

## TITLE 7

### PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Loitering
- 7.16 Claims against City
- 7.20 Storage and Handling of Volatile Combustibles
- 7.24 Outside Fire Service
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- 7.32 Unsafe Driving
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- 7.40 Trees
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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 of the laws of criminal procedure in connection therewith, one (1) copies of which are on file in the Clerk/Treasurer's office, are hereby enacted by the City Council to form a part of the laws of the city and any person, firm or corporation being found guilty of the violation of any such laws shall be deemed guilty of the violation of the ordinances of the city, and shall be fined or imprisoned or both in the manner set out under the state statutes. STATE LAW REFERENCE - See A.C.A. 14-55-501

7.04.02 State penalties adopted The same minimum and maximum penalties for the violation of misdemeanors and violations as are provided in the state statutes are hereby adopted as the minimum and maximum fines for the violation of the same offenses which are prohibited by the ordinances of this city. STATE LAW REFERENCE - A.C.A. 14-55-502

## **CHAPTER 7.08**

### **CURFEW**

#### **Sections:**

7.08.01	Curfew for minors
7.08.02	Issuing permits
7.08.03	Penalty

7.08.01 Curfew for minors It shall hereafter be unlawful for any minor of the age of 17 years and under to be found loitering upon any of the streets, alleys, sidewalks and other public places in the city of Bald Knob, White County, Arkansas, after 10:00 p.m. Sundays through Thursdays, until 6:00 a.m. the next morning and after 11:00 p.m. on Fridays and Saturdays, until 6:00 a.m. the next morning, unless accompanied by their parents or person charged with the care of the minor, or enroute to see a physician, or unless they have special permits issued by the Chief of Police as hereinafter provided. (Ord. No. 93-07, Sec. 1.)

7.08.02 Issuing permits The Chief of Police or his assistants may issue permits to a minor of 17 years and under upon request of the minor's parents or person charged with the care of said minor upon grounds that are sufficient for said minor to be excepted from this ordinance. (Ord. No. 88-08, Sec. 2.)

7.08.04 Penalty Any parent or person charged with the care of a minor of the age of 17 years or under, permitting or allowing their child or ward to violate Section 1 herein, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount of not less than Seventy-Five (\$75.00) Dollars, nor more than Two Hundred Fifty (\$250.00) Dollars for each violation, and each violation shall be deemed to be a separate offense. (Ord. No. 96-04, Sec. 1.)

## **CHAPTER 7.12**

### **LOITERING**

#### **Sections:**

7.12.01	Illegal
7.12.02	Definitions
7.12.03	Penalty

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

7.12.02 Definitions.

- A. A person commits the offense of loitering if he:
1. lingers, remains or prowls in a public place or on the premises of another without apparent reason and under circumstances that warrant alarm or concern for the safety of persons or property in the vicinity; and upon inquiry by a law enforcement officer, refuses to identify himself and give a reasonably credible account of his presence and purpose; or
  2. lingers, remains, or prowls in or near a school building, not having any reason or relationship involving custody of or responsibility for a student, and not having written permission from anyone authorized to grant the same; or
  3. lingers or remains in a public place or on the premises of another for the purpose of begging; or
  4. lingers or remains in a public place for the purpose of unlawfully gambling; or
  5. lingers or remains in a public place for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual activity; or
  6. lingers or remains in a public place for the purpose of unlawfully buying, distributing, or using a controlled substance; or
  7. lingers or remains on or about the premises of another for the purpose of spying upon or invading the privacy of another.
- B. Among the circumstances that may be considered in determining whether a person is loitering are that the person:
1. takes flight upon the appearance of a law enforcement officer; or
  2. refuses to identify himself; or
  3. manifestly endeavors to conceal himself or any object.
- C. Unless flight by the actor or other circumstances make it impracticable, a law enforcement officer shall, prior to an arrest for an offense under subsection A (1) of this section, afford the actor an opportunity to dispel any alarm that would otherwise be warranted by requesting him to identify himself and explain his presence and conduct.

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

7.12.03 Penalty. As set out in A.C.A. 5-71-213, loitering is a Class C misdemeanor punishable by a maximum fine of One Hundred Dollars (\$100.00).

## **CHAPTER 7.16**

### **CLAIMS AGAINST CITY**

#### **Sections:**

- 7.16.01 Liability coverage  
7.16.02 Settlement of claims

7.16.01 Liability coverage. The city shall carry liability coverage on all its motor vehicles in the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act.

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

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

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

## **CHAPTER 7.20**

### **STORAGE AND HANDLING OF VOLATILE COMBUSTIBLES**

#### **Sections:**

- 7.20.01 Restriction on keeping  
7.20.02 Volatiles never to be allowed to pass into drainage system  
7.20.03 Penalty

7.20.01 Restriction on keeping. Gasoline, naphtha, benzine, and other like volatile combustibles or their compounds in excess of a total of five (5) gallons, exclusive of that in tanks of automobiles, in combustion engines, or in approved portable wheeled tanks in public garages each not exceeding sixty (60) gallons capacity, shall not be kept within any building. Such total of five (5) gallons or less shall be kept only in cans approved by the Chief of the Fire Department. Any quantity in excess of five (5) gallons shall be kept only in a tank or tanks placed not less than two (2) feet beneath the surface of the ground or in an outside tank or tanks above ground and approved by the Chief of the Fire Department located not less than fifty (50) feet from the line of any adjoining property which may be built upon. The tank or tanks shall be adequately and properly diked with a dike having capacity not less than equal in volume to that of the tank or tanks surrounded. No underground tanks shall be placed, constructed or maintained under a street, public sidewalk or in a sidewalk area.

7.20.02 Volatiles never to be allowed to pass into drainage system. In no instance shall gasoline, naphtha, benzine and other like volatile combustibles or their compounds be allowed to run upon the floor or fall or pass into the drainage system of the premises. Self-closing metal cans shall be used for all oily waste or waste oils.

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

## **CHAPTER 7.24**

### **OUTSIDE FIRE SERVICE**

Sections:

- 7.24.01 Authority to dispatch
- 7.24.02 Restrictions
- 7.24.03 Cost of aid without mutual aid agreement
- 7.24.04 Mutual aid agreement

7.24.01 Authority to dispatch. No Fire Department apparatus shall be taken beyond the corporate limits of the city of Bald Knob, Arkansas, as the same now or hereafter exists, to assist at any fire or for any other purpose, except by order of the Mayor and/or Fire Chief of Bald Knob, or their designated representative, and subject to the restrictions and conditions hereinafter set forth. (Ord. No. 92-02, Sec. 1.)

7.24.02 Restrictions. The Mayor and/or Fire Chief of the city of Bald Knob or their designated representative, are authorized, in their discretion, to aid in the extinguishing of fires in another city (or town), public institutions, corporation or other properties within a reasonable distance from the city of Bald Knob, or upon property immediately adjacent to the city of Bald Knob in which there is a possibility of fire spreading within the corporate limits, under the following conditions:

- A. A request from a city or incorporated town for assistance must come only from the Mayor, Fire Chief or such other person as may be designated, with approval of the city of Bald Knob.
- B. Calls may be responded to only by such apparatus which, in the judgment of the Mayor or Fire Chief of the city of Bald Knob, or their designated representative, can be safely sent without unduly impairing the fire protection within the city of Bald Knob, jeopardizing the fire classification rating of the city of Bald Knob, and when highways, road and weather conditions are favorable.
- C. The city, incorporated town, fire association, public institutions, firms, or individual requesting assistance must pay the charge for apparatus and service hereinafter provided unless there exists a mutual aid agreement;
- D. The city of Bald Knob, by and through its Mayor and/or Fire Chief and/or its designated representative, may enter into a mutual aid agreement, with any neighboring city or community, public institution, fire association, firm or individual outside the corporate limits of the city of Bald Knob and within a five-mile radius of the corporate limits of said city as the same now or hereinafter exists, to render aid in extinguishing fires.
- E. In the discretion of the Mayor and/or Fire Chief, or their designated representative, the city of Bald Knob may go beyond the five-mile radius limit set forth herein to assist another city, or community in the extinguishing of fire or where there is adequate evidence that human life is in danger.
- F. If there exists a present need for the fire department of the city of Bald Knob to render assistance in the extinguishing of fire within the corporate limits of Bald Knob, or such need develops after a call for fire service outside the corporate limits of Bald Knob, then the first obligations of the said Fire Department shall be to render aid in extinguishing of fire within the corporate limits of Bald Knob. (Ord. No. 92-02 Sec. 2.)

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

7.24.03 Cost of aid without mutual aid agreement. Unless there exists a mutual aid agreement, every municipality, institution, fire association, firm or individual requesting and receiving services of the Fire Department of the city of Bald Knob, shall pay for such services

and the use of apparatus as follows:

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- A. \$100.00 minimum for any one request for assistance
- B. PUMPER - If pumper is used, an additional \$50.00 per each one-half hour or part hereof.
- C. CHEMICAL TRUCK - If chemicals are used, an additional \$25.00 and cost of chemicals.
- D. The charges in this section of this ordinance shall not exceed \$200.00 for any request. (Ord. No. 92-02, Sec. 3.)

7.24.04 Mutual aid agreement Each person, firm or corporation receiving services of the fire department, unless there exists a mutual aid agreement, shall pay to the city of Bald Knob, for each fire truck driver a sum representing \$6.00 per hour or part thereof, from the time fire apparatus leaves the fire house until it returns thereto, and shall pay to each fireman helping at the fire a sum representing \$6.00 per hour or part thereof, from the time he reports to the foreman of his company until the time his services ends. The payments herein stipulated shall be made within fifteen (15) days after demand, by the city of Bald Knob. (Ord. No. 92-02.)

## **CHAPTER 7.28**

### **FIREWORKS**

Sections:

- 7.28.01 Selling fireworks
- 7.28.02 Shooting fireworks
- 7.28.03 Fine

7.28.01 Selling fireworks It shall hereafter be unlawful for any person or other legal entity to sell, purchase, barter, give away, or otherwise disposed of any firecrackers, cannon crackers, Roman candles, sky rockets, sparklers, or any other type of fireworks, of whatsoever kind or character, within the city of Bald Knob. (Ord. No. 96-05, Sec. 1.)

7.28.02 Shooting fireworks It shall hereafter be unlawful for any person or other legal entity to shoot, explode, or otherwise fire any firecrackers, cannon crackers, Roman candles, sky rockets, sparklers, or any other type of fireworks, of whatsoever kind or character, within the city of Bald Knob. (Ord. No. 96-05, Sec. 2.)

7.28.03 Fine Any person or other legal entity violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined a sum of not less than \$75.00 and not more than \$150.00. (Ord. No. 96-05, Sec. 3.)

## CHAPTER 7.32

### UNSAFE DRIVING

Sections:

7.32.01	Defining
7.32.02	Fine

7.32.01 Defining Any person who drives any vehicle in such a manner as to indicate a negligent disregard for the safety of persons or property is guilty of unsafe driving. (Ord. No. 96-6, Sec. 1.)

7.32.02 Fine Violation of this ordinance is hereby declared to be a misdemeanor and any person violating the provisions hereof may be punished upon a first conviction by imprisonment for a period of up to 30 days or by a fine not less than \$75.00 and not more than \$500.00, or by both such fine and imprisonment, and on a second or subsequent conviction shall be imprisoned for not less than 2 days and not more than 90 days or by fine of not less than \$100.00 and not more than \$500.00 or by both such fines and imprisonment. (Ord. No. 96-6, Sec. 2.)

## CHAPTER 7.36

### NOVELTY LIGHTERS

Sections:

7.36.01	Lighters prohibited
7.36.02	Definition
7.36.03	Exceptions
7.36.04	Enforcement
7.36.05	Penalty

7.36.01 Lighters prohibited The retail sale, offer of retail sale, gift or distribution of any novelty lighter within the territorial jurisdiction of the city of Bald Knob is prohibited. The prohibition is inapplicable to:

- A. Novelty lighters which are only being actively transported through the city; or
- B. Novelty lighters located in a warehouse closed to the public for purposes of retail sales. (Ord. No. 2008-2, Sec. 1.)



7.36.02 Definition

**Novelty lighter** means a lighter that has entertaining audio or visual effect, or that depicts, through the use of logos, decals art work, or by other means, or that resembles in physical form or function articles commonly recognized as appealing to or intended for use by juveniles ten (10) years of age or younger. This includes, but is not limited to, lighters that depict or resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages, or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel. (Ord. No. 2008-2, Sec. 1.)

7.36.03 Exceptions The term “novelty lighter” excludes:

- A. any lighter manufactured prior to 1980; and
- B. any lighter which lacks fuel; or
- C. any lighter which lacks a device necessary to produce combustion or a flame. (Ord. No. 2008-2, Sec. 1.)

7.36.04 Enforcement The provisions of this section shall be enforced by the Fire Chief, any police officer, any Code Enforcement Officer, and any other city official authorized to enforce any provision of the Bald Knob code of ordinances. (Ord. No. 2008-2, Sec. 1.)

7.36.05 Penalty Any person or entity violating any provision of this section is guilty of an infraction, and upon conviction therefore, shall be subject to a fine or penalty of not less than Twenty-Five Dollars (\$25.00), nor more than Five Hundred Dollars (\$500.00). (Ord. No. 2008-2, Sec. 1.)

**CHAPTER 7.40**

**TREES**

Sections:

- 7.40.01 Planting
- 7.40.02 Trimmed height
- 7.40.03 Penalties
- 7.40.04 Prosecution
- 7.40.05 Trimming or removal by the city

7.40.01 Planting Any person may plant any shade/ornamental tree in any part of the street right-of-way between the lot line and the pavement, by complying with the following standards:

- A. No tree shall be planted in such a location in proximity that its roots would be likely to damage any public sidewalk, street pavement or any driveway or parking area. Consideration shall be given to the type of sidewalk, the nature of the street pavement or parking are, and to the type and estimated size of the adult tree. Any tree planted must be of such a type that it can be trimmed properly to comply with 7.40.02 of this ordinance.
- B. No tree shall be planted in such a location that it will at any time impede or block the view of drivers of vehicles approaching an intersection.
- C. Prior to the planting of any future trees in city right-of-ways, any person planting said tree must obtain prior approval of the street superintendent and code enforcement. If the proposed tree is in compliance with the terms of this ordinance, the Street Superintendent and Code Enforcement Officer shall give said approval in writing within thirty (30) days, by a memo or note designating the location, and the type and size of tree to be planted. If the Street Superintendent and/or Code Enforcement Officer do not grant approval, a reason for disapproval shall be provided in writing for the refusal within thirty (30) days. (Ord. No. 2011-3, Sec. 1.)

7.40.02 Trimmed height Each tree in the right-of-way, whether planted after the effective date of this ordinance or before the effective date of this ordinance, shall be kept trimmed so that there is at least eight (8) feet of clearance over any sidewalk, over any part of the street pavement, and over any adjacent driveway. The person owning the property adjacent to the tree shall be responsible for such trimming. (Ord. No. 2011-3, Sec. 2.)

7.40.03 Penalties Any person, firm or corporation violating any provision of this ordinance shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Seventy-Five Dollars (\$75.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. No. 2011-3, Sec. 3.)

7.40.04 Prosecution No person, firm or corporation shall be prosecuted for any violation of this ordinance without first having been informed, in writing, of said violation giving the person a minimum of seven (7) calendar days to correct said violation. (Ord. No. 2011-3, Sec. 4.)

7.40.05 Trimming or removal by the city The city shall have the authority at any time to remove or trim to the extent necessary any tree planted under the terms of this ordinance based on the non-compliance with the terms of this ordinance. Any removal by the city shall only occur after the person/property owner has been given notice and/or issued a violation of this ordinance and given an opportunity to correct said violation within seven (7) calendar days. Any person not obtaining proper prior approval of planting under the terms of 7.40.01(C) shall be subject to the city's immediate removal of said tree without prior notice or the issuance of any violation. (Ord. No. 2011-3, Sec. 5.)

## **CHAPTER 7.44**

### **JAKE BRAKES**

#### **Sections:**

- |         |            |
|---------|------------|
| 7.44.01 | Prohibited |
| 7.44.02 | Fine       |

7.44.01 Prohibited The use of an engine braking device as defined hereinabove is hereby prohibited within the city limits of the city of Bald Knob, Arkansas. The following provision is hereby adopted and added to the ordinances of the city of Bald Knob, Arkansas, for the purposes of prohibiting the use of engine braking device systems and thereby the creation of excessive, unnecessary and unjustified noise levels within the city limits. (Ord. No. 2010-5, Sec. 1.)

7.44.02 Fine Any person violating any provision of this ordinance shall be deemed guilty of a violation and punished by a fine of not less than One Hundred Dollars (\$100.00) but not more than Two Hundred Fifty Dollars (\$250.00) plus court costs for each separate offense. (Ord. No. 2010-5, Sec. 2.)

**CHAPTER 7.48****AIRPORT REGULATIONS****Sections:**

- 7.48.01 Unauthorized persons
- 7.48.02 Exceptions
- 7.48.03 Fine

7.48.01 Unauthorized persons No unauthorized person or vehicle shall drive, walk, park or traverse the runway surfaces of the Bald Knob Airport except for personnel conducting airport maintenance. (Ord. No. 2012-7, Sec. 1.)

7.48.02 Exceptions Any personnel conducting airport maintenance shall be permitted to be present on the surface of the runways of the Bald Knob Airport.

Said personnel shall, prior to conducting said maintenance, contact dispatch at the Bald Knob Police Department and shall provide at a minimum:

- A. Full name and contract telephone number of personnel to be on runway;
- B. Make and model of vehicle to be on runway; and
- C. Time frame for which the personnel will be on the runway.  
(Ord. No. 2012-7, Sec. 2.)

7.48.03 Fine Any prohibited person found driving, walking, parking or traversing the runway surfaces of the Bald Knob Airport shall be subject to a fine of One Hundred Dollars (\$100.00). Any subsequent offense shall be punishable by a fine of Two Hundred Fifty Dollars (\$250.00). (Ord. No. 2011-7, Sec. 3.)