

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

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- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Loitering
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CHAPTER 7.04

STATE CRIMINAL STATUTES AND PENALTIES

Sections:

- 7.04.01 State criminal statutes adopted
- 7.04.02 State penalties adopted

7.04.01 State criminal statutes adopted All criminal statutes of the state relating to misdemeanors and violations and the laws of criminal procedure in connection therewith, three (3) copies of which are on file in the office of the City Clerk, are hereby enacted by the City Council of the city of Mountain Home, Arkansas, to form a part of the laws of the city and any

person, firm or corporation being found guilty of the violation of any such laws shall be deemed guilty of the violation of the ordinances of the city and shall be fined or imprisoned or both in the manner set out under the state statutes.

STATE LAW REFERENCE - See A.C.A. 14-55-501

7.04.02 State penalties adopted

The same minimum and maximum penalties for the violation of misdemeanors and violations as are provided in the state statutes are hereby adopted as the minimum and maximum fines for the violation of the same offenses which are prohibited by the ordinances of this city.

STATE LAW REFERENCE - A. C.A. 14-55-502

CHAPTER 7.08

CURFEW

Sections:

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| 7.08.01 | Civil emergencies |
| 7.08.02 | Congregating during state of emergency |
| 7.08.03 | Penalty |

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

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

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

CHAPTER 7.12

LOITERING

Sections:

7.12.01	Illegal
7.12.02	Definitions
7.12.03	Penalty

7.12.01 Illegal It shall be unlawful for any person to loiter upon the sidewalks, streets, highways, alleys or other public places within the city of Mountain Home, Arkansas.

7.12.02 Definitions

A. A person commits the offense of loitering if he:

1. lingers, remains, or prowls in a public place or on the premises of another without apparent reason and under circumstances that warrant alarm or concern for the safety of person or property in the vicinity, and upon inquiry by a law enforcement officer, refuses to identify himself and give a reasonably credible account of his presence and purpose; or
2. lingers, remains, or prowls in or near a school building, not having any reason or relationship involving custody of or responsibility for a student, and not having written permission from anyone authorized to grant the same; or
3. lingers or remains in a public place or on the premise of another for the purpose of begging; or
4. lingers or remains in a public place for the purpose of unlawfully gambling; or
5. lingers or remains in a public place for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual activity; or

6. lingers or remains in a public place for the purpose of unlawfully buying, distributing, or using a controlled substance; or
 7. lingers or remains on or about the premises of another for the purpose of spying upon or invading the privacy of another.
- B. Among the circumstances that may be considered in determining whether a person is loitering are that the person:
1. takes flight upon the appearance of a law enforcement officer; or
 2. refuses to identify himself; or
 3. manifestly endeavors to conceal himself or any object.
- C. Unless flight by the actor or other circumstances make it impracticable, a law enforcement officer shall, prior to an arrest for an offense under Section 7.12.02(A)(1), afford the actor an opportunity to dispel any alarm that would otherwise be warranted by requesting him to identify himself and explain his presence and conduct.
- D. It shall be a defense to a prosecution under Section 7.12.02(A)(1) that the law enforcement officer did not afford the defendant an opportunity to identify himself and explain his presence and conduct, or if it appears at trial that an explanation given by the defendant to the officer was true, and if believed by the officer at that time, would have dispelled the alarm.

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

CHAPTER 7.16

PROHIBITED WEAPONS

Sections:

- 7.16.01 Unlawful to carry, exchange
- 7.16.02 Firearm discharge prohibited

7.16.01 Unlawful to carry, exchange

- A. It shall be unlawful for any person to carry any knife, the blade of which is over three (3) inches in length, or to carry any instrument commonly called a crabapple switch, dirk, dagger, pick or any other dangerous or deadly weapon within the city. It shall further be unlawful for any firm or corporation to sell, barter, exchange or otherwise dispose of such knives, crabapples switches, dirks, daggers or picks, or instruments to be used for a weapon within the corporate limits of the city.
- B. Possession of Firearms or Air Guns Within City Parks; and Hunting and/or Trapping Within City Recreational Facilities.

It shall be unlawful for an individual to carry a firearm or an air gun within any recreational facility owned by the city. Furthermore, it shall be unlawful to hunt or trap animals within recreational facilities owned by the city. If any person shall be deemed in violation of this section, he/she shall be deemed guilty of a misdemeanor and, upon conviction, be subject to a maximum fine of Two Hundred Fifty Dollars (\$250.00). (Ord. No. 90-36, Sec. 1)

7.16.02 Firearm discharge prohibited

- A. Definitions.
 - 1. Firearms: An instrument used in the propulsion of shot, shell or bullets by the action of gunpowder exploded within it. This word comprises but is not limited to rifles, carbines, shotguns, revolvers and pistols.
 - 2. Air Guns: An instrument used in the propulsion of a pellet, B-B or any other projectile by the action of air, gas or spring.

- B. Discharging Firearms It shall be unlawful to discharge a firearm or an air gun within the boundaries of the city of Mountain Home, Arkansas, unless in self-defense or in the execution of legal process. If a person shall be found guilty of discharging a firearm or air gun within the city of Mountain Home, Arkansas, he shall be deemed guilty of a misdemeanor and upon conviction, be subject to a maximum fine of Five Hundred Dollars (\$500.00). (Ord. No. 833, Sec. 1)

CHAPTER 7.20

CLAIMS AGAINST CITY

Sections:

- 7.20.01 Liability coverage
- 7.20.02 Settlement of claims

7.20.01 Liability coverage The city of Mountain Home, Arkansas, shall carry liability coverage on all its motor vehicles in the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act.

STATE LAW REFERENCE - See A.C.A. 21-9-303

7.20.02 Settlement of claims All persons having claims against the city of Mountain Home, Arkansas, may file them with the City Clerk. The City Clerk shall present them to the City Council. The City Council may grant a hearing for the claimant and may authorize a settlement.

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

CHAPTER 7.24

STORAGE AND HANDLING OF HAZARDOUS

MATERIALS, GASES AND LIQUIDS

Sections:

7.24.01	Flammable and combustible storage tanks
7.24.02	Liquefied petroleum gases
7.24.03	Special provision on aboveground tanks
7.24.04	Tankers
7.24.05	Definitions
7.24.06	Permits and fees
7.24.07	New underground storage tank systems
7.24.08	Existing underground storage tanks
7.24.09	Monitoring records
7.24.10	Penalty
7.24.11	Explosives
7.24.12	Drainage system
7.24.13	Hazardous Material Response Team established

7.24.01 Flammable and combustible storage tanks It shall be unlawful for any person, firm or corporation to store any flammable, combustible liquids or hazardous materials, as defined by the Arkansas Fire Prevention Code, in aboveground storage tanks; provided, this prohibition shall not apply to aboveground storage tanks existing as of June 5, 1989, which are installed in compliance with the Arkansas Fire Prevention Code or the National Fire Protection Association's Standard No. 30 entitled "Flammable and Combustible Liquids Code". The Fire Chief, or his designated agent, shall have the authority to require the removal of any aboveground storage tank existing as of June 5, 1989, upon a determination that the tank creates a safety hazard to life and property. (Ord. No. 91-10, Sec. I)

7.24.02 Liquefied petroleum gases No new aboveground tank farms shall be constructed in the city limits of the city of Mountain Home, Arkansas. (Ord. No. 91-10, Sec. II)

7.24.03 Special provision on aboveground tanks.

- A. Nothing in this chapter shall prohibit the use of above-ground tanks having capacities between sixty (60) and six hundred (600) gallons for farm and industrial use, providing they are installed and maintained according to the Arkansas Fire Prevention Code and National Fire Protection Association (NFPA) No. 30, 1993 Edition. (Ord. No. 91-010 Sec. III as amended by Ord. No. 95-11, Sec. 1)
- B. All underground piping must be secondary containment. (Ord. No. 91-10, Sec. III)

7.24.04 Tankers.

- A. It shall be unlawful for any person to leave unattended their tanker, while loading or unloading a flammable liquid or gas or combustible liquid. The driver must have an unobstructed view of the cargo tank, be within twenty-five (25) feet of the cargo tank shutoff valve and adhere to other requirements set forth in the Fire Prevention Code.
- B. The Fire Department official must be notified of spills of five (5) gallons or more.
- C. All tankers hauling flammables, combustible and other hazardous materials must display proper placards.
- D. Tank fill pits without overfill protection must be kept free of any over-spilled product. It shall be unlawful to dump product in fill pit without overfill protection if product is found in the pit. If product is found in the pit, the Fire Official must be notified before product is loaded.
- E. Unless the engine of the motor vehicle is to be used for the operation of a pump, no flammable liquid shall be loaded into, or on, or unloaded from any motor vehicle while the engine is running. (Ord. No. 91-10, Sec. IV)

7.24.05 Definitions.

- A. ADPC&E - Arkansas Department of Pollution Control and Ecology.
- B. ADPC&E Regulations - Arkansas Department of Pollution Control and Ecology Regulation No. 12, Regulated Storage Tank Regulations.

- C. Secondary Containment System - Shall include piping, tanks, valves, pumps and other components which are connected to the underground system according to the manufacturer's design and testing requirements and which are encased in another encasement. (Ord. No. 91-010, Sec. V)

7.24.06 Permits and fees

- A. All permits shall be Five Dollars (\$5.00) unless otherwise stated in this chapter.
- B. A permit must be obtained from the Mountain Home Fire Department before any new installation, removal and work and/or testing is done on the storage system. The system shall include supply piping, vent piping, tanks and valves.
- C. A plan for new installations shall be submitted to the Fire Inspector for review.
- D. Failure to obtain such permit will cause a fine to be applied as set forth in this chapter. (Ord. No. 91-10, Sec. VI)

7.24.07 New underground storage tank systems

- A. All new underground storage tank systems must be installed in complete compliance with NFPA No. 30 and 30 A, 1993 Edition, and Environmental Protection Agency (EPA) 40 CFR 280 and Arkansas Department of Pollution Control and Ecology (ADPC&E) Regulation No. 12, and API 1615, 1987 Edition. (Ord. No. 91-010, Sec. VII, as amended by Ord. No. 95-011, Sec. 2)
- B. All piping installed after passage of this chapter must be of an approved secondary containment type system.
- C. All pressurized piping must be tested annually regardless of age in accordance with ADPC&E Regulations. (Ord. No. 91-010, Sec. VII)

7.24.08 Existing underground storage tanks

- A. Existing underground storage tanks that have been installed prior to Act 172 of 1989 of the State of Arkansas must be tested in accordance with ADPC&E Regulations.
- B. All secondary containment systems must meet test intervals of manufacturers and EPA requirements.
- C. All secondary containment systems must be installed with approved water and flammable leak detection.
- D. All installers, removal and testing personnel must be certified by ADPC&E.

- E. All tanks which have not been in use for ninety (90) days or have been abandoned must be removed within fourteen (14) days or a special permit may be obtained for up to one (1) year for temporary abandonment. The permit may be obtained from the Mountain Home Fire Department. Tank and piping must be tested before putting back in service. The Fire Department must be notified within five (5) days of any tank which is to be put out of service.
- F. All tanks and supply piping systems which fail the tightness test must be put out of service and removed or repaired immediately.
- G. All existing underground storage tanks and piping which were installed prior to Act 172 of 1989 and have not been upgraded according to the EPA time table schedule, must be upgraded within ninety (90) days after passage of this chapter or be put out of service until corrected.
- H. A complete report for tightness testing of the storage system must be filed with the Fire Department Office after the tests have been completed. (Ord. No. 91-010, Sec. VIII)
- I. On existing systems where piping is being repaired or replaced, the piping must be of an approved secondary containment system. If fifty percent (50%) or more is being upgraded, then all of the piping system shall be upgraded to an approved secondary containment system. (Ord. No. 95-11, Sec. 3)

7.24.09 Monitoring records

- A. Monitoring records must be kept in accordance with EPA and ADPC&E regulations at a readily available site and be provided for inspection to the implementing agency upon request.
- B. When deliveries are made to the storage system sites, a record must be kept of date and time of delivery, amount of delivery and the transport driver's name and the company name. (Ord. No. 91-10, Sec. IX)

7.24.10 Penalty For any violation of this chapter, a citation may be issued by the fire officials of the Mountain Home Fire Department or law enforcement officials. Upon conviction, a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) for each violation shall be levied. All violations must be reported to the ADPC&E. (Ord. No. 91-10, Sec. X)

7.24.11 Explosives

A. Definitions The following definitions shall apply to this chapter.

1. Person - means an individual, firm, partnership, corporation or entity other than a public utility as described in Section 7.24.11(A)(3).
2. Audible Sound Service - means a device which produces an audible sound of no less than seventy (70) decibels at a distance of five hundred (500) feet from the site of the explosion and shall not be or include a truck or vehicle horn or siren.
3. Public Utility - means an individual, firm, partnership or corporation which furnishes a public utility type service to the inhabitants of the city of Mountain Home, Arkansas, or immediate areas adjacent thereto pursuant to a franchise, consent or contract with the city of Mountain Home, Arkansas, but shall not include employees of a parent or subsidiary corporation, firm or enterprise performing work for a public utility company.
4. Approved Blasting Operations - means blasting pursuant to a permit issued to any person or public utility pursuant to the provisions of this chapter.
5. City - means the city of Mountain Home, Arkansas, and its corporate limits as now existing or hereinafter established. (Ord. No. 91-009, Sec. 1)

B. Storage, Transportation And Use Prohibited. The storage, transportation or use of nitroglycerin based explosives or blasting agents is hereby prohibited within the city of Mountain Home, Arkansas. (Ord. No. 91-009, Sec. 2)

C. Manufacture, Sale, Storage And Use Prohibited.

1. The manufacture, sale, storage and use of explosives and blasting agents is prohibited within the city of Mountain Home, Arkansas, except for temporary storage, transportation and use in connection with approved blasting operations by a person or public utility, and the storage and sale of wholesale and retail stocks of small firearms ammunition, explosive bolts, explosive rivets or cartridges for explosive-actuated power tools in quantities involving less than five hundred (500) pounds of explosive material.

2. "Temporary Storage" means that amount of high explosives which will be used in the current day's operations, and that permissible high explosives shall not be left at any site or project during nonworking hours. (Ord. No. 91-009, Sec. 3)
- D. Permissible High Explosives. Only non-nitroglycerin products as hereinafter authorized including but not limited to, water gels and slurries, may be used within the city of Mountain Home, Arkansas. (Ord. No. 91-009, Sec. 4)
- E. Permit, Application And Approval.
1. Every person or public utility who shall hereinafter contemplate blasting any rock or other substance within the city of Mountain Home, Arkansas, shall before blasting, file application for a permit with the Building Inspector's Office.
 2. Except as otherwise provided herein, no person or public utility shall commence blasting until he receives a permit. Any number of locations may be set out in any one (1) application or permit.
 3. Every person shall notify the Building Inspector's Office and the City Police Department of each location that blasting is to be done prior to detonation of explosives pursuant to a permit issued to such person.
 4. Every person or public utility that shall contemplate blasting operations of any type within the city of Mountain Home, Arkansas, during any year may apply anytime during that year for a blanket permit for a period not to exceed one (1) year from the date of issuance. This blanket permit will authorize and allow a person or public utility to all rights and privileges extended to those persons holding permits except that it will authorize any and all necessary blasting by the person or public utility without the necessity of offering permits for each individual blasting operation. After receipt of the blanket permit, the person or public utility may proceed with the necessary blasting as it deems proper with the only requirement being that the person or public utility notify the Building Inspector's Office and the City Police Department of each location of blasting operations prior to detonation.
 5. In an emergency situation, a public utility shall not be required to obtain any permit or permission of any type to undertake blasting operations. An emergency situation arises when a situation calls for immediate remedial action to protect the public utility's customers, the public's property or lives or to minimize damage to or loss of utility property. When acting in an emergency situation, a public utility shall notify the Building Inspector's Office of its actions as soon as reasonably possible after the

emergency ends. (Ord. No. 91-009, Sec. 5)

F. Safety Precautions.

1. Every person using explosives as permitted herein shall sound an audible sound device three (3) separate ten (10) second sounds made approximately thirty (30) seconds prior to detonation of explosives and one (1) sixty (60) second sound after the detonation of explosives or when the blast area is safe.
2. Every person and/or public utility using explosives shall cover the entire blast area of loaded holes in the blast pattern with mats, timbers or uncompacted earth of sufficient width, length and thickness or other sufficient safety precautions as to prevent fragments of rock, earth and debris from ascending into the air.
3. In the event any public utility should obtain or devise an alternate method to ensure fragments of rock, earth and debris to not ascend into the air from a blasting operation, the alternate method will be acceptable provided the Building Inspector's Office is informed of the alternative method and approves same prior to its use. (Ord. No. 91-009, Sec. 6)

G. Failure To Comply Deemed Unlawful. It shall be unlawful for any person or public utility to do or cause to be done any blasting of any rock or other substance within the city of Mountain Home, Arkansas, without first having complied with the provisions of this chapter and having received a permit as herein specified. The sole exception to this section is emergency blasting operations of a public utility as provided in Section 7.24.11(E)(5). (Ord. No. 91-009, Sec. 7)

H. Time Limit. All permits issued under the terms of this chapter shall, unless revoked, expire at the date provided therein and in no case shall a permit be issued for a period greater than three hundred sixty-five (365) calendar days from the date of issuance and same shall be renewable annually by the Building Inspector's Office. (Ord. No. 91-009, Sec. 8)

I. Revocation of Permit. Any permit granted under the provisions of this chapter other than a blanket permit to a public utility may be revoked if, in the opinion of the Building Inspector's Office, the person conducting blasting operations is doing so in an unsafe manner, or in violation of any of the provisions contained herein. Should the Building Inspector's Office determine that a person or public utility is conducting an approved blasting operation in an unsafe manner, the Building Inspector's Office may direct the person or public utility to discontinue that individual blasting operation and suspend the permit at that one particular location until such time as a conference can be arranged between the Building Inspector's

Office and representatives of such person or public utility to resolve the complaints of the Building Inspector's Office as to the blasting operations. Blasting or setting off of explosives after the suspension of such operations at a particular location or after a revocation of permit shall constitute a violation of this chapter.

- J. Penalty. Any person or public utility who shall violate any of the provisions of this chapter shall, upon conviction, be fined the sum of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00) and each separate blast discharged or caused to be discharged by such person without complying with the provisions hereof shall be deemed a separate offense. (Ord. No. 91-009, Sec. 10)

7.24.12 Drainage system.

- A. In no instance shall gasoline, naphtha, benzine and other like volatile combustibles or their compounds be allowed to run upon the floor or fall or pass into the drainage system of the premises. Self-closing metal cans shall be used for all oily waste or waste oils.
- B. Penalty. Any person who shall violate or fail to comply with this subsection shall, upon conviction, be punished by a fine not exceeding One Hundred Dollars (\$100.00). The imposition of one (1) penalty for violation of this subsection shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and each day that any prohibited condition is maintained shall constitute a separate offense. The application of said penalty shall not be held to prevent the enforced removal of any prohibited condition as provided by this subsection.

7.24.13 Hazardous Material Response Team established. That the Maintenance Fee Agreement regarding Hazardous Material Response Team is hereby approved in substantially the same form as follows:

- A. Authority to Execute Agreement. That the Maintenance Fee Agreement regarding Hazardous Material Response Team is hereby approved in substantially the same form attached hereto as Exhibit "A". That the Mayor of the city of Mountain Home is hereby authorized to execute the agreement on behalf of the city of Mountain Home, Arkansas. (Ord. No. 94-019)
- B. Maintenance Fee Agreement; Special Services.
 - 1. This agreement is for a maintenance fee to sustain the continued upkeep and response to facilities that require the special services of a hazardous material response team. The maintenance fee would be utilized for replacement of needed equipment, training and purchase of new

equipment as new and upgraded equipment becomes available.

2. If participation in this agreement is deemed necessary, the parties agree to all terms outlined in this agreement.
3. Signing this agreement is consenting to pay a yearly fee to the city of Mountain Home, Arkansas, for services rendered for hazardous material response. If you choose not to participate in this agreement and we respond to your facility for hazardous material response, you will be charged a necessary fee to include all materials used, labor for personnel, and replacement of equipment that is either damaged or deemed contaminated and disposed of. You will also be responsible for all clean up and proper disposal. If you are willing to participate, then the only charge you will incur is for materials and equipment that need replenished, and clean up and proper disposal.
4. The following fees have been determined:
 - a. Small Manufacturing 0 - 3,999 sq. ft. \$ 450.00/yr
 - b. Medium Manufacturing 4000 - 9,999 sq. ft. \$ 750.00/yr
 - c. Large Manufacturing 10,000 or more sq. ft. \$1,200.00/yr
 - d. Transportation (Bulk Haulers of Flammable Liquids) \$ 500.00/yr
 - e. Bulk Storage Facility (Flammable Gas or Liquid) \$ 500.00/yr
 - f. Miscellaneous Facilities That Do Not Fall Into Above Category \$ 500.00/yr
5. If a facility stores and hauls flammable liquids or gases, only one fee would be assessed per year.
6. Donations of equipment or needed supplies would be in lieu of yearly fee only if agreed upon by both parties and on a dollar for dollar basis. Response to these facilities would be the same as a non-participant in this agreement.
7. Yearly fees would be due and payable by January 31st of each new calendar year. (Ord. No. 94-019)

CHAPTER 7.28

OUTSIDE FIRE SERVICE

Sections:

7.28.01	Authority to respond
7.28.02	Exceeding five miles
7.28.03	Conditions for response
7.28.04	Agreements intact
7.28.05	Rights enforced
7.28.06	Non-restrictive
7.28.07	Other conditions
7.28.08	Mutual aid agreement
7.28.09	Payment of money collected

7.28.01 Authority to respond. The Mountain Home Fire Department is hereby authorized and directed to answer all outside alarms within a distance of five (5) road miles from the Mountain Home Fire Station unless, in the opinion of either the Fire Chief or the Acting Fire Chief, it is inexpedient to do so on account of either present or impending fire or calamity within the city of Mountain Home, Arkansas, broken or damaged fire apparatus, impassable or dangerous roads and/or bridges or other physical conditions. (Ord. No. 90-008, Sec. 1)

7.28.02 Exceeding five miles. The Mountain Home Fire Department is further authorized to answer any outside alarms beyond a distance of five (5) road miles from the Mountain Home Fire Station solely at the discretion of the Fire Chief or Acting Fire Chief on duty when any such alarm is received. (Ord. No. 90-008, Sec. 2)

7.28.03 Conditions for response. The fire protection provided for herein shall apply principally to structures and/or life endangering conditions. Receipt of alarms for service wherein no immediate threat to structures and/or life exists shall be responded to solely at the discretion of either the Fire Chief or Acting Fire Chief on duty when any such alarm is received. (Ord. No. 90-008, Sec. 3)

7.28.04 Agreements intact. This chapter shall in no way impair, cancel or void any mutual aid agreement for fire protection in existence either now or in the future and shall be subordinate to any similar agreement made by the city of Mountain Home, Arkansas. (Ord. No. 90-008, Sec. 4)

7.28.05 Rights enforced. The Mountain Home Fire Department shall enforce the rights, if necessary, of the city of Mountain Home, Arkansas, as provided by Arkansas Code Annotated Section 14-53-102. (Ord. No. 90-008, Sec. 5)

7.28.06 Non-restrictive. Arkansas Code Annotated Section 14-53-102 shall remain in full force and effect for the Mountain Home Fire Department and this chapter shall not be construed to limit or restrict any statutory benefit(s) otherwise applicable to the Mountain Home Fire Department while functioning under the authority granted by this chapter. (Ord. No. 90-008, Sec. 6)

7.28.07 Other conditions.

- A. Calls may be responded to only by such apparatus which in the judgment of the Mayor or Fire Chief or such other person as they may designate can be safely sent without unduly impairing the fire protection within the city, and when highways and weather conditions are favorable.
- B. The city, incorporated town, public institution, corporation, or individual requesting assistance must pay the charge for apparatus and service hereinafter provided unless there exists a mutual aid agreement.
- C. The city, incorporated town, public institution, corporation or individual must compensate the city for any loss or damage to such apparatus while answering such call, and be responsible to the members of the fire department of the city for any injuries suffered or incurred by them while responding to such calls and while working at such fire, unless otherwise covered by insurance.
STATE LAW REFERENCE - See A.C.A. 14-53-102

7.28.08 Mutual aid agreement. The Mayor and Fire Chief of the Mountain Home Fire Department, are hereby authorized to enter into mutual aid agreements with other municipalities, firms, corporations or individuals, for the rendering of fire services. (Ord. No. 99-004, Sec. 1.)

7.28.09 Payment of money collected. Money collected under the terms of Section 7.28.08 of this chapter shall be paid to the general fund of the city.

CHAPTER 7.32

ALCOHOLIC BEVERAGE PURCHASES

Sections:

- 7.32.01 Prohibited by persons under 21 years of age
- 7.32.02 Arrests
- 7.32.03 Notice
- 7.32.04 Conflicts

7.32.01 Prohibited by persons under 21 years of age.

- A. It shall be unlawful for any person under the age of twenty-one (21) years to attempt to purchase or otherwise obtain any alcoholic beverage from a retail dealer who sells such beverages for off-premises consumption or from a public tavern, restaurant, private club or other establishment which sells such beverages for on-premises consumption.
- B. Any person convicted of violating this chapter shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00). (Ord. No. 89-036, Sec. 1)

7.32.02 Arrests.

- A. A person violating this chapter may be detained in a reasonable manner and for a reasonable length of time by a police officer, owner, operator or an employee of a public establishment or private club where alcoholic beverages are sold or dispensed for off-premises or on-premises consumption. Such detention shall not render the detainer criminally or civilly liable for false arrest, false imprisonment or unlawful detention.
- B. A police officer may arrest without a warrant upon probable cause for believing the suspect has committed the offense of attempting to purchase or otherwise obtain an alcoholic beverage. Sufficient probable cause may be established by the written affidavit of the owner, operator or employee of a public establishment or private club where alcoholic beverages are sold or dispensed for off-premises or on-premises consumption to the police officer that the affiant has observed the person accused committing the offense of attempting to purchase or otherwise obtain an alcoholic beverage. (Ord. No. 89-036, Sec. 2)

7.32.03 Notice.

- A. The manager of any public establishment which sells alcoholic beverages for on-premises or off-premises consumption and the manager of any private club which serves alcoholic beverages for on-premises consumption shall be required to post in a conspicuous place a notice stating:

NOTICE TO PERSON UNDER 21 YEARS OF AGE

You are subject to a maximum Five Hundred Dollar (\$500.00) fine for:

- 1. Misrepresenting your age for the purpose of obtaining liquor, beer or alcoholic beverages.**
- 2. Purchasing or otherwise obtaining liquor, beer or alcoholic beverages.**

- B. The size of said notice shall not be less than eight and one-half (8½) inches by eleven (11) inches. (Ord. No. 89-036, Sec. 3)

7.32.04 Conflicts. Nothing in this chapter shall be construed to conflict with the Juvenile Code of 1989, Act 273 of 1989, or any other relevant state laws. (Ord. No. 89-036, Sec. 4)

CHAPTER 7.36

HOT CHECKS

Sections:

- | | |
|---------|--|
| 7.36.01 | Obtaining property with checks drawn on insufficient funds |
| 7.36.02 | Payment for personal services with overdraft unlawful |
| 7.36.03 | Evidence against maker or drawer |
| 7.36.04 | Penalty |

7.36.01 Obtaining property with checks drawn on insufficient funds. It shall be unlawful for any person to procure any article or thing of value or to secure possession of any personal property to which a lien has attached or to make payment of any taxes, licenses or fees or for any other purpose to make, draw, utter or deliver, with intent to defraud, any check, draft or order, for the payment of money upon any bank, person, firm or corporation, knowing at the time of such making, drawing, uttering or delivering, that the maker or drawer has not sufficient funds in, or on deposit with such bank, person, firm or corporation for the payment of such check, draft or order in full and all other checks, drafts or orders upon such funds then outstanding. (Ord. No. 543, Sec. 1)

7.36.02 Payment for personal services with overdraft unlawful. It shall be unlawful for any person or persons to make, draw, utter or deliver or to cause or direct the making, drawing, uttering or delivering of any check, draft or order for the payment of money on any bank, person, firm or corporation in payment of wages or salaries for personal services rendered, knowing that the maker, drawer or payer does not have sufficient funds in or on deposit with such bank, person, firm or corporation for the payment in full of such check, draft or order as well as all other then outstanding checks, drafts or orders upon such funds and with no good reason to believe the check, draft or order would be paid upon presentation by the person or bank upon which same was drawn. (Ord. No. 543, Sec. 2)

7.36.03 Evidence against maker or drawer. As against the maker or drawer thereof, the making, drawing, uttering or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or on deposit with such bank, person, firm or corporation. The endorsement or stamp of a collecting bank on any check whether such check be drawn on an out-of-state or in-state bank, shall constitute prima facie evidence of presentment without protest. (Ord. No. 543, Sec. 3)

7.36.04 Penalty.

- A. Upon a determination of guilt in the event that the order, draft or check is One Hundred Dollars (\$100.00) or less, the penalties shall be as follows:
1. First Offense. A fine of not less than Twenty Dollars (\$20.00) nor more than Five Hundred Dollars (\$500.00) or imprisonment in the county jail not to exceed thirty (30) days, or both.
 2. Second Offense. A fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) or imprisonment in the county jail not to exceed sixty (60) days, or both.
 3. Third and Subsequent Offense. A fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00) or imprisonment in the county jail not to exceed one (1) year, or both.
- B. Upon a determination of guilt in the event that the order, draft or check is greater than One Hundred Dollars (\$100.00) or where there is more than one (1) check drawn on insufficient funds and the total in a single prosecution is greater than One Hundred Dollars (\$100.00), the offense shall be a felony and punishable by a fine not exceeding Ten Thousand Dollars (\$10,000.00) or imprisonment in the state penitentiary for a term not to exceed ten (10) years, or both. (Ord. No. 543, Sec. 4)

CHAPTER 7.40

TRESPASSING AND ILLEGAL CONGREGATING

Sections:

7.40.01	Definitions
7.40.02	Use of business parking lots restricted
7.40.03	Congregating
7.40.04	Trespassing after hours
7.40.05	Signs prohibiting trespassing and congregating
7.40.06	Exceptions
7.40.07	Penalty

7.40.01 Definitions. As used in this chapter, the words and phrases, except where the context clearly indicates otherwise, mean:

- A. Business Parking Lot. Any parking lot adjacent to or in the immediate vicinity of any store, restaurant, gasoline station, public or private office building, commercial building, industrial facility or any other facility which provides free parking during normal business or operating hours for the use and convenience of employees, customers, patrons, guests or invitees.
- B. Private Business Premises. Any lands or buildings, or any part thereof, owned or occupied by any store, restaurant, office, factory, church or any other business, whether for profit or not for profit.
- C. Owner. Any owner or other person lawfully in charge of a business parking lot, including any person authorized in writing by the owner to exercise rights granted to the owner by law. (Ord. No. 89-027, Sec. 1)

7.40.02 Use of business parking lots restricted.

- A. Except for the following purposes:
 - 1. Parking immediately prior to transacting business at a place of business, attending church services, attending lodge or club activity, attending a promotional event, fair or parade, shopping or patronizing a facility open to the public, adjacent to or in the immediate vicinity of a business parking lot;
 - 2. Leaving after parking;
 - 3. Leaving a passenger;
 - 4. Picking up a passenger; or
 - 5. Parking while employed at a business in the immediate vicinity, no person shall drive any motor vehicle across, through or into and out of any business parking lot in the city of Mountain Home, Arkansas. (Ord. No. 89-027, Sec. 2)

7.40.03 Congregating. Except for the permitted purposes stated in Section 7.40.02 of this chapter, no person shall linger, remain, sit, or stand in any business parking lot or private business premises or sit in or on a motor vehicle in any business parking lot or private business premises or when prohibited by the owner of a business parking lot or private business premises as expressed by a sign or signs posted on the premises pursuant to Section 7.40.05 of this chapter, nor shall any person remain in a business parking lot or private business premises after being ordered to leave said parking lot by the owner or by an agent of the owner authorized as such as provided in Section 7.40.02 of this chapter. (Ord. No. 89-027, Sec. 3)

7.40.04 Trespassing after hours. No person shall enter or stay on any business parking lot or private business premises at any time if staying on or entering the lot or private business premises is prohibited by the owner, as shown by a sign posted on the premises pursuant to Section 7.40.05 of this chapter. (Ord. No. 89-027, Sec. 4)

7.40.05 Signs prohibiting trespassing and congregating.

- A. The prohibitions set out in Section 7.40.01 - 7.40.04 of this chapter shall be in effect at any business parking lot or private business premises where the owner has posted a sign or signs on the premises which are clearly visible to an ordinarily prudent individual provided in this chapter.
- B. With reference to Section 7.40.02 and 7.40.03 of this chapter, each sign shall contain substantially the following language:

**NO CONGREGATING OR CRUISING
VIOLATORS WILL BE PROSECUTED**

- C. With reference to Section 7.40.04 of this chapter, signs shall contain substantially the following language:

**NO PARKING OR TRESPASSING
BETWEEN ____ A.M. AND ____ P.M.
VIOLATORS WILL BE PROSECUTED**

(Ord. No. 89-027, Sec. 5)

7.40.06 Exceptions.

- A. The following uses of a business parking lot or private business premises shall not be in violation of this chapter:
 - 1. Entrance by the owner, occupant or the employees and agents of the owners or occupants.
 - 2. Entrance by customers, patrons, suppliers and other persons having lawful business at the business premises or other facility served by the business parking lot during normal business hours, or when such business or facility is otherwise open to the public.
 - 3. Temporary entrance in any emergency.
 - 4. Entrance by police officers and city officials in the course of duty.
- (Ord. No. 89-027, Sec. 6)

7.40.07 Penalty. The violation of any of the provisions of this chapter shall be deemed a misdemeanor and any person found guilty for such violation shall be subject to the payment of a fine up to Fifty Dollars (\$50.00) and/or three (3) days community service, together with judgment fees and court costs as determined by the Court. (Ord. No. 89-027, Sec. 7)

CHAPTER 7.44

PUBLIC DISPLAY OF MATERIALS TO MINORS

Sections:

7.44.01	Definitions
7.44.02	Display and sale to minors
7.44.03	Non-defense
7.44.04	Exceptions
7.44.05	Notification
7.44.06	Separate violations
7.44.07	Penalty

7.44.01 Definitions. The following terms, as used in this chapter (and as defined by Arkansas Act 133 of 1969, Ark. Stat. Ann. Section 41-3581), shall have the following meanings:

"Minor" means any person under the age of eighteen (18) years.

"Person" means any individual, partnership, firm, association, corporation or other legal entity.

"Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering or the showing of the female breasts with less than a fully opaque covering of any portion thereof below the top of the aureole or the depiction of covered male genitals in a discernibly turgid state.

"Sexual Conduct" means acts of masturbation, homosexuality, sexual intercourse or physical contact of a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breasts.

"Sado-masochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

"Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

"Harmful to Minors" means that quality of any description or representation in whatever form of nudity, sexual conduct, sexual excitement or sado-masochistic abuse, when it:

- A. Predominantly appeals to the prurient, shameful or morbid interests of minors;
- B. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
- C. Is utterly without redeeming social importance and value for minors.

"Knowingly" means having general knowledge of, or reason to know, or a belief or grounds for belief which warrants further investigation or inquiry or both:

- A. The character and content of any material described herein which is reasonably susceptible of examination, and
- B. The age of the minor, provided, however, there shall be no violation of this chapter if the person charged has made a reasonable bona fide attempt to ascertain the true age of such minor and this finding is made by the judge or jury, as the case may be. (Ord. No. 509, Sec. 1)

7.44.02 Display and sale to minors.

- A. It shall be unlawful for any person knowingly:
 - 1. To display in public view at newsstands or any other business establishment frequented by minors or where said minors are or may be invited as a part of the general public, any picture, photograph, book, pamphlet, publication, magazine, drawing, sculpture, visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sado-masochistic abuse and that which is harmful to minors; or
 - 2. To sell any book, pamphlet, magazine, picture, photograph, drawing, sculpture or usual representation or printed matter however reproduced or sound recording which contains any matter enumerated in Section 7.44.01 or explicit or detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, nudity or sado-masochistic abuse and which, taken as a whole, is harmful to minors, to a minor.
- B. Public View. It is also unlawful for any person to fail to take prompt action to remove from public view any of the material described in Section 7.44.01 hereof after receiving notice as provided hereinafter of the existence of this type material in his possession.

- C. It shall be unlawful for any person knowingly to exhibit for a monetary consideration to a minor or knowingly to sell to a minor an admission ticket or pass or knowingly to admit a minor to premises whereon there is exhibited, a motion picture show or other presentation which, in whole or in part, depicts nude sexual conduct or sado-masochistic abuse and which is harmful to minors. (Ord. No. 509, Sec. 2)

7.44.03 Non-defense. It shall not be a defense to prosecution for violation of this chapter for the defendant to show that a violation of this chapter was made with the consent of a parent or guardian or that the minor involved was married. (Ord. No. 509, Sec. 3)

7.44.04 Exceptions. This chapter shall not be applicable to works of art or matters of anthropological significance, cultural programs or presentations sponsored by a government agency or civic group or material presented in a program of education, in a church, school or college. (Ord. No. 509, Sec. 4)

7.44.05 Notification. The City Attorney of the city of Mountain Home, Arkansas, shall notify in writing any person displaying material described in Section 7.44.01 and shall cause criminal information to be filed if such person displays such material after five (5) days after receiving said notice. (Ord. No. 509, Sec. 5)

7.44.06 Separate violations.

- A. Each day or twenty-four (24) hour period that material described in Section 7.44.01 is displayed in public view after the receipt of notice and the expiration of the five (5) day period as set forth in Section 7.44.05, shall constitute a separate violation of this chapter. (Ord. No. 509, Sec. 6)
- B. Each display in public view, exhibition or sale of material described in Section 7.44.01 to a minor shall constitute a separate offense.
- C. Confiscation. Material described in Section 7.44.01 shall be confiscated if such person fails to remove such material from public view after receiving notice as provided in Section 7.44.05 and after the expiration of three (3) additional days. (Ord. No. 509, Sec. 6)

7.44.07 Penalty. Any person violating any provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined a sum not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or imprisonment for a period of not more than ninety (90) days or both such fine and imprisonment. (Ord. No. 509, Sec. 7)

CHAPTER 7.48

MOTION PICTURE RATINGS

Sections:

- | | |
|---------|---------------------------------------|
| 7.48.01 | R-rated movies |
| 7.48.02 | X-rated movies |
| 7.48.03 | Exhibiting X-rated and R-rated movies |
| 7.48.04 | Exceptions |
| 7.48.05 | Penalty |

7.48.01 R-rated movies. Motion pictures exhibited within the corporate limits of the city of Mountain Home, Arkansas, bearing an "R" rating by the Motion Picture Association of America shall not be displayed to any person under the age of seventeen (17) years unless accompanied by his or her parent(s) or guardian(s) to such exhibition, view or display of such motion picture. (Ord. No. 519, Sec. 1)

7.48.02 X-rated movies. Motion pictures exhibited within the corporate limits of the city of Mountain Home, Arkansas, bearing an "X" rating by the Motion Picture Association of America shall not be displayed to any person under the age of seventeen (17) years. (Ord. No. 519, Sec. 2)

7.48.03 Exhibiting X-rated and R-rated movies. It shall be unlawful for any person to knowingly exhibit for a monetary consideration to a person under the age of seventeen (17) years or to knowingly sell or to admit a person under the age of seventeen (17) years to the premises whereon there is exhibited a motion picture show or other presentation which bears the "X" rating as given by the Motion Picture Association of America and further to admit or to knowingly permit a person under the age of seventeen (17) years to be in attendance whereon there is exhibited a motion picture show or presentation which bears the "R" rating as given by the Motion Picture Association of America unless a parent or guardian accompanies him or her. (Ord. No. 519, Sec. 3)

7.48.04 Exceptions. This chapter shall not be applicable to works of art or matters of anthropological significance, cultural programs or presentations sponsored by a governmental agency or civic group or material presented in a program of education, in a church, school or college. (Ord. No. 519, Sec. 4)

7.48.05 Penalty. Any person violating any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined a sum not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or imprisonment for a period of not more than ninety (90) days or both such fine and imprisonment. (Ord. No. 519, Sec. 5)

CHAPTER 7.52

SKATEBOARDS PROHIBITED

Sections:

7.52.01	Illegal riding devices
7.52.02	Definitions
7.52.03	Prohibited use
7.52.04	Impounding of skateboards
7.52.05	Penalty
7.52.06	Exceptions, permission by Chief of Police

7.52.01 Illegal riding devices. It shall be unlawful for any person to use a skateboard, coaster or similar device, to include in some instances the use of bicycles, as set forth in this chapter. (Ord. No. 91-001, Sec. 1)

7.52.02 Definitions.

Skateboard shall mean and include, in addition to those pieces of equipment manufactured and sold under the name of "skateboard", any platform with skates, wheels or rollers which may be propelled by a person standing or sitting on the platform.

Owner shall mean any person who owns a skateboard or an interest in a skateboard. Possession of a skateboard as herein defined, by any person, shall be prima facie evidence of ownership. (Ord. No. 91-001, Sec. 2)

7.52.03 Prohibited use.

- A. Within the city of Mountain Home, Arkansas, no person may ride or use a skateboard or permit another to use his/her skateboard or a skateboard over the use of which he/she has custody or control, in or on any alleys, streets, roads or highways or other publicly maintained ways or streets intended for vehicular use or in any shopping center or malls, including its parking lots, sidewalks, or walkways or in or on any business parking lots; nor shall any person ride a bicycle on or in any pedestrian walkways or any shopping centers or malls.
- B. Within the city of Mountain Home, Arkansas, no person may ride or use a skateboard or permit another to use a skateboard over the use of which he has custody or control, in or on any property belonging to, leased by or otherwise under control or authorization of a church, synagogue, or other house of worship or on the property of any public or private school certified by the State of Arkansas without specific permission from the property owner(s) or administrator(s). (Ord. No. 91-001, Sec. 3)

7.52.04 Impounding of skateboards. Upon the violation of any of the provisions of this chapter by any person, the skateboard or bicycle used in such violation may be impounded and, upon conviction, may be forfeited to the city. (Ord. No. 91-001, Sec. 4)

7.52.05 Penalty. Violations of this chapter shall, upon conviction, be subjected to a maximum fine of One Hundred Dollars (\$100.00). Fine shall be set at the discretion of the court. Said offense shall be deemed a misdemeanor. (Ord. No. 91-001, Sec. 5)

7.52.06 Exceptions, permission by Chief of Police The Chief of Police, or his designated representative, is authorized to grant exception to said chapter to organizations or individuals to conduct games, contests or exhibitions upon public streets or thoroughfares. (Ord. No. 91-001, Sec. 6)

CHAPTER 7.56

FIREWORKS

Sections:

7.56.01	Manufacture, sale or use of fireworks
7.56.02	Time limitations
7.56.03	Safety requirements
7.56.04	Prohibited sales
7.56.05	Unlawful use
7.56.06	Penalty

7.56.01 Manufacture, sale or use of fireworks It shall be unlawful for any person, firm or corporation to sell or offer for sale, or to make or manufacture ANY type of firework or other explosive within the City limits of Mountain Home, Arkansas, without first obtaining a duly authorized written permit issued by the Fire Chief or City Fire Inspector and approved by the Fire Chief.

It shall be unlawful to shoot, explode, discharge, fire or set of ANY type of firework or other explosive within the City limits of Mountain Home, Arkansas, without first obtaining a duly authorized written permit issued by the Fire Chief or City Fire Inspector, and approved by the Fire Chief.

PERMIT FOR RETAIL SALES: A permit for retail sales of fireworks shall be obtained from the Arkansas State Police. A permit for the retail sales of fireworks within the City limits shall be obtained from the City of Mountain Home Fire Department Inspection Division and shall be signed by the Fire Chief and Fire Inspector. The cost of the retail sales permit from the City of Mountain Home shall be One Hundred Dollars (\$100.00). To obtain a retail sales permit, a copy of the Arkansas State Police Retail Sales Permit and a corporate surety bond in

the principal sum of One Hundred Thousand Dollars (\$100,000.00) (or a public liability insurance policy for the same amount), shall be provided to the City of Mountain Home Fire Department Fire Inspection Division. The person purchasing the permit shall be at least twenty-one (21) years of age.

PERMIT FOR PUBLIC DISPLAYS: A permit for public display of fireworks shall be obtained from the Arkansas State Police. A permit for the public display of fireworks shall be obtained from the City of Mountain Home Fire Department Fire Inspection Division and shall be signed by the Fire Chief and Fire Inspector. To obtain a permit for public fireworks display, a copy of the Arkansas State Police permit and a corporate surety bond in the principal sum of Two Hundred-Fifty Thousand Dollars (\$250,000.00) (or a public liability insurance policy for the same amount) shall be provided. A site plan shall be submitted to the Mountain Home Fire Department Fire Inspection Division. The site plan shall include the dimensions of the discharge site, spectator viewing area, parking areas, and the fallout area as well as the required separation distances of seventy-five (75) feet per the largest inch diameter of the firework shell. (Ord. No. 2023-41, Sec. 1)

7.56.02 Time limitations All applications for firework permits shall be made at least five (5) days prior to the requested date of discharging fireworks.

Fireworks may be sold beginning on June 20th through July 10th and beginning on December 10th through January 5th of each year. Fireworks shall not be discharged within the corporate limits of Mountain Home, Arkansas without a permit. (Ord. No. 2023-41, Sec. 2)

7.56.03 Safety requirements

RETAIL SALES:

- 1) All fireworks shall have the fuses protected.
- 2) Smoking of lighted cigarettes, cigars or pipes shall not be permitted inside or within 50 feet of the consumer fireworks retail sales area.
- 3) **“FIREWORKS – NO SMOKING”** signs shall be provided and shall be visible from all directions inside and outside the retail sales location. The signs shall have letters 4 inches in height, red in color with contrasting background.
- 4) Fireworks shall not be discharged within 300 feet of retail sales of fireworks. At least one (1) sign that reads, **“NO FIREWORKS DISCHARGE WITHIN 300 FEET”** shall be provided at each entrance. The signs shall have letters 4-inches in height, red in color with contrasting background.
- 5) At least two (2) signs that read, **“NO FIREWORKS DISCHARGE INSIDE CITY LIMITS”** shall be provided at each retail location and shall be visible from all directions inside and outside the retail sales location. The signs shall have letters 4-inches in height, red in color with contrasting background.
- 6) Fireworks shall not be sold at locations that use, store or sell flammable liquids or highly combustible products.

- 7) All retail sales locations shall provide at least one fire extinguisher, minimum 10-pound, ABC-type fire extinguisher, or provide a water hose connected to an adequate water supply. In all structures, the placement of fire extinguishers shall be located so that the maximum travel distance to any extinguisher from any point will not exceed seventy-five (75) feet.
- 8) All tent and temporary structures shall be Fire Department approved, and all other retail sales facilities shall meet interior and exterior requirements as stated in the Arkansas Fire Prevention Code. There shall be at least two approved exits available from each tent or structure.
- 9) All temporary and permanent structures for the retail sale of fireworks shall be located no further than 150 feet from a public way, or an approved fire apparatus access road. There shall be no parking within 15 feet of where fireworks are sold.

PUBLIC DISPLAYS: All public displays of fireworks, including all requirements for safety, display site selection, fallout areas and operation of the display, shall be done in accordance with the current edition of the National Fire Protection Association 1123, Code of Fireworks Display. (Ord. No. 2023-41, Sec. 3)

7.56.04 Prohibited sales It shall be unlawful to sell or to offer to sell fireworks to children under the age of twelve (12) years old. It shall be unlawful to knowingly sell fireworks to person(s) known to be intoxicated. (Ord. No. 2023-41, Sec. 4)

7.56.05 Unlawful use It shall be unlawful to discharge fireworks on or in city streets, highways, alleys and public property. It shall be unlawful to discharge fireworks within six hundred (600) feet of any church, hospital, nursing home, or public school while such facility is occupied, and shall be unlawful to discharge fireworks within three hundred (300) feet of where fireworks are sold or stored. It shall be unlawful to throw fireworks at or from any motor vehicle. It shall be unlawful to throw fireworks at or near any person. (Ord. No. 2023-41, Sec. 5)

7.56.06 Penalty Any person, firm or corporation found guilty of violating this ordinance shall be guilty of a misdemeanor and shall upon conviction be fined not less than One Hundred and Twenty-Five Dollars (\$125.00), nor more than Three Hundred and Fifty Dollars (\$350.00) for each and every violation. (Ord. No. 2023-41, Sec. 6)

CHAPTER 7.60

OUTSIDE BURNING OF YARD WASTE

Sections:

7.60.01	Definitions
7.60.02	Burning in streets, ditches, alleys or easements prohibited
7.60.03	Persistent offense, fire or safety hazards prohibited
7.60.04	Residential safety standards
7.60.05	Permit required – land clearing
7.60.06	Safety standards for land clearing burning
7.60.07	Penalty for violation

7.60.01 Definitions The following definitions shall apply in this ordinance:

Open Burning shall mean the incineration or combustion of yard waste materials as a method of disposal without any means to control the fuel/air ratio.

Yard Waste shall mean grass clippings, leaves, and shrubbery clippings collected from residential property.

Household Waste shall mean all waste, products and materials, other than grass clippings, leaves and shrubbery clippings. (Ord. No. 2007-3, Sec. 1.)

7.60.02 Burning in streets, ditches, alleys or easements prohibited No person, firm, or corporation shall kindle or maintain any open burning in any public street, alley, ditch or easement in the city of Mountain Home. (Ord. No. 2007-3, Sec. 2.)

7.60.03 Persistent offense, fire or safety hazards prohibited

- A. No person, firm or corporation shall kindle or maintain any open burning that is a persistent offense to neighbors, a fire hazard to surrounding property, or created a health or safety hazard.
- B. It shall be unlawful for any resident to make a false report against another resident regarding the burning of outside yard waste.
- C. It shall be unlawful for any resident to import onto their property and burn yard waste from any other location. (Ord. No. 2007-3, Sec. 3.)

7.60.04 Residential safety standards No person, firm or corporation shall burn yard waste, unless the following safety standards are followed:

1. Burning shall be done only on a day with a five (5) mile per hour wind, or less.
2. All burning shall be constantly supervised by a competent person of not less than sixteen (16) years of age.
3. All burning shall not be less than twenty-five (25) feet from any structure.
4. All burning shall be ACCOMPLISHED during DAYLIGHT hours only.
5. Burning shall be always controlled and maintained in a safe manner, and a means to extinguish the fire shall be at the burn site, readily available and fully operational.
6. No open burning will be allowed when Fire Officials, or the Mayor, post a ban on outside burning due to weather conditions which make outside burning hazardous to the community.
7. No outside burning shall take place if the relative humidity level is at twenty-five (25) percent or less. This level will be determined by on-duty Fire Department personnel through local weather conditions or reports.
8. No person, firm or corporation shall burn household waste outside at any time. (Ord. No. 2023-12, Sec. 1)

7.60.05 Permit required – land clearing Any person, firm or corporation clearing land for construction of commercial or residential property, shall secure a permit from the Mountain Home Fire Department, before any burning shall commence on the property. A Twenty-Five Dollars (\$25.00) fee shall be charged for the permit. (Ord. No. 2007-3, Sec. 5.)

7.60.06 Safety standards for land clearing burning

- A. An inspection of the burn site by a fire official shall precede the open burning.
- B. Open burning shall be during daylight hours only, unless approved by the Fire Official.
- C. An method of fire extinguishers, approved by the Fire Official, shall be on site at all times and readily available during burning.
- D. Open burning shall not be less than one hundred feet (100) ft. from any structure
- E. No burning of wood material over six (6) inches in diameter and no greater than twelve (12) inches in length.

- F. Stumps of any size are not allowed to burn.
- G. Open burning shall be supervised by a competent person of at least sixteen (16) years of age.
- H. No open burning will be allowed during a burning ban by Fire Officials or the Mayor due to weather conditions, which would make burning hazardous. (Ord. No. 2007-3, Sec. 6.)

7.60.07 Penalty for violation

- A. Any person, firm or corporation who shall violate the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined the sum of not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00).
- B. Any person, firm, or corporation who has been deemed in violation of the open burning ordinance by Police or Fire Officials, must be issued a written warning notice on the first offense, and the notice must contain a copy of "Open Burning Ordinance." Subsequent violations of the ordinance by the same party, shall allow the Police or Fire Officials to issue a citation for appearance in Mountain Home District Court. (Ord. No. 2007-3, Sec. 7.)

CHAPTER 7.64

TOBACCO FREE ZONES

Sections:

- 7.64.01 Designated property
- 7.64.02 Fine

7.64.01 Designated property The following areas of city owned property shall be designated as tobacco free:

- A. L.C. Sammons Youth Center; and parking lot of L.C. Sammons Youth Center;
- B. The public pool in Cooper Park;
- C. All playground equipment areas;
- D. All concession stands and area immediately around the concession stands.
- E. All bleacher areas; unless otherwise designated
- F. All indoor facilities of the city of Mountain Home.
(Ord. No. 98-014, Sec. 1.)

7.64.02 Fine any person found to be in violation of the terms and conditions of this ordinance shall be subject to a fine of not less than \$25.00 nor more than \$100.00. (Ord. No. 98-014, Sec. 2.)

CHAPTER 7.68

SEXUALLY ORIENTED BUSINESSES

Sections:

7.68.01 Ordinance adopted by reference

7.68.01 Ordinance adopted by reference The “Sexually Oriented Businesses Regulations” of the city of Mountain Home, Arkansas, is hereby adopted in its entirety by reference thereto, as the regulations pertaining to and controlling sexually oriented businesses in the city of Mountain Home, Arkansas. (Ord. No. 99-021, Sec. 1.)

CHAPTER 7.72

NOISE WITHIN CITY LIMITS

Sections:

7.72.01	Definitions
7.72.02	Noise disturbances & exceptions
7.72.03	Measuring sound levels
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7.72.01 Definitions For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Decibel (dB). A unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten of the ratio of the pressure of the sound measured to the referenced pressure, which is 20 micropascals (20 micronewtons per square meter).

Emergency. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work. Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Gross vehicle weight rating (GVWR). The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR) which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

Motor carrier vehicle engaged in interstate commerce. Any vehicle for which regulations apply pursuant to Section 18 of the Federal Noise Control Act of 1972 (PL92-574), as amended, pertaining to motor carriers engaged in interstate commerce.

Noise. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance. Any sound which:

- (1) Endangers or injures the safety or health of humans or animals;
- (2) Annoys or disturbs a reasonable person of normal sensitivities; or
- (3) Endangers or injures personal or real property.

Public right-of-way. Any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a government entity.

Public space. Any real property or structures thereon which are owned or controlled by a governmental entity.

Sound level. The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network, such as A, B, or C as specified in the American National Standards Institute's specifications for sound level meters. If the frequency weighing employed is not indicated, the A-weighing shall apply.

Sound level meter. An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, or output meter, and weighing network used to measure sound pressure levels.

Sound pressure level. Twenty (20) times the logarithm to the base ten of the ratio of the RMS sound pressure to reference pressure of 20 micropascals ($20 \times 10^{-6} \text{ N/m}^2$).

Transient sound source. Noise, the source of which is lawn equipment, an implement of husbandry, a domestic power tool, or the repairing, rebuilding, modifying or testing of any motor vehicle or motorcycle. (Ord. No. 2023-2, Sec. 1)

7.72.02 Noise disturbances & exceptions

- (A) Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful for any person to make, or continue or cause or permit to be made or continued, any noise disturbance. (Ord. No. 2023-2, Sec. 2)
- (B) The provisions of this section shall not apply to:
 - (1) The emission of sound for the purpose of alerting persons to the existence of an emergency;
 - (2) The emission of sound in the performance of emergency work;
 - (3) The movement of aircraft which is in all respects conducted in accordance with, or pursuant to applicable federal laws or regulations;
 - (4) The use of bells or chimes in conjunction with places of religious worship; and
 - (5) The intentional sounding or permitting the sounding of any fire, burglar or civil defense alarm, siren, whistle or similar stationary or emergency signaling device, for emergency purposes or for testing, provided such testing uses only the minimum cycle test time.
 - (6) The use of generators as may be needed to supply power in commercial or residential zones.
 - (7) Existing industrial installations which, over the previous one (1) year, have consistently operated as a consequence of process necessity and/or demonstrated routine normal operation. (Ord. No. 2023-13, Sec. 1)
- (C) For the purpose of this section, the use of an amplification devise, radio, television, phonograph, drum, musical instrument or similar devise which produces, reproduces, or amplifies sound shall be deemed annoying or disturbing to a person, reasonably calculated to disturb the peace and unreasonably offensive and injurious to the public if the sound is produced between the hours of 1:00 a.m. and 8:00 a.m., and is plainly audible a distance of 150 feet or more from the source of the sound.
 - (1) Plainly audible means any sound produced as set forth above which clearly can be heard at a distance of 150 or more feet. The measurement standard shall be by the auditory senses, based on direct line of sight. Words or phrases need not be discernable and bass reverberations are included.
 - (2) This provision shall not apply to athletic or school related events. (Ord. No. 2023-2 Sec. 2)

- (D) *Late Night Construction Noise Near Residences.* For the purposes of this section, construction noise from private development construction activity shall be deemed annoying or disturbing to a person, reasonably calculated to disturb the peace and unreasonably offensive and injurious to the public if the sound or noise is produced later than 11:00 p.m. everyday and prior to 7:00 a.m. on all days except Sundays when the “quiet” time shall extend until 9:00 a.m. and is plainly audible at or near any residence (apartment, home, condo, etc.) within 150 yards of the construction activity.
- (1) The measurement standard shall be by auditory senses and includes transient construction activity noise sources.
 - (2) Emergency construction activity to repair or prevent a dangerous condition in order to protect the health, safety and welfare of citizens or the workers on the development project site is exempt from this provision if authorized in advance or ratified later by the Mayor.
 - (3) This subsection takes precedence over any conflicting and less restrictive noise limitation provisions.
 - (4) A variance may be requested and granted for necessary and temporary after-hours construction activities. (Ord. No. 2023-2, Sec. 2)
- (E) Operating or causing to operate any sound amplification device on or from within any means of conveyance, whether motorized or not, so that the sound is plainly audible at a distance of 30 feet or more from the vehicle whether in a street, a highway, an alley, parking lot or driveway, whether public or private property, is prohibited and declared to be a noise disturbance in violation of this chapter. (Ord. No. 2023-2, Sec. 2)

7.72.03 Measuring sound levels Sound level measurements shall be made with a sound level meter Type II or better using the A-weighted scale in conformance with the standards promulgated by the American National Standards Institution. (Ord. No. 2023-2, Sec. 3)

7.72.04 Sound levels

- (A) No person shall operate or cause to be operated, or permit, or allow to be operated on premises on public or private property any identifiable source of sound in such a manner as to create a sound level within the use districts in Table 1 below which exceeds the maximum noise levels as set forth in Table 1 as measured at any point on the boundary of the property from which the sound or noise was emanating.

TABLE I

Use Districts	Time	Maximum Noise Levels
All residential zones	7:00 a.m. to 11:00 p.m.	60 dB(A)
All residential zones	11:00 p.m. to 7:00 a.m.	55 dB(A)
All commercial zones	7:00 a.m. to 11:00 p.m.	75 dB(A)
All commercial zones	11:00 p.m. to 7:00 a.m.	70 dB(A)
All industrial zones	7:00 a.m. to 11:00 p.m.	80 dB(A)
All industrial zones	11:00 p.m. to 7:00 a.m.	75 dB(A)

All measurements shall be taken with a sound level meter in its fast or peak level setting.

- (B) *District Boundaries.* When a noise source can be identified and its noise measured in more than one use district, the noise level limits of the most restrictive use district shall apply at that district boundary.
- (C) *Commercial Source.* Notwithstanding the zoning classification of the underlying parcel, restaurants, night clubs, private clubs, auditoriums, dance halls, and rehearsal studios are defined as commercial sound sources existing in commercial zones for the purposes of this chapter.
- (D) *Transient Source.* For a transient sound emanating in any land use category, the peak noise level shall not exceed 20 decibels above the limit set in Table 1 above.
- (E) *Construction.* Construction projects shall be subject to the limitations specified for industrial zones for the period of time allowed by the building permit. (Ord. No. 2023-2, Sec. 4)

7.72.05 Motor vehicles & motorcycles

- (A) No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right-of-way or private property at any time and in such a manner that the sound level emitted by the motor vehicle or motorcycle exceeds the level set forth in Table II below.

TABLE II

Vehicle class	Speed limit 35 mph or less	Sound Level in dB	
		Speed limit over 35 mph	Stationary Run-up
Motor vehicle carrier engaged in interstate commerce of GVWR or GCWR of 10,000 lbs. or more	86	90	88
Any other motor vehicle or any combination of vehicles towed by any such motor vehicles	78	78	78
Motorcycles	78	78	78

- (B) No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device in good working order and in constant operation.
- (C) No person shall sound any horn or other auditory signaling device on or in any motor vehicle on any public right-of-way or public place, except as a warning of danger.
- (D) Operating or causing to operate any sound amplification device from within a vehicle so that the sound is plainly audible at a distance of 30 feet or more from the vehicle whether in a street, a highway, an alley, parking lot or driveway, whether public or private property, is prohibited and declared to be a noise disturbance in violation of this chapter.
- (E) No person shall operate or cause to be operated a motor vehicle or motorcycle by rapidly advancing its throttle (revving) such that a noise disturbance occurs. (Ord. No. 2023-2, Sec. 5)

7.72.06 Commercial advertising It shall be unlawful for any person to use, operate or permit to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets from a point of origin located on private property, for the purpose of commercial advertising or attracting the attention of the public to any building or structure. (Ord. No. 2023-2, Sec. 6)

7.72.07 Application for permit(A) *Application; Issuance.*

- (1) The Mayor shall have the authority to issue a permit, upon a showing of undue hardship, for a variance from the provisions of this section upon a showing by the applicant that:
 - (a) Additional time is necessary for the applicant to alter or modify his activity or operations to comply with this section; or
 - (b) The activity, operation or noise source will be of a temporary duration and cannot be done in a manner that would comply with this section; and
 - (c) No reasonable alternative is available to the applicant.
- (2) An application for a variance permit shall be in writing on a form prescribed by the Mayor. In issuing a variance permit, the Mayor may impose reasonable conditions or requirements necessary to minimize adverse effects upon the surrounding neighborhood. For events to be attended by the public, the written application for a variance shall be filed with the Mayor a minimum of fourteen (14) days prior to the date on which a variance is requested.

- (B) *Denial; Appeal.* An applicant who is denied a variance by the Mayor may appeal to the City Council by filing written notice of appeal with the City Clerk within ten (10) days from the date of the Mayor's decision. The notice of appeal shall specifically state the reasons why the applicant considers the Mayor's findings and decision to be in error. (Ord. No. 2023-2, Sec. 7)

7.72.08 Enforcement

- (A) In lieu of issuing a notice of violation, a Code Enforcement Officer responsible for enforcement of any provision of this section may issue an order requiring abatement of any source of sound alleged to be in violation of this section within a reasonable time period. An abatement order shall not be issued when the Code Enforcement Officer has reason to believe that there will not be compliance with said order.
- (B) A violation of any provision of this section shall be cause for a notice of violation to be issued by the Code Enforcement Officer. (Ord. No. 2023-2, Sec. 8)

7.72.09 Engine brakes

- (A) A compression release engine brake, or other hydraulically operated device that converts a power producing diesel or gas engine into a power absorbing retarding mechanism with a correspondingly increased amount of noise emission shall not be engaged or used within the city limits except in the case of failure of the service brake system, adverse weather conditions, or other emergency necessitating the compression release engine brake's use.
- (B) Fire trucks, and those municipal vehicles equipped with the Quiet Brake and Silent Partner System are exempted from the requirements of this section. (Ord. No. 2023-2, Sec. 9)

7.72.10 Fine The violation of any provision of this chapter shall be punished by a fine of not more than \$500.00 or double that sum for each repetition of such violation. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed \$250.00 for each day that the same is unlawfully continued. (Ord. No. 2023-2, Sec. 10)

CHAPTER 7.76**SIGNS**Sections:

7.76.01	Title & Purpose
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7.76.03	Sign Permits
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7.76.05	Existing Signs
7.76.06	Exemptions
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7.76.12	Projecting Signs
7.76.13	Wall Signs
7.76.14	Area Identification Signs
7.76.15	Business/Professional Directory
7.76.16	Board of Sign Appeals
7.76.17	Penalties
7.76.18	Provisions Declared to be Minimum Requirements

7.76.01 Title & Purpose This Ordinance shall, upon passage, shall become the Mountain Home Sign, Bulletin Board and Outdoor Advertising Structure Ordinance, hereinafter referred to as the “Sign Ordinance”. Should there be any conflict or duplication within this ordinance to any other ordinance, or ordinances, the more stringent regulation shall apply. (Ord. No. 2019-34, Sec. 1.)

7.76.02 Definitions Pertaining to Signs

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein: (Ord. No. 2019-34, Sec. 2.)

Abandoned Sign: A sign, which no longer correctly identifies, exhorts, directs, or advertises a business, product, activity, project or person. May apply to either an on-site or off-site sign.

Area Identification Sign: A sign to identify a common area containing a group of structures or a single structure on a minimum site of five (5) acres, such as a residential subdivision, apartment complex, industrial park, mobile home park, or shopping center, located at the entrance or entrances of the area, and consisting of a fence or wall or archway with letters or symbols affixed thereto.

Banner: Any sign printed or displayed upon cloth or other flexible material, Exception: flags attached to a flagpole.

Billboard: See Outdoor Advertising Structure.

Building Inspector, Code Enforcement Officer: Enforcement Officer unless another Enforcement Officer is designated by the Mayor and/or City Council. The City may designate more than one Enforcement Officer.

Business/Professional Directory: For purposes of this Ordinance a Business/Professional Directory shall mean that type of on-site sign, normally used to list the businesses and/or professional goods and services being offered on the premises and shall contain no additional commercial message.

City: The City of Mountain Home, Arkansas

City Attorney: The City Attorney of Mountain Home, Arkansas.

City Council: The City Council of Mountain Home, Arkansas.

Clear Sight Triangle: Standards for Street intersection sight triangle shall reflect the Street Classification System within the Mountain Home Master Street Plan. The clear sight triangle indicates the minimum requirements as measured along the right-of-way lines. The City may require additional triangle area for clear sight and safety as determined by a traffic study on special conditions.

Construction Sign (s) That are required by State Law: Signs used in conjunction with construction projects or publicizing future occupants, contractors, developers, architects, engineers and other individuals or organizations participating in the project, to be removed upon completion of the project and/or final inspection by the Enforcement officer.

Directional Sign: Signs, which provide only basic guidance to the public, such as entrance and exit signs at driveways or on buildings. No commercial or sales message beyond identification of the business, profession, or activity shall be allowed. Flashing or intermittent illumination is prohibited. Location and size of such signs shall be reviewed and approved by the Enforcement Officer.

Display Surface Area: The net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters and delineations; provided, however, "Display Surface Area" shall not include the structural supports for free standing signs; provided further, that only one face of a double –faced sign as defined shall be considered in determining the display surface area. See "Sign Area"

District or Zoning District: A section or sections of the incorporated area of the City for which the then-effective zoning ordinance governing the use of buildings and land are uniform for each class of use permitted therein.

Electronic Variable Message Sign. A device capable of showing a series of different messages in a predetermined sequence using a message changing mechanism which may be controlled remotely by wired or radio and programmed for either automatic operation for manual activation.

Enforcement Officer: The City Building Inspector, Code Enforcement Officer and/or other official or representative designated by the Mayor and/or City Council. The City may designate more than one enforcement officer.

Existing Signs: Permanent signs erected before adoption of this Ordinance.

Floodlighting: For purposes of this Ordinance floodlighting illumination shall mean illumination from lamps, lenses, or devices designed to spread light uniformly over the entire area of the sign, except that no light shall fall beyond the sign.

Freestanding Sign: A sign, which is attached to, or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.

Grandfather Clause: Section 5, Existing Signs, paragraph 1.

Identification and Informational Signs: Signs bearing no advertising or commercial message and which identify or inform the public of places of interest, public parks, buildings, boundaries etc. and indicated direction thereto.

Illegal Signs: A sign which contravenes this Ordinance, or a non-conforming sign for which a permit required under a previous Ordinance was not obtained.

Joint Identification Sign: A sign, which serves as common or collective identification for a group of persons or businesses operating on the same zone lot (e.g. shopping center, office complex, etc.) Such sign may name the persons, or businesses included but carry no other advertising matter.

Mayor: Mayor of City of Mountain Home, Arkansas.

Mobile Sign: Any sign that is movable, portable, capable of or intended to be movable or portable, originally intended to be movable or portable. A sign which is not permanently secured in or on the surface upon which it rests or a sign erected on a frame, platform, trailer, or other portable or movable structure, either transportable, towable, or self-propelled. Does not apply to any sign or lettering directly affixed to or printed on the surface of a self-propelled vehicle frequently used in the ordinary course of business by owners or employees of such business nor to temporary signs as defined by this Ordinance. See Portable Swinger and “A” Frame or Sandwich Sign, and Portable Temporary Attraction Signboard.

Off-Site Sign: A sign, which directs attention to a business, commodity, service, entertainment or attraction, sold, offered or existing elsewhere than upon the same lot where such sign is displayed. Such signs may also display a noncommercial message. The term “off-site sign” shall include an outdoor advertising structure (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

On-Site Sign: A sign, which directs attention to a business, commodity, service, entertainment or attraction, sold, offered or existing on the same lot where such sign is displayed; provided an on-site sign may also display a noncommercial message.

Outdoor Advertising Structure: A structure erected and maintained for outdoor advertising purposes upon which a poster, bill printing, device, or painting may be placed to advertise

products, goods, services, or business establishments other than those located, conducted, manufactured or sold upon the premises on which the structure is erected; provided and outdoor advertising structure may also display a noncommercial message. For purposes of this Ordinance, Outdoor Advertising Structure shall be considered same as billboard.

Planning Commission: The Planning Commission of Mountain Home, Arkansas.

Projecting Sign: Any sign that shall be affixed at an angle perpendicular to the wall of any building in such a manner to read perpendicular or at an angle to the wall on which it is mounted.

Roof Sign: Any sign erected, constructed or maintained on the roof of any building.

Setback: The distance which a sign, sign support or sign framework shall be removed from a curb line, established curb line, right-of-way line or private property line.

Sign: The term “sign” shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public; in addition, any of the above which is not placed out of doors, but which is illuminated with artificial or reflected light not maintained stationary and constant in intensity and color at all times when in use shall be considered a sign within the meaning of this Ordinance, when placed near the inside surface on a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists. For the purpose of determining number of signs, a sign shall be considered to be a single display surface of display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner, without organized relationship to elements, or where there is a reasonable doubt as to the relationship or elements, each element shall be considered to be a single sign. For the purposes of this Ordinance it shall include bulletin boards and outdoor advertising structures.

Sign Structure: Any structure support or framework, which supports, has supported, or is capable of supporting a sign with or without decorative trim.

Temporary Sign: Any sign constructed of paper, cloth, canvas, or other similar lightweight expendable materials with or without frames, and either nailed, clamped, or held to a pole or other structure or object and intended to be displayed for a short period of time only. Includes Garage Sale and Open House signs and Real Estate Signs.

Wall Sign: Any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign not project above the top of the wall or beyond the end of the building.

For purposes of this Ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of a building marquee, building awning, or a building canopy shall be considered a wall sign.

Wind Sign: Any banner, flag, pennant, propeller, or similar device which is designed to flutter, rotate, or display movement under influence of the wind for the purpose of displaying a message or attracting attention. This definition shall not include official flags, pennants, or banners of nations; Federal, state or local governments; their political subdivision; schools, religious institutions, or fraternal organizations.

Zoning Ordinance: The Zoning Ordinance of the City of Mountain Home, Arkansas.

7.76.03 Sign Permits

1. Generally it shall be unlawful for any person to erect, repair, alter, relocate or keep within the City of Mountain Home any sign or other advertising structure as defined in this Ordinance, except as exempted under Section 6 or Section 7 without first obtaining a sign permit from the Enforcement Officer and payment of the fee as required by this Section. Every sign, all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable State, Federal, and City regulations and building codes currently in effect. All illuminated signs shall, in addition, be subject to the provisions of the National Electric Safety Code, the regulations of the Arkansas State Highway and Transportation Department where applicable, and the provisions of this Ordinance.
2. **Application for Initial Sign Permit.** Application for initial sign permits shall contain the following information.
 - A. Name, address and telephone number of the applicant.
 - B. Location of the building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 - C. Position of the sign or other advertising structure in relation to buildings or structures that are within 25 feet of where the same is to be placed on the property.
 - D. A print or scale drawing of the sign with specifications and method of construction and attachment to the building or in the ground. Drawings shall contain details, which will show compliance with all applicable State, Federal and City regulations and building codes. All signs erected will require at least one

construction inspection. The timing of the construction inspection shall be at the discretion of the Enforcement Officer and shall be set at the time of the permit issuance.

- E. Any freestanding sign over 40 sq. ft shall have an Engineered designed footing submitted with the application.
 - F. Such other information as the Enforcement Officer shall require showing full compliance with City Ordinance.
3. **Sign Permit Fees.** Every applicant, before being granted a permit hereunder shall pay to the Enforcement Officer's Office a sign permit fee. The sign permit fee shall be calculated at \$1.00 per square foot times the total sign surface square footage, with a minimum fee of Twenty Dollars (20.00). This permit fee shall apply to each job, each face shall be counted for the total square footage for each advertising structure regulated by this Ordinance including all new signs and the moving of existing signs to a new location.
 4. **Issuance of Sign Permit.** It shall be the duty of the Enforcement Officer upon the filing of an application, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if the proposed structure is in compliance with all the requirements of this Ordinance and all other laws and Ordinances of the City of Mountain Home, he shall then issue the permit. If the work authorized under the permit had not been completed within six (6) months after date of issuance, the said permit shall become null and void.
 5. **Sign Permit Revocable.** All rights and privileges acquired under the provisions of this Ordinance or any amendment thereto are mere licenses revocable at any time by the City Council and all permits shall contain this provision. (Ord. No. 2019-34, Sec. 3)

7.76.04 Sign Maintenance

1. Premises Maintenance. Every sign, including those specifically exempt from this ordinance in respect to permits and permit fees, and all parts, portions, and sections thereof shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, free from rust, corrosion and well maintained. Also, all premises surrounding the sign shall be maintained in a clean, sanitary, inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

2. Unsafe and Unlawful Signs. If the Enforcement Officer shall find that any sign or other advertising structure regulated herein is unsafe, is a menace to the public, is abandoned or maintained in a dilapidated condition, or has been constructed or erected or is

being maintained in violation of the provisions of this Ordinance, he shall give written notice to the sign owner and/or lessee, and/or property owner thereof. If the sign owner or lessee or property owner fails to remove or alter the sign or advertising structure so as to comply with the standards set forth within a reasonable time specified in the notice, the sign or other advertising structure may be removed or altered to comply by the Enforcement Officer. Failure to comply with the Notice shall be considered a violation and, as provided for in Section 18 of this Ordinance, any expense incidental to removal or alteration shall be charged to the sign owner and/or lessee and/or property owner.

The Enforcement Officer may cause any sign or other advertising structure, which is an immediate peril to persons or property to be removed summarily without notice. Such signs or other advertising structures are hereby declared to be a public nuisance. When any sign is removed summarily without notice, the owner or lessee thereof shall have the right to a post-seizure administrative hearing to determine whether there was probable cause to remove the sign. Said administrative hearing shall be governed by, and held in accordance with the procedure prescribed by Section 16 of this Ordinance. (Ord. No. 2019-34, Sec. 4)

7.76.05 Existing Signs

1. This Ordinance shall not apply to permanent, existing signs, which were legal at time of installation, with the exception of legal signs regulated in Section 7, Number 6, and do not constitute a safety hazard; but shall apply to any signs erected after this Ordinance is adopted.
2. If the sign face, of an existing sign, is damaged or destroyed, the face may be replaced. The sign face supporting structure may be temporarily placed on the ground in order to immediately replace the sign face or service the structure.
3. If an existing sign is damaged to the extent of more than 50% of the structure or sign face it shall not be replaced except to comply with all section of this ordinance.
4. An existing sign shall not be altered in any way except toward compliance with this ordinance. This does not refer to change of copy, face of the sign, or "customary maintenance or repair". Customary maintenance and repair shall be the routine replacing of border and trim as well as repair of structural members and replacing of structural members Re-erection of an existing sign rendered unfunctional is specifically prohibited as customary maintenance and shall be required to comply with all sections of this ordinance. The raising or lowering of the height of a sign structure as a result of any repair is specifically prohibited. (Ord. No. 2019-34, Sec. 5)

5. Existing Billboards or Outdoor Advertising Structures within the City of Mountain Home that are still installed with wood structures as the main support shall be allowed to change to a single engineered mono pole, provided the height, sign face square footage and number of sign faces stay the same as the existing sign. Stamped engineered drawings shall be submitted to the City for approval before any changes are made to said signs. (Ord. No. 2022-39)

7.76.06 Exemptions Exempt signs shall comply with all applicable safety provisions. No sign permit shall be required for erection of the following signs:

1. Business/Professional Directories erected flat on walls of building.
2. Building Construction Signs.
3. Real Estate Signs. On a lot in any district, there may be erected one unanimated real estate sign. Exception: Corner lots may have a sign facing each street
4. Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency or non-advertising signs as may be approved by the City Council.
5. Posting of bills on signs, repainting of signs, or the changing of letters or numbers on signs designed for changeable lettering or numbering, which were legally erected and maintained for such purposes.
6. Election campaign signs and banners. Political signs are permitted to be placed on property in any district, subject to the following conditions:
 1. Signs and banners may be erected, but no earlier than 60 days prior to a election primary, general or special election, and said sign shall be removed within 5 days following the election to which it applies. The owner of the sign (political candidate) shall be responsible for its removal. (Ord. No. 2022-44)
 2. In districts where signs or banners are otherwise permitted, political signs shall meet the requirements of each specified district.
7. Banners, when used in conjunction with public events shall be limited as follows:
 1. Shall not exceed 32 square feet in size.
 2. Shall not be erected more than 30 days prior to the event.

3. Shall be removed within seventy-two hours following the event to which the banner applies.

4. Dates of the event shall be printed on the Sign.

Notwithstanding any limitation herein contained, any banner(s) otherwise permitted that are affixed to a building shall not accumulatively exceed more than 1/3 the size of the wall to which they are affixed and no single banner shall exceed 100 square feet in size, whichever is lesser. Any sign permanently affixed to a wall shall be considered a wall sign as compared to a banner.

8. All signs located within a building that are not visible to the public outside said Building.

9. Signs painted on, or affixed to, glass surfaces of windows or doors and pertaining to the lawful conducted therein.

10. Directional, identification, and informational signs; provided, such signs shall be limited to wall and freestanding signs with a maximum of four (4) square feet of display surface area.

11. Subdivision Identification signs.

12. Fuel price informational signs.

One fuel price informational sign shall be permitted to each end of fuel Pump Island. Nothing herein shall be constructed to prohibit the advertisement of fuel prices or any other sign meeting the requirements of the Ordinance. (Ord. No. 2019-34, Sec. 6)

13. Portable signs for use in the Historic Downtown Entertainment District

Merchants in the Historic Downtown Entertainment District may display ONE (1) A-frame or sandwich board-style sign promoting their business, provided that the sign is only displayed during the business' operating hours.

The maximum dimensions of a sign are twenty-eight (28) inches by fifty (50) inches on a side. A business desiring to display a portable sign larger than that must first receive permission from the City's Planning Commission before displaying said sign.

Signs should be placed directly in front of the respective businesses, and a sign's placement should not impede sidewalk foot traffic any more than what is reasonable. Caution should also be taken to make sure that said sign is not a distraction to the safe operation of motor vehicles. (Ord. No. 2023-28, Sec. 1)

14. Informational or directional signs for the Mountain Home Farmers Market Organizers of the Mountain Home Farmers Market may display TWO (2) A-frame or sandwich board-type signs for the express purpose of raising awareness about the location or operation of the Farmers Market.

The maximum dimensions of the signs are twenty-eight (28) inches by fifty (50) inches on a side. Should the Farmers Market desire to display a portable sign larger than that, it must first receive permission from the City's Planning Commission before displaying said sign.

Signs may be placed up to THREE (3) blocks away from the Farmers Market and must be taken down when the market is not in operation. Said signs should indicate to the reader the physical direction of the Farmers Market or communicate that the market is currently open; promotion of an individual vendor or market items is prohibited on such signs.

A sign's placement should not impede sidewalk foot traffic any more than what is reasonable. Caution should also be taken to make sure that said sign is not a distraction to the safe operation of motor vehicles. (Ord. No. 2023-28, Sec. 1)

7.76.07 General Regulations

1. Removal of Certain Signs: In the event a business ceases operation the sign owner or lessee, or property owner, shall immediately remove any information on signs within the corporate limits of the City, identifying or advertising said business or any product sold thereby. Upon failure of the sign owner or lessee, or property owner, to comply with this section, the Enforcement Officer shall issue a written notice to the sign owner and any lessee and to the property owner, which notice shall state that such sign information shall be removed within thirty (30) days. If the sign owner and/or lessee, and/or property owner, fails to comply with such written notice to remove, the Enforcement Officer is hereby authorized to cause removal of such sign information. Failure to comply with said NOTICE shall be considered to be a violation and, as provided for Section 18 of this Ordinance, any expense incidental to the removal shall be charged to the sign owner and/or lessee and/or property owner.

All temporary signs must be removed within 72 hours after the event for which it was utilized is accomplished.

2. **Signs not to constitute traffic hazard:** No sign or other advertising structure as required by this Ordinance shall be erected or continued to be displayed in such a manner as to obstruct free and clear vision.

3. **Placing signs on public and private property:** Placing signs on public property. No signs other than signs placed by agencies of government shall be erected on any public property; provided, directional signs may be erected upon City street name signposts, or upon traffic signposts under the following conditions:

A. The sign directs the reader to the location of a public facility attended principally by out-of-town patrons, to a facility operated by a nonprofit entity and attended principally by out-of-town patrons, to a facility relating to the public health, safety or welfare, or to scenic or historic sites;

B. The signs are fabricated, erected and maintained by the City Street Department;

C. The entire cost of the sign is borne by the entity requesting the sign;

D. The sign conforms to the manual on uniform traffic-control devices.

4. **Sign Illumination.** Direct sign illumination is permitted but cannot be distracting or blinding. Every part of the light source of any illuminated sign shall be concealed from view from vehicular traffic in the public right-of-way or adjacent property. The light shall not travel from the light source directly to vehicular traffic in the public right-of-way or adjacent property but instead shall be visible only from a reflecting or diffusing surface. Illumination of signs shall be in a manner, which avoids glare or reflection, which in any way interferes with traffic safety.

5. **Spot lights and beacons prohibited.** It shall be unlawful to operate or erect any attraction device or sign, which contains a beacon or spotlight.

6. **Portable and Temporary Signs.** Portable swinger, "A" frame, sandwich, portable temporary attraction signboards, Feather signs Banners are prohibited except as follows:

1. These signs can be utilized by a new business for a total for fifteen (15) days from the day that a business license has been issued to the business. A permit for the portable sign must be obtained from the Enforcement Officer.
2. Also, portable signs are permitted for a period of thirty (30) days immediately following a natural disaster, which has destroyed or substantially damaged a sign. A permit for the portable sign must be obtained from the Enforcement Officer.

3. Where portable temporary attraction signs are used under the above exceptions, flashing illumination is prohibited.
4. Retail Business: Can use temporary signs for a period of up to 7 days. Said signs can only be out during business hours. Business can only use temporary signs 3 times a year. A permit is required for the temporary signs. All temporary signs shall meet the setbacks required for freestanding signs set forth in Section 9
5. Temporary Job Signs not required by State Law: Any sign placed in any zoning district where someone is working. Includes, Lawn Care, Landscaping, Handyman, Roofing, Fencing, Paving & Sealing ext. may be on site while someone is on the job working. The sign must be removed upon completion of the job. The sign shall not be placed on site until the first full day workers are on site. But in no case is the sign to be up any longer than 7 days. Exception: if a permit is required for the job a temporary sign can remain on site until the job is completed.
6. Warning Signs: Signs placed in yards warning people of burglar or fire alarms are allowed in any district as long as the sign is under 0.5 sq ft in size.
7. Signs on Vehicles or Trailers: Nothing in this ordinance shall prevent any business from having signs advertising their business on their vehicles or trailers as long as the said vehicles or trailers are used in the everyday operation of said business.
8. Revolving, rotating or moving signs prohibited.
(Ord. No. 2019-34, Sec. 7)

7.76.08 Roof Signs

1. Roof Signs are prohibited in the R-1, R-1A, R-2, R-3, R-4 and R-5 zoning districts.
2. Roof Signs are permitted in commercial, industrial zoning districts. (Ord. No. 2019-34, Sec. 8)

7.76.09 Freestanding Signs

1. Freestanding signs are prohibited in the R-1, R-2, R-3, R-4, and R-5 zoning districts.

2. Freestanding signs are permitted in commercial, industrial zoning districts. and subject to the following:
 1. Shall be set back a minimum of fifteen (15) feet from edge of street pavement or curb but shall not be set within the street right-of-way.
 2. Shall be set back a minimum of twenty-five (25) feet from the boundary of any residential zoning district.
 3. Shall be prohibited in any area where the wall of a building is 8 feet or less from the curb line or street right-of-way.
 4. Designs may be illuminated by direct or indirect illumination.
 5. May be erected a minimum of one-foot from adjoining property. (Ord. No. 2019-34, Sec. 9)

7.76.10 On-Site Signs

1. On-site signs, which shall include, but is not limited to, all Roof Signs, point including cutouts and trim on the sign. Freestanding signs and Joint Identification Signs, also known as On-Site Stacker signs, shall have a maximum height of 40 feet from finished ground level of the lot on which the sign is constructed. Finished ground level shall not include any landscaping which would elevate the ground immediately under the sign. The maximum height shall be measured to the highest point including cutouts and trim on the sign.
2. All On-site signs shall be limited to a total face surface of 150 square feet, with the exception of On-site Joint Identification Signs. The square footage shall be calculated by measuring the length at the maximum horizontal span, including cutouts and trim, and shall include all signs when two or more signs are placed on one footing. This length will then be multiplied by the height as determined in No. 1 above for On-site signs.
3. Joint Identification Signs shall be limited individually, instead of collectively, to 32 square feet for each individual sign. (ord. No. 2019-34, Sec. 10)

7.76.11 Off-Site Signs

1. Off-Site Signs are prohibited in all zoning districts of the City of Mountain Home.

2. All existing Off-Site Signs are grandfathered in under all the guidelines set forth in Section 5 - Existing Signs, of this Ordinance. (Ord. No. 2019-34, Sec. 11)

7.76.12 Projecting Signs

1. It shall be unlawful to erect any projecting sign that projects from the wall of a building upon which it is erected a distance of more than two-thirds of the width of the setback except in no instance can the sign be within less than two (2) feet of the street right-of-way or curb line.

2. Projecting signs over sidewalks or pedestrian walkways shall have a minimum of 7-feet of clearance from walk surface to the sign bottom.

3. Projecting signs shall be prohibited in R-1, R-2, R-3, R-4 and R-5 zoning districts. (Ord. No. 2019-34, Sec. 12)

7.76.13 Wall Signs

1. Wall signs shall be permitted in commercial and industrial zoning districts.

2. Wall signs shall be prohibited in R-1, R-2, R-3, R-4 and R-5 zoning districts. (Ord. No. 2019-34, Sec. 13)

7.76.14 Area Identification Signs

1. Area identification signs are permitted in all zoning districts.

2. The Enforcement Officer, who will approve such structure upon the criteria of traffic safety sight lines, must approve the size and location of the area identification sign. (Ord. No. 2019-34, Sec. 14)

7.76.15 Business/Professional Directory A Business/Professional Directories may be a wall sign, freestanding sign or projecting sign. When erected as a wall sign only one (1) shall be allowed for each main entrance to a building and total size shall not exceed one (1) square foot per listing. When erected as a freestanding or other type sign it shall conform to all applicable provisions of this Ordinance and in a shopping center or other common use parking lot area, shall be limited to one (1) Directory for each major entrance to the parking lot. (Ord. No. 2019-34, Sec. 15)

7.76.16 Board of Sign Appeals The Planning Commission shall constitute a Board of Sign Appeals. The word “board” when used in this section shall be construed to mean the Board of Sign Appeals.

1. Interest in Sign: Any members of the Board who shall have direct or indirect interest in any sign or in any decision relating to such sign which shall be the subject matter of, or affected by, a decision of the Board, shall be disqualified from participating in the discussion, decision or proceeding of the Board in connection therewith.

2. Appeals:

1. A person may appeal to the Board any order, requirement, decision or interpretation made in the enforcement of this Ordinance. When an appeal is filed with the Board, the Enforcement Officer will take no further action on the matter appealed until the appeal has been heard and a decision has been made.

2. The Board shall fix a time for the hearing of the appeal, give due notice to the parties in interest and decide the appeal within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

3. Jurisdiction: The Board shall have the following powers and it shall be its Duty:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or interpretation made in the enforcement of this Ordinance.

2. To hear requests for variances from the literal provisions of this Ordinance for the erection of a new sign in instances where strict enforcement this Ordinance would cause practical difficulties due to circumstances unique to the individual sign under consideration, and grant such variance only when it is demonstrated that such action will be in keeping with the spirit and intent of this Ordinance.

3. The Board may impose reasonable conditions in the granting of a variance to insure compliance and to protect adjacent property. A violation of such conditions shall constitute a violation of this Ordinance.

4. Appeals from Board of Sign Appeals: Any person or persons aggrieved any decision of the Board of Sign Appeals may seek review by a court of record of such decision, in the manner provided by the laws of the State. (Ord. No. 2019-34, Sec. 16)

7.76.17 Penalties

1. Violation of the provision of the Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00). Each day such violation continues shall be considered a separate offense. Also, upon conviction for a violation, a person will be required to make restitution of the City for any expense incurred by the City in the removal or alteration of unsafe and/or unlawful signs.

2. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, or maintains such violation may be found guilty of separate offense and suffer the penalties herein provided.

3. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. No. 2019-34, Sec. 18)

7.76.18 Provisions Declared to be Minimum Requirements

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of any other Ordinance, the highest or most restrictive standard shall apply. (Ord. No. 2019-34, Sec. 19)

CHAPTER 7.80

NOVELTY LIGHTERS

Sections:

7.80.01	Prohibition
7.80.02	Definition
7.80.03	Enforcement
7.80.04	Penalty

7.80.01 Prohibition The retail sale, offer of retail sale, or gift distribution of any novelty lighter within the jurisdiction of the city of Mountain Home is prohibited. The prohibition is inapplicable to:

- A. novelty lighters in transport through the city; or
- B. novelty lighters stored in a warehouse within the city and closed to the public for purposes of retail sales. (Ord. No. 2007-45, Sec. 1.)

7.80.02 Definition

Novelty lighter means a lighter that has entertaining audio or visual effect, or that depicts or resembles, through use of logos, decals, artwork, or by other means, in physical form or

function, articles commonly recognized as appealing to, or intended for use by children twelve (12) years of age or younger. This includes, but not limited to, lighters that depict or resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel. (Ord. No. 2007-45, Sec. 2.)

7.80.03 Enforcement The provisions of this section shall be enforced by the Fire Chief, Fire Inspector any police officer or any other city official authorized to enforce any provisions of the city of Mountain Home Code. (Ord. No. 2007-45, Sec. 3.)

7.80.04 Penalty Any person or entity violating any provision of this section is guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine or penalty of not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00). (Ord. No. 2007-45, Sec. 4.)

CHAPTER 7.84

SALE OF CERTAIN SUBSTANCES

Sections:

7.84.01	Definitions
7.84.02	Selling
7.84.03	Possession
7.84.04	Using
7.84.05	Exception
7.84.06	Fines

7.84.01 Definitions

- A. **Person** means a person, any form of corporation, partnership, wholesaler or retailer.
- B. **Illegal smoking product** includes any substance, whether called tobacco, herbs, incense, spice or any blend thereof, which includes any one or more of the following chemicals:
 - 1. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol);
 - 2. (dexamabinol,(6aS,10nS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-Methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-of;

3. 1-Pentyl-3-(1-naphthoyl)indole; or
4. Butyl-3-(1-naphthoyl)indole;

which products are sometimes known as “D2” or “Spice.”

- C. “Salvia divinorum or salvinorum” includes all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts.

1. (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo(c)chromen-1-ol.....
Some trade or other names: HU-210
2. 1-Pentyl-3-(1-naphthoyl) indole.....
Some trade or other names: JWH-018/spice
3. 1-Butyl-3-(1-naphthoyl) indole.....
Some trade or other names: JWH-073
4. 1-(3[trifluoromethylphenyl]) piperazine.
Some trade or other names: TFMPP
5. Or any similar structural analogs;

which products are sometimes known as “K2” or “Spice.”
(Ord. No. 2010-21, Sec. 1.)

7.84.02 Selling It is unlawful for any person to grow, sell or barter, offer to sell or barter, or publicly display for sale or barter any illegal smoking product or salvia divinorum or salvinorum as defined in 7.84.01 hereinabove. (Ord. No. 2010-21, Sec. 2.)

7.84.03 Possessing It is unlawful for any person to knowingly possess any illegal smoking product or salvia divinorum or salvinorum as defined in 7.84.01 hereinabove. (Ord. No. 2010-21, Sec. 3.)

7.84.04 Using It is unlawful for any person to knowingly breathe, inhale or drink any compound, liquid, or chemical listed within this ordinance, or a similar substance for the purpose of inducing a condition of intoxication, stupefaction, giddiness, paralysis, irrational behavior, or in any manner changing, distorting or disturbing the auditory, visual or mental process. (Ord. No. 2010-21, Sec. 4.)

7.84.05 Exception It is not an offense under 7.84.02 of this ordinance if the person was acting at the direction of an authorized agent of the city of Mountain Home, Arkansas, to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substance. (Ord. No. 2010-21, Sec. 5.)

7.84.06 Fines

- A. Any person who has violated 7.84.02 of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof in the District Court of Baxter County, shall be subject to pay a fine of up to Five Hundred Dollars (\$500.00) together with the costs of the action, and/or be imprisoned in the county jail for a period not to exceed thirty (30) days.
- B. Any person who has violated 7.84.03 or 7.84.04 of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof in the District Court of Baxter County, shall be subject to pay a fine of up to Two Hundred Dollars (\$200.00), together with the costs of the action, and/or be imprisoned in the county jail for a period not to exceed seven (7) days. (Ord. No. 2010-21, Sec. 6-7.)

CHAPTER 7.88

ENTERTAINMENT DISTRICT AND

OVERSIGHT COMMITTEE

Sections:

- 7.88.01 Creation and Establishment of an Entertainment District
- 7.88.02 Outside Consumption of Alcoholic Beverages Permitted and Conditions Required
- 7.88.03 Consumption of Alcoholic Beverages in a Motor Vehicle Prohibited
- 7.88.04 Alcoholic Beverages Purchased Outside the Entertainment District Not Allowed in Open Containers in District
- 7.88.05 Use of A-frame or sandwich board-style signs in the District
- 7.88.06 The District Oversight Committee
- 7.88.07 Application for Events and Festivals

7.88.01 Creation and Establishment of an Entertainment District Under the authority granted in Act 812 of 2019, the City Council does hereby create and establish an entertainment district in downtown Mountain Home, Arkansas, with the areas and boundaries as set forth and designated as follows:

Generally, the city blocks between 3rd Street and 9th Street and between Hickory Street and Church Street. The District also includes the block bordered by 6th Street, 7th Street, Gray Street and Hickory Street as well as the block bordered by 7th Street, 8th Street, Elm Street and Hickory Street. A city block in its entirety must fall within the above description to be considered a part of the District.

A map of the District is attached hereto as Exhibit 1 and incorporated herein.

Those areas encompassing Hickory Park, The Veteran's Plaza, and all government-owned or -occupied buildings are excluded from The District. It is the intention of the Council that by excluding these areas from the District, the consumption of alcoholic beverages within the confines of these premises is and shall continue to be prohibited, unless such consumption is pursuant to and authorized by a duly issued license issued by the Arkansas Alcoholic Beverage Control Board. (Ord. No. 2023-42, Sec. 1)

7.88.02 Outside Consumption of Alcoholic Beverages Permitted and Conditions Required Any merchant or entity in the entertainment district that is licensed by the Arkansas Alcoholic Beverage Control Board for on-premise retail alcohol beverage sales shall comply with all laws, rules, and regulations which govern its license type, except that a patron, guest or member of that licensee may exit the licensed premises between the hours of 11:00 a.m. and 12:00 a.m. (midnight) with no more than one (1) open container of alcoholic beverages and consume said alcoholic beverages anywhere within the confines of the entertainment district in which the alcoholic beverage was obtained (except those areas encompassing Hickory Park, The Veteran's Plaza, and all government-owned or occupied buildings), are subject to the following regulations:

- (1) Any merchant or entity in the entertainment district that is licensed by the Arkansas Alcoholic Beverage Control Board for on-premise retail alcohol beverage sales shall allow alcoholic beverages to be removed from the licensed premises only in a paper or plastic cup that bears the commercially printed name and/or logo of the designated licensee, and no such alcoholic beverages shall be removed from the licensed premises in a can, bottle, or glass container; except, that glass containers shall be allowed in a licensee's outdoor sit-down dining areas that are situated on a sidewalk or other right-of-way where the licensee has a right-of-way use agreement with the City of Mountain Home.
- (2) No District merchant shall allow a patron, guest or member to exit its licensed premises with more than one open container of alcoholic beverages, and it shall be unlawful for any person to exit such licensed premises with more than one such open container.
- (3) It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass container, or to possess any open can, bottle,

or glass container of alcoholic beverages on the streets, sidewalks, rights-of-way, and parking lots located within the District; except, that glass containers shall be allowed in a licensee's outdoor sit-down dining areas that are situated on a sidewalk or other right-of-way where the licensee has a right-of-way use agreement with the City of Mountain Home.

- (4) No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed sixteen (16) fluid ounces in size.
- (5) No person shall possess on the streets, sidewalks, rights-of-way, parking lots, or outdoor public areas located within the entertainment district any open alcoholic beverage container which exceeds sixteen (16) fluid ounces in size. (Ord. No. 2023-42, Sec. 2)

7.88.03 Consumption of Alcoholic Beverages in a Motor Vehicle Prohibited It shall be unlawful for any person to consume any alcoholic beverages while in the confines of a motor vehicle while the motor vehicle is located upon any public street, parking lot or other place to which the public has or is permitted to have access within the District. (Ord. No. 2023-42, Sec. 3)

7.88.04 Alcoholic Beverages Purchased Outside the Entertainment District Not Allowed in Open Containers in District Except for special events as permitted by the Arkansas Alcoholic Beverage Control Board and in compliance with all laws, rules, and regulations, no alcoholic beverages purchased outside of the District shall be allowed in open containers in the District. (Ord. No. 2023-42, Sec. 4)

7.88.05 Use of A-frame or sandwich board-style signs in the District Merchants in the District may display ONE (1) A-frame or sandwich board-style sign promoting their business, provided that the sign is only displayed during the business' operating hours.

The maximum dimensions of a sign are twenty-eight (28) inches by fifty (50) inches on a side. A business desiring to display a portable sign larger than that must first receive permission from the City's Planning Commission before displaying said sign.

Signs should be placed directly in front of the respective businesses, and a sign's placement should not impede sidewalk foot traffic any more than what is reasonable. Caution should also be taken to make sure that said sign is not a distraction to the safe operator of motor vehicles.

The use of these signs in the District is an exemption to Ordinance No. 2023-28. (Ord. No. 2023-42, Sec. 5)

7.88.06 The District Oversight Committee

A. Membership

Membership shall consist of the following five (5) members and shall be appointed by the City of Mountain Home Mayor.

1. One (1) member from the City of Mountain Home Governing Body, who shall be appointed by the City of Mountain Home Mayor.
2. Two (2) business owners from “The District” who shall be appointed by the City of Mountain Home Mayor.
3. One (1) member from the tourism industry, who shall be appointed by the City of Mountain Home Mayor.
4. One (1) member from the public-at-large, who shall be appointed by the City of Mountain Home Mayor.

B. Liaison

The following position shall serve in a non-voting capacity as a resource for the Oversight Committee:

1. City of Mountain home Mayor

C. Term of Office

1. All Oversight Committee members shall serve for as long as they hold their respective positions with the agency they represent.
2. Members shall serve a one-year term, two-year term, and three-year term as follows:
 - Public-At-Large Member – one-year term;
 - Governing Body Member – two-year term;
 - Tourism Industry Member – two-year term;
 - Business Owner Member – three-year term;
 - Business Owner Member – three-year term;

Thereafter, each eligible person will serve a three-year term upon expiration of these beginning terms. If any member is unable to complete their term of office, the City of Mountain Home Mayor shall appoint a citizen to fill the unexpired term. The Mayor also reserves the right to replace members as needed.

D. Powers of Members

The duties and powers of the Oversight Committee shall be as specified herein and the Oversight Committee shall make rules and regulations as necessary to carry out the provisions of this Ordinance.

1. The Oversight Committee shall meet bi-monthly, or may be called as needed to address urgent business by the City of Mountain Home Mayor or by the Chairman of the Oversight Committee.
2. The Oversight Committee shall, from time to time, review the regulations and requirements.

E. Voting Rights and Responsibilities of Members

1. All members of the Oversight Committee shall have full and equal voting rights and responsibilities on matters brought before the Oversight Committee.
2. A Chairperson, Vice Chairperson, Treasurer and Secretary shall be selected by Oversight Committee Members.
3. The Committee shall not conduct business unless a quorum is present. A quorum is defined as a majority of appointed members, excluding vacant seats. (Ord. No. 2023-42, Sec. 6)

7.88.07 Application for Events and Festivals Any person or corporation wishing to hold an event or festival in the District shall fill out an application and turn the application into City of Mountain Home Building Inspection Department. All applicants must turn in the application sixty (60) days prior to the event or festival.

A. Contents of Application

All applicants will follow the guidelines established by this Ordinance and by the Oversight Committee.

1. A non-refundable fee of twenty-five dollars (\$25.00) shall accompany all original applications before consideration is given to be application.
2. The name, number, address, and email of the applicant.
3. A full description of the event.

4. A description of the physical location of the event from which the applicant intends to operate.
5. A description of how many people are expected to attend the event.
6. A description on how long the event will last.
7. A certificate of insurance in a form acceptable to the City of Mountain Home.
8. All applicants who wish to have alcohol at the event shall provide a license from the Arkansas Alcoholic Beverage Control Division.
9. The correct percentage of proceeds as required by the Arkansas Alcoholic Beverage Commission shall be donated to a non-profit organization within Baxter County, Arkansas.

B. Consideration of Application

1. The Oversight Committee shall receive applications from the City of Mountain Home Building Inspection Department.
2. The Oversight Committee will review, evaluate, and vote on every eligible application.
3. All applicants who are approved will be contacted by the Oversight Committee within ten (10) business days from the time the application is approved.
4. Approved Applicants shall submit a refundable deposit in the amount of two hundred fifty dollars (\$250.00) prior to the event. (Ord. No. 2023-42, Sec. 7)

CHAPTER 7.92

RESERVED

CHAPTER 7.96

MOBILE FOOD COURTS

Sections:

- 7.96.01 Definitions
- 7.96.01 Mobile Food Courts
- 7.96.03 Permitted Use Districts
- 7.96.04 Penalties

7.96.01 Definitions Mobile Food Court. A parcel of land where two or more mobile food vehicles congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food vehicles as a secondary, accessory, and/or temporary use on existing commercially developed or zoned properties. (Ord. No. 2020-12, Sec. 1)

7.96.01 Mobile Food Courts

1. Application Requirements

The property owner shall apply to the City of Mountain Home on such form or forms as may be required to confirm compliance with the standards herein. An application shall include a detailed site plan of the proposed food court, showing the location and dimensional relationships of the property lines, all proposed mobile vendor locations, setbacks, vehicle parking, sidewalk locations, dining or sitting areas and water retention for the site.

2. Location Requirements

- A.** Mobile food courts may locate only in those zoning districts where permitted.
- B.** No mobile food court may be located within 50 feet of an existing restaurant.

3. Site Development Standards

- A.** All setback requirements in the underlying zoning district shall be adhered to. No mobile food unit, structures associated with mobile food court, nor any associated seating areas shall be located in a required setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement and/or fire lane;
- B.** There shall be at least ten feet clearance between all individual mobile food units and all permanent, accessory or non-accessory structures;

- C.** Each mobile food unit shall be located on an all-weather surface pad.
- D.** Vehicular drive-through service of food and/or beverages shall not be permitted;
- E.** All mobile food unit related activity, such as seating, must occur within 25 feet from the associated mobile food unit or within a communal arrangement serving all of the mobile food units;
- F.** All mobile food units and related activities shall comply with the State Fire Code;
- G.** The placement of mobile food units shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway or street;
- H.** Adequate restroom facilities shall be provided either-on-site or through a shared use agreement with a neighboring business. Portable toilets if used must be screened from view of the public;
- I.** Electrical service may be provided to the mobile food units by permitted temporary electrical connection (or other permitted connection provided by an electric utility) or on-board generators. The use of on-board generators shall require sound absorbing devices used to contain or deflect noise from any external generator. No on-board generators shall be used within 150 feet of any residential use area. Above ground utility connections shall not interfere with pedestrian or vehicular safety and shall not be located in customer service areas or customer parking areas;
- J.** All mobile food units shall supply in a prominent location trash containers sufficient in size to collect all waste generated by customers and staff of the mobile vending operation. All trash and debris generated by customers and staff shall be collected by the mobile vendor and deposited in their trash container and removed from the site by the mobile vendor;
- K.** All mobile food courts shall provide a minimum 2 off street parking spaces for every mobile food unit pad.

4. Business Licenses

- A.** All property owners of a mobile food court shall hold a business licenses from the City of Mountain Home said business licenses shall have a cost of \$50.00 dollars per mobile food unit pad and be renewed every year. (Ord. No. 2020-12, Sec. 2)

7.96.03 Permitted Use Districts

1. Mobile Food Courts shall be allowed in the following zoning districts;

- A. C-1, C-2 and C-2A
(Ord. No. 2020-12, Sec. 3)

7.96.04 Penalties Any person in violation of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction shall be fined not less than \$100.00 nor more than \$200.00 per day. Each act of violation and everyday upon which any such violation shall occur shall constitute a separate offense. (Ord. No. 2020-12, Sec. 4)