responsibility of the residence(Ord. No. 2012-6.)

D. Any violation of this ordinance shall be deemed a misdemeanor and upon conviction shall be punishable a fine of not less than twenty-five (\$25) dollars nor more than two hundred and fifty (\$250) dollars, and each day such violation occurs shall be considered a separate offense. Further, all persons, business, or legal entities in violation of Section 2 above shall cease said operation until it is in compliance with Section 2 above. (Ord. No. 2012-6.)

10.08.10 Craighead County Solid Waste Disposal Authority The City of Caraway, Arkansas, shall join in the creation of a Northeast Arkansas Regional Solid Waste Disposal Authority, along with the following counties, cities and towns: Craighead County, Bay, Black Oak, Bono, Brookland, Caraway, Cash, Egypt, Jonesboro, Lake City, and Monette. (Ord. No. 1985-1.) That the name of the Northeast Arkansas Regional Solid Waste Disposal Authority be changed to the Craighead County Solid Waste Disposal Authority. (Ord. No. 1991-1.)

That the City of Caraway, Arkansas, is hereby authorized to become an initial member of the Northeast Arkansas Regional Solid Waste Disposal Authority. (Ord. No. 1985-1.)

That the powers of such authority shall be as follows:

A. To own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell lease, contract, concerning or otherwise deal in or dispose of any real property,

personal property, or mixed property of any kind and every kind that can be used or that will be useful in the controlling, storing, removing, handling, reducing, disposing of, treating, and otherwise dealing in and concerning solid wastes, including, without limitation, property that can be used or that will be useful in extracting, converting to steam (including the acquisition, handling, storage, and utilization of coal, lignite or other fuels of any kind or water that can be used or that will be useful in converting solid wastes to steam) and distributing such steam to users thereof, or otherwise separating and preparing solid wastes for reuse.

B. To have perpetual succession as a body politic and corporate and to adopt bylaws for the regulation of the affairs and the conduct of its business, and to prescribe rules, regulations, and policies in connection with the performance of its functions and duties;

C. To adopt an official seal and alter the same at pleasure;

D. To maintain an office at such place or places as it may determine;

E. To sue and be sued in its own name, and to plead and be impleaded;

F. To make and execute contracts and other instruments necessary or convenient in the exercise of the powers and functions of the authority under this Act 699 or 1979, including contracts with persons, firms, corporations and others;

G. To apply to the appropriate agencies of the state, the United States or any state thereof, and to any other proper agency for such permits, licenses, certificates of approvals as may be necessary, and to construct, maintain and operate projects in accordance with, and to obtain, hold and use, such licenses, permits, certificates or approvals in the same manner as any other person or operating unit of any other person;

H. To employ engineers, architects, attorney, real estate counselors, appraisers, financial advisors and such other consultants and employees as may be required in the judgment of the authority and to fix and pay their compensation from funds available to the authority therefore;

I. To purchase all kinds of insurance including, but not limited to, insurance against tort liability, business interruption, and/or risks of damage to property;

J. To fix, charge and collect rents, fees and charges for the use of any project or portion thereof, or for steam produced and any byproducts therefrom;

K. To accomplish projects as authorized by Act 693 of 1979 and the ordinances creating the authority;

L. To distribute steam or any other product produced by a project to any person, municipality or county;

M. To buy, sell, exchange, own and generally deal in real property, municipality or county;

N. To pledge or hypothecate any and all property of the authority, both real, personal and mixed, owned or leased by the authority for cash, on credit and time payment and to generally finance any property, both real, personal and mixed, sold or leased by this authority;

O. To issue tax-exempt bonds pursuant to the terms and provisions authorized in Act 699 of 1979 and amendments thereto; and

P. To do any and all other acts and things necessary, convenient or desirable to carry out the purposes, and to exercise the power granted to the authority herein. (Ord. No. 1985-1.)

That the numbers of directors of such authority and the voting rights of each director shall be as follows:

The number of directors under this authority will be twelve (12) with the maximum 1

number of directors never to be more than fifteen. Selection of directors will be made by the governing authority for the counties, municipalities, and towns. All towns under 5,000 populations will be considered in county population for purposes of selection of directors. Municipalities with population of 5,000 or more will select their directors. The directors will be divided between the counties, municipalities, and towns according to population based upon the U.S. Census figures from 1980. Adjustment to number of directors allocated to each governing body will be changed within one year of each official U.S. Census. The directors will follow all other regulations governing conduct of the Authority as contain in Act 699 of 1979. The term of each director will be three (3) years. This initial term will be determined by lot. The towns under 5,000 population shall appoint two of the board of directors allocated to Craighead County. The mayors and city council members of the towns of Black Oak, Caraway, Lake City, and Monette shall appoint one (1) Board member. The mayors and city council members of the towns of Bay, Bono, Brookland, Cash, and Egypt shall appoint the other member." (Ord. No. 2003-6.)

CHAPTER 10.12

BACKFLOW REGULATIONS

Sections:

10.12.01	Definitions
10.12.02	Operation
10.12.03	Facilities requiring backflow protection
10.12.04	Approval of backflow-prevention devices
10.12.05	Noncompliance
10.12.06	Ownership
10.12.07	Installation and costs
10.12.08	Testing and maintenance

10.12.01 Definitions (As used in this article:)

Backflow shall mean the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable supply of water from any source other than its intended source. Backflow preventer shall mean a device or means to prevent backflow.

(1) "Double-check valve assembly" means an assembly composed of two (2) single, independently acting, approved check valves, including tightly closing shutoff valves located at each end of the assembly and suitable test cocks for testing the water-tightness of each check valve.

(2) "Reduced-pressure-principle backflow prevention assembly means a device containing a minimum of two (2) independently acting, approved check valves, together with an automatically operated pressure differential relief valve located between the check valves. The assembly will include two (2) cut-off valves and four (4) test cocks.

(Ord. No. 2008-2.)

10.12.02 Operation It is the primary responsibility of the water purveyor and/or City of Caraway to evaluate the hazards inherent in supplying a consumer's water system, i. e., determine whether solid, liquid or gaseous pollutants or contaminants are, or may be, handled on the consumer's premises in such a manner as to possibly permit contamination of the public water system. When a hazard or potential hazard to the public water system is found on the consumer's premises, the consumer shall be required to install an approved backflow prevention device at each public water service connection to the premises in accordance with this article's requirements. The type of device shall depend on the degree of hazard involved.

The type of protective device required shall depend on the degree of hazard as described in AWWA Manual M-14 or as described below. Where more than one type of protection is possible, the actual method utilized shall be at the discretion of the water purveyor and/or City of Caraway to physical inspection of the hazard.

(1) In the case of any premises where there is an auxiliary water supply, there shall be no physical connection between said auxiliary water supply and the consumer's water system which is served by the public water supply system. Where such connections are found,

disconnections shall be accomplished and the public water system shall be protected against the possibility of future reconnection by an approved reduced-pressure-principle backflow prevention device at the service connection.

(2) In the case of any premises where there is water or a substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double-check valve assembly.

(3) In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved reduced-pressure-principle backflow prevention assembly.

(4) In case of any premises where there are "uncontrolled" cross-connections, either actual or potential, the public water system shall be protected by an approved reduced-pressure-principle backflow prevention assembly at the service connection.

(5) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected by the installation of an approved reduced-pressure-principle backflow prevention assembly at the service connection.

(Ord. No. 2008-2.)

10.12.03 Facilities requiring backflow protection

(a) The following is a partial list of facilities which may require reduced-pressure-principle backflow preventers at the service connection. Requirements are based upon the degree of hazard afforded the public potable water system.

- (1) Automatic car washes
- (2) Auxiliary water systems
- (3) Exterminators
- (4) Facilities with commercial boilers or chilled water systems
- (5) Fire systems
- (6) Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes and clinics
- (7) Irrigation systems
- (8) Laboratories (industrial, commercial, medical and school)
- (9) Laundries
- (10) Radiator shops
- (11) Restricted, classified or other closed facilities

- (12) Sand and gravel plants
- (13) Wastewater treatment plants, pump stations and storm water pumping facilities
- (14) Waterfront homes, facilities and industries
- (15) Swimming pools
- (16) Others, as found with high hazards

(b) The following is a partial list of facilities which may require double-check valve assemblies:

- (1) Apartments
- (2) Beauty parlors and barber shops
- (3) Doctors and dental offices
- (4) Greenhouses and nurseries
- (5) Hotels and motels
- (6) Laundry and cleaners
- (7) Restaurants and food handlers
- (8) Service stations
- (9) Others, as found with suspected low hazards

(Ord. No. 2008-2.)

10.12.04 Approval of backflow-prevention devices Any backflow-prevention device required herein shall be a type in accordance with AWWA specifications C506-78 or its latest revision, the Arkansas Department of Health Regulation and the water purveyor and/or City of Caraway. (Ord. No. 2008-2.)

10.12.05 Noncompliance

- (a) In emergency situations when the public potable water supply is being contaminated or is in immediate danger of contamination water service will be discontinued by the water purveyor and/or superintendent.
- (b) No water service connection shall be installed on the premises of any consumer unless the public potable water system is protected as required by this article.
- (c) Delivery of water to premises of any consumer may be discontinued by the water purveyor and/or City of Caraway if any protective device required by this article has not

been installed, or is defective, or has been removed or bypassed. Discontinued water service shall not be resumed until conditions at the consumer's premises have been abated or corrected to the satisfaction of the water purveyor and/or superintendent.

(d) Upon discovery of a violation of this Code, written notice shall be given to the consumer. If violations are not corrected by date and time as stated on notice, water supply will be discontinued and the violation will be referred to the water Commission for further action.

(e) For the purpose of making any inspections or discharging the duties imposed by this article, the water purveyor and/or City of Caraway, the Health Department, and/or plumbing inspector shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to his premises of water from the public water supply, shall be considered as having stated his consent to the entry upon his premises of the water purveyor and/or superintendent, the health department, and/or plumbing inspector for the purpose stated herein.

(Ord. No. 2008-2.)

10.12.06 Ownership The consumer shall purchase, own and maintain all backflow-prevention devices installed at the point of delivery to the consumer's water system. (Ord. No. 2008-2.)

10.12.07 Installation and costs Customers of the city water division requiring backflow-prevention devices and pay all costs associated with installation of the appropriate size and type of device under private contract. New installations shall be completed prior to the "final" plumbing inspection so that device can be included as part of inspection. Devices shall be installed above ground in a location that is readily accessible for maintenance and testing and should be located not less than 12" above ground, or more than 30". (Ord. No. 2008-2.)

10.12.08 Testing and maintenance The consumer will be responsible for the annual testing of the backflow-prevention assembly by contract with a certified backflow assembly tester. The consumer will annually furnish water purveyor and/or city with a certificate of such satisfactory testing by the anniversary date of the installation of the assembly. In instances where the water purveyor, city and/or the plumbing inspector deems the hazard to be great enough, testing may be required at more frequent intervals, costs of which would be borne by consumer. Any maintenance fees required as a result of inspections or testing shall be paid by consumer through private contract. Records of inspections, testing or repairs shall be kept by the water purveyor and/or city and made available to the Health Department. (Ord. No. 2008-2.)

TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 Building Requirements
- 11.08 Standard Codes
- 11.12 Swimming Pool Construction
- 11.16 Plumbing Regulations

CHAPTER 11.04

BUILDING REGULATIONS

Sections:

- 11.04.01 Building Permits
- 11.04.02 Office of Building Inspector
- 11.04.03 Qualification of Building Inspector
- 11.04.04 Duties of the Building Inspector
- 11.04.05 Liability
- 11.04.06 Right of Entry
- 11.04.07 Application for Building Permit
- 11.04.08 Fees for Building Permits
- 11.04.09 Existing Rights
- 11.04.10 Validity
- 11.04.11 Penalty of Violation
- 11.04.12 Burial Regulations

11.04.01 Building Permits The owner of tenant of any property situated within the incorporated limits of the City of Caraway, Arkansas, shall neither construct nor allow construction or placement, on such property or any building or structure of a type set forth in sub-paragraphs (a) through (f) below, without having obtained a building permit from the City of Caraway, Arkansas for such construction or placement:

- (a) Single-Family residence
 - (b) Multi-Family residence
 - (c) Any building in which, or from which, any business, commercial enterprises, or manufacturing process is to be conducted, or which is to be used for related storage or warehousing purposes.
 - (d) Any storage shed, storm cellars, workshop, playhouse or garage.
 - (e) Any fence or dog pen
 - (f) And/or any additions, alterations or modifications of the structures outlined above.
- (Ord. No. 1999-6.)

11.04.02 Office of Building Inspector

- (a) The office Building Inspector is hereby re-established and the executive official in charge shall be known as the Building Inspector.
- (b) The Building Inspector shall be appointed by the Mayor with the approval of the City Council. His/Her appointment shall continue during good behavior and satisfactory services. He/She shall not be removed from office except for cause and after full opportunity has been given to him to be heard on specific charges.
- (e) During temporary absences or disability of the Building Inspector, the Mayor shall designate an acting Building Inspector.
- (d) The Building Inspector shall be paid an annual salary of \$300.00-per (\$25.00 per month) (Ord. No. 1999-6.)

11.04.03 Qualification of Building Inspector He shall have a basic knowledge of construction. He shall be physically capable of making the necessary examinations and inspections. The Building Inspector must reside within the City limits and have a telephone. (Ord. No. 1999-6.)

11.04.04 Duties of the Building Inspector

- (a) He shall receive applications for permits, issue permits and furnish the prescribed certificates. He shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with. To enforce compliance with law, he shall issue such notices or orders as may be necessary.
- (b) The Building Inspector shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices of orders issued.
- (e) He shall provide the City Clerk with the original copy of all such records which shall be open to public inspection for good and sufficient reasons at state office hours, but shall not be removed from the office of the City Clerk without her written permission.
- (d) The Building Inspector shall serve on the Planning and Zoning Committee. (Ord. No. 1999-6.)

11.04.05 Liability The officer of employee, charged with the enforcement of this ordinance acting for the City in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted on the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provisions of this Ordinance shall be defended by the City Attorney or Legal Representative of the City. (Ord. No. 1999-6.)

11.04.06 Right of Entry The Building Inspector, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour. (Ord. No. 1999-6.)

11.04.07 Application for Building Permit The application for any building permit

required by this ordinance will be submitted by the landowner concerned to the Building Inspector of Caraway and shall contain as a minimum the following:

- (a) Name, mailing address, and telephone number of the applicant
 - (b) Type building to be constructed (as listed in section I of the ordinance).
 - (c) Location of the building site.
 - (d) Outside dimensions of the proposed building.
 - (e) Construction materials to be used for the foundation, floor, and exterior walls.
 - (f) Manner in which the proposed building will be anchored to the foundation.
 - (g) Height of the first floor level above the ground level, as measured from the highest point of the ground level.
 - (1) Prior to any grading or leveling, and
 - (2) After grading and leveling
 - (h) Date on which construction is proposed to being.
- (Ord. No. 1999-6.)

11.04.08 Fees for Building Permits

- A. A fee of \$5.00 will be charged for each budding permit issued for a fence or storage shed measuring 8 ft by 10 ft or less. The fee an any other structure or additional will be figured at .07 per square foot.
- B. Payment of said amount shall be submitted upon receipt of each building permit.
- C. The permit shall be granted unless found to be in violation of any flood zone ordinance or other ordinance heretofore or hereinafter adopted by the City.
- D. Any building permit issued under the provisions of the ordinance will remain valid only for a period of six (6) months from its date of issuance, and becomes void if construction is not completed within that period, or unless it is renewed within this period.

(Ord. No. 1999-6.)

11.04.09 Existing Rights Nothing in this ordinance shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred not any cause or causes of action accrued or existing. Under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance. (Ord. No. 1999-6.)

11.04.10 Validity The invalidity of any section or provision of this ordinance hereby adopted shall not invalidate other sections or provisions thereof. (Ord. No. 1999-6.)

11.04.11 Penalty of Violation Any person receiving written notification from the City of Caraway that he is in violation of the provisions of this ordinance shall have a period of 30 days following his receipt of such notice in which to effect compliance, or otherwise will upon conviction be subject to a fine of no more than \$25.00 per day for so long as he remains in

violation. (Ord. No. 1999-6.)

11.04.12 Burial Regulations From the date of this ordinance all burials in the City of Caraway Cemetery will be with the use of steel or concrete vaults. (Ord. No. 1989-5.)

CHAPTER 11.08

STANDARD CODES

Sections:

11.08.01	Energy Code
11.08.02	Mechanical Code
11.08.03	Building Code

11.08.01 Energy Code There is hereby adopted by the City Council of The City of Caraway, Arkansas, for the purpose of establishing rules and regulations for energy efficient standards for new building construction, this code known as the 2011 Arkansas Energy Code, being particularly the 2011 Arkansas Energy Code edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended, of which not less than three (3) copies of the 2011 Arkansas Energy Code, have been and now are filed in the office of the Clerk or Recorder of the City of Caraway, Arkansas, and the same ordinance is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the City of Caraway, Arkansas. (Ord. No. 2012-7.)

11.08.02 Mechanical Code

- A. That there is hereby adopted by the City of Caraway the Arkansas Mechanical Code, as recommended by the Southern Building Code Congress, being particularly the most edition thereof, save and except such portions as amended in Section B below. These rules and regulations are adopted in an attempt to ensure safe mechanical installations including alterations, repairs, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto, so as to safeguard life, health, and the public welfare. (Ord. No. 1996-3.)
- B. For the purpose of this Ordinance, the Building Official, his or her assistants, or any individual assigned by the Mayor, shall be the "Administrator Authority" authorized to enforce the provisions of the Mechanical Code.
- C. The aforementioned Code shall be amended as follows:
 - a. Appendix B, Schedule of Permit Fees as amended, attached hereto, is hereby specifically adopted in its entirety and incorporated into this Ordinance. Appendix A, Guidelines for Estimating Heat Loss and Gain, is also hereby specifically

adopted in its entirety and incorporated into this Ordinance.

- D. Three (3) copies of this code have been and are now on file in the office of the Clerk and/or Building Official of the City of Caraway, Arkansas, and the same are hereby adopted and incorporated, as amended, as if the set out at length herein. From the date on which this ordinance shall take effect, the provisions of the aforementioned code shall be controlling in the construction of all buildings and other structures within the corporate limits of the City of Caraway, Arkansas, except as regulated by other ordinances of the City of Caraway.
- E. Arkansas state law (Arkansas Code Annotated Section 15-55-1112) 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. 1996-3.)

11.08.03 Building Code

- A. Adoption of Building Code. There is hereby adopted by the City of Caraway, Arkansas for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment use and occupancy, location and maintenance of buildings and structures including permits and penalties, that certain building code known as the National Building code, Abbreviated Edition, recommended by the National Board of Fire Underwriters of New York, being particularly the 1949 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than three (3) copies have been and now are filed in the office of the Clerk of the city of Caraway, 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 of all buildings and other structures therein contained within the corporate limits of the City of Caraway, Arkansas.
- B. Definitions.
 - (a) Wherever the word "Municipality" is used in said code, it shall be held to mean the City of Caraway, Arkansas.
 - (b) Wherever the term "Corporation counsel" is used in said code, it shall be held to mean the Attorney for the city of Caraway, Arkansas.
- C. Fire Limits Established. The fire limits of the City of Caraway, Arkansas, are hereby established as follows: Beginning at St. Louis Street and running thence to

New York Street and whereby the shoulder of B-2,3,4,5 and the North B-7-8-9 & 10.

CHAPTER 11.12

SWIMMING POOL CONSTRUCTION

Sections:

11.12.01	Fence Requirements
11.12.02	Application and Effective Date
11.12.03	Definitions
11.12.04	Location of Pools
11.12.05	Penalty

11.12.01 Fence Requirements All existing and future swimming pools must be within a fence. The fence shall be at least four feet in height with no open spaces greater than four inches. The gate to the fence shall be self-closing and lockable. (Ord. No. 2009-2.)

11.12.02 Application and Effective Date This requirement shall be applicable to all new swimming pools or family pools hereafter constructed, other than indoor pools, and shall apply to all existing pools. This Ordinance shall become effective 60 days from the date of its passage. (Ord. No. 2009-2.)

11.12.03 Definitions

"Swimming pool" means any depression in the ground, either temporary or permanent, or any above ground structure which has a container of water more than 12 inches' deep and is used primarily for the purpose of bathing or swimming. This shall not include any ponds or pools operated strictly for fishing or water storage of any kind.

"Fence" as used in the above section shall mean a wall of chain link or a solid wood, stone or metal material, and which is a minimum height of four feet from grade at the fence location and constructed in such a manner that there is no opening of more than four inches. Gates shall be constructed to comply with the height and opening requirements and shall have a latch or lock at the top thereof. A dwelling house or accessory building may be used as part of the enclosure.

"Gates" as used in this ordinance shall mean the area of the fence that permits travel in and out of the fenced area. All gates or door openings through such enclosures shall be equipped with self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door or any dwelling which forms a part of the enclosure need not be so equipped.

(Ord. No. 2009-2.)

11.12.04 Location of Pools

- a. No pool shall be located, erected, constructed or maintained closer than 7.5. feet from the lot line of the property
- b. No pool shall be less than five (5) feet from any underground power line or ten (10) feet

laterally from the inside wall of the pool to overhead power lines.

c. No pool shall be erected within 7.5 feet of the corner of the residence that faces the adjoining street.

(Ord. No. 2009-2.)

11.12.05 Penalty Any person who causes constructs or maintains a swimming pool that is found to be in violation of this ordinance is subject to a penalty of a fine of not less than \$25.00 and not more than \$100.00 for each offense. Any person found to fail to maintain the gate in a locked position shall be in violation of this ordinance and subject to a fine of up to \$25.00 for each offense. (Ord. No. 2009-2.)

CHAPTER 11.16

PLUMBING REGULATIONS

Sections:

11.16.01	Definitions
11.16.02	State Code
11.16.03	Inspection and supervision
11.16.04	Bond Required
11.16.05	Street Openings
11.16.06	Existing Plumbing
11.16.07	Sewer Deposits
11.16.08	Forfeiture of Deposits
11.16.09	Penalties

11.16.01 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 to five feet outside of the building.
- b. The construction and connection of any drain or waste pipe carrying domestic sewage from a point within three to five 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 pipe except minor repairs to faucets, valves, pipes, and appliances.
- c. The water service piping from a point within three to five feet outside of the foundation wall 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 movements and to prevent withdrawal of air, in unsafe 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.

11.16.02 State Code The provisions and regulations of the Arkansas State Plumbing Code, and amendments thereto, adopted by the State Board of Health of Arkansas are hereby made a part of this ordinance by reference, except as herein below amended, three certified copies of which shall be on file in the office of the City Clerk and shall extend over and govern the installation of all plumbing installed altered or repaired in the City of Caraway, Arkansas. (Ord. No. 1962-1.)

11.16.03 Inspection and supervision

a. There is hereby created the position of Plumbing- Inspector who shall be appointed by the chairman and confirmed by the Water and Sewer Commission.

b. The Plumbing Inspector shall have experience in the business of plumbing, to the extent that enables him to know when -plumbing is installed in accordance with the provisions of the Code. He shall not be connected in any way with any person, firm or corporation directly or indirectly engaged in the business of plumbing, or plumbing supplies.

c. It shall be the duty of the Plumbing Inspector to enforce all Provisions of this ordinance and the Plumbing Inspector is hereby granted the authority to enter all buildings in the City of Caraway, in the performance of his duties between the hours of 8:00 a.m. and 5:00 p.m. daily. The Plumbing Inspector shall issue permits for plumbing work as herein provided and shall prepare suitable forms for applications, permits and other reports.

d. It shall be the duty of the Plumbing Inspector to inspect and test all plumbing work for compliance with the Code.

(Ord. No. 1962-1.)

11.16.05 Applications, Permits

a. Before beginning any plumbing work in the City of Caraway, the person installing same shall apply to the Plumbing 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 residence 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 Plumbing Inspector, The application shall be accompanied by fees in accordance with the following schedule:

Plumbing Roughing In Inspection	. \$1.50
Each septic tank	1.50
For financial certificate of Inspection	2.50
Stoppage	none

An additional fee of \$1.00 shall be charged for each additional trip on the part of the Plumbing Inspector, caused by the negligence of the plumber,

(Ord. No. 1962-1.)

11.16.04 Bond Required Every Master Plumber doing business in the City of Caraway shall execute and deliver to the city a bond with a surety bonding company in the sum of \$1,000.00 to indemnify the city or any citizen for any damage caused by the failure of such Master Plumbing 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.

11.16.05 Street Openings

- a All openings made in the public streets or alleys to install plumbing must be made as carefully as possible and all Materials excavated from the trenches shall be removed or placed where the least inconvenience to the public will be caused.
- b. All openings must be replaced in precisely the same condition as before the excavation started and all rubbish and material must be removed at once, leaving the street or sidewalks clean and in perfect repair.
- c All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained round the opening at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to person or property. (Ord. No. 1962-1.)

11.16.06 Existing Plumbing Plumbing installed prior to this ordinance and is functioning in a manner satisfactory to the Plumbing Inspector, so that there shall be no infiltration to the sewer, system, does not create or exhaust dangerous fumes or noxious gases, it shall be allowed to continue until such time as this existing Plumbing is changed, at which time as this existing plumbing is changed, at which time it must conform to this ordinance. (Ord. No. 1962-1.)

11.16.07 Sewer Deposits This section shall be amended to read as follows: Additional time may be granted beyond the 60 days, upon application by the customer, 2nd approval of the Water-Sewer Commission or the Plumbing Inspector. (Ord. No. 1962-1.)

11.16.08 Forfeiture of Deposits In the event a sewer deposit is forfeited by the customer, this shall be non-refundable at any time; however it may be applied to the tapping fee plus sewer deposit, applicable at the time said customer may desire to connect to the system. (Ord. No. 1962-1.)

11.16.09 Penalties Any person, firm, or corporation found guilty of violating any of the Provisions of this ordinance shall be subject to a fine of not less than ten dollars (\$10.00) nor more than one hundred (\$100.00), together with the costs of such prosecution, or by imprisonment. Each day during which violation continues shall be a separate offense. (Ord. No. 1962-1.)

TITLE 12

PARKS AND RECREATION

Chapters:

12.04 Park Regulations

CHAPTER 12.04

PARK REGULATIONS

[Reserved]

TITLE 13

PLANNING

Chapters:

13.04 Planning Commission

CHAPTER 13.04

PLANNING COMMISSION

Sections:

13.04.01 Planning Commission Members

13.04.01 Planning Commission Members

- A. There is hereby created a commission of the City of Caraway, Arkansas, to be known as the "City Planning Commission," which said commission shall consist of _____ members who shall serve without compensation and of whom not more than one-third may hold any other municipal office or appointment.
- B. The City Planning Commission shall have all the duties and functions as pertaining to planning commission as conferred upon the city for planning as provides by Act 186 of the Acts of Arkansas 1957 as amended.
- C. The members of the City Planning Commission shall be named and appointed by the Mayor and his appointments will be valid and effective upon confirmation by the City Council.
- D. The terms of the members of the City Planning Commission shall be: _____ member(s) for _____ Year(s) The Mayor shall designate the terms of The initial appointments. Thereafter as vacancies occur in said Commission, for whatever cause., said vacancies shall be filled in the manner provided and said appointees shall hold office until expiration of the term which they were appointed to fill. All members of the Commission whose terms may expire shall serve until their successors in office have been appointed and confirmed. (Ord. No. 1963-1.)

TITLE 14

ZONING

Chapters:

- 14.04 Zoning Ordinance Adopted by Reference
- 14.08 Flood Damage Prevention Code
- 14.12 Annexing and Rezoning Property

CHAPTER 14.04

ZONING ORDINANCE ADOPTED BY REFERENCE

Sections:

- 14.04.01 Zoning Ordinance Adopted
- 14.04.02 Zoning Amendments

14.04.01 Zoning Ordinance Adopted

A. The provisions of Appendix I: Regulations of the Comprehensive Plan Report for Caraway, Arkansas, dated June, 1965, pages 1-1 through 1-10 are hereby adopted by reference as the Subdivision Code for the City of Caraway Arkansas. (Ord. No. 1966-1.)

B. The definition of "Planning Commission" contained in Section 7 of such Regulation's is hereby amended to read: "The City Planning Commission of Caraway, Arkansas." (Ord. No. 1966-1.)

C. The provisions of Appendix II: Zoning Regulations of the Comprehensive Plan Report for Caraway, Arkansas, dated June 1965 pages 2-1 through 2-14 are hereby adopted by reference and shall be known as the Zoning Ordinance of the City of Caraway. (Ord. No. 1966-2.)

D. Three copies of such Regulations shall be kept on file at all times with the City Clerk and shall be available for inspection by any interested person. (Ord. No. 1966-2.)

E. The City is hereby divided into zones or districts as shown on the official zoning map dated March, 1965, which, together with all explanatory matter thereon is hereby declared to be a part of this Ordinance and shall be the final authority for current zoning status of lands and buildings in the city. (Ord. No. 1966-2.)

F. The official zoning map shall be filed in the office of the city Clark where it shall be available to the public, and ifs in accordance with provisions of this ordinances, changes shall be made in the district boundaries or any other changed portrayed on the map, such changes shall

be made and certified by the City Clerk. (Ord. No. 1966-2.)

14.04.02 Zoning Amendments

Ord. No. 1971-1

Chapter V of Appendix II: Zoning Regulations of the Comprehensive Plan Report for Caraway, Arkansas, pages 2-8 and 2-9, are hereby amended by adding the following, which shall be applicable to both R-1, single family residential district, and R-2, general residential district, and Manufacturing district M-I:

PROHIBITED USES

(a) The raising, selling or keeping for commercial purposes of any cattle, swine, fowl or other farm type animals. (Ord. No. 1971-1.)

(b) Any non-commercial keeping of farm type animals or fowl which produces unsanitary conditions or obnoxious odors. (Ord. No. 1971-1.)

If it is determined that there is a violation of Ordinance 1971-1, then the _____ on behalf of the City, shall issue a notice of such violation, describing it, and requiring that the violation be corrected within ten days after receipt of the notice by the owner, or other responsible party. Service of the Notice shall be by personal delivery, or by certified mail with return receipt. (Ord. No. 2013-5.)

If no action to correct the violation is taken with this period, then the violation shall be considered to be a misdemeanor, and an appropriate officer of the City may prepare and file a complaint and summons with the District Court. A first offense violation will carry a penalty of up to \$100.00. After the court ruling, if the violation remains uncorrected it will be subject to a penalty of up to \$250.00. An additional 10 day violation shall incur a penalty of up to \$500.00, and for each subsequent ten day violation the responsible party shall be subject to such penalty. (Ord. No. 2013-5.)

CHAPTER 14.08

FLOOD DAMAGE PREVENTION CODE

Sections:

14.08.01	Purpose
14.08.02	Definitions
14.08.03	General Provisions
14.08.04	Administration
14.08.05	Provisions for Flood Hazard Reduction

14.08.01 Purpose In order to accomplish its purposes, this ordinance uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural flood plains stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands. (Ord. No. 1987-1.)

14.08.02 Definitions Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

APPEAL - means a request for a review of the Flood Plain Administrator's interpretation of any provision of this ordinance or a request for a variance.

AREA OF SHALLOW FLOODING - means a designated AO, AN, or VD zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AN, AO, A1-99, VO; VI-30, VE or V.

BASE FLOOD - means the flood having a one percent chance of being equaled or exceeded in any given year.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

ELEVATED BUILDING - means a nonbasement building (i) built, in the case of a building in Zones AI-30, AE, A, A99, AO, AH, B, C, X, and 0, to have the top of the elevated floor, or in the case of a building in Zones VI-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii,) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones AI-30, AE, A, A99, AO, AH, B, C, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones VI-30, VE, or V. "Elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of constructions" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. Existing construction" may also be referred to as "existing structures."

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community

subject to a "special flood hazard," and the extent of the depths of associated flooding. Such as system typically includes hurricane tidal barriers, darns, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FUNCTIONALLY, DEPENDENT USE - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HABITABLE FLOOR - means any floor usable for the following purposes; which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor."

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of :the lowest enclosed area (including basement). An unfinished or flood. resistant enclosure, usable solely for parking or vehicles. building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 18U consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood insurance Rate Map are referenced.

NEW CONSTRUCTUON - means, for flood plain management purposes, structures for which the "start of construction" commenced on or after the effective date of a flood plain

management regulation adopted by a community.

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL IMPROVEMENT - means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. or the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE - is a grant of relief to a person from the requirements of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community' flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. (Ord. No. 1987-1.)

14.08.03 General Provisions

- A. The ordinance shall apply to all areas of special flood hazard with the jurisdiction of Caraway.
- B. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Caraway," dated _____, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.
- C. A development permit shall be required to ensure conformance with the provisions of this ordinance.
- D. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.
- E. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.
- G. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decisions lawfully made thereunder. (Ord. No. 1987-1.)

14.08.04 Administration

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to flood plain management.

SECTION B. DUTIES A RESPONSIBILITIES-OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of

this ordinance.

(2) Review permit application to determine whether proposed building site will be reasonable safe from flooding.

(3) Review, approve or deny all applications for development, permits required by adoption of this ordinance.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is 9 prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AI-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

SECTION C. PERMIT PROCEDURES

(1) Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

a. Elevation (in relation to mean sea level), of the lowest floor (including basement) Of **all** new and substantially improved structures;

b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

C. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B(2);

d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

e. Maintain a record of all such information in accordance with Article 4, Section (B)(1).

(2) Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

a. The danger to life and property due to flooding or erosion damage;

b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

c. The danger that materials may be swept onto other lands to the injury of others;

d. The compatibility of the proposed use with existing and anticipated development;

e. The safety of access to the property, in times of flood for ordinary and emergency vehicles;

f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

h. The necessity to the facility of a waterfront location, where applicable;

i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

j. The relationship of the proposed use to the comprehensive plan for that area.

SECTION D. VARIANCE PROCEDURES

(1) The Appeal Board 'as established by the community shall hear and render judgement on requests for variances from the requirements of this ordinance.

(2) The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts Of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may De issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. - As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this ordinance. the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Prerequisites for granting variances:

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b . Variances shall only be issued upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c . Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(10) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D(1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. No. 1987-1.)

14.08.05 Provisions for Flood Hazard Reduction

SECTION A. GENERAL STANDARDS

In **all** areas of special flood hazards the following provisions are required for all new construction and substantial improvements; All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed **by** methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials

resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) All new and replacement water supply systems shall **be** designed to minimize or eliminate infiltration of flood **waters** into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(4), the following provisions are required-

(1) Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(I)a., is satisfied.

(2) Nonresidential Construction new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(3) Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls **by** allowing for the entry and **exit** of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes -

a. Require that all manufactured homes to be placed within ' Zone A, shall be installed using methods and practices which minimize - flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b. All manufactured homes shall be in compliance with Article 5, Section B (1).

c. Require that all manufactured homes to be placed or substantially improved within Zones AI-30, AH and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provision of Section B(4) of this Article.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals including manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and 0 of this ordinance. I

(2) All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, . Section C; Article 4, Section C; and ' the provisions or Article 5 of this ordinance.

(3) .Baseflood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section 8 or, Article 4, Section B (8) of this ordinance.

(4) All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section B. are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of I to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply;

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

(2) All new construction and substantial improvements of nonresidential structures;

(i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;

(ii) together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator-, that the standards of this Section, as proposed in Article 4," Section C (I)a., are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

(Ord. No. 1987-1.)

CHAPTER 14.12

ANNEXING AND REZONING PROPERTY

Sections:

- 14.12.01 Annexing
- 14.12.02 Rezoning
- 14.12.03 Vacating

14.12.01 Annexing

Ord. No. 1970-1.

The lands and territory hereby annexed to and accepted by the City of Caraway, Arkansas, are more particularly described as follows, to-wit:

The North 200 feet of the South 350 feet of the East 1297.7 feet of the Northwest Quarter of the Southwest Quarter of Section 11, Township 13 North, Range 7 East, Craighead County, Arkansas and being more particularly described as follows.

Ord. No. 1973-1.

The territory and lands annexed to the City of Caraway, Arkansas, by Order of the County Court of Craighead County, Arkansas, by its Order of October 24, 1972, be and are hereby accepted by the City of Caraway, Arkansas, and said territory,

A part of the Southeast Quarter of Section 10, Township 13 North, Range 7 East, Craighead County, Arkansas and being more particularly described as follows:

A part of the Southeast Quarter of Section 10, Township 13 North, Range 7 East, Craighead County, Arkansas, and being more particularly described as follows.

Ord. No. 1978-2.

The City of Caraway, Arkansas, hereby accepts and annexes certain lands and territory contiguous and adjacent to the present city boundaries and more particularly described as follows:

The North Half of the Northeast Quarter of Section 16 and the North Half of the Northwest Quarter of Section 15 all in Township 13 North, Range 7 East, AND the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter of section 15, Township 13 North, Range 7 East more particularly described as follows: Commence at the Southeast corner of Lot 1 in Block 2 or Johnson Addition to Caraway, Arkansas; thence North 0 degrees 28' East along the East line of Lot 1 a distance of 400 feet to a point; thence north 87 degrees 45' West 385 feet to the point of beginning proper, the same being on the center line of the new graded street; thence North 87 degrees 45' West along said center line of said street 775 feet; thence South 0 degrees 28' West 150 feet to the point of beginning proper.

Ord. No. 1991-11.

That the following described tracts of land are hereby annexed to the City of Caraway, Arkansas: Tract #1 - South.. Beginning at a point being the Section Corners of Sections 10, 14, 15,

Township 13 North, Range 7 East, proceed South 1015.01 to a point on the South City Limit Line; thence West along the South City Limit 500.0' to the point of beginning proper; thence South 6905.0'; thence East 1000.01; thence North 6905.0' to a point on the existing City Limit Line; and

Tract #2 - East: Beginning at a point being the Section Corners of Sections 10, 11, 14, 15, Township 13 North, Range 7 East, proceed South 1015.0' to the South City Limit; thence East approximately 500 feet to a point where the old railroad right of way (present city limits) begins a curve to the North, the point of beginning proper; thence East 2155.0' to a point 1000.01 South of center line of bridge on Arkansas Highway 158; thence East 7884.01 to Craighead/14 Mississippi County line; thence North 2000.0' along county line,- thence West 7082.01 to the existing City Limit Line; and

Tract #3 - North: Beginning at a point being the corners of Sections 10, 11, 14, 15, Township 13 North, Range 7 East; thence North 1320.01 to a point; thence West 500.01 to a point on the existing North City Limit Line being point of beginning proper; proceed North 9369.01; thence East 1000.01; thence South 1 9193.0' to the existing North City Limit Line; and

Tract #4 - West: Beginning at a point being the Section Corners of Sections 10, 11, 14, 15, Township 13 North, Range 7 East, - thence West 2638.0' to Honey Cypress Creek; thence North 500.01 to the point of beginning proper; thence West 2076.01; thence North 2086.01; thence West 1120.0'; thence South 2086.01; thence West 4643.5'; thence South 500.0' to a point being Section Corners of Sections 8, 9, 16, 17, Township 13 North, Range 7 East and existing City Limit Line.

The following schedule of services shall be extended to the newly annexed areas within a three (3) year period after the date the annexation becomes final:

- (a) Police protection
- (b) Fire protection
- (c) City water, except to specific areas which are already served by water associations
- (d) Ambulance services
- (e) Except for Tract 12 - East, cable television
- (f) As to Tract #3 - North only, fire hydrants located on all four inch lines so that each residence will be within one thousand feet of a hydrant.

Ord. No. 2000-5.

All of the territory and lands annexed to the City of Caraway, Arkansas by order of the County Court of Craighead County, Arkansas by its order dated October 17, 2000 be, and they are hereby accepted by the City of Caraway, Arkansas, and said territories hereinafter described shall be hereafter deemed and taken to be a part and parcel of the limits of the City of Caraway, Arkansas, and the inhabitants residing therein shall have and enjoy all of the rights and privileges of the inhabitants within the original limits of the City of Caraway, Arkansas.

The portion of lands and territory hereby annexed to and accepted by the City of Caraway, Arkansas, are more particularly described as follows:

Part of the Northwest Quarter of Section 14, Township 13 North, Range 7 East, Craighead County, Arkansas being more particularly described as follows: Begin at the northwest corner of

Section 14, Township 13 North, Range 7 east, Craighead County Arkansas; thence South 88° 40'43" East along the North line of Section 14, aforesaid 1930.18 feet; thence south 01'04" East 1000.27 feet to the existing city limits line which is the point of beginning proper; thence continue South 01'04" East 272.83 feet; thence North 87°57'19" west 1430.98 feet to the existing city limits line; thence north along the existing city limits line 254.74 feet; thence south 88°40'43" east 1430.36 feet along the existing city limits line to the point of beginning proper, containing 8.66 acres.

The lands and territory annexed to the City of Caraway, Arkansas, and hereby accepted by the City of Caraway, Arkansas are assigned and attached to Ward 3.

14.12.02 Rezoning

Ord. No. 1978-4 From R2 to M1 Lots 1, 2, and 3, Block 1, Taylor Addition

14.12.03 Vacating

Ord. No. 1985-2.

The City of Caraway, Arkansas, hereby releases, vacates and abandons all its rights, together with the rights of the public generally, in and to the alley designated as follows:
An alley located on the South Side of lots 1 through 6, and the North side of lots 7 through 12, all in Block 13 of the original survey of the town of Caraway, Arkansas.

Ord. No. 1998-3.

That the City of Caraway, Arkansas abandons all its right, title and interest in the following property as to its purpose as an alley way only:

- A. All of the alley lying East of Lots 1, 2 and 3 of Block A and West of Lot 29 of Block A and South of Illinois Street and North of Arkansas State Highway 158, all being in Deans Addition to the City of Caraway, Craighead County, Arkansas.
- B. The City of Caraway reserves an easement for drainage purposes over and across the above described property with the exception of any portion thereof presently occupied by buildings
- C. If authorized and directed required, the Mayor to execute in favor of owners appropriate deeds conveying the City' s and Clerk are adjacent property interest property as an alley way and reserving drainage rights.

TITLE 15

SUBDIVISION REGULATIONS

Chapters:

- 15.04 Subdivision Regulations
- 15.08 Manufactured Homes

CHAPTER 15.04

SUBDIVISION REGULATIONS

Sections:

- 15.04.01 Subdivision Standards Adopted [Reserved]

15.04.01 Subdivision Standards Adopted [Reserved]

CHAPTER 15.08

MANUFACTURED HOMES

Sections:

15.08.01	Definition
15.08.02	Use
15.08.03	Restrictions
15.08.04	Parking
15.08.05	Utilities
15.08.06	Set-back requirements
15.08.07	Two dwellings
15.08.08	Penalty

15.08.01 Definition Manufactured home is defined as a detached single-family dwelling unit, fabricated, in an off-site manufacturing facility for installation or assembly at the building site and as a permanent structure built in compliance with federal manufactured housing construction and safety standard codes. A mobile home is defined as a moveable or portable structure which is larger than 300 square feet and designed to be used as a year-round residential dwelling unit. (Ord. No. 1994-2.)

15.08.02 Use Manufactured homes and mobile homes may be placed on property only for residential purposes. (Ord. No. 1994-2.)

15.08.03 Restrictions A manufactured home or mobile home which is to be placed in the city of Caraway, Arkansas must be placed upon piers or perimeter foundation constructed according to city codes. All manufactured homes or mobile homes shall have a standard quality of matching underpinning installed around its base for aesthetic reasons and its external appearance shall be maintained, including underpinning around the tongue. All entrances and exits must be supplied with steps. The manufactures homes or mobile home shall be permanently anchored to the ground. (Ord. No. 1994-2.)

15.08.04 Parking All manufactured homes or mobile homes shall have at least one (1) on site, all-weather, off-street, parking space. (Ord. No. 1994-2.)

15.08.05 Utilities Each manufactured home or mobile home shall be equipped with connections to all public utilities required by the city for one-family residences, with all hookups and connections to conform to all city and state codes. Any person placing a manufactured home or mobile home within the city of Caraway, Arkansas. shall first provide the city with a plat and drawing showing the proposed location of the manufactured home or mobile home within the city of Caraway on a particular lot, with respect to the boundary lines of the lot. Also a copy of the property deed must accompany the drawing before any city services shall be provided. (Ord. No. 1994-2.)

15.08.06 Set-back requirements All manufactured homes and mobile homes shall

comply with the following set-back requirements:

- (a) Front yard: a minimum of 25 feet from the front of the property line or 50 feet back from the center line of the existing right-of-way, whichever is greater.
 - (b) Side yard: a minimum of 12 feet from each property line.
 - (c) Back yard: a minimum of 15 feet from each property line.
- (Ord. No. 1994-2.)

15.08.07 Two dwellings No manufactured home or mobile home may be placed on any lot within the city of Caraway, Arkansas that already has a dwelling or improvement located thereon. (Ord. No. 1994-2.)

15.08.08 Penalty The person who receives written notification from the city of Caraway, Arkansas that he/she is in violation of the provisions of this ordinance shall have 30 days following receipt of the notice in which to comply with this ordinance. If he/she fails to comply with the ordinance within the time specified, then he/she shall be subject to a fine of ten dollars (\$10.00) per day for so long as he or she remains in violation. (Ord. No. 1994-2.)

INDEX

<u>Name</u>	<u>Section</u>	<u>Page</u>
A		
Altering code	1.28	6
Amendments to code	1.24	5
Annexing and Rezoning Property	14.12	84
Animals and Fowl	Title 6	31
Animals, Generally	6.04	31
B		
Backflow Regulation	10.12	54
Buildings and Construction	Title 11	58
Building Regulations	11.04	58
Business Licenses and Regulations	Title 4	21
Business Licenses	4.08	26
C		
City Administration	2.04	8
City Officials Doing Business with City	3.12	20
Civil Defense and Disaster Relief	2.16	13
Classification, Administration, and Personnel	Title 2	8
Curfew	7.12	40
D		
Dangerous Animals	6.12	34
Dogs	6.08	31
E		
Effect of repeal of ordinances	1.16	4
Elected Officials and Personnel	2.12	12
F		
Fiscal Affairs	Title 3	18
Flood Damage Prevention Code	14.08	73
Business Licenses and Regulations	4.04	21
G		
General penalty	1.32	6
H		
Healthy and Sanitation	Title 5	29
How Code is Designated and Cited	1.04	1
I		
J		
L		
M		
Maintenance of Real Property	5.04	29
Manufactured Homes	15.08	88
Miscellaneous Violations	7.08	38
N		

O		
P		
Parks and Recreation	Title 12	69
Planning	Title 13	70
Planning Commission	13.04	70
Police and Court Administration	2.08	10
Public Peace, Safety and Morals	Title 7	38
Purchases	3.04	18
R		
Referendum Petitions	1.36	7
Rules of Construction	1.08	2
S		
Solid Waste Collection	10.08	50
Standard Codes	11.08	81
State Criminal Statutes and Penalties	7.04	38
Streets and Sidewalks	Title 9	46
Streets, Alleys, and Sidewalks	9.04	46
Subdivision Regulations	Title 15	87
Subheadings of Sections	1.12	3
Swimming Pool Construction	11.12	64
T		
Taxes	3.08	19
Traffic Regulations	8.04	53
U		
Utilities	Title 10	48
Utility Rates	10.04	48
V		
Vehicles and Traffic	Title 8	43
W		
Z		
Zoning	Title 14	71
Zoning Ordinance Adopted	14.04	71