

MUNICIPAL CODE

**A Code of the General Ordinances
of the city of Cotter, Arkansas**

Date of Incorporation

July 13, 1904

Date of Codification

March 2009

Prepared with
assistance of the

ARKANSAS MUNICIPAL LEAGUE

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

COTTER MUNICIPAL OFFICIALS

At The Time Of This Code's Preparation

Mayor **McGeorge Caradine**

Recorder/Treasurer **Andrea Kray**

City Attorney **Roger Morgan**

District Judge **Judge Jason Duffy**

Police Chief **Travis Hopson**

Fire Chief **Lyle Jack**

Director of Public Works **Justin Morrow**

Street Superintendent **Bruce Baker**

Wastewater Superintendent **Cody Sutterfield**

Aldermen **Mertice Kray** **Mark Johnson**

Carolyn Gill **Cameron Ross**

Chuck Suggs **Linda McCarty**

ORDINANCE NO. _____

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

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

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

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 All ordinances of a general and permanent nature not included in such code are hereby repealed from and after the _____ day of _____, except as herein provided. No resolution of the city, not specifically mentioned, is hereby repealed.

Section 3. That the repeal provided for in Section 2 hereof shall not affect any of the following:

- A. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such code;
- B. Any ordinance promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;
- C. Any contract or obligation assumed by the city;

- D. Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the city;
- E. Any appropriation ordinance;
- F. Any ordinance which, by its own terms, is effective only for a stated or limited time;
- G. Any ordinance providing for local improvements and assessing taxes therefor;
- H. Any ordinance dedicating or accepting any subdivision plat; or
- I. Any ordinance enacted after _____.

Section 4. That whenever in such code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefore, the violation of any such provision of such code shall be punishable as provided by Section 1.32.01 of such code.

Section 5. That any and all additions and amendments to such code, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such code so that reference to the Cotter Municipal Code shall be understood and intended to include such additions and amendments.

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

Section 7. That three copies of such code shall be kept on file in the office of the Recorder/Treasurer preserved in looseleaf form or in such other form as the City Council may consider most expedient. It shall be the express duty of the Recorder/Treasurer, or someone authorized by the Recorder/Treasurer, to insert in their designated places all amendments or ordinances which indicate the intention of the City Council to make the same a part of such code when the same have been printed or reprinted in page form, and to extract from such code all provisions which may be from time to time repealed by the City Council. These copies of such code shall be available for all persons desiring to examine the same.

Section 8. That it shall be unlawful for any person to change or amend by additions or deletions any part or portion of such code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the city of Cotter to be misinterpreted thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.

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

Section 10. It is hereby found that many of the ordinances of the city of Cotter are not easily accessible to citizens and municipal officials and thereby has rendered it difficult for many persons to determine the actual laws in effect; and that the city has made unusual efforts to have the laws of the city of Cotter adopted and published. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

Approved and passed this _____ day of _____.

Mayor

(SEAL)

ATTEST:

Recorder/Treasurer

LEGAL NOTICE

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

Pursuant to A.C.A. 14-55-206 three copies of the Cotter Municipal Code are on file in the office of the Mayor for the inspection and view of anyone interested in this ordinance. This ordinance will be considered at the meeting of the City Council on _____.

MAYOR

P R E F A C E

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

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

**ARKANSAS MUNICIPAL LEAGUE
CODE SERVICE**

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At The Time Of This Code's Preparation

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Recorder/Treasurer	Peggy Hammack	
City Attorney	Roger Morgan	
District Judge	Van Gearhart	
Police Chief	Scott Thrasher	
Fire Chief	James Whittington	
Director of Public Works	Ronnie Smith	
Street Superintendent	Richard Weaver	
Wastewater Superintendent	George Lanning	
Aldermen	Tom Stueken	George Peters
	Gil Stammer	John Dubois
	Denis Dunderdale	Jack Burkhart

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Recorder/Treasurer

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TITLE 1

GENERAL PROVISIONS

Chapters:

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

CHAPTER 1.04

CODE DESIGNATED AND CITED

Sections:

- 1.04.01 Code designated and cited

1.04.01 Code designated and cited The ordinances embraced in the following chapters and sections shall constitute and be designated "Cotter Municipal Code" and may be so cited.

STATE LAW REFERENCE-See A.C.A. 14-55-701, *et seq.*

CHAPTER 1.08

RULES OF CONSTRUCTION

Sections:

- 1.08.01 Rules of construction

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

STATE LAW REFERENCE: A.C.A. refers to the official Arkansas Code Annotated which set forth the laws passed by the General Assembly of the state of Arkansas.

CITY. The words "**the city**" or "**this city**" shall mean the city of Cotter, Arkansas.

CITY COUNCIL. Whenever the words "**City Council**" or "**Council**" are used they shall be construed to mean the City Council of the city of Cotter, Arkansas.

COUNTY. The words "**the county**" or "**this county**" shall mean the county of Baxter, Arkansas.

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

MUNICIPALITY. The words "**the municipality**" or "**this municipality**" shall mean the city of Cotter, Arkansas.

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

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

OTHER CITY OFFICIALS OR OFFICERS. References made to officials, boards, commissions, departments, etc., by title only shall be deemed to refer to the officials, boards, commissions and departments of the city of Cotter, Arkansas.

PERSON. The word "**person**" shall extend and be applied to firms, partnerships, associations, organizations and bodies politic and corporate, or any combination thereof, as well as to individuals.

STATE. The words "**the state**" or "**this state**" shall be construed to mean the state of Arkansas.

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

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

CHAPTER 1.12

SUBHEADINGS OF SECTIONS

Sections:

1.12.01 Subheadings of sections

1.12.01 Subheadings of sections The subheadings of sections of this code, which are underlined, are intended merely to indicate the contents of the section and shall not be deemed, or taken to be titles of, such sections, nor as any part of the section.

CHAPTER 1.16

EFFECT OF REPEAL OF ORDINANCES

Sections:

1.16.01 Effect of repeal of ordinances

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

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

CHAPTER 1.20

SEVERABILITY OF PARTS OF CODE

Sections:

1.20.01 Severability of parts of code

1.20.01 Severability of parts of code It is hereby declared to be the intention of the City Council of the city of Cotter, Arkansas, that the titles, chapters, sections, paragraphs, sentences, clauses, and phrases of this code are severable, and if any phrase, clause, sentence, paragraph, chapter, title or section of this code shall be declared unconstitutional or invalid by the judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, chapters, titles and sections of this code.

CHAPTER 1.24

AMENDMENTS TO CODE

Sections:

1.24.02 Amendments to code

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

Amendment to any of the provisions of this code may be made by amending such provisions by specific reference to the section number of this code in the following manner, if substantially similar language is used: "That section _____ of the Cotter Municipal Code is hereby amended to read as follows: . . ." The new provisions may then be set out in full.

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

All sections, titles, chapters or provisions desired to be repealed must be specifically repealed by section, title or chapter number, as the case may be. In the alternative, if an ordinance is repealed by reference to its ordinance number, then the code section, title, chapter or provision setting forth the words of the repealed ordinance shall be deemed to have been repealed and shall be omitted from this code.

CHAPTER 1.28

ALTERING CODE

Sections:

1.28.01 Altering code

1.28.01 Altering code Any ordinance and any portion of this code shall be repealed or amended only by an ordinance duly passed by the governing body of the city of Cotter, or by a vote of the qualified electors as provided in the Constitution or the laws of the state of Arkansas. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which shall cause the law of the city of Cotter, Arkansas to be misrepresented thereby. Any person violating this section shall be punished as provided by Section 1.32.01 hereof.

CHAPTER 1.32

GENERAL PENALTY

Sections:

1.32.01 General Penalty

1.32.01 General penalty Whenever in this Municipal Code the doing of any act or the omission to do any act or duty is declared unlawful, and further, whenever the amount of the fine shall not be fixed and no penalty declared, any person convicted for a violation of such provision of this code shall be adjudged to pay a fine of not more than Five Hundred Dollars (\$500.00) or double that sum for each repetition of such offense or violation and if the act is continuous, not more than Two Hundred and Fifty Dollars (\$250.00) for each day of continuance. Provided, for any offense committed against the code for which there is set forth by state law a similar offense the penalty therefore shall be no less nor greater than that set forth by state law.

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

CHAPTER 1.36

REFERENDUM PETITIONS

Sections:

- 1.36.01 Filing date
- 1.36.02 Upon defeat of ordinance

1.36.01 Filing date All referendum petitions under Amendment No. 7 to the Constitution of the state of Arkansas must be filed with the Recorder/Treasurer within thirty (30) days after passage and publication of any such ordinance. (Ord. No. 121, Sec. 1.)

1.36.02 Notice of hearing. Whenever any referendum petition is filed, the Mayor, acting on behalf of the City Council, shall give notice by publication for one insertion in a newspaper published and having a general circulation in the city of Cotter of a time not less than five (5) days after the publication of such notice at which the Council will hear all persons who wish to be heard on the question whether such petition is signed by the requisite number of petitioners. At the time named the City Council shall meet at its regular place of meeting, and hear all who wish to be heard on the question, and its decision shall be final unless suit is brought in the Chancery Court of Baxter County within thirty (30) days to review its action. (Ord. No. 121, Sec. 2.)

1.36.03 City Council calls election. If the City Council of the city of Cotter, Arkansas, finds that such petition is signed by the requisite number of petitioners, it shall order a special election to determine by vote of the qualified electors whether the ordinance or resolution shall stand or be revoked and fix a date which shall be not less than ten (10) days after the date of the action of the Council calling the election. The Mayor shall publish a notice of the call of such election in not less than one issue of a newspaper published and having a general circulation in the city of Cotter not less than five (5) days prior to the date of the election. Such notice shall designate by its number, caption, and date of passage, the ordinance which has been referred to the people for approval or rejection by their vote at such election. Otherwise, subject to the provisions of Amendment No. 7 to the Constitution of Arkansas, and other applicable laws, said election shall be conducted in the manner provided by law for the conduct of a regular municipal election. (Ord. No. 121, Sec. 3.)

1.36.04 Upon defeat of ordinance. If any ordinance or resolution referred to the people is defeated at the polls, the City Council shall make a note of such fact and shall expunge such ordinance or resolution from its files by erasing the same with red ink. (Ord. No. 121, Sec. 4.)

STATE LAW REFERENCE - See Const., Amend. No. 7 and A.C.A. 7-9-103 through 7-9-120 and 14-55-203.

TITLE 2

CLASSIFICATION, ADMINISTRATION

AND PERSONNEL

Chapters:

- 2.04 City Classification
- 2.08 Ward Boundaries
- 2.12 Recorder/Treasurer
- 2.16 City Attorney
- 2.20 Volunteer Fire Department
- 2.24 Police Department
- 2.28 City Court
- 2.32 LOPFI

CHAPTER 2.04

CITY CLASSIFICATION

Sections:

- 2.04.01 Classification of city

2.04.01 Classification of city The city of Cotter, Arkansas, shall operate as a city of the second class under the laws of the state of Arkansas. STATE LAW REFERENCE - See A.C.A. 14-37-103.

CHAPTER 2.08

WARD BOUNDARIES

Sections:

- 2.08.01 Ward boundaries

2.08.01 Ward boundaries The boundaries of the three wards of said city shall be as follows:

Ward 1 The east boundary of said Ward 1 shall begin at the point where Fifth Street, if extended southerly, would intersect the left bank of White River; from said point run thence northerly along said extended line and along Fifth Street to the alley lying between South Street and McLean Avenue; run thence along said alley to Fourth Street, run thence northerly along Fourth Street to a point where Fourth Street, if extended northerly, would intersect the left bank of White River; and the territory comprising said Ward 1, shall be all the lands lying west of the aforescribed east boundary line of said ward to the left bank of White River.

Ward 2 The territory comprising Ward 2 shall be all the lands lying between the east boundary line of Ward 1 (this being the west boundary line of Ward 2) and Melba Street, if extended, in a northerly direction to College Street, and thence westerly along College Street, Melba Avenue and Harding Boulevard to the east boundary of Ward 1.

Ward 3 The territory comprising Ward 3 shall be all remaining lands situated within the boundary lines of the city of Cotter, Arkansas. (Ord. No. 97-7, Sec. 1-3.)

CHAPTER 2.12

RECORDER/TREASURER

Sections:

- 2.12.01 Offices combined
- 2.12.02 Duties
- 2.12.03 Clarification
- 2.12.04 Compensation

2.12.01 Offices combined The offices of City Recorder and City Treasurer shall be held by one and the same person, which office shall be known as Recorder/Treasurer. (Ord. No. 140, Sec. 1.)

2.12.02 Duties The office of the Recorder/Treasurer for the city of Cotter shall have all duties and responsibilities provided for under the laws of the state of Arkansas and the laws of the city of Cotter, Arkansas. (Ord. No. 2011-1, Sec. 1.)

2.12.03 Clarification The provisions of Ord. No. 2010-5 which prescribe the duties and responsibilities of the office of Recorder/Treasurer shall be in addition to any duties and responsibilities provided to the office by the laws of the state of Arkansas, and shall not be construed to limit the duties prescribed to the office by the laws of the state of Arkansas. (Ord. No. 2011-1, Sec. 2.)

2.12.04 Compensation The compensation for the office of Recorder/Treasurer shall be set pursuant to the provisions of the annual operation budget for the city of Cotter, Arkansas. (Ord. No. 2011-1, Sec. 3.)

CHAPTER 2.16

CITY ATTORNEY

Sections:

- 2.16.01 Election
- 2.16.02 Appointment

2.16.01 Election The office of City Attorney for said city shall be filled by election of a qualified attorney. (Ord. No. 78-4, Sec. 1.)

2.16.02 Appointment If no qualified attorney shall be elected, or after election shall cease to act, then the City Council of Cotter, Arkansas, shall appoint an attorney to represent the city. (Ord. No. 78-4, Sec. 2.)

CHAPTER 2.20

VOLUNTEER FIRE DEPARTMENT

Sections:

2.20.01 Creation and personnel

2.20.01 Creation and personnel The Cotter Volunteer Fire Department is hereby created.

CHAPTER 2.24

POLICE DEPARTMENT

Sections:

2.24.01 Inter-Local Cooperation Agreement

2.24.02 Copy by reference

2.24.03 Police Manual

2.24.01 Inter-Local Cooperation Agreement The Mayor, the Recorder/Treasurer, and the Chief of Police acting upon behalf of the city of Cotter are hereby authorized and empowered to enter into an Inter-Local Cooperation Agreement between the city of Cotter and the Baxter County Sheriff's office for the purpose of enhancing law enforcement services to citizens residing in and around the corporate limits of the city of Cotter. (Ord. No. 2006-7, Sec. 1.)

2.24.02 Copy by reference A copy of said Inter-Local Cooperation Agreement is attached hereto and incorporated herein by reference in its entirety. (Ord. No. 2006-7, Sec. 2.)

2.24.03 Police Manual As changes to policies by the Arkansas Association of Chiefs of Police, Arkansas State Law and Federal Law, then the Cotter Police Department Policy and Procedure Manual shall be automatically updated to comply as policy unless otherwise changed by ordinance not to accept updates and changes by said agencies.

The Policies and Procedure Manual as set out in final draft dated, May 6, 2019, by the Chief of Police of the Cotter Police Department is hereby adopted on May 23, 2019, by reference herein as if set out word for word. (Ord. No. 2019-03, Secs. 2-3.)

CHAPTER 2.28

CITY COURT

Sections:

2.28.01	City Court created
2.28.02	Judge and compensation
2.28.03	Jurisdiction
2.28.04	Criminal Justice Fund
2.28.05	Additional court costs
2.28.06	Probation cost
2.28.07	Fines in District Court
2.28.08	Collector of fines

2.28.01 City Court created A City Court is hereby created with the power and duties set forth in the statutes of Arkansas and the Mayor is authorized as provided by law to designate a licensed attorney to serve as judge of said court at the will of the Mayor. All fines and penalties assessed by said City Court shall be paid into the city treasury. (Ord. No. 98-11, Sec. 1.)

2.28.02 Judge and compensation The Mayor hereby designates Van A. Gearhart, who serves as District Judge of Mountain Home, Arkansas, to serve as City Judge of Cotter, Arkansas, beginning January 1, 1999. The City Judge shall be paid reasonable compensation by the city of Cotter from the General Fund as contracted services; such compensation shall be as determined by the City Council from time to time. The compensation to be paid to the City Judge at the present time shall be Two Hundred Dollars (\$200.00) per month, beginning January 1, 1999. The Judge shall be responsible for his own travel and other expenses; except, however, the city shall upon submission and approval pay all reasonable and necessary office expenses of the court (such as forms and supplies). (Ord. No. 98-11, Sec. 2.)

2.28.03 Jurisdiction The jurisdiction of the Cotter City Court shall be the same as the jurisdiction of the Justices of the Peace for criminal cases, and costs may be adjusted in said Court in the same amount as now or may hereafter be provided for in Justice of the Peace Court with the right of the Judge of said Court to issue all writs, processes, decrees and judgments as may now or hereafter be authorized by law. (Ord. No. 98-11, Sec. 3.)

2.28.04 Criminal Justice Fund

- A. Under authority of Act 942 of 1981, there is hereby levied and shall be collected from each defendant upon plea of guilty, nolo contendere, forfeiture of bond or determination of guilt of misdemeanors or traffic violations in the District Court of Mountain Home, Arkansas, and/or the City Court of Cotter, Arkansas, the sum of Five Dollars (\$5.00) on each such case.

- B. The monies collected by the levy of this Five Dollar (\$5.00) court cost shall be deposited in a separate account known as the "Criminal Justice Fund of the city of Cotter, Arkansas, and such monies shall be used solely for reimbursing the county for expenses incurred in incarcerating city of Cotter prisoners. (Ord. No. 87-1, Secs. 1-2.)

2.28.05 Additional court costs

- A.
1. Under authority of A.C.A. 16-17-129, there is hereby levied an additional Five Dollars (\$5.00) fine to be levied on every defendant who pleads guilty, *nolo contendere*, or who is found guilty in the City Court of the city of Cotter, Arkansas.
 2. The monies collected by the levy of this fine shall be deposited in the Cotter General Fund.
 3. All monies collected by the levy of this fine shall be used solely to help defray the cost of incarcerating city of Cotter prisoners in the Baxter County Jail. (Ord. No. 2001-5, Sec. 1-3.)
- B.
1. Under the authority of A.C.A. 16-17-129, there is hereby levied an additional Five Dollar (\$5.00) fine to be levied on every defendant who pleads guilty, *nolo contendere*, or who is found guilty in the District Court of the city of Cotter, Arkansas, bringing the total of said fee to Fifteen Dollars (\$15.00).
 2. The monies collected by the levy of this fine shall be deposited in the Cotter District Court Account until monthly settlement is made for court costs and fines. At this time, monies collected by the levy of this fine shall be deposited in the Criminal Justice Account of the city of Cotter, Arkansas.
 3. All monies collected by the levy of this fine shall be used solely to help defray the costs of incarcerating city of Cotter prisoners in the Baxter County Jail. Said fee is subject to increase in accordance with the above referenced statute upon Council approval. (Ord. No. 2010-1, Secs. 1-3.)
- C.
1. Under the authority of A.C.A. 16-17-129, there is hereby levied an additional Five Dollar (\$5.00) fine to be levied on every defendant who pleads guilty, *nolo contendere*, or who is found guilty in the District Court of the city of Cotter, Arkansas, bringing the total of said fee to Twenty Dollars (\$20.00).

2. The monies collected by the levy of this fine shall be deposited in the Cotter District Court Account until monthly settlement is made for court costs and fines. At this time, monies collected by the levy of this fine shall be deposited in the Criminal Justice Account of the city of Cotter, Arkansas.
3. All monies collected by the levy of this fine shall be used solely to help defray the costs of incarcerating city of Cotter prisoners in the Baxter County Jail. Said fee is subject to increase in accordance with the above referenced statute upon Council approval. (Ord. No. 2011-2, Secs. 1-3.)

2.28.06 Probation costs

- A. The Probation Officer will charge an initial Thirty Dollar (\$30.00) fee at the beginning of the probationary period, which includes the first month's administrative costs.
- B. From and after the effective date of this ordinance, an administrative cost of Twenty Dollars (\$20.00) per month shall be imposed on each probationer who is placed on probation by the Cotter Division of the Baxter County District Court.
- C. The amounts levied under (A) and (B) of this ordinance will be collected by the Cotter Division of the Baxter County District Court Probation Officer and remitted to the City Treasurer. Administrative costs collected by the Probation Officer shall be deposited in the General Fund and be reported under a specific revenue category of Cotter Division of Baxter County District Court Probation Administrative Costs.
- D. The administrative cost hereby established shall be a separate and distinct court cost associated with the expense of the probation department and shall be levied as an additional Twenty Dollars (\$20.00) per month for all individuals placed on probation herein.
- E. The initial fee and Twenty Dollar (\$20.00) monthly administrative cost herein established might be waived by the Probation Officer in conjunction with a court approved policy in those instances where severe financial hardship exists. (Ord. No. 2009-6, Secs. 1-5.)

2.28.07 Fines in District Court When a person is directed to pay fines, costs and restitution from an order of District court, and is allowed to make such payments in installments, the allocation of the monies received shall be:

- A. All installment payments are initially deemed collections of restitution;
- B. After restitution is fully collected, all installment payments shall be allocated fifty percent (50%) for fines; and
- C. Whenever either court costs or fines are fully paid, all remaining installment payments shall be allocated to remaining amounts due. (Ord. No. 2013-2, Sec. 1.)

11.28.08 Collector of fines

- A. The City Council hereby designates the Clerk of the Court as the person primarily responsible for the collection of fines imposed by the court that operates within the city of Cotter, Arkansas; and
- B. The City Council further resolves that it shall be the policy of the city of Cotter for the city of Cotter bookkeeper (other than the Clerk of the Court) to reconcile the ticket books for the city of Cotter, Arkansas. (Ord. No. 2014-1, Sec. 1.)

CHAPTER 2.32

LOPFI

Sections:

- 2.32.01 Retirement coverage
- 2.32.02 Administrator

2.32.01 Retirement coverage Once accepted by LOPFI, the administration of retirement coverage for all Cotter Fire Pension and Relief Fund participants shall be transferred to LOPFI under authority of A.C.A. 24-11-804, as amended, provided that such retirement coverage for said Pension Fund participants shall mean the administration of that fund only and not a change in the Pension Fund's benefit program, unless the Pension Fund is actuarially sound and/or a benefit increase is approved by the city of Cotter, Arkansas. (Ord. No. 2008-6, Sec. 1.)

2.32.02 Administrator The Chief Administrative Officer is hereby authorized to enter into an agreement with LOPFI to administer the Cotter Fire Pension and Relief Fund as stated in 2.32.01 hereof. (Ord. No. 2008-6, Sec. 2.)

TITLE 3

FISCAL AFFAIRS

Chapters:

- 3.04 Purchases
- 3.08 Alderman Conducting Business with City
- 3.12 Single Transaction

CHAPTER 3.04

PURCHASES

Sections:

- 3.04.01 \$5,000.00 or under
- 3.04.02 Over \$5,000.00
- 3.04.03 Approval of payments
- 3.04.04 Sale or exchange of supplies, materials or equipment valued at less than \$5,000.00

3.04.01 \$5,000.00 or under The Mayor or his duly authorized representative shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials and other things requisite for public purposes for the city of Cotter, Arkansas, and to make all necessary contracts for work or labor to be done, or material or other necessary things to be furnished for the benefit of the city where the amount of the expenditure for any purpose or contract does not exceed the sum of Five Thousand Dollars (\$5,000.00). (Ord. No. 96-5, Sec. 1.)

3.04.02 Over \$5,000.00 Where the amount of expenditure for any purchase or contract exceeds the sum of Five Thousand Dollars (\$5,000.00), the Mayor or his duly authorized representative shall invite competitive bids thereon by legal advertisement in any local newspaper. Bids received pursuant to said advertisement shall be opened and read on the date set for receiving said bids, in the presence of the Mayor, or his duly authorized representative. The contract shall be awarded to the lowest responsible bidder; provided, however, the Mayor, or his duly authorized representative, may reject any and all bids received. (Ord. No. 96-5, Sec. 2.)

3.04.03 Approval of payments The Mayor or his duly authorized representative may approve for payment out of any funds previously appropriated for that purpose, or disapprove any bills, debts or liabilities asserted as claims against the city, when funds on hand are adequate to pay such bills, debts or liabilities. The payment or disapproval of any bills, debts or liabilities not covered by a previous appropriation shall require confirmation of the governing body. (Ord. No. 96-5, Sec. 3.)

3.04.04 Sale or exchange of supplies, materials or equipment valued at less than \$5,000.00 That the Mayor or his duly authorized representative may sell or exchange any municipal supplies, materials or equipment without competitive bidding if such supplies, materials or equipment have a value of less than Five Thousand Dollars (\$5,000.00). That no supplies, materials or equipment shall be sold without receiving competitive bids therefore if the value thereof exceeds the sum of Five Thousand Dollars (\$5,000.00); provided, however, if the Mayor shall certify in writing to the governing body that, in his opinion, the fair market value of such item or lot (to be disposed of in one unit) is less than Five Thousand Dollars (\$5,000.00), the same may be sold by the Mayor without competitive bidding. (Ord. No. 96-5, Sec. 4.)

CHAPTER 3.08

ALDERMEN CONDUCTING BUSINESS WITH CITY

Sections:

- 3.08.01 \$2,000 limit
- 3.08.02 Exclusions

3.08.01 \$2,000 limit The Mayor or any Alderman may enter into any contract, or may conduct business, with the city in accordance with Act. No. 182, 1963, and amendments thereto (A.C.A. 14-42-107 amended 1983) when the furnishing of supplies, equipment or services is of a value of not more than Two Thousand Dollars (\$2,000.00) and not otherwise available within the city at comparable prices. (Ord. No. 85-2, Sec. 1.)

3.08.02 Exclusions The limitation of Two Thousand Dollars (\$2,000.00) shall not apply to contracts, or conducting of business, with the city by a corporation in which the Mayor or Alderman holds only an executive or managerial position or in which the controlling interest is held by stockholders who are not the Mayor or an Alderman. (Ord. No. 85-2, Sec. 2.)

CHAPTER 3.12

SINGLE TRANSACTION

Sections:

3.12.01 Definitions

3.12.01 Definitions The term “single transaction” is defined according to the nature of the goods purchased, as follows:

- A. When two or more devices in which, upon which, or by which any person or property is, or may be, transported or drawn, including but not limited to on-road vehicles, whether required to be licensed or not, off-road vehicles, farm vehicles, airplanes, water vessels, motor vehicles, or non-motorized vehicles, and mobile homes, or sold to a person by a seller, each individual unit, whether part of a “fleet” sale or not, shall be treated as a single transaction for the purpose the local sales and use tax.
- B. The charges for utility services, which are subject to the sales and use tax which are furnished on a continuous service basis, whether such services are paid daily, weekly, monthly or annually, for the purposes of the sales and use tax, shall be computed in daily increments and each such daily charge increment shall be considered to be a single transaction for the purposes of the sales and use tax.
- C. For sales of building materials and supplies to contractors, builders or other persons, a single transaction, for the purposes of the sales and use tax, shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales (or use) tax figure has been reported and remitted to the state of Arkansas.
- D. When two or more items of major household appliances, commercial appliances, major equipment and machinery are sold, each individual unit shall be treated as a single transaction for the purposes of the sales and use tax.
- E. For groceries, drug items, dry goods, and other tangible personal property and/or services not otherwise expressly covered in this section, a single transaction shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales tax figure has been reported and remitted to the state of Arkansas. (Ord. No. 99-4, Sec. 2.)

TITLE 4

BUSINESS LICENSES AND REGULATIONS

Chapters:

- 4.04 Electric Franchise
- 4.08 Gas Franchise
- 4.12 Telephone Franchise
- 4.16 Cable TV
- 4.20 Private Clubs
- 4.24 Occupational Licenses
- 4.28 Alcoholic Beverages

CHAPTER 4.04

ELECTRIC FRANCHISE

Sections:

- 4.04.01 Electric franchise granted
- 4.04.02 Rights and responsibilities of grantor and grantee
- 4.04.03 Termination procedure
- 4.04.04 Rates
- 4.04.05 City not liable for negligence of grantee
- 4.04.06 Standards of care for facilities
- 4.04.07 Franchise tax
- 4.04.08 Street lighting
- 4.04.09 Private generation facilities allowed
- 4.04.10 Street lighting service
- 4.04.11 Removal of lights
- 4.04.12 Additions to lights
- 4.04.13 Present street lighting facilities
- 4.04.14 Changes in street lighting facilities
- 4.04.15 Non-Company owned lighting facilities

4.04.01 Electric franchise granted The city of Cotter, Arkansas, (hereinafter called Grantor) hereby grants to Entergy, its successors and assigns (hereinafter called Grantee), the exclusive right, privilege and authority within the present and all future expansion of the corporate limits of the city of Cotter, Arkansas, (1) to sell, furnish, transmit and distribute

electric power and energy to Grantor and to all inhabitants and consumers within said limits, and (2) to construct, maintain, operate and extend a system for such purposes and to enter on, under and upon and use any and all of the streets, alleys, avenues, bridges and other public grounds and ways belonging to, or under the control of Grantor, for the purpose of erecting, maintaining, repairing, replacing and operating poles, wires, anchors, stubs, transformers, substations, cables, conduits and other related facilities, appliances and apparatus which are necessary for, or useful in, the furnishing, sale, transmission or distribution of said electric service (hereinafter called facilities). (Ord. No. 135, Sec. 1.)

4.04.02 Rights and responsibilities of grantor and grantee

- A. General rights and obligations Grantee shall, and does by acceptance hereof, agree to provide to the city and its inhabitants adequate and reasonable electric service as a public utility and the facilities necessary to provide such service. Grantor, in recognition of the large and continuing investment necessary for Grantee to perform its obligations hereunder, and the need and duty to promptly construct its facilities, as defined above, required to serve customers, in all areas and zones of the city, consents to the construction of such facilities as defined in Section 4.04.01 in all such areas and zones, and Grantor agrees to protect by ordinance, regulation and otherwise, to the fullest extent permitted by law, and except as otherwise limited herein, the grants of rights and privileges to Grantee set forth in Section 4.04.01 from interference with, or duplication by, other persons, firms or corporations seeking to engage in the sale or distribution of electric energy.
- B. Standards and right-of-ways All facilities of Grantee which may be located on public ways, places and public property, as authorized herein, shall be located so as to not unreasonably obstruct public use and travel. All of Grantee's facilities shall be constructed, operated and maintained in accordance with standards at least equivalent to the standards prescribed by the National Electrical Safety Code. Grantee, its successors and assigns, shall replace and repair, at its own expense, all excavations, holes or other damage caused or done by it to public streets, ways, places and public property in the construction, operation and maintenance of its facilities.
- C. Removal of hazards; clearing of right-of-ways The Grantee, its successors and assigns, is hereby given the right to trim, cut or remove trees, shrubbery or growth on or in public ways, places and public property which interfere or offer hazards to the operation of Grantee's facilities used or useful for the rendition of electric service; further, Grantee is hereby given the right, authority and permission to trim, cut and remove portions of trees, shrubbery or growth growing on private property but overhanging or encroaching on public ways, places and public property which interfere or offer hazards to the construction, operation and maintenance of Grantee's facilities. (Ord. No. 135, Secs. 2-4.)

4.04.03 Termination procedure The rights, privileges and authority hereby granted shall exist and continue from the date of passage of this ordinance, and thereafter, until termination in accordance with provisions of Section 44 of Act 324 of the 1935 Acts of the state of Arkansas, as presently enacted or hereinafter amended. (Ord. No. 135, Sec. 5.)

4.04.04 Rates The rates which are to be charged by Grantee for electric service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from time to time, be amended by Grantee in accordance with law or by any regulatory authority having jurisdiction thereof. (Ord. No. 135, Sec. 6.)

4.04.05 City not liable for negligence of grantee In the construction, operation, and maintenance of its facilities, said Grantee shall use reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the said Grantor from damage, injury, loss or expense caused by the negligence of the Grantee or its agents, servants, or employees, in constructing, operating and maintaining said facilities or in repaving or repairing any streets, avenues, alleys, bridges or other public grounds. (Ord. No. 135, Sec. 7.)

4.04.06 Standard of care for facilities The Grantee shall endeavor at all times to keep its facilities in a reasonable state of repair and to conform to such practices and install such appliances and equipment as may be in keeping with the customary usage and practice in cities of similar size in this state during the time this franchise shall remain in force. (Ord. No. 135, Sec. 8.)

4.04.07 Franchise tax Beginning in 1966, and thereafter during the life of this franchise, the Grantee shall pay to Grantor each year a franchise tax in an amount equal to: Four and twenty-five hundredths percent (4.25%) of the preceding calendar year's gross residential and commercial electric revenues as paid to the Grantee by residential and commercial customers located within the corporate limits of the city of Cotter, Arkansas. Payments shall be made by the Grantee to the Grantor in approximately equal quarterly installments beginning in January, 1966. Residential and commercial electric revenues are those revenues so classified pursuant to Grantee's uniform classification standards. Grantor shall have the right to examine and verify, from the records of the Grantee, any data relating to the gross revenues of Grantee from customers on which said franchise tax is due. In the event of a controversy, between the Grantor and Grantee as to the amount of gross revenues received by Grantee in the city of Cotter, Arkansas, upon which said tax is due, such controversy shall be referred to the Arkansas Public Service Commission, or such successor regulatory agency which may have jurisdiction over the Grantee, for final determination, and the decision of said Commission shall be binding upon both parties hereto.

It is expressly agreed and understood by the Grantor and Grantee that the aforesaid payment shall constitute and be considered as complete payment and discharge by the Grantee, its successors and assigns, of all licenses, fees, charges, impositions or taxes of any kind (other than automobile license fees, special millage taxes, general ad valorem taxes and other general taxes applicable to all citizens and taxpayers) which are now or might in the future be imposed

by the Grantor under authority conferred upon the Grantor by law. In the event such other tax or taxes are imposed by Grantor, the obligation of the Grantee set forth in Section 4.04.07 hereof, to pay the city the sum of four and twenty-five hundredths percent (4.25%) annually of the gross residential and commercial electrical revenues shall immediately terminate. (Ord. No. 135, Sec. 9.)

4.04.08 Street lighting Electric service furnished the Grantor for street lighting and other purposes shall be paid for by the Grantor in accordance with the applicable rate schedules of the Grantee now on file and/or as they may in the future be filed by the Grantee and approved by the Arkansas Public Service Commission or other regulatory authority having jurisdiction. The Grantee shall have the privilege of crediting any amount due Grantor with any unpaid balances due said Grantee for electric service rendered to said Grantor. (Ord. No. 135, Sec. 10.)

4.04.09 Private generation facilities allowed Nothing herein shall be construed to prohibit any person, firm or corporation from owning and operating facilities for generating, distributing, or furnishing electric energy for his or its own use or for the use of his or its tenants, all of which facilities and use are wholly on the same premises owned by such person, firm or corporation. (Ord. No. 135, Sec. 11.)

4.04.10 Street lighting service In consideration of the Company making facilities available for street lighting purposes and/or the improvement of certain existing street lighting facilities and the benefits accruing to the parties hereto, the City agrees to purchase all street lighting service required by it from the Company in the area where Company may legally serve, and the Company agrees to supply and sell to the City, and the City agrees to pay for, all such service under Company's applicable rate schedules and service regulations as now on file with the Arkansas Public Service Commission or as provided in said schedules and regulations as they may be lawfully amended, altered or superseded in the future, with the approval of the Arkansas Public Service Commission or any other regulatory agency having jurisdiction. (Ord. No. 143-A, Sec. 1.)

4.04.11 Removal of lights Company will at its expense make the following removals from its present street lighting facilities servicing the city of Cotter:

- 22 405-watt Luminaires
(Ord. No. 143-A, Sec. 2.)

4.04.12 Additions to lights Company will at its expense make the following additions to its street lighting facilities serving the city of Cotter:

- 22 175-watt Mercury Vapor Luminaires
(Ord. No. 143-A, Sec. 3.)

4.04.13 Present street lighting facilities After completion of the hereinabove described removals and additions, the company's street lighting facilities serving the city of Cotter will consist of:

- 36 100-watt Mercury Vapor Luminaires
- 29 175-watt Mercury Vapor Luminaires
- 37 250-watt Mercury Vapor Luminaires
(Ord. No. 143-A, Sec. 4.)

4.04.14 Changes in street lighting facilities In order to provide for further improvements to the street lighting in the future serving the city of Cotter, company agrees to make additions or changes in its street lighting facilities when requested in writing by the Mayor, upon authorization of the City Council, provided, in Company's judgment, such changes do not constitute a major revision of the street lighting facilities. Such additional street lights or changes in existing street lights will be made at Company's expense and electric service for such lights will be supplied by the Company and will be paid for by the City in accordance with the provisions of the applicable rate schedule, and under the terms and conditions of this agreement. (Ord. No. 143-A, Sec. 5.)

4.04.15 Non-Company owned lighting facilities In addition to supplying street lighting service from Company owned street lighting facilities, Company agrees to supply and sell to the City street lighting service from non-Company owned street lighting facilities and the City agrees to purchase and pay for such service in accordance with the provisions of the applicable rate schedule, and the terms and conditions of this agreement. Non-Company owned street lighting facilities consist of: None. (Ord. No. 143-A, Sec. 6.)

CHAPTER 4.08

GAS FRANCHISE

Sections:

- 4.08.01 Gas franchise granted to Arkansas Western Gas Company
- 4.08.02 Rights of Corporation
- 4.08.03 No fees for public service
- 4.08.04 Corporation guarantees
- 4.08.05 Rates
- 4.08.06 Corporation shall furnish proper information
- 4.08.07 Franchise tax
- 4.08.08 Renegotiation of contract

4.08.01 Gas franchise granted to Arkansas Western Gas Company The city of Cotter, Arkansas, hereinafter referred to as "City," hereby grants to Arkansas Western Gas Company, a corporation organized and existing under and by virtue of the laws of the state of Arkansas,

hereinafter referred to as "Corporation," the exclusive right, privilege and authority within the present and future expansions of the corporate limits of the city:

- A. To sell, furnish, transmit and distribute natural gas to all inhabitants and consumers within said limits hereinafter referred to as "corporation purposes;" and,
- B. Subject to the terms, conditions and stipulations mentioned in this ordinance, consents and the right, permission and franchise is hereby given to the corporation, and to its successors, lessees and assigns, to lay, construct, equip, operate, repair, and maintain a system of gas mains, pipes, conduits, feeders and the appurtenances for the purpose of supplying and distributing natural gas for light, fuel, power, and heat and for any other purposes, hereinafter referred to as "gas distribution system," from any point beyond said city limits in order to enable the Corporation to distribute and sell natural gas to the City and its residents or inhabitants and to others, the areas hereinabove set forth being hereinafter referred to as "franchise areas." As used in this ordinance the terms "natural gas" and "gas" shall be defined as including, in addition to natural gas, such alternate substitutes or supplemental fuels as (without necessarily limited to) liquefied natural gas, liquefied petroleum gas, synthetic natural gas and propane – air, but this definition shall not be construed as a prohibition against the distribution and sale of butane, propane, kerosene, wood and coal by others. (Ord. No. 80-11, Sec. 1.)

4.08.02 Rights of Corporation The Corporation herein is expressly given the permit (subject to the conditions hereinafter contained) to use the streets, avenues, roads, highways, alleys, sidewalks and other public places, as now laid out, or hereafter to be established, hereinafter referred to as "public ways," for the Corporate purposes and for the gas distribution system in order to convey or conduct to any other point within the franchise area; provided, however, that where alleys are accessible for laying mains and pipes, the city shall have the right to require that the mains and pipes shall be laid in the alleys instead of the streets, so long as this is economically feasible (does not create an economic hardship). (Ord. No. 80-11, Sec. 2.)

4.08.03 No fees for public service No fees or charges of any kind shall be imposed by City upon the Corporation or upon any successors, or upon any consumer of natural gas for the breaking or opening of any public way or for the laying of any main, service pipe or other connections therein, except as would be generally imposed on others performing similar work under similar circumstances and conditions.

Nothing in this franchise shall be construed in such manner as to in any manner abridge the right of the City to pass and enforce the necessary police regulations for the purpose of protecting the citizens of the City and their property and the property of the Corporation. (Ord. No. 80-11, Sec. 3.)

4.08.04 Corporation guarantees

- A. At all times keep and display the necessary danger signals and proper guards around all excavations and obstructions, keep sufficient space in good condition for the travel of vehicles on at least one side of all excavations and obstructions, and shall as soon as practical restore all openings on the public way to a condition equally as good as before said openings and obstructions. Anything to the contrary notwithstanding, when in the judgment of Corporation it is necessary for the safety reasons to divert or detour traffic from the area of excavations or obstructions, it shall have the power to so do upon notice to said City.
- B. Do no injury to any public way, bridge, stream or water course, park or public place, except as specifically allowed, nor with any public or private sewer or drainage system, or water lines, now or hereafter laid or constructed by the City or by any authorized person or corporation, but no sewer or water pipes, electric conduits, telephone or TV cables shall be so laid as to interfere unnecessarily with any gas main or pipes which shall have been laid prior to the time of laying such electric conduits, telephone and TV cables, sewer or water pipes. The Corporation shall fully indemnify and save harmless the City from any and all claims for damage for which said City shall or might be made or become liable by reason of the granting of this franchise, or any negligence or carelessness on the part of said Corporation, or because of any act or omission of the Corporation in the construction and operation of its system of mains and pipes.
- C. Provide natural gas service under the terms and conditions herein specified and pursuant to the rules and regulations of the Arkansas Public Service Commission, herein referred to as "APSC," governing utility service, as well as Corporation's rules and regulations governing natural gas service on file with the APSC and is interpreted and enforced by Corporation, and corporation, upon written request by City, shall supply City with one copy of corporation's rules and regulations. All utility services shall conform with APSC rules and regulations, as well as any other applicable rules and regulations, federal or state laws, including but not limited to the Arkansas Plumbing Code. (Ord. No. 80-11, Sec. 4.)

4.08.05 Rates The rates to be charged by Corporation for natural gas service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from time to time, be lawfully approved or prescribed by ASPC or any successor regulatory authority having jurisdiction thereof. The Corporation shall have the right to make and enforce as a part of the conditions under which it will supply natural gas for heat, power, light, fuel or other purposes as herein provided, all needful rules and regulations not inconsistent with law and the provisions of this franchise. but one copy thereof shall be supplied to the City. (Ord. No. 80-11, Sec. 5.)

4.08.06 Corporation shall furnish proper information The Corporation shall furnish promptly to the proper authorities any and all information which may be requested regarding size, location or depths of any of the pipes, mains, conduits or service pipes, in any form whatsoever, and any other information in regard to its occupation of public ways which City may demand. (Ord. No. 80-11, Sec. 6.)

4.08.07 Franchise tax During the life of this franchise, the Corporation shall pay to the City each year a franchise tax in an amount equal to: Four percent (4%) of the Corporation's gross revenues for all residential, commercial and industrial revenues as paid to the Corporation by residential, commercial and industrial customers located within the corporate limits of the City. Payments shall be made by the Corporation to the City in quarterly installments and Corporation shall have thirty (30) days after the end of each calendar quarter within which to make such payment. Residential, commercial and industrial gas revenues are those revenues so classified pursuant to Corporation's uniform classification standards. City has the right to examine and verify, from the records of the Corporation, any data relating to the gross revenues of Corporation from customers. If a controversy arises between the Corporation and City as to the amount of gross revenues received by Corporation in the City upon which said tax is due, such controversy shall be referred to the APSC, or such successor regulatory agency which may have jurisdiction over the Corporation, for final determination, and the decision of said Commission shall be binding upon both parties hereto.

It is expressly agreed and understood by the City and Corporation that the aforesaid payment shall constitute and be considered as complete payment and discharge by the Corporation, its successors and assigns, of all licenses, fees, charges, impositions or taxes of any kind (other than automobile license fees, improvement districts, special millage taxes, and the general ad valorem taxes) which are now or might in the future be imposed by the City under authority conferred upon the City by law. In the event such other tax or taxes are imposed by City, the obligation of the Corporation set forth in Section 7 hereof, to pay the franchise taxes annually shall immediately terminate. (Ord. No. 80-11, Sec. 7.)

4.08.08 Renegotiation of contract At the prior request of either party in writing given to the other party at least ten (10) days prior to December 1 of any calendar year hereafter, this franchise, in whole or in part, shall be renegotiated during the month of December of that year, any changes made to be and become effective on the first day of the following January. If no such request is made, then this franchise shall be in full force and effect until same is so renegotiated. (Ord. No. 80-11, Sec. 8.)

CHAPTER 4.12

TELEPHONE FRANCHISE

Sections:

- 4.12.01 Franchise granted to Yelcot Telephone Company, Inc.
- 4.12.02 Placement of poles and wires
- 4.12.03 Privileges of franchises
- 4.12.04 End of franchise

4.12.01 Franchise granted to Yelcot Telephone Company, Inc. The Yelcot Telephone Company, Inc., its successors and assigns, all hereinafter referred to as "Corporation," be, and it hereby is, granted the exclusive right and/or franchise to furnish telephone service to the citizens and residents of the city of Cotter, Arkansas, hereinafter referred to as "City," together with the right to erect, construct, maintain and lay cables, wires, poles and other equipment, as may be necessary in the furnishing of such telephone service, along the streets, avenues, highways, alleys, lanes, bridges and public grounds, and places of said city, present utility poles to be used with permission of owners; and all such right and use to be and continue on the terms and conditions herein stated. (Ord. No. 82-3, Sec. 1.)

4.12.02 Placement of poles and wires Said poles, wires and cables shall be placed and maintained so as not to interfere with travel or use of such streets, avenues, highways, alleys, lanes, bridges and public grounds and places of the City or with the flow of water in any sewer, drain or gutter, or with any gas, or water pipe, or sewer lines. (Ord. No. 82-3, Sec. 2.)

4.12.03 Privileges of franchises The rights, grants, privileges and/or franchise herein granted to the Corporation are subject to the following terms and conditions:

- A. All reasonable regulations and ordinances as the City may authorize or deem proper from time to time to adopt, not destructive to the rights herein granted;
- B. The Corporation shall save the City free and harmless from any and all damages, of whatsoever kind and nature, arising from, or by reason of, the rights herein granted;
- C. The Corporation shall pay to the City the sum of 0.00% of the applicable local service rates defined by the Arkansas Public Service Commission, which shall be paid monthly by the Corporation on the 15th by the second month following the month for which the rates are billed the customer;
- D. The rate of payment set forth in paragraph "C" of this section shall be subject to renegotiation each year. (Ord. No. 82-3, Sec. 3.)

4.12.04 Franchise end The right, grant and/or franchise shall cease and terminate on December 31, 2002. Anything to the contrary contained herein notwithstanding, this right, grant and/or franchise may be terminated at any time by the City or by the corporation by the giving to the other of sixty (60) days prior written notice thereof, by registered or certified mail, but any such cancellation must be for good and sufficient cause and undertaken only as a last resort. (Ord. No. 82-3, Sec. 4.)

CHAPTER 4.16

CABLE TV

Sections:

- 4.16.01 Franchise granted to Teleservice Corporation of America
- 4.16.02 Construction
- 4.16.03 Providing reception
- 4.16.04 Equipment update
- 4.16.05 Safety equipment
- 4.16.06 Maintaining poles and cables
- 4.16.07 Continuous service
- 4.16.08 Rates
- 4.16.09 Credit on bills
- 4.16.10 Extension of franchise
- 4.16.11 Franchise tax
- 4.16.12 Basic service rates and charges
- 4.16.13 FCC forms
- 4.16.14 Length of franchise
- 4.16.15 Satellite television signal dishes

4.16.01 Franchise granted to Teleservice Corporation of America The Teleservice Corporation of America its successors and assigns, be and it is hereby granted an exclusive franchise to operate a continuous television cable service within the corporate limits of the city of Cotter, subject to the conditions and limitations hereinafter set out. (Ord. No. 144, Sec. 1.)

4.16.02 Construction The Teleservice Corporation of America, hereinafter referred to as "Company" shall construct, maintain, and operate a single amplifying station for receiving, amplifying and distributing, direct to the inhabitants of the city of Cotter, Arkansas, a composite signal of standard broadcasting stations. (Ord. No. 144, Sec. 2.)

4.16.03 Providing reception Said Company shall have the right, and shall be charged with the duty of providing the general public, within the corporate city of Cotter, with an

amplified composite signal originally transmitted by standard broadcast studios which are licensed to transmit within the continental United States or its possession; however, the Company shall not be liable for freak or unusual reception wherein due to peculiar atmospheric conditions, a signal originating outside the United States may be received on a standard television channel which is licensed and operating in the United States. (Ord. No. 144, Sec. 3.)

4.16.04 Equipment update The Company shall, at all times, endeavor to receive, amplify, and distribute through its facilities a composite video signal containing as many standard television channels and/or networks as may reasonably be expected under the limitations of distance, natural barriers, and available equipment; provided further, that the company shall endeavor to keep its facilities reasonably modern by replacing equipment which becomes obsolete, and by altering the facilities to provide signals from new channels which may provide a reasonably receivable signal hereafter. (Ord. No. 144, Sec. 4.)

4.16.05 Safety equipment Said Company shall construct, maintain, and operate all of its equipment in a proper workmanlike manner so as not to endanger the life, health or property of any of the inhabitants of the City; provided further that the company shall install and maintain such safety equipment as a reasonably prudent person would be expected to do in the premises. (Ord. No. 144, Sec. 5.)

4.16.06 Maintaining poles and cables The Company shall construct and maintain all of its poles, transmission lines or cables and other equipment in such a manner and place as not to interfere with the normal operation, maintenance and use of the streets and alleys of the city of Cotter; provided, further, that the Company will, at its expense, move any of its poles, lines, cables or other equipment when necessary to effect changes in the location, width, construction or use of any of said streets, or alleys, when requested to do so by the City Council. (Ord. No. 144, Sec. 6.)

4.16.07 Continuous service Service rendered by the Company shall be continuous except that said Company shall not be liable for service failure due to acts of God, civil disturbances or failure of the original broadcaster. (Ord. No. 144, Sec. 7.)

4.16.08 Rates Charges to subscribers for television and radio signals shall be fair and reasonable and no higher than necessary to meet all lawful costs of operation (assuming efficient and economical management) including a fair return on the investment and shall not be higher than the rate charged subscribers outside the city of Mountain Home which is presently Nine Dollars and Ninety-Five Cents (\$9.95) per month. (Ord. No. 84-2, Sec. 2.)

4.16.09 Credit on bills When a customer's service is reported or found to be interrupted, it will be restored as promptly as possible, but in the event it remains out of order through no fault of the customer, in excess of twenty-four (24) consecutive hours, after knowledge by the Company of the interruption, the Company will refund the pro-rate part of that month's charges for the period of days during which the service was not provided. This refund may be accomplished by a credit on a subsequent bill for cable service. If the trouble is fault of

customer's property, no adjustment will be given and there could be a possible service charge. (Ord. No. 84-2, Sec. 3.)

4.16.10 Extension of franchise Unless construction of the above proposed facility has begun within a period of 30 days after the passage of the ordinance and/or unless operation of the system has begun within six (6) months from said date, the City may revoke and cancel this franchise; provided that nothing in this section shall prevent the City from making extensions of time by proper resolution. (Ord. No. 144, Sec. 9.)

4.16.11 Franchise tax The consideration to be paid the city of Cotter for operation under this franchise shall be three percent (3%) of the gross receipts, except charges for installation. Said amount shall be paid into the City Treasury within thirty (30) days from the date of such receipt. (Ord. No. 144, Sec. 10.)

4.16.12 Basic service rates and charges

- A. The City will follow the FCC rate regulations in its regulation of the basic service rates and charges of the Company and any other cable television system operating in the City, notwithstanding any different or inconsistent provision in the franchise.
- B. In connection with such regulation, the City will ensure a reasonable opportunity for consideration of the views of interested parties.
- C. The Mayor or his or her designee, is authorized to execute on behalf of the City and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC rate regulations in order to enable the City to regulate basic service rates and charges.
- D. Consultant and costs
 - 1. The City may utilize a rate consultant to advise it on proposed rate changes and to assist it in the procedures and the standards for review adopted by the FCC. A rate consultant may be any person who has sufficient background and experience, in the sole opinion of the City, to properly evaluate and analyze rates and charges.
 - 2. All costs for the review of initial rates or rate changes shall be paid by the cable operator upon demand of the City, unless contrary to applicable rules of the FCC governing these procedures or unless otherwise specifically preempted by state or federal law. The costs shall include, but not be limited to, rate consultants, attorney's fees and the reasonable value of services (as determined by the City) rendered by the City or any city employees, agents or representatives of the city. (Ord. No. 93-11, Secs. 1-4.)

4.16.13 FCC forms

- A. The Mayor is hereby authorized and directed to file two completed FCC forms 328 by registered mail (not certified mail) with return receipt requested to:

Federal Communications Commission
Cable Franchising Authority Certification
P.O. Box 18539
Washington DC 20036

- B. The Mayor is further directed to mail a completed copy of this form 328 to our local cable operator at the address listed on the form by certified mail, return receipt requested, on the same day copies are mailed to the FCC. (Ord. No. 93-08, Secs. 1-2.)

4.16.14 Length of franchise The ordinance granting a franchise be extended an additional fifteen (15) years commencing of the 7th day of November, 1993 and ending on the 7th day of November, 2008. (Ord. No. 91-2, Sec. 2.)

4.16.15 Satellite television signal dishes

- A. No dish shall be installed unless a permit shall have been first obtained from the city. Application for permit shall be in writing, setting forth the lots and their owner, the maker, size, method in installation and exact location of the dish on the lots. The City Inspector, or, if he is not available, such other person as the Mayor may delegate, shall inspect the site and if there is no infringement of the restrictions set forth in this ordinance, the city shall issue a written permit for such installation. An inspection fee shall be charged of Seven Dollars and Fifty Cents (\$7.50) which may be changed by resolution of the City Council from time to time to reflect changing conditions.
- B. No dish shall be installed which will interfere with the operation, maintenance and repair of any water, sewer or utility lines; which will interfere with firefighting and firefighting equipment in the case of fire; or which will interfere with the quiet and peaceful enjoyment by others of their lands in the near vicinity of such installation. Each dish shall be installed upon a sufficiently substantial base in such manner that it will not topple, be blown down or cause damage to adjoining properties and shall conform with all zoning regulations of the city for the zone in which it is to be installed.
- C. On lots abutting on a street or streets or similar passageways (excluding alleys), no dish shall be installed within an area extending across the full depth or width, as the case may be, of the lots to be served by the dish, the depth of such area or areas to be the least distance from the lot line or lines to the nearest point of the main building situated thereon.

- D. An exception, called a variance, may be made in the strict application of the provisions of this ordinance as to the placement of a dish in case of a business dealing with the sale of such commodity to the public or in case strict compliance would make it impossible for a dish to properly perform the function for which it is made.
- E. A fine of Fifty Dollars (\$50.00) per day shall be imposed for the installation of any dish in violation of this ordinance and each and every day the violation continues shall be a separate offense. (Ord. No. 84-3, Secs. 1-5.)

CHAPTER 4.20

PRIVATE CLUBS

Sections:

- 4.20.01 Permit fee
- 4.20.02 Percentage of gross proceeds
- 4.20.03 Collection of taxes
- 4.20.04 Fine

4.20.01 Permit fee From and after the enactment and passage of this ordinance all private clubs selling intoxicating beverages created and existing by virtue of A.C.A. 3-9-221, situated within the city limits of the city of Cotter, Arkansas, shall pay Two Hundred Fifty Dollars (\$250.00) to the City Treasurer which sum is one-half of the amount of the annual permit fee of Five Hundred Dollars (\$500.00) presently charged by the state of Arkansas as provided by said statute; or, if said statute is amended from time to time to change the amount of the annual fee charged by the state of Arkansas, then the annual fee payable to the city shall be one-half thereof. (Ord. No. 76-1, Sec. 1.)

4.20.02 Percentage of gross proceeds From and after the enactment and passage of this ordinance all private clubs within the city of Cotter, Arkansas, shall pay to the City Treasurer the sum of one-half, being Five percent (5%) of the gross proceeds or gross receipts tax as provided by A.C.A. 3-9-221, the present charge by the state being ten percent (10%). If said statute is amended from time to time raising or lowering the gross receipts and gross proceeds tax from its current ten percent (10%) rate, the rate payable to the city as fixed by this ordinance shall be one-half of that charged by the state. (Ord. No. 76-1, Sec. 2.)

4.20.03 Collection of taxes The City Treasurer is hereby authorized and directed to promulgate reasonable rules and regulations for the enforcement and collection of the taxes levied herein including the requirement that records be maintained showing charges for mixed drinks or for the cooling and serving of beer and wine. (Ord. No. 76-1, Sec. 3.)

4.20.04 Fine If any club shall fail to remit any fee or taxes levied by this ordinance then the City Treasurer shall be authorized to revoke said permit. The failure to remit either the fee or the taxes, or both fee and taxes, provided herein shall be deemed a misdemeanor punishable by a fine of not less than One Hundred Fifty Dollars (\$150.00) and not more than Five Hundred Dollars (\$500.00) and each separate day said annual permit fee or taxes or both remain unpaid shall be a separate offense. (Ord. No. 76-1, Sec. 4.)

CHAPTER 4.24

OCCUPATIONAL LICENSE

Sections:

- | | |
|---------|---------------------------|
| 4.24.01 | License |
| 4.24.02 | Application |
| 4.24.03 | Employees |
| 4.24.04 | Multiple businesses |
| 4.24.05 | License from another city |

4.24.01 License Any person, firm or corporation engaged on the 1st day of July of any year in any trade, business, profession, vocation, occupation, or calling, shall procure from the city of Cotter, an occupation license which shall be for a period of one (1) year beginning on the 1st day of July and expiring on the last day of June the following year. Any such license which is not procured by the 1st day of August shall be subject to a penalty of 20% in addition to original cost.

Any person, firm or corporation that fails to procure a license by the 1st day of September of the licensing year, will be fined not less than Fifteen Dollars (\$15.00) and not more than Fifty Dollars (\$50.00) and each and every day of such violation shall be considered a separate offense. (Ord. No. 2011-4, Sec. 1.)

4.24.02 Application On the date, or within one (1) month thereafter, on which any person, firm or corporation commences to engage, in any trade, business, profession, vocation, occupation, or calling within the city of Cotter, an occupation license must be applied for. This

license shall expire on June 30 of the following year. The said license shall be subject to a reduction of twenty-five percent (25%) for each three (3) months period preceding the next July due date. If the said license is not procured in thirty (30) days from commencement of work, a fine of not less than Fifteen Dollars (\$15.00) and not more than Fifty Dollars (\$50.00) will be levied and each day of such violation will be considered a separate violation. (Ord. No. 2011-4, Sec. 2.)

4.24.03 Employees The occupational license fees shall be based on the number of employees working for a person, firm or corporation. Following is a list of occupation license fee costs:

1 – 2 employees =	\$25.00	3 -5 employees =	\$50.00
6 – 10 employees =	\$75.00	11 – 15 employees =	\$100.00
16 – 20 employees =	\$125.00	21 + employees =	\$150.00

(Ord. No. 2011-4, Sec. 3.)

4.24.04 Multiple businesses Any person, firm or corporation engaged in more than one trade, business, profession, vocation, occupation, or calling shall pay the license fee for the one with the highest number of employees. (Ord. No. 2011-4, Sec. 4.)

4.24.05 License from another city Any person, firm or corporation without a home base in the city of Cotter who wishes to do business in the city of Cotter may do so if they have an occupational license from any municipality in the state of Arkansas. If they do not, they must purchase a license from the city of Cotter before beginning work. (Ord. No. 2011-4, Sec. 5.)

CHAPTER 4.28

ALCOHOLIC BEVERAGES

Sections:

4.28.01	Application
4.28.02	Wholesale dealers, liquor
4.28.03	Wholesale dealers, beer and malt liquors
4.28.04	Wholesale dealers, liquor, beer and malt liquor
4.28.05	Retail dealers, beer
4.28.06	Retail package stores, liquor, beer and malt liquor
4.28.07	Location
4.28.08	Certificate of occupancy
4.28.09	Hours of sale
4.28.10	Fines

- 4.28.11 Other licenses and fees
- 4.28.12 Purpose
- 4.28.13 Definitions

4.28.01 Application Before any person shall engage in the wholesale or retail liquor business within the said cities an application shall be made to the city within which same is located for the granting of the license.

Said application shall contain a sworn statement of the name of the business sought to be licensed, the names and addresses of all of the persons owning or holding any interest in said business, and the proposed location of said business, the owner or owners of the building or premises in which said store is to be located, and said applicant's state license shall accompany such application, then the City Recorder of the city in which the proposed business is to be licensed shall issue such license upon the payment of the license fee provided hereinafter. (Ord. No. 79-7, Sec. 1.)

4.28.02 Wholesale dealers, liquor The business of storing, transporting and/or selling of spirituous and vinous liquors at wholesale within the city where such business is to be conducted is hereby declared to be a privilege, and for the exercise of such privilege there is hereby levied an annual tax in the sum of Five Hundred Dollars (\$500.00) for each such business conducted. (Ord. No. 79-7, Sec. 2.)

4.28.03 Wholesale dealers, beer and malt liquors The business of storing, transporting and/or selling beer or malt liquors at wholesale within the city where such business is to be conducted is hereby declared to be a privilege, and for the exercise of such privilege there is hereby levied an annual tax in the sum of Five Hundred Dollars (\$500.00) for each such business conducted. (Ord. No. 79-7, Sec. 3.)

4.28.04 Wholesale dealers liquor, beer and malt liquor The business of storing, transporting and/or selling of spirituous, vinous liquors and malt liquors at wholesale within the city where such business is to be conducted is hereby declared to be a privilege, and for the exercise of such privilege there is hereby levied an annual tax in the sum of One Thousand Dollars (\$1,000.00) for each such business conducted. (Ord. No. 79-7, Sec. 4.)

4.28.05 Retail dealers, beer The business of storing, transporting, selling and/or dispensing at retail of any and all malt liquors and beer on or off premises within the city where such business is to be conducted is hereby declared to be a privilege, and for the exercise of such privilege there is levied an annual privilege tax in the sum of One Hundred Dollars (\$100.00) for each such retail store operated within the said city. (Ord. No. 79-7, Sec. 5.)

4.28.06 Retail package stores, liquor, beer and malt liquor The business of storing, transporting, selling and/or dispensing at retail of any and all vinous, spirituous and or malt

liquors within the city in which said business is to be conducted is hereby declared to be a privilege, and for the exercise of such privilege there is hereby levied an annual privilege tax of the sum of Two Hundred Fifty Dollars (\$250.00) for each such retail store operated within the said city. (Ord. No. 79-7, Sec. 6.)

4.28.07 Location It shall be unlawful for any person to sell or engage in the wholesale or retail liquor business at any location other than that zone C-1, C-2 or industrial. (Ord. No. 79-7, Sec. 7.)

4.28.08 Certificate of occupancy No person shall be granted a license at either wholesale or retail within the city in which said license is sought upon, in or in connection with any premises wherein there does not exist a certificate of occupancy. At the time of application every person desiring a permit pursuant to this ordinance shall file with the Recorder of the city in which said license is sought a certificate of occupancy for the premises for which the permit is sought. (Ord. No. 79-7, Sec. 8.)

4.28.09 Hours of sale It shall be unlawful for any person to sell, offer for sale or give away at wholesale or retail any spirituous, vinous, malt or other intoxicating alcoholic liquor before the hour of 7:00 a.m. and after the hour of 12:00 midnight and on Sunday. (Ord. No. 79-7, Sec. 9.)

4.28.10 Fines Every person who violates any section of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, the license of such person shall be revoked and such person shall be fined in a sum of not more than Five Hundred Dollars (\$500.00) and each day's violation of said section shall constitute a separate offense. (Ord. No. 79-7, Sec. 10.)

4.28.11 Other licenses and fees Every person shall procure, in addition to any permit issued pursuant to this ordinance, all other licenses, permits issued by the city, county and state. (Ord. No. 79-7, Sec. 11.)

4.28.12 Purpose It shall be unlawful for any person to sell, store, give away or transfer any sprits, vinous, beer or malt liquor without having first procured a license as provided herein and payment of the requisite fee therefore. (Ord. No. 79-7, Sec. 12.)

4.28.13 Definitions

Person for the purpose of this ordinance means one or more persons, a company, a corporation, a partnership, a syndicate or association.

Spiritous, vinous and malt liquors shall mean for the purpose of this ordinance any fermented liquor made from malt or any substitute therefore having an alcoholic content of not in excess of five percent (5%) by weight; liquor distilled from fermented juices of grain, fruits or vegetables and containing more than twenty-one percent (21%) of alcohol by weight or any other

liquids containing more than twenty-one percent (21%) by weight; the fermented juices and fruits containing more than five percent (5%) and not more than twenty-one percent (21%) of alcohol by weight; and the fermented juices of grapes, berries or other fruits or vegetables containing not more than five percent (5%) of alcohol by weight. (Ord. No. 79-7, Sec. 13.)

TITLE 5

HEALTH AND SANITATION

Chapters:

- 5.04 Maintenance of Real Property
- 5.08 Littering
- 5.12 Solid Waste Collection
- 5.16 Tree Ordinance

CHAPTER 5.04

MAINTENANCE OF REAL PROPERTY

Sections:

- 5.04.01 General intent and purpose
- 5.04.02 Interpretation
- 5.04.03 Definitions
- 5.04.04 Minimum property maintenance requirements and standards
- 5.04.05 Enforcement
- 5.04.06 Penalties

5.04.01 General intent and purpose The intent of this ordinance is to protect the public health, safety and welfare of the residents of Cotter, Arkansas, with regard to non-wooded residential and non-residential properties within the city limits of Cotter by establishing minimum property maintenance requirements and standards to prevent blight, crime and disease, to preserve property values, to increase public confidence in safety, to increase tourism, to facilitate the basic rights of adjacent property owners and citizens to enjoy their surroundings, to fix the responsibility of owners and occupants and to provide for administration, enforcement and penalties. (Ord. No. 2008-10, Sec. 1.)

5.04.02 Interpretation This ordinance shall be construed liberally and justly to insure public health, safety and welfare insofar as they are affected by the continual use and maintenance of residential and non-residential properties. (Ord. No. 2008-10, Sec. 2.)

5.04.03 Definitions

Code official Any person employed on a full-time basis with the city of Cotter Building Inspection Department, Police Department or Fire Department with the authority to issue non-compliance citations.

Property For the intent and purpose of this ordinance, “property” or “properties” shall be defined as any non-wooded lot or parcel and its existing structures or buildings whether residential, commercial or industrial.

Owners, occupants Any person(s), whether owner(s) or occupant(s) under a lease agreement, shall be responsible for the care, maintenance and upkeep of the property owned or occupied.

Unlawful structure A structure found in whole or in part to be a harbor for criminal activity, or one that constitutes a blighting problem due to a consistent lack of regular property maintenance or is in such a structural state that the building constitutes a danger to anyone in, on or near said structure.

Nuisance property A nuisance property is one that unreasonably interferes with the use and enjoyment of lands of another, including the use of a structure which disturbs the peaceful, quiet, undisturbed use and enjoyment of nearby property. The definition of nuisance property shall also include but not be limited to, those properties found to be dilapidated, unsightly, unsafe, unsanitary, obnoxious, unfit for human occupancy, unlawful or detrimental to the public welfare.

Unsightly property Any non-wooded residential, commercial or industrial lot, business, residential yard property within the city limits of cottoer that allows weeds or grass to grow over 12 inches high. Unsightly properties shall include those allowing bagged or un-bagged trash, garbage or refuse of any kind to accumulate on the premises. Unsightly properties shall include those allowing overgrown vegetation or conditions to exist that would have a potential to cause rat infestation or other vermin to occupy and breed on the property thereby causing infestation to spread to neighboring properties. Unsightly properties shall include those allowing inoperable, wrecked, or “junked” vehicles, or vehicles on blocks, to remain on the property. Unsightly properties shall include those allowing non-trash items of any kind to accumulate on and around the premises, including but not limited to appliances, furniture or other household items.

Unsafe property An unsafe property is one in which all or part of the premises thereof is found to be dangerous to life, health, property, or the safety of the public or the occupants of the structure due to a state of non-repair, damage, decay dilapidation, trash or fire hazard of such faulty construction or unstable foundation that would make the structure unsafe with partial or complete collapse likely.

Unsanitary property An unsanitary property is one in which the condition of the premises allows for infestation by rodents, vermin, pestiferous insects, mosquitoes or flies. An unsanitary property will include, but not be limited to those allowing stagnant pools of water causing the breeding of mosquitoes.

Unfit for human occupancy A structure is unfit for human occupancy or use whenever the Code Official determines that such structure is unsafe, unlawful or because of the degree in which the structure is in disrepair or lacks maintenance is unsanitary, vermin or rat infested, contains filth and contamination or lacks water and sewer serve or other utility services making the structure a hazard.

Unsafe equipment Equipment that is unsafe means any machinery that no longer functions in a manner consistent with its make and is openly and obviously displayed on property within the city limits. (Ord. No. 2008-10, Sec. 3.)

5.04.04 Minimum property maintenance requirements and standards It shall be unlawful for any person to keep, own or maintain any property, house, building, or other structure within the corporate limits of the city of Cotter that constitutes a nuisance or that is unsightly, unsanitary, unsafe, unlawful or unfit for human occupancy. Property owners/occupants shall be held responsible for compliance to this ordinance as follows:

- A. Any equipment that is unsafe, inoperative, unfit for human use, or unlawful shall not be kept, owned or displayed on properties.
- B. All accessory structures, including but not limited to detached garages, fences and walls shall be kept in good repair and free from vines or other vegetation that may grow into or onto an adjoining property.
- C. A vacant structure unfit for human habitation, occupancy or use shall not be allowed to remain standing.
- D. Long-term offensive odors to emanate from the property that unreasonably interfere with the ordinary use and enjoyment of neighboring property owners' land shall not be permitted. This excludes naturally occurring odors beyond the control of the property owner.
- E. Premises and exterior property shall be kept free from all used or dismantled household appliances, furniture, vehicle parts, discarded personal property, garbage, junk, scrap, or refuse excepting those structures in building, remodeling or demolition process.
- F. Unregistered, dismantled, inoperable, untagged, or stripped vehicles shall not be kept or stored outside on any premises, commercial or residential and will be enforced in accordance with existing ordinances of the city of Cotter.
- G. All structures and exterior property shall be kept clean and sanitary and free from vermin infestation.

- H. Stagnant water shall not be permitted. This provision shall not apply to private lakes or ponds.
- I. Weeds, grasses or other vegetation growth exceeding twelve (12) inches shall not be permitted. This provision shall not apply to ornamental trees, shrubs and flowers.
- J. Nothing contained herein shall be interpreted or construed to prevent a person from using acreage for pastureland, wooded lots or for cutting of hay. Hay acreage shall be cut by June 30th and October 15th. (Ord. No. 2008-10, Sec. 4.)

5.04.05 Enforcement Any tenant and/or owner of real property within the city of Cotter, Arkansas, whose property violates this ordinance shall be notified of the violation by the city of Cotter and shall be given seven (7) days' notice to correct the ordinance violation. Said notice shall be sent by regular and certified mail and shall be sent to the following:

- A. The occupant, if any, of the property, with notice sent to the physical address of the property.
- B. The owner of the property, with notice sent to the owner's address of record at the office of Baxter County Collector; and
- C. Any lien holders of the property as reflected in the office of the Clerk and ex-officio Recorder for Baxter County, Arkansas.

Refusal of owner to comply: If the owner, occupant or lien holder shall, after being sent notice as provided hereinabove, shall neglect or refuse to remove, abate or eliminate any condition as may be provided for in this ordinance or fails to correct the ordinance violation, then the city may take any and all action necessary to correct the ordinance violation, and shall charge the costs thereof to the owner of the real property. As used herein, the term "costs" shall include the actual cost to correct the ordinance violation as well as any administrative and collection costs incurred by the city. The city shall be entitled to a lien against the property for all such costs provided that the lien shall be perfected, imposed and collected in the time and manner set forth in A.C.A. 14-54-903 and 14-54-904. (Ord. No. 2008-10, Sec. 6.)

5.04.06 Penalty Any person in violation of this ordinance shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) per day. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. (Ord. No. 2008-10, Sec. 7.)

CHAPTER 5.08

LITTERING

Sections:

- 5.08.01 Littering
- 5.08.02 Fine

5.08.01 Littering From and after the passage and approval of this ordinance it shall be unlawful for any person, firm or corporation to dump or throw any form of trash, refuse, cans, bottles, garbage, paper, rags or any other kinds or form of trash or garbage upon the streets, in the park or upon any other property of or within the city of Cotter, Arkansas. (Ord. No. 96-06, Sec. 1.)

5.08.02 Fine Any person, firm or corporation who shall violate the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Fifty Dollars (\$250.00). And if such violation be continued, each days violation shall be a separate offense. (Ord. No. 96-06, Sec. 2)

CHAPTER 5.12

SOLID WASTE COLLECTION

Sections:

- 5.12.01 Contract
- 5.12.02 Competitive bidding waived

5.12.01 Contract The Mayor of the city of Cotter, Arkansas, is hereby authorized and directed to enter into a contract with I.E.S.I. for the collection and disposal of solid waste within the city of Cotter, Arkansas. Said contract shall be on the same terms and conditions as set forth in Exhibit A and incorporated by reference. (Ord. No. 2001-12, Sec. 1.)

5.12.02 Competitive bidding waived Competitive bidding on the contract is not feasible or practical and is hereby waived on said contract. The reasons for competitive bidding not being feasible or practical include, but are not limited to, the following, to wit:

- A. The city of Cotter has a long term relationship with I.E.S.I. in which the city has been adequately provided for in the collection and disposal of solid waste;
- B. The city would incur various expenses in changing the current relationship and such expenses are not warranted under the circumstances; and
- C. The citizens of Cotter would be subject to changing of trash pick-up times if I.E.S.I. no longer provided the service. Such disruption and inconvenience is not warranted. (Ord. No. 2001-12, Sec. 2.)

CHAPTER 5.16

TREE ORDINANCE

Sections:

5.16.01	Purpose
5.16.02	Definitions
5.16.03	Administration; Tree Advisory Committee
5.16.04	Tree planting, maintenance and removal
5.16.05	Commercial tree service
5.16.06	Hazardous and nuisance trees
5.16.07	Tree protection and landscaping
5.16.08	Penalty

5.16.01 Purpose The purpose of this ordinance shall be to promote and protect the public health, safety, and general welfare by providing for the development of a Community Forestry Plan to address the planting, maintenance, and removal of public trees within the city of Cotter in order to promote the benefits of our community forest resources. (Ord. No. 2005-3, Sec. 1.)

5.16.02 Definitions

Commercial tree service A person who performs work on trees for profit.

Dripline An imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.

Hazardous tree A tree or tree parts with high probability of falling or causing injury or property loss; also, a tree harboring insects or a disease that could be detrimental to surrounding trees.

Person An individual, firm, corporation, partnership, business, group of individuals, city department or other entity which acts singly or collectively for a common purpose.

Public grounds Areas including street rights-of-way, alleys, parks, medians, substations, treatment plants, plazas, squares, public buildings and any other area designated for public use.

Street right-of-way The area designated for city improvements on both sides of the street.

Topping Also referred to as stubbing dehorning and heading; it is the severe removal of the tree canopy back to large stubs.

Tree Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity, normally attaining a trunk diameter greater than three inches, and a height of over ten feet. (Ord. No. 2005-3, Sec. 2.)

5.16.03 Administration; Tree Advisory Committee The Tree Advisory Committee shall be advisory in nature with the purpose of providing advice to the Mayor, City Council and Director of Public Services, as to the management of the community forest of Cotter, Arkansas, in accordance with the intents and purposes of this ordinance.

The purpose of the Tree Advisory Committee shall be promoting the responsible planting of trees on public and private property, public education about trees, promotion of proper maintenance of trees, advocating trees within the city, and developing innovative and joint funding for projects from a variety of sources.

- A. The Tree Advisory Committee shall consist of a total of five (5) members, residents of the city, who shall be appointed by the Mayor and approved by a majority of the City Council meeting in regular session.
- B. Terms of membership shall be for periods of two (2) years. However, two of the initial membership terms shall be for a period of one year, so as to provide for staggered membership terms. Vacancies shall be filled for the unexpired term, by standard appointment method.
- C. Staff support to the Tree Advisory Committee shall be provided by the Director of Public Services, utilizing available manpower from city department, volunteers, Department of Corrections work crews, or other sources.
- D. Members of the Tree Advisory Committee shall serve without compensation.
- E. The Tree Advisory Committee shall hold regular meetings and may call special meetings if necessary, to carry out its duties.
- F. The Tree Advisory Committee shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings to be filed with the Recorder/Treasurer of the city of Cotter.
- G. It shall be the responsibility of the Tree Advisory Committee to develop, update annually, and administer a written plan for the care, preservation, pruning, planting or removal of trees and shrubs on all public lands. Such plan shall be presented annually to the City Council and upon its acceptance and approval, shall constitute the official comprehensive tree management plan.

- H. The Tree Advisory Committee shall investigate available grants, loans or contributions from other governmental agencies, public or private corporations or individuals in an effort to finance the comprehensive tree plan.
(Ord. No.2005-3, Sec. 3.)

5.16.04 Tree planting, maintenance and removal It is the public policy of the city of Cotter, Arkansas, to maintain existing trees and provide for and encourage the planting of new trees within Cotter to the greatest extent possible.

- A. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way of all streets, alleys and public grounds, as may be necessary to insure public safety or to preserve and enhance the symmetry and beauty of such public grounds.
- B. The city shall have the right to prune any tree or shrub on private property, on advice of the Tree Advisory Committee, and provided advance notice be given to the owner of such property, when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign or sight triangle at intersections.
- C. The Mayor or his designee will ensure that the applicable department will administer this ordinance in its assigned area of responsibility.
- D. Trees shall not be removed from public ground unless written approval is first obtained from the city.
- E. It shall be a violation of this ordinance to damage, destroy or mutilate any tree on public ground, or permanently attach a rope, wire, sign, poster, handbill or any other object to any such tree.
- F. Trees shall not be planted to conceal a fire hydrant from the street or impeded the line of sight on any street.
- G. It shall be unlawful for any person to top or cut back to stubs the crown of any tree on public grounds without first obtaining written permission from the proper authority.
- H. City employees performing tree work shall be trained in basic tree science and the proper techniques of tree pruning.
- I. Public utility companies shall notify the city prior to pruning any tree located on public property and shall carry out all such work in accordance with accepted arboricultural practices. (Ord. No. 2005-3, Sec. 4.)

5.16.05 Commercial tree service

- A. Requirements to be licensed by the city of Cotter, as a commercial tree service shall include proof of completion of an arborist training program equal to that offered by the International Society of Arboriculture.
- B. Any applicant for a tree service business permit shall provide at the time of application, a certificate of insurance showing coverage for general liability, automobile liability, and workers' compensation.
- C. No permit shall be required of any public service or utility company, or city employee doing such work in pursuit of their public services. (Ord. No. 2005-3, Sec. 5.)

5.16.06 Hazardous and nuisance trees

- A. The city shall have the authority, upon the advice of the Tree Advisory Committee, to order the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the city. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal to the owners.
- B. It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alley intersection. (Ord. No. 2005-3, Sec. 6.)

5.16.07 Tree protection and landscaping

- A. Subdivision and development plans shall be designed to preserve natural vegetation areas as much as possible. Streets, parcels, structures and parking areas shall be laid out to minimize the destruction of wooded areas or outstanding specimens. Developers of land are encouraged to designate wooded areas as park reserves or wildlife habitat.
- B. In new subdivisions or when the development of commercial property occurs, the city will review landscaping plans and may require street trees to be planted in any of the streets, parking lots, parks and other public places abutting lands previously developed.

- C. The Planning Commission shall consider a landscape plan as part of its review of any subdivision plat, development plan, or site plan application.
- D. No person shall deposit, place, store, or maintain upon any public place, any stone, brick, concrete, or other materials which may impede the free passage of water, air, or nutrients to the roots within the dripline of any tree, except by written permit of the city. (Ord. No. 2005-3, Sec. 7.)

5.16.08 Penalty Any person violating any provision of this ordinance shall be upon conviction, subject to a fine not to exceed Five Hundred Dollars (\$500.00) for each separate offense. (Ord. No. 2005-3, Sec. 8.)

TITLE 6

ANIMALS AND FOWL

Chapters:

- 6.04 Dogs
- 6.08 Other Animals and Fowl

CHAPTER 6.04

DOGS

Sections:

- 6.04.01 Definitions
- 6.04.02 Enforcement
- 6.04.03 License fee and tag
- 6.04.04 Restraint
- 6.04.05 Impoundment
- 6.04.06 Impoundment fees
- 6.04.07 Confinement of certain animals
- 6.04.08 Rabies control
- 6.04.09 Contract for services
- 6.04.10 Investigation
- 6.04.11 Interference
- 6.04.12 Records
- 6.04.13 Penalty
- 6.04.14 Pit bulls and vicious animals

6.04.01 Definitions As used in this ordinance the following terms when used singularly shall include the plural and shall mean:

Animal Dog or cat, male or female. (Ord. No. 2019-04, Sec. 1)

Animal Control The Person or persons employed or contracted by the City as its enforcement officer. (Ord. No. 2019-04, Sec. 1)

Animal shelter Any premises designated by action of the city for the purpose of impounding and caring for all animals in violation of this ordinance.

Animal Warden The person or persons employed by the city as its enforcement officer.

At large Any animal shall be deemed to be at large when it is off the property of its owner or person in charge; not under control of a competent person or under reasonable control of a competent person/owner; not carried by such person; or kept in effective closure; or under control by means of a leash. (Ord. No. 2019-04, Sec. 1)

Confined Within the Property Limits Meaning an animal must be confined by means of a fence, chain/rope, invisible fence, in command of a person/owner while on the property or trained to stay within the property boundaries. (Ord. No. 2019-04, Sec. 1)

Exposed to rabies An animal has been exposed to rabies within the meaning of this ordinance if it has been bitten by or been exposed to any animal known to have been infested with rabies shall comply with Arkansas Statue 20-19-301. (Ord. No. 2019-04, Sec. 1)

Has been bitten Mean the skin has been penetrated by an animal's teeth and saliva has contacted a break or abrasion of the skin. (Ord. No. 2019-04, Sec. 1)

Kennel Any person, firm, or corporation engaged in the commercial business of breeding, buying, selling or boarding animals. (Ord. No. 2019-04, Sec. 1)

Owner Any person, firm, or corporation owning, keeping or harboring an animal. (Ord. No. 2019-04, Sec. 1)

Restraint An animal is under restraint within the meaning of this ordinance if it is controlled by a leash; or at "heel" beside a competent person/owner and under reasonable control/obedient to that person's commands; or within a vehicle being driven or parked on the streets; or confined within the property limits of its owner or keeper.(Ord. No. 2019-04, Sec. 1)

Vaccination Against Rabies: Means the injection, subcutaneously or otherwise, of antirabbit vaccine, as approved by the United States Department of Agriculture or the State board of Health and administered by a licensed veterinarian or agent of the Department of Health. (Ord. No. 2019-04, Sec. 1)

6.04.02 Enforcement The provisions of this ordinance shall be enforced by the city of Cotter. (Ord. No. 2019-04, Sec. 2.)

6.04.03 License fee and tag

- A. The quartering, keeping and maintaining of any animal within the corporate limits of the city of Cotter, Arkansas, shall be a privilege exercisable only by the purchase of an annual license for such purpose, from the city, for each calendar year.

- B. For each neutered male or spayed female, the levied fee shall be in the amount of five dollars (\$5) annually. The fee for each unspayed female or unaltered male shall be ten dollars (\$10.00) annually, except for any animal under four (4) months of age. The fine for animals without tags shall be no less than \$100.00 pursuant to Section 13 Penalty. (Ord. No. 2019-04, Sec. 3)
- C. The license and appropriate metal tag showing assigned number, shall be issued by the City of Cotter, or agent designated for that purpose upon payment of the fee set out above, and proof that the animal for which said license has been inoculated against rabies pursuant to Arkansas Statue 20-19-302 (6) and any other vaccinations required by the state of Arkansas for the current calendar year. (Ord. No. 2019-04. Sec. 3)
- D. Rabies is required for dogs and cats 4 months or older in age. Rabies is given at 4 months or 16 weeks of age and annually thereafter. Owner shall provide proof of neutering, spaying, and breed of dog by a licensed veterinarian. Owner upon applying for license shall provide a picture of animal at time of application. In addition, a listing of the animal's chronic medical disabilities, if any, may be noted in the license file, to assist the Animal Control in the performance of his duties. (Ord. No. 2019-04. Sec. 3)
- E. The identifying metal tag shall be attached to the animal for which it was obtained by appropriate and reasonable means. This tag may not be transferred to any other animal. Cost to replace a lost tag shall be \$5.00. (Ord. No. 2019-04. Sec. 3)

6.04.04 Restraint The owner shall keep their animals under restraint at all times and shall not permit such animal to be at large.

Any loose animal inside the city limits of Cotter without its owner shall be in violation of said ordinance and shall receive a citation of not less than \$100.00 plus any Baxter County Animal Control impoundment fees incurred and plus court cost. (Ord. No. 2019-04, Sec. 4.)

Nuisance animals:

- a) Owners of nuisance animals shall be subject to fine. Nuisance animals are any animals which infringe upon the rights of another animal or a person, or:
 - (1) Chase passersby or passing vehicles;
 - (2) Attack other domestic animals;
 - (3) Trespass on school grounds;
 - (4) Are repeatedly at large;
 - (5) Damage private or public property;

- (6) Bark, whine, or howl in an excessive, continuous, or untimely fashion;
- (7) Cause fouling of the air by odor and thereby create unreasonable annoyance;
- (8) Interfere with refuse collection or other service personnel;
- (9) Repeatedly defecating on property other than property owned by their owner, keeper or harbinger while at large or while under restraint, with the exception of persons with guide dogs.

For purposes of this section, each day that a violation occurs shall be considered a separate offense, and if a separate citation is issued for each offense, each such separate offense may be punished separately. (Ord. No. 2019-04, Sec. 4. (1-9))

6.04.05 Impoundment

- (a) Any animal found running at large shall be picked up by the Baxter County Animal Control and the Owner shall be charged per the Baxter Animal Control Agreement with the City of Cotter. Any fees charged for services by Animal Control and/or Animal Shelter shall be a separate offense and shall be added to any other violation of said ordinance.
- (b) When animals are found running at large, and their ownership is known, such animal need not be impounded, but upon notifying the Owner, the City of Cotter Police Department may, at its discretion issue a warning or a citation for violation of this ordinance.
- (c) Immediately upon impoundment of an animal, the Baxter County Animal Control and/ Animal Shelter or the City of Cotter shall make every possible effort to notify the owners.
- (d) In the case of an animal injured while at large, all effort should be made to notify the Owner, and if necessary, transport the animal to the closest Doctor of Veterinary Medicine to determine the extent of the injuries. All related veterinary charges shall be borne by the Owner of the animal involved. The owner shall be entitled to resume possession of any impounded animal, except as hereinafter provided in cases of certain animals, upon payment of impoundment fees set forth herein. (Ord. No. 2019-04, Sec. 5. (a-d))

Impoundment Fees: Any animal impounded hereunder billed to the City of Cotter shall be added to the fine if not reimbursed by the owner of the animal impounded.

6.04.07 Confinement of certain animals

- A. Every female animal in heat shall be kept confined to the owner's property or in a veterinary hospital or boarding kennel, in such manner that such female animal cannot come in contract with another animal, except for intentional breeding purposes.
- B. No wild animal may be kept within the city limits, except under such conditions as shall be fixed by the city of Cotter, provided however, that wild animals may be kept for exhibition purposes by circuses, zoos, and educational institutions in accordance with such regulations as shall be established by the city of Cotter. (Ord. No. 93-1, Sec. 8.)

6.04.08 Rabies control

- A. Every animal which bites a person shall be promptly reported to the Animal Warden and Chief of Police, if suspected of having rabies or suspected of being exposed to rabies, and shall thereupon be securely quarantined at the direction of a veterinarian for a period of ten (10) days, and shall not be released from such quarantine except by written permission of the veterinarian, such quarantine may be on the premises of the owner or City Animal Shelter.
- B. Upon demand made by the Animal Warden and/or Chief of Police, the owner shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for supervised quarantine which expense shall be borne by the owner, and may be reclaimed by the owner if adjudged free of rabies, upon payment of fees of Ten Dollars (\$10.00) per day.
- C. No animal which has been impounded by reason of its being a stray, unclaimed by its owner, is allowed to be adopted by the Animal Shelter during a period of rabies emergency quarantine, except by special authorization of a Public Health Official and the Animal Warden. A current rabies tag and city license tag shall be worn by animal at all times.
- D. No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided, or remove same from the city limits without written permission from the Animal Warden and/or Chief of Police upon written recommendation from a veterinarian. (Ord. No. 93-1, Sec. 9.)

6.04.09 Contract for services The Mayor of the city of Cotter shall be and is hereby authorized to contract with any person, firm or corporation for services as an Animal Warden

and/or Animal Shelter, terms, conditions and compensation for such services shall be mutually agreed to be the Mayor and the person selected to fulfill this capacity upon approval by the City Council. (Ord. No. 93-1, Sec. 10.)

6.04.10 Investigation For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, the Animal Warden, only in the company of a police officer, may enter upon any premises, using proper legal procedure, upon which an animal is kept or harbored or where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when, in their opinion, it requires humane treatment. (Ord. No. 93-1, Sec. 11.)

6.04.11 Interference No person shall interfere with, hinder or molest the Animal Warden in the performance of this duties or seek to release any animal in the custody of the Animal Warden. (Ord. No. 93-1, Sec. 12.)

6.04.12 Records

- A. It shall be the duty of the Animal Warden to keep accurate and detailed records of the disposition of all animals coming into his custody.
- B. It shall be the duty of the Animal Shelter to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into its custody.
- C. It shall be the duty of the Animal Warden and/or Chief of Police to keep, or cause to be kept, accurate and detailed records of all bite cases reported to them, and their investigation of same.
- D. It shall be the duty of the Animal Shelter to keep, or cause to be kept, accurate and detailed records of all monies belonging to the city of Cotter, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the city and shall be audited by the city. (Ord. No. 93-1, Sec. 12.)

6.04.13 Penalty Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and punished by a fine not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00) and if such violation be continued, each day's violation shall be a separate offense. (Ord. No. 93-1, Sec. 14.)

6.04.14 Pit bulls and vicious animals

A. Definitions

Pit bull terrier As used herein, is defined as any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier.(Ord. No. 2019-05, Sec. 1-A)

A. No person shall own or keep a Pit Bull Terrier or any mix of Pit Bull Terrier within the municipal limits of the City of Cotter, Arkansas.

B. No one may keep a vicious dog in the City of Cotter, Arkansas.

C. This ordinance is a necessary control to eliminate the risk of attack by Pit Bull Terrier and vicious dogs on human beings in the City of Cotter, Arkansas. Lack of knowledge or lack of intent is not a defense.

D. Whoever is found guilty of violating this ordinance shall be fined not less than \$250.00 (two hundred fifty dollars) and no more than \$500.00 (five hundred dollars) per violation. Two or more offenses may be fined \$1000.00 (one thousand dollars) and an additional fine of \$250.00 (two hundred fifty dollars) shall be assessed per day that the violation continues, plus court costs. (Ord. No. 2019, Sec. 2 (A-D))

Vicious dog/ Dangerous dog

(1) An owner or handler may not keep or permit a dog to be in the city if the dog has:

(a) On at least three separate occasions that a dog has attempted to attack or attempted to bite a human being or domestic animals without provocation in the city. However, the fact that a dog has bitten or attempted to bite someone when that person was teasing the dog shall not constitute a vicious dog.

(b) On at least one occasion bitten or injured a person or owner's pet to an extent that treatment was required by a physician/veterinarian and has presented an affidavit stating that the person and/or pet's life may have been endangered by the dog; or has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

(c) On at least one occasion killed another dog, cat, or other domestic pet, fowl, or livestock; or seriously injured another animal to an extent that an attending veterinarian has presented an affidavit to the health authority stating that the injured animal's life was seriously endangered or taken by the dog, or that the dog caused a significant permanent impairment of the injured animal's basic bodily functions or mobility; provided, however, that when the incident occurred, the injured animal was not in violation of a provision of this or any other ordinance in the City.(Ord. No. 2019-05, Sec. 1-B)

CHAPTER 6.08

OTHER ANIMALS AND FOWL

Sections:

6.08.01	Running large
6.08.02	Fine
6.08.03	Compound
6.08.04	Pound Keeper
6.08.05	Cost
6.08.06	Sale of animals
6.08.07	Fees and charges
6.08.08	Claim of owner
6.08.09	Record and reports
6.08.10	Assistants
6.08.11	Interference
6.08.12	Vandalizing pound
6.08.13	Letting animals free
6.08.14	Neglect of animals

6.08.01 Running large Hereafter, no horse, mare, mule, colt, jack or jenny, or swine of any kind, or any sheep, goat, or cattle or fowl of any kind, shall be permitted within the corporate limits of the city of Cotter, Baxter County, Arkansas, at any time, either day or night, and that it be, and it is hereby declared to be unlawful, for the owner or keeper, or person in charge, of any

of the animals above mentioned to suffer or permit any of such animals to run at large within the corporate limits of the city of Cotter, Baxter County, Arkansas, and every owner, keeper, or person having the care, custody or control of any such animal, is hereby required to keep the same from running at large, in violation of the provisions hereof. (Ord. No. 85-A, Sec. 1.)

6.08.02 Fine Any owner, keeper, or person in charge of any of the animals enumerated in 6.08.01, who shall knowingly, willfully and in disregard of the provisions of 6.08.01, suffer or permit any of such animals to run at large within the corporate limits of the city of Cotter, Baxter County, Arkansas, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than One Dollars (\$1.00) and no more than Ten Dollars (\$10.00) for the first offense, and, upon conviction for a second offense, not less than Five Dollars (\$5.00) and not more than One Hundred Dollars (\$100.00) or by imprisonment in the city jail for not less than one and not more than thirty days, or, by both fine and imprisonment, within the limits aforesaid. (Ord. No. 85-A, Sec. 2.)

6.08.03 Compound The City Council of the city of Cotter, Baxter County, Arkansas, shall, as soon as practical after the taking effect of this ordinance, designate, establish and provide a suitable place, properly enclosed, to be used and occupied for the impounding and keeping of all animals, or livestock, enumerated in 6.08.01 hereof, found running at large within the corporate limits of said city, contrary to the provisions of this ordinance. (Ord. No. 85-A, Sec. 3.)

6.08.04 Pound Keeper The Mayor, by and with the consent of the Council, shall designate and appoint a Pound Keeper for the pound or place designated for the impounding and keeping of animals, as provided for in 6.08.03, whose duty it shall be to take up all animals found running at large contrary to the provisions of this ordinance, and confine them in such pound, and keep, feed and care for the same as hereinafter provided. He shall hold his office for the term of one year, and until his successor is designated, appointed and qualified, and L.R. Martin, Marshall of the city of Cotter, Arkansas, is hereby designated and appointed, as such Pound Keeper, and to perform the duties of such Pound Keeper, and to enforce the provisions of this ordinance, until such time as his successor shall be designated, appointed and qualified. (Ord. No. 85-A, Sec. 4.)

6.08.05 Cost The Pound Keeper taking up any animal under the provisions of this ordinance, shall provide at his own cost and expense, suitable and necessary food and sustenance for all animals so taken up, and shall properly feed and care for all such animals during the time that they are confined and kept in such pound, and the cost of providing such sustenance shall be paid to such pound keeper by the owner or person to whom the same shall be delivered, as hereinafter provided, before such animal shall be released by him, and in case of sale of such animal as hereinafter provided, such cost shall be paid out of the proceeds of such sale. (Ord. No. 85-A, Sec. 5.)

6.08.06 Sale of animals All animals so taken up and impounded and not claimed by the owner, and released as herein provided, before the expiration of ten days from the impounding of the same, shall be sold at public sale by the Pound Keeper having the same in charge. Such Pound Keeper shall personally attend to the selling of such animal and before making such sale shall give five days notice of the time and place of such sale, by causing written or printed notices thereof to be posted in five public places in said city, one of which shall be in the office of the Recorder of said city, in which notice shall be given a description of the animal or animals to be sold, at least five days previous to such sale, and the proceeds of such sales, after deducting the costs, charges and expenses allowed by this ordinance, shall be at once paid into the City Treasury, said Pound Keeper therefore taking duplicate receipts, one of which he shall file with the Recorder. (Ord. No. 85-A, Sec. 6.)

6.08.07 Fees and charges The following fees and charges shall be paid to the Pound Keeper, and shall be in full of all compensation to his as such Pound Keeper, under the provisions of this ordinance, to wit:

- | | | |
|----|--|--------|
| A. | For taking up and impounding each animal | \$1.00 |
| B. | For sustenance provided each animal after the first six hours of the first day, or any part thereof, | .25 |
| | each additional day or any part thereof | .50 |
| C. | For posting notices for sale of each animal | .50 |
| D. | For making sale of each animal | .50 |
- (Ord. No. 85-A, Sec. 7.)

6.08.08 Claim of owner If the owner or person having the care and control of any animal so impounded, shall apply to such pound keeper for the release of such animal and prove such ownership to the satisfaction of such Pound Keeper at any time before the sale of such animals as herein provided, said Pound Keeper shall, upon the payment to him of the fees and charges for the taking up and keeping of such animal as provided by this ordinance, together with the cost of publishing notice of sale, when such notice has been published, release and deliver such animal to such owner. If the owner of any animal so impounded shall, within ninety days after the sale of such animal, file his application in writing therefore with the Recorder, and prove such ownership to the satisfaction of the Mayor and Council, said Mayor and Council shall cause a warrant to be drawn upon the Treasurer in favor of such claimant for the amount deposited in the City Treasury on account of such animal as hereinbefore provided, but if such owner shall fail to appear and file his application therefore within ninety days after the sale of such animal, said amount shall be forfeited to the city. (Ord. No. 85-A, Sec. 8.)

6.08.09 Record and reports Each Pond Keeper shall keep a book in which he shall enter a record of all animals taken up and impounded by him, showing the time when taken up, where found, a description of the animal so taken up and impounded, if released before sale, when and

to whom so released, if sold, when and where the notices of such sale were posted, when and to whom sold, the amount for which the same was sold, amount of fees and charges and amount paid into the City Treasury; which record shall be open to inspection by any person during business hours of each day, and each Pound Keeper shall make a full and detailed report of all animals so taken up to the Mayor and Council at the first regular meeting of said Council in each month. (Ord. No. 85-A, Sec. 9.)

6.08.10 Assistants Each Pound Keeper may, with the consent of the Mayor and Council, employ one or more assistants to aid him in the performance of his duties, the compensation of such assistant to be paid by said Pound Keeper, provided, the city shall in no event be liable, therefore. (Ord. No. 85-A, Sec. 10.)

6.08.11 Interference Any person, who shall in any manner resist, impede, oppose, hinder or interfere with the Pound Keeper or his assistants, while engaged in the discharge of his or their duties in taking up, leading, carrying or driving any animal aforesaid to the city pound, shall on conviction thereof be fined in any sum not less than One Dollar (\$1.00) nor more than Twenty Dollars (\$20.00). (Ord. No. 85-A, Sec. 11.)

6.08.12 Vandalizing pound Any person who shall break open, pull down, destroy or injure any pound in said city, or any door, gate, fence or enclosure thereof, or take or attempt to take, or drive thereout or therefrom, any animal therein impounded, without first paying the fees and charges as herein provided, shall on conviction thereof be fined in any sum not exceeding Twenty Dollars (\$20.00). (Ord. No. 85-A, Sec. 12.)

6.08.13 Letting animals free Whoever shall drive or entice any animal from beyond the city limits of said city into the same, or shall aid or abet the same or let any animal out of any enclosure in which it may be confined, or aid or abet the letting out or escape thereof, in order to cause the taking up and impounding of the same, shall, on conviction thereof, be fined in any sum not exceeding Twenty Dollars (\$20.00). (Ord. No. 85-A, Sec. 13.)

6.08.14 Neglect of animals Any Pound Keeper having the care and custody of any animal under the provisions of this ordinance, who shall fail or neglect to furnish and provide for such animal proper and sufficient food and water, while so under his care and custody, or shall fail or neglect to use proper care and treatment of and toward any such animal, shall on conviction be fined in the sum not exceeding Twenty Dollars (\$20.00) and shall forfeit his office as such Pound Keeper. (Ord. No. 85-A, Sec. 14.)

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Vandalism
- 7.16 Discharge of Firearms
- 7.20 Nuisance
- 7.24 Outside Fire Service
- 7.28 Garage Sales
- 7.32 Fireworks
- 7.36 Civil Defense
- 7.40 Purchasing Alcohol
- 7.44 Open Burning
- 7.48 Cemetery
- 7.52 City Speed Limits

CHAPTER 7.04

STATE CRIMINAL STATUTES AND PENALTIES

Sections:

- 7.04.01 Misdemeanors
- 7.04.02 Criminal laws
- 7.04.03 Fine

7.04.01 Misdemeanors All, each and every act, matter or thing which are misdemeanors under the laws of the state of Arkansas are hereby prohibited within the corporate limits of the city of Cotter, Arkansas, and are hereby made a violation of this ordinance. (Ord. No. 152, Sec. 1.)

7.04.02 Criminal laws The criminal laws of the state of Arkansas pertaining to misdemeanors, as same now exist and as same may be hereafter enacted, are hereby adopted as the criminal code relating to misdemeanors of the city of Cotter, Arkansas. (Ord. No. 152, Sec. 2.)

7.04.03 Fine Any person within the corporate limits of the city of Cotter, Arkansas, who shall violate any provision of the laws which are above incorporated and adopted in this ordinance on conviction thereof shall be punished by fine or imprisonment, or both, together with the costs of the proceeding, in not less than the minimum nor more than the maximum penalty prescribed by the statutes of the state of Arkansas made and provided for the violation upon which said conviction is based; said penalty shall be enforced in the same manner prescribed by the laws of the state of Arkansas for the enforcement and the collection of fines, forfeitures and penalties imposed by courts of cities of the second class having jurisdiction thereof; fines shall be charged to the City Marshal, collected and paid into the city Treasury. (Ord. No. 152, Sec. 3.)

CHAPTER 7.08

CURFEW

Sections:

- 7.08.01 Curfew
- 7.08.02 Minors
- 7.08.03 Justification
- 7.08.04 Fine for minor
- 7.08.05 Fine for parent or guardian

7.08.01 Curfew It shall be unlawful for any person to be found abroad upon the streets, alleys, parks and other public places within the city of Cotter, Arkansas, between the hours of 11:00 p.m. on Saturday and 5:00 a.m. on Sunday and during the remainder of the week between the hours of 10:00 p.m. and 5:00 a.m., without any visible or lawful business to be abroad as aforesaid or without giving a satisfactory account of himself or herself. (Ord. No. 73-169, Sec. 1.)

7.08.02 Minors It shall be unlawful for any person, guardian or other adult person responsible for or having the lawful care, custody and control of any person under the age of 18 years to allow, permit or suffer such minor to violate the provisions of 7.08.01. (Ord. No. 73-169, Sec. 2.)

7.08.03 Justification Any person found abroad upon the streets, alleys, parks or other public places within the city of Cotter, Arkansas, between the hours set forth in 7.08.01 above, upon being challenged by any peace officer or by any city official of the city of Cotter, Arkansas, shall give a satisfactory account of his or her presence thereon or thereat. (Ord. No. 73-169, Sec. 3.)

7.08.04 Fine for minor If any person so challenged shall fail to give a satisfactory account of his or her reasons for being abroad at any of the places and between the time set forth in 7.08.01 hereof, or if he or she seeks to escape before or after said challenge, such person shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Twenty-Five Dollars (\$25.00) or by imprisonment for not more than ten (10) days, or by both such fine and imprisonment. For each subsequent offense, upon conviction, the fine shall be double the fine for the previous offense or imprisonment for ten (10) days, or by both such fine and imprisonment. (Ord. No. 73-169, Sec. 4.)

7.08.05 Fine for parent or guardian Any parent, guardian, or other adult person responsible for or having the legal custody of a minor under the age of 18 years, who permits, allows or suffers said minor to violate the provisions of 7.08.01 of this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine of not more than Twenty-Five Dollars (\$25.00). For each subsequent offense upon conviction, the fine shall be double the fine for the previous offense. (Ord. No. 73-169, Sec. 5.)

CHAPTER 7.12

VANDALISM

Sections:

- 7.12.01 Damaging property
- 7.12.02 Trespassing
- 7.12.03 Fine

7.12.01 Damaging property From and after the passage and approval of this ordinance, it shall be unlawful for any person to mar, deface, injure, damage or destroy, in whole or in part, any real, personal, or real and personal, property owned by, or over which dominion is exercised by, the city of Cotter, Arkansas. (Ord. No. 142, Sec. 1.)

7.12.02 Trespassing From and after the passage and approval of this ordinance, it shall be unlawful for any person, not lawfully authorized so to do, to enter upon or trespass upon any real, personal, or real and personal, property owned by, or over which dominion is exercised by the city of Cotter, Arkansas. (Ord. No. 142, Sec. 2.)

7.12.03 Fine Any person who shall violate the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding Two Hundred and Fifty Dollars (\$250.00) or by imprisonment for a period not exceeding one (1) year, or by a fine and imprisonment both. (Ord. No. 142, Sec. 3.)

CHAPTER 7.16

DISCHARGE OF FIREARMS

Sections:

- 7.16.01 City limits
- 7.16.02 Definition
- 7.16.03 Fine

7.16.01 City limits It shall be unlawful for any person, except an officer of the law in the pursuit of his official duties, to discharge at any time, any type of firearm within the corporate boundaries of the city of Cotter, Arkansas, except for the purpose of protecting life or preventing the destruction or theft of property. (Ord. No. 72-162, Sec. 1. amended)

7.16.02 Definition For the purpose of this ordinance, the word firearm or firearms shall include all handguns, rifles, shotguns, air guns and any and all other apparatus which propels single or multiple projectiles upon discharging an explosive charge, compressed air from a container of gas such as CO² or air manually compressed by a cocking mechanism. (Ord. No. 72-162, Sec. 2. amended)

7.16.03 Fine Any person violating the provisions of this ordinance shall be held guilty of a misdemeanor and upon conviction, shall be fined a sum of not less than Fifty Dollars (\$50.00) or more than Two Hundred Fifty Dollars (\$250.00) for each and every violation. Each discharge of a firearm shall be a separate violation. (Ord. No. 72-162, Sec. 3.)

CHAPTER 7.20

NUISANCE

Sections:

- 7.20.01 Definition
- 7.20.02 Animals
- 7.20.03 Fine

7.20.01 Definition For the purposes of this ordinance, a nuisance shall be considered and defined as "any act, matter, thing or type of personal conduct that is deemed to be offensive,

annoying, troublesome, repugnant, obnoxious, or insulting to any reasonable individual person or to the public at large." Particular and specific types of nuisances shall include, but not be limited to, barking dogs, loud music, loud automobiles and motorcycles, and offensive odors. (Ord. No. 89-2, Sec. 1.)

7.20.02 Animals It is hereby deemed to be unlawful and a violation of this ordinance for any person, firm, or corporation within the corporate limits of the city of Cotter, Arkansas to, at any time, willingly and knowingly cause or create, or allow an animal or other thing or object under his care and control to cause or create, a nuisance in the city as defined in 7.24.01 hereinabove. (Ord. No. 89-2, Sec. 2.)

7.20.03 Fine Any person, firm, or corporation violating the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court of competent jurisdiction, shall be fined not less than Twenty-Five Dollars (\$25.00), nor more than Seventy-Five Dollars (\$75.00), and each violation hereof shall constitute a separate offense. (Ord. No. 89-2, Sec. 3.)

CHAPTER 7.24

OUTSIDE FIRE SERVICE

Sections:

- 7.24.01 Beyond city limits
- 7.24.02 Specific cities
- 7.24.03 Conduct of firemen

7.24.01 Beyond city limits From and after the passage of this ordinance the Fire Department of said city shall answer fire calls, with its fire fighting machinery and equipment and the necessary firemen to operate same, to combat fires and protect against fire loss beyond the corporate limits of said city. (Ord. No. 137, Sec. 1.)

7.24.02 Specific cities From and after the passage of this ordinance, the Fire Department of said city, with its fire fighting machinery and equipment and the necessary firemen to operate same, shall be on stand-by call to the cities of Gassville, Flippin, Mountain Home and Yellville, Arkansas, to assist the Fire Department of any of said municipalities in combating fire and to protect against fire loss therein and/or to substitute in the place and stead of any of said Fire Departments in exchange for the same services to said city by said municipalities. (Ord. No. 137, Sec. 2.)

7.24.03 Conduct of firemen All members of the Fire Department of said city when engaged in the activities set forth in 7.28.01 and 7.28.02 hereof, shall be acting within their line of duty and in discharge thereof, and no member of the said Fire Department shall lose or forfeit any disability or retirement payments and benefits, or any other rights or benefits of whatsoever kind and nature, by reason of said activities. (Ord. No. 137, Sec. 3.)

CHAPTER 7.28

GARAGE SALES

Sections:

7.28.01	Permit
7.28.02	End of sale
7.28.03	Signs
7.28.04	Penalty

7.28.01 Permit

- A. A request has duly been made to the City Council of the city of Cotter, Arkansas, requesting the City Council make it unlawful for any person within the city of Cotter to engage in or carry on any garage sale, patio sale, yard sale or any similar type of sale unless that person first obtains from the city of Cotter a permit to have such sale. No permit shall be issued for a period in excess of three (3) calendar days.
- B. No permit shall be issued for the sale of property purchased for the purpose of resale. Each person and/or persons shall obtain no more than two (2) such said sales for a twelve-month period of time. There will be no fee to obtain a permit. Permits can be obtained in person at Cotter City Hall and must be posted in a conspicuous place at the site of the sale. (Ord. No. 99-9, Secs. 1-2.)

7.28.02 End of sale At the end of the sale all signs and items not sold must be removed from all locations the same day that the sale ends. (Ord. No. 99-9, Sec. 3.)

7.28.03 Signs No signs will be permitted on utility poles or street signs. (Ord. No. 99-9, Sec. 4.)

7.28.04 Penalty

- A. The first violation shall only be a warning.
- B. The second violation shall carry a fine of \$25.00.
- C. The third violation, and each subsequent violation thereafter which occurs within two (2) years of the first violation shall be a fine of One Hundred Dollars (\$100.00) which shall be imposed for each violation. (Ord. No. 99-9, Sec. 5.)

CHAPTER 7.32**FIREWORKS**Sections:

7.32.01	Dates
7.32.02	Manufacturing
7.32.03	Responsibility
7.32.04	Fine

7.32.01 Dates Except during the periods of December 31 from 8:00 AM to 12:00 Midnight, January 1st, between the hours of 12:01 AM and 10:00 PM; and June 28th through July 2nd, between the hours of 8:00 AM and 10:00 PM, July 3rd and 4th between the hours of 8:00 AM and 12:00 Midnight, it shall be unlawful for any person, firm or corporation to shoot, explode, discharge, fire or set off any type of fireworks or pyrotechnic device within the corporate limits of the City of Cotter, Arkansas (Ord. No. 2019-6, Sec. 1.)

7.32.02 Manufacturing It shall be unlawful for any person, firm, or corporation to manufacture any type of pyrotechnic device or fireworks within the corporate limits of the city of Cotter, Arkansas

However, it shall be lawful for any person, firm, or corporation to sell, or offer for sale, any type pyrotechnic device or fireworks within the corporate limits of the City of Cotter, Arkansas, in C-1 and C-2 zones only. Pursuant to Arkansas Statue 20-22-711, fireworks sales shall be allowed between June 20th through July 10th and December 10th through January 5th.

A temporary business license from the City of Cotter and inspection of location by the Cotter Fire Department shall be obtained prior to selling fireworks. Application for a temporary business license must be submitted 30 days prior to the sale of fireworks. Business license to sale fireworks shall expire on July 10th and January 5th. (Ord. No. 2019-06, Sec. 2.)

7.32.03 Responsibility The person, firm or corporation setting off fireworks may do so only on their own property, or on property written permission has been received to be used for that purpose. In addition, they shall be responsible for cleanup of any parts of fireworks, or damage caused by any parts of fireworks that fall on property other than their own.

Setting off fireworks shall not be allowed on City Streets, City Parks or City property without a permit. (Ord. No. 2019-06, Sec. 3.)

7.32.04 Fine Any person, firm or corporation violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in the sum of not less than \$100.00 nor more than \$250.00 for each and every violation plus court cost. Each explosion constitutes a violation. (Ord. No. 2019-06, Sec. 4.)

CHAPTER 7.36

CIVIL DEFENSE

Sections:

7.36.01	Policy and purpose
7.36.02	Definitions
7.36.03	Powers of the Mayor
7.36.04	Director of Civil Defense
7.36.05	Duties of director
7.36.06	Advisory Council
7.36.07	Duties
7.36.08	Mutual aid arrangements
7.36.09	Appropriations and authority to accept services, gifts, grants, and loans
7.36.10	Utilization of existing services and facilities
7.36.11	Political activity prohibited
7.36.12	Civil Defense personnel

7.36.01 Policy and purpose

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

1. To create a city Civil Defense Agency;
 2. To provide for the rendering of mutual aid to other cities within the state, and those adjoining states, and to cooperate with the state government with respect to carrying out Civil Defense functions.
- B. It is further declared to be the purpose of this ordinance and the policy of this city that all Civil Defense functions of this city be coordinated to the maximum extent with the comparable functions of the state government including its various departments and agencies, of other cities and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of this city's manpower, resources, and facilities for dealing with any disaster that may occur.
- C. It is further declared to be the purpose of this ordinance and the policy of the city to organize its Civil Defense organization in conformity with the Arkansas Civil Defense Plan as directed by Act 321 of 1953, which is cited as "The Arkansas Civil Defense Act of 1953". (Ord. No. 101-B, Sec. 1)

7.36.02 Definitions As used in this chapter, "Civil Defense" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action, or by fire, flood, earthquake, or other natural causes. These functions include, without limitation, fire fighting services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical, and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services (civilian war aid), emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions. (Ord. No. 101-B, Sec. 2)

7.36.03 Powers of the Mayor The Mayor of the city shall be responsible for and have general direction and control of the Civil Defense of this city. In addition to the powers and duties the Mayor now has, he shall have such additional powers granted and conferred by this ordinance not inconsistent with other ordinances of this city. (Ord. No. 101-B, Sec. 3)

7.36.04 Director of Civil Defense The Mayor, with the consent of the City Council, is hereby authorized to appoint a Director of Civil Defense, who shall perform such duties as are imposed upon him by this ordinance, and as are delegated to him by the Mayor when not contrary to other ordinances of this city. (Ord. No. 101-B, Sec. 4)

7.36.05 Duties of Director The Director shall coordinate the activities of all organizations for Civil Defense within this city and shall maintain liaison with and cooperate with the Civil Defense agencies and organizations within the state and with the state government. (Ord. No. 101-B, Sec. 5)

7.36.06 Advisory Council There is hereby created a Civil Defense Advisory Council consisting of _____ citizens appointed by the Mayor, who shall advise the Mayor and the Director on all matters pertaining to Civil Defense. The Mayor shall serve as chairman of the Council, and the members thereof shall serve without compensation. (Ord. No. 101-B, Sec. 6.)

7.36.07 Duties

- A. In performing his duties under this ordinance, the Mayor, or the Director of Civil Defense when such authority is delegated to him by the Mayor, is authorized to cooperate with the state government, with other cities and counties, and with private agencies in all matters pertaining to the Civil Defense of this city and of the state.
- B. In performing his duties under this ordinance and to effect its policy and purpose, the Mayor is further authorized and empowered:
 - 1. To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this ordinance within the limits of the authority conferred upon him herein, with due consideration of the plans of the state government;
 - 2. To prepare a comprehensive plan and program for the Civil Defense of this city, such plan and program to be integrated into and coordinated with the Civil Defense plans of the state government and of other cities and counties within the state to the fullest extent;
 - 3. In accordance with such plan and program for the Civil Defense of this city, to institute training programs and public information programs, and to take all other preparatory steps including the partial or full mobilization of Civil Defense organization, in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of Civil Defense personnel in time of need;
 - 4. To make such studies and surveys of the industries, resources, and facilities in this city as may be necessary to ascertain the capabilities of the city for Civil Defense, and to plan for the most efficient emergency use thereof;

5. On behalf of this city, to enter into mutual aid arrangements with other cities and counties within this state and also with Civil Defense agencies or organizations in other states for reciprocal Civil Defense aid and assistance in case of disaster too great to be dealt with unassisted. Such mutual aid arrangements may be made subject to the approval of the Governor, or of the State Director of Civil Defense;
6. To delegate any administrative authority vested in him under this chapter, and to provide for the sub-delegation of any such authority;
7. To cooperate with the Governor and the Arkansas Office of Emergency Service and other appropriate state offices and agencies, and with the officials and agencies of other cities and counties within the state pertaining to the Civil Defense of the state including the direction or control of:
 - a. Black-outs and practice blackout, air-raid drills, mobilization of Civil Defense forces, and other tests and exercises,
 - b. Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith,
 - c. The effective screening or extinguishing of all lights and lighting devices and appliances,
 - d. Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services,
 - e. The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior and subsequent to drills or attack,
 - f. Public meetings or gatherings, and,
 - g. The evacuation and reception of the civilian population. (Ord. No. 101-B, Sec. 7)

7.36.08 Mutual aid arrangements

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

- B. The Director of the organization for Civil Defense, may, subject to the approval of the Governor, enter into mutual aid arrangements with Civil Defense agencies or organizations in other states for reciprocal Civil Defense aid and assistance in case of disaster too great to be dealt with unassisted. (Ord. No. 101-B, Sec. 8)

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

- A. Whenever the state government or any agency or officer thereof shall offer to this city, services, equipment, supplies, materials, or funds by way of gifts, grants, or loans, for purposes of Civil Defense, the city, acting through the Mayor, may accept such offer and upon such acceptance, the Mayor may authorize any officer of the city to receive such services, equipment, supplies, materials, or funds on behalf of this city, and subject to the terms of the offer.
- B. Whenever any person, firm, or corporation shall offer to this city services, equipment, supplies, materials, or funds by way of gift, grant or loan, for purposes of Civil Defense, the city acting through the Mayor, may accept such offer and upon such acceptance the Mayor of the city may authorize any officer of the city to receive such services, equipment, supplies, materials, or other funds on behalf of the city, and subject to the terms of the offer. (Ord. No. 101-B, Sec. 9)

7.36.10 Utilization of existing services and facilities In carrying out the provisions of this ordinance, the Mayor is directed to utilize the services, equipment, supplies and facilities of existing departments, offices, and agencies of the city, to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the Mayor, and to the Civil Defense organizations of the city upon request. (Ord. No. 101-B, Sec. 10)

7.36.11 Political activity prohibited No organization for Civil Defense established under the authority of this ordinance shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes. (Ord. No. 101-B, Sec. 11)

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

I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the state of Arkansas against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States or of this state by force or violence; and that during such time as I am a member of the Civil Defense agency of the city, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United State or of this state by force or violence." (Ord. No. 101-B, Sec. 12)

CHAPTER 7.40

PURCHASING ALCOHOL

Sections:

7.40.01	Minors
7.40.02	Probable cause
7.40.03	Posting notice
7.40.04	Conflict with Juvenile Code

7.40.01 Minors

- A. It shall be unlawful for any person under the age of 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 ordinance 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. 95-11, Sec. 1.)

7.40.02 Probable cause 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-premise or on-premise 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. 95-11, Sec. 2.)

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

NOTICE TO PERSONS UNDER 21 YEARS OF AGE

You are subject to a maximum \$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.

The size of said notice shall not be less than 8 ½" by 11". (Ord. No. 95-11, Sec. 3.)

7.40.04 Conflict with Juvenile Code Nothing in this ordinance shall be construed to conflict with the Juvenile Code of 1989, Act 273 of 1989 or any relevant state laws. (Ord. No. 95-11, Sec. 4.)

CHAPTER 7.44

OPEN BURNING

Sections:

- 7.44.01 Definitions
- 7.44.02 Streets, ditches, alleys or easements
- 7.44.03 Persistent offense
- 7.44.04 Residential safety standards
- 7.44.05 Safety standards for land clearing burning
- 7.44.06 Fine

7.44.01 Definitions

Household waste shall mean all waste, products and materials, other than grass clippings, leaves and shrubbery clippings.

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 the residential property. (Ord. No. 2011-3, Sec. 1.)

7.44.02 Streets, ditches, alleys or easements No person, firm or corporation shall kindle or maintain any open burning in any public street in the city of Cotter. The complete burning of leaves and twigs within the ditches on the city of Cotter right-of-ways is permitted. Leaves and twigs shall be burned down completely within twenty-four (24) hours, one (1) day of the initial fire. (Ord. No. 2011-3, Sec. 2.)

7.44.03 Persistent offense

- 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 creates 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. 2011-3, Sec. 3.)

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

- A. Burning shall be done only on a day with five (5) mile per hour wind, or less.
- B. All burning shall be constantly supervised by a competent person of not less than sixteen (16) years of age.
- C. All burning shall not be less than twenty-five (25) feet from any structure.
- D. Burning shall be controlled and maintained in a safe manner at all times, and a means to extinguish the fire shall be at the burn site, readily available, and fully operational.
- E. 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.
- F. No person, firm or corporation, shall burn household waste outside at any time. (Ord. No. 2011-3, Sec. 4.)

7.44.05 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 a fire official.
- C. A method of fire extinguishments, 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 (100) feet from any structure.
- E. Open burning shall be supervised by a competent person of at least sixteen (16) years of age.
- F. No open burning will be allowed during a burn ban by fire officials, or the Mayor, due to weather conditions, which would make burning hazardous. (Ord. No. 2011-3, Sec. 5.)

7.44.06 Fine

- A. Any person, firm or corporation who shall violate the provisions of this ordinance shall be deemed guilty of misdemeanor and upon conviction shall be fined the sum of not less than Two Hundred and Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) for each offense.
- 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 the "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 Baxter County District Court, Cotter Division. (Ord. No. 2011-3, Sec. 6.)

CHAPTER 7.48

CEMETERY

Sections:

7.48.01 Fees for grave spaces

7.48.01 Fees for grave spaces The price for burial space is as follows:

- | | | |
|----|---|------------|
| A. | Each single burial space, deed dimension 5' x 12' | \$300.00 |
| B. | Each four (4) space plot, deed dimension 20' x 12' | \$1,200.00 |
| C. | Each four (4) space plot purchased and paid for at one time | \$900.00 |

(Ord. No. 2020-03, Sec. 1.)

An "Outer burial container" is required, meaning a container that is placed or intended to be placed into the burial excavation of a grave and into which a casket is placed or intended to be placed at the time of burial. This container may also be referred to as a vault. To prevent settlement of the gravesite, a rigid outside container made of concrete, metal, or fiberglass shall be used for all burials in the Walnut Hill Cemetery. (Ord. No. 2020-03, Sec. 2)

The fees for grave opening and closing in Cotter's Walnut Hill Cemetery will be \$450.00 during the week and \$550.00 on the weekend and holidays. Cremation burial Monday through Friday shall be \$100.00; and Cremation burial on Weekend and Holidays shall be \$150.00. No charge if we do not dig for Cremations. In addition to these fees, if blasting is required for rock removal, the entire cost of the blasting will be added to the normal fees. (Ord. No. 2020-03, Sec. 3)

Rules and regulations as to what may be planted and done regarding graves and/or grave lots in said CITY cemetery are as follows:

A. No enclosure of any kind, such as, by way of illustration but not by way of limitation, fences, coping, hedge, or ditch shall be permitted around any grave or grave lot.

B. All planting of trees and shrubs, grading and landscaping, shall be done at the direction of the Public Works Director.

C. The size, material and design of any receptacles, including Cotter receptacles, must be approved by the cemetery superintendent, none of which shall be placed in the cemetery in such a manner as to create an obstacle during the mowing season (spring into fall).

D. The City shall cause seasonal flowers to be removed at the end of their season, artificial flowers to be disposed of when they began to deteriorate and floral pieces, baskets, vases, frames and other material to which floral pieces are attached, to be removed, all as it shall deem best for the proper maintenance of the cemetery.

E. The City of Cotter shall have the sole authority to cut weeds and grass and to plant, maintain or remove flowers, trees and grass.

F. Nothing shall be allowed in said cemetery or on any grave or grave lot which will prevent the proper maintenance and care of said cemetery; the removal of any obstacle, of whatsoever kind and nature, for such proper maintenance by the City, the cemetery superintendent and its or his agents or employees, shall be without liability for so doing and shall be final and binding.

(Ord. No. 2020-03, Sec. 3)

Burial space will be sold only to residents of the City of Cotter, Arkansas for the interment of members of the resident's family. (Ord. No. 2020-03, Sec. 5)

CHAPTER 7.52

CITY SPEED LIMITS

7.52 City Speed Limits

7.52.01-

Public Streets- The speed limit on all City public streets located within the City Limits of the City of Cotter (Excluding State Highways) are hereby fixed at 25 miles per hour (hereinafter "m.p.h.") unless otherwise posted on City Street listed herein. (Ord. No. 2020-04, Sec. 1)

Truck Route to Tyler To Railway Yard – The speed limit from Hwy 345 starting on South, right on third to end of Tyler Street shall be set at a maximum 20 m.p.h. (Ord. No. 2020-04, Sec. 2)

School Zones - During the school year and at designated times while school is in session, the speed limit in and through school zones on Harding Boulevard is hereby fixed at 25 m.p.h., unless otherwise posted. Outside of the designated times and/or when school is not in session, the speed limit in the school zone shall conform to the speed limit set in the adjacent areas, unless otherwise posted. (Ord. No. 2020-04, Sec. 3)

Walnut Hill Ln and Melba Ave - The speed limit on Walnut Hill Lane and Melba Ave shall remain at a maximum 20 m.p.h. (Ord. No. 2020-04, Sec. 4)

Denton Ferry Road from City Limits to Hwy 62/412 – The speed limit shall be changed from 35 m.p.h. (Ord. No. 2020-04, Sec. 5)

Walnut Hill Cemetery, Big Spring Parkway, Glen Street, Mable Street and Edna Street and Roadway around the Cotter School. – The speed limit shall remain at a maximum 15 m.p.h. (Ord. No. 2020-04, Sec. 6)

Future New Streets in Cotter – Any new roadways proposing speed limit greater than 25 m.p.h. shall be approved by the City Council with a favorable recommendation from the Planning Commission and Public Works Director. (Ord. No. 2020-04, Sec. 7)

TITLE 8

VEHICLES AND TRAFFIC

Chapters:

- 8.04 Traffic Laws
- 8.08 Truck Routes
- 8.12 Jake Brakes
- 8.16 Hazardous Driving
- 8.20 Vacating and Accepting Streets

CHAPTER 8.04

ADOPTION OF STATE LAWS

Sections:

- 8.04.01 State traffic laws
- 8.04.02 Penalties
- 8.04.03 Business section
- 8.04.04 Parking
- 8.04.05 Signs

8.04.01 State traffic laws All laws and parts of laws, rules and regulations of the state of Arkansas regulating traffic upon the highway, state roads and public streets within the state of Arkansas are by this ordinance adopted as the traffic laws, rules and regulations of the city of Cotter, Arkansas. (Ord. No. 119, Sec. 1.)

8.04.02 Penalties All penalties imposed by the state of Arkansas for violating of such laws, rules and regulations mentioned, are by this ordinance, adopted as the penalties for such violations within the city of Cotter, Arkansas. (Ord. No. 119, Sec. 2.)

8.04.03 Business section McClain Street between the west side of First Street and the east side of Second Street, and Second Street between the south side of South Street, and the north side of Combs Street, are by this ordinance designated as the business section of the city of Cotter. (Ord. No. 119, Sec. 3.)

8.04.04 Parking No vehicle of whatsoever kind, shall be parked within the city of Cotter within the business section except parallel to the curb and within the lines or marks designating the spaces and distance for such parking. (Ord. No. 119, Sec. 4.)

8.04.05 Signs It shall be unlawful to disobey marks, markers, signs or other insignia governing traffic or parking within the city of Cotter, Arkansas. (Ord. No.119, Sec. 5.)

CHAPTER 8.08

TRUCK ROUTES

Sections:

- 8.08.01 Heavy equipment
- 8.08.02 Heavy equipment on streets
- 8.08.03 Truck routes
- 8.08.04 Signs
- 8.08.05 Fine

8.08.01 Heavy equipment The words "heavy equipment," as used herein shall mean any truck and also any truck-tractor with semi-trailer or any full trailer, or any motor propelled, pulled or towed vehicle, either of which, or both together, is of a weight of more than five (5) tons. (Ord. No. 72-163, Sec. 1.)

8.08.02 Heavy equipment on streets It shall be unlawful for any person, firm or corporation, or the agents, officers or employees thereof, to operate any heavy equipment with or without load of a weight of more than five (5) tons upon the streets or alleys within the corporate limits of the city of Cotter, Arkansas, except upon the "truck route" within said corporate limits as defined in 8.08.03 hereof, and further excepting heavy equipment making deliveries to, or picking up loads from, inhabitants of said city or when it is necessary for any inhabitant of said city to use any such heavy equipment to reach his home within the corporate limits of said city. (Ord. No. 72-163, Sec. 2.)

8.08.03 Truck routes The following streets within the corporate limits of the city of Cotter, Arkansas, are hereby designated as the truck route in said city:

First Street,
South Street
Third Street between South Street and Tyler Avenue
Tyler Avenue being more commonly known as Depot Street
Pyatt Avenue

This ordinance shall not be construed to prohibit heavy equipment from crossing at intersection other streets which connect to said truck route. (Ord. No. 72-163, Sec. 3.)

8.08.04 Signs Proper signs be erected along the truck route designating it as such and that proper signs be erected at or on other streets and alleys where it is found necessary to warn the public against the use of heavy equipment thereon. (Ord. No. 72-163, Sec. 4.)

8.08.05 Fine Any person, firm or corporation, or the agents, officers or employees thereof, violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) and each violation shall constitute a separate offense. (Ord. No. 72-163, Sec. 5.)

CHAPTER 8.12

JAKE BRAKES

Sections:

- 8.12.01 Definitions
- 8.12.02 Unlawful
- 8.12.03 Fine

8.12.01 Definitions For the purpose of this ordinance the following definitions shall apply:

Brake means any device used for slowing, halting, or stopping the movement of any vehicle.

Engine compression brake means any motor vehicle brake that is operated by compression of the engine of the motor vehicle or any unit or part thereof (an engine compression brake is commonly referred to as a "jake brake").

Motor vehicle means and includes automobiles, tractors, trucks, trailers, and transportation equipment of all kinds and sizes or any combination thereof. (Ord. No. 2006-5, Sec. 1.)

8.12.02 Unlawful It shall be unlawful for any person to use motor vehicle brakes that are in any way activated or operated by the compression of the engine of such motor vehicle or any unit or part thereof within the city of Cotter, Arkansas. This prohibition shall not apply if an emergency situation exists and the use of the engine compression brake is necessary for the protection of persons or property. (Ord. No. 2006-5, Sec. 2.)

8.12.03 Fine Any person violating the provisions of this ordinance may be sentenced to a fine not to exceed Five Hundred Dollars (\$500.00). (Ord. No. 2006-5, Sec. 3.)

CHAPTER 8.16

HAZARDOUS DRIVING

Sections:

- 8.16.01 Unlawful
- 8.16.02 Defined
- 8.16.03 Fine

8.16.01 Unlawful It shall be unlawful for any person to operate any vehicle in a hazardous manner in the city of Cotter, Arkansas. (Ord. No. 2007-12, Sec. 1.)

8.16.02 Defined Hazardous driving shall be defined as follows:

- A. Improper or unsafe lane changes or improper passing on public roadways, or
- B. Cutting into and/or across property to avoid established traffic patterns, intersections, stop signs or stop lights, or
- C. Operating a vehicle in such a manner as to cause skidding or spinning of tires, or sliding of the vehicle, or
- D. Operating a vehicle in such a manner which would cause a failure to maintain control or to collide with parked or stopped vehicles, fixtures, persons, or objects adjacent to any public thoroughfare or in any parking lot, or
- E. Operating any vehicles in any manner that is inattentive, and such inattention is not prudent in maintaining control of the vehicle. (Ord. No. 2007-12, Sec. 2.)

8.16.03 Fine Any person who violates any of the provisions of this ordinance shall, upon conviction thereof, be guilty of a misdemeanor and for a first conviction thereof shall be punished by a fine of One Hundred Dollars (\$100.00) and on a second and/or subsequent conviction within three (3) years be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Hundred Fifty Dollars (\$150.00). (Ord. No. 2007-12, Sec. 3.)

CHAPTER 8.20

VACATING AND ACCEPTING STREETS

Sections:

- 8.20.01 Accepting streets
8.20.02 Vacating streets

8.20.01 Accepting streets

- Ord. No. 95-6 Streets of Rainbow Crossing, Phase One
Ord. No. 2009-2 Public dedications, improvements and streets of Hurst Landing

8.20.02 Vacating streets

- Ord. No. 79-9 Part of Lithia St. between Mabel and Lucile St.
Ord. No. 79-11 Street between Section 31 & 32, twp 19 N, Range 14 West
Ord. No. 80-10 Part of alley between Combs Ave. and McLean Ave.
Ord. No. 81-4 Part of Pyeatt Ave
Ord. No. 81-5 Railroad crossing at Third St.
Ord. No. 81-12 Part of alley between Lots 474 & 471
Ord. No. 85-1 Part of Main St.
Ord. No. 150 Alley from First St. to Second St.
Ord. No. 155 North 10 ft. of Pyeatt Avenue
Ord. No. 156 Glen and Mabel Sts. owned by Cotter School District No. 60
Ord. No. 71-160 Parts of Lithia, Cedar and Oak Sts.
Ord. No. 105-A Part of Second St. abutted by Lots 1717 & 1718
Ord. No. 105-B Part of Fifth St. between Lots 1607 & 1608
Ord. No. 112 Part of Second St. owned by AR Charcoal Fuel Co.
Ord. No. 91-4 60 ft. from south line of Lots 10 & 11 to north line
Ord. No. 94-07 Part of Hazel St. between Lithia St. and Cedar St.
Ord. No. 95-10 Part of Lithia St. between Mable St. and Edna St.
Ord. No. 95-12 White River Bend Estates
Ord. No. 97-2 Alley between Lot 1633 and Lots 1634 through 1638
Ord. No. 99-8 Mabel St. from Lithia St. to Oak St.
Lucille St. from Glen St. to Oak St.
Cedar St. from Edna St. to Mabel St.
Oak St. from Edna St. to Lucille St.
Ord. No. 2001-9 Part of sewer line easement on Lot 828
Ord. No. 2001-11 Alley west of 2nd St. between Lots A and 247

Ord. No. 2002-4	Part of State St. south of Hwy 62B
Ord. No. 2004-5	Alley between Lots 389 & 390 and Park Ave.
Ord. No. 2004-5	Alley south of Lots 389 & 390, Cotter Heights Addition
Ord. No. 2007-5	Alley south of Lots 422, 421, 420, 419 & 418
Ord. No. 2009-9	Alley north and east of Lots 276-277 in Cotter Heights Subdivision
Ord. No. 2011-9	Part of Third St. lying south of Highway 345
Ord. No. 2015-5	Alley between Lots 122-125 and 126-129, Cotter Heights Add.
Ord. No. 2017-2	5 th Street Easement from East of Lot 1607 by 60 ft.

TITLE 9

STREETS AND SIDEWALKS

Chapters:

- 9.04 Paving Streets
- 9.08 Outdoor Shielded Lighting

CHAPTER 9.04

PAVING STREETS

Sections:

- 9.04.01 Bidding waived
- 9.04.02 Marion County Paving

9.04.01 Bidding waived Bidding for paving of city streets is not feasible or practical. (Ord. No. 2001-8, Sec. 1.)

9.08.02 Marion County Paving The Mayor is authorized to contract with Marion County Paving, Inc. for street paving work not to exceed the sum of \$35,000.00. Attached hereto as Exhibit A is a detail of the work to be performed by Marion County Paving, Inc. (Ord. No. 2001-8, Sec. 2.)

CHAPTER 9.08

OUTDOOR SHIELDED LIGHTING

Sections:

- 9.08.01 Not installed

9.08.01 Not installed The city of Cotter, Arkansas, will not install shielding devices on its existing outdoor lighting, nor on any new outdoor lighting. All repairs to city outdoor lighting will be done without any type of shielding. (Ord. No. 2006-6, Sec. 1.)

TITLE 10

UTILITIES

Chapters:

- 10.04 Sewer Regulations
- 10.08 Sewer Commission
- 10.12 Sewer Rates
- 10.13 Wastewater Maintenance
- 10.16 Water Department
- 10.20 Water Rates and Fees
- 10.24 Wellhead Protection
- 10.28 Cross-Connection Control
- 10.32 Identity Theft Prevention Program
- 10.36 Amendments to Identity Theft Prevention Program

CHAPTER 10.04

SEWER REGULATIONS

Sections:

- 10.04.01 Definitions
- 10.04.02 Use of public sewers required
- 10.04.03 Private sewage disposal system
- 10.04.04 Building sewers and connections
- 10.04.05 Use of public sewers
- 10.04.06 Protection from damage
- 10.04.07 Power and authority of Superintendent
- 10.04.08 Penalty for violation
- 10.04.09 Joint sewer contract

10.04.01 Definitions Unless the context specifically indicates otherwise, the meaning of the terms used shall be as follows:

BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees C, expressed in milligrams per liter.

Building shall mean residential and commercial structures, which enclose a source of wastewater.

Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal also called house connection.

Easement shall mean an acquired legal right for the specific use of land owned by others.

Floatable oil is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly treated and the wastewater does not interfere otherwise with the collection system.

Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

Industrial wastes shall mean the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

Natural outlet shall mean any outlet, including storm sewers and combined sewer overflows, that discharges into a watercourse, pond, ditch, lake or other body of surface or ground water.

May is permissive.

Person shall mean any individual, firm, company, association, society, corporation or group.

pH shall mean the logarithm of the reciprocal of the weight of hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .

Properly shredded garbage shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

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

Sanitary sewer shall mean a sewer which carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

Sewage is the spent water of a community. The preferred term is wastewater.

Sewer shall mean a pipe or conduit that carries wastewater.

Shall is mandatory.

Slug shall mean any discharge of waste or wastewater which in concentration of any given constituent or in quantity of flow exceeds for fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation.

Storm-drain (sometimes termed storm sewer) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Superintendent shall mean the superintendent of the wastewater facilities of the city of Cotter, or his authorized deputy, agent or representative.

Suspended solids shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

Unpolluted water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Wastewater shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

Wastewater facilities shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Wastewater treatment works shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

Watercourse shall mean a natural or artificial channel for the passage of water either continuously or intermittently. (Ord. No. 2001-3, Art. 1)

10.04.02 Use of public sewers required

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city of Cotter or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

- B. It shall be unlawful to discharge to any natural outlet within the city of Cotter or in any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. The issuance of a valid National Pollutant Discharge Elimination System permit covering such discharges into a natural outlet shall be considered as meeting all requirements of this section.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- D. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at the expense of the owner(s) to install suitable toilet facilities therein, and to connect such facilities either through a septic tank or directly with the proper public sewer in accordance with the provisions of this chapter, within thirty (30) days after date of official notice to do so, provided that the public sewer is within three hundred (300) feet of the building. (Ord. No. 2001-3, Art. II.)

10.04.03 Private sewage disposal system

- A. Where a public sanitary sewer is not available under the provisions of 10.04.02, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.
- B. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and construction permits approved by the Arkansas Department of Health. The minimum lot area for a single-family residence shall be in accordance with current Arkansas Department of Health regulations. A permit and inspection fee of Thirty-Five Dollars (\$35.00) shall be paid to the city at the time the application is filed.
- C. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Superintendent.

- D. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations approved by the Arkansas Department of Health. No septic tank shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in 10.04.02, a direct connection from the building or the septic tank shall be made to the public sewer within thirty (30) days in compliance with this ordinance. The requirements of this section shall not apply to owners discharging such sewage under the provisions of a valid National Pollution Discharge Elimination System permit.
- F. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.
- G. No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the County Sanitarian.
(Ord. No. 2001-3, Art. III.)

10.04.04 Building sewers and connections

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereon without first obtaining a written permit from the Superintendent.
- B. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of Thirty-Five Dollars (\$35.00) for a residential or commercial permits and Seventy Dollars (\$70.00) for industrial building permits shall be paid to the city at the time the application is filed.
- C. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The building sewer from the front

building may extend to the rear building and the whole considered as one building sewer.

- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Superintendent, to meet all requirements of this ordinance.
- F. All new sewers and related construction work must be properly designed and constructed. For all collectors, interceptors, building sewers, and septic tanks the size, slope, alignment, material of construction, and the methods used for excavating, placing, jointing, testing, and backfilling shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city and the state of Arkansas. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Civil Engineers (ASCE) and Water Environment Federation (WEF) Manual of Practice No. FD-5 shall apply.
- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. No person(s) shall make connection of roof downspouts, exterior foundation drains, area drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASCE and the WEF Manual of Practice No. FD-5. All such connections shall be made gas-tight and watertight and shall be verified by proper testing.
- J. The applicant for the building sewer permit shall notify the Superintendent when the building sewer (and septic tank if applicable) is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.
- K. All excavations for building sewer installation shall be adequately guarded with barricades and warning lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

- L. Any person responsible for discharges through a building sewer carrying industrial wastes shall, at its own expense:
1. Install a control manhole in a safe and accessible location;
 2. Install meters and other appurtenances to facilitate observation, sampling, and measurement of the waste.
 3. Maintain the equipment and facilities.

Such control manhole, meters, and other monitoring appurtenances shall be lockable, and accessible by the city. (Ord. No. 2001-3, Art. IV.)

10.04.05 Use of public sewers

- A. No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the city.
- C. No person(s) shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:
1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solids, or gas;
 2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
 3. Any water or wastes having a pH lower than 6.0 or in excess of 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works;
 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and

fleshings, entrails and paper dishes, cups, milk containers, egg shells, etc., either whole or ground by garbage grinders.

5. No substance will be added which would preclude the selection of the most cost effective alternative for wastewater treatment and sludge disposal.

- D. The following described substances, materials, waters, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance.

The Superintendent may set limitations more stringent than the limitations established in the regulations below if in his opinion such limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The following limitations or restrictions on materials or characteristics of wastes or wastewaters discharged to the sanitary sewer which shall not be exceeded without prior approval of the Superintendent:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F. (sixty-five (65) degrees C);
2. Any water or wastes containing fats, wax, grease, or oils in excess of fifty (50) mg/l; or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 to sixty-five 65 degrees C);
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.56 kw) or greater shall be subject to the review and approval of the city;
4. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not, which are capable of causing damage or corrosion in the sewers or the sewage treatment plant or interfering with the sewage treatment process;
5. Any waters or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the city for such materials;

6. Any waters or wastes containing phenols or other taste or odor producing substances in such concentration exceeding limits which may be established by the city as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;
 7. Any radioactive wastes or isotopes of which exhibit a half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations;
 8. Materials which assert or cause:
 - a. Unusual concentration of inert suspended solids (such as but not limited to diatomaceous earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).
 - b. Excessive discoloration (such as but not limited to paint, dye, wastes and vegetable tanning solutions).
 - c. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein; and
 9. Waters or wastes containing concentrations of materials, elements and/or compounds, soluble or insoluble, that may be harmful to the wastewater treatment facilities, the receiving stream and/or the environment.
 10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving water.
 11. Specific toxic materials and heavy metals which constitute an immediate or cumulative hazard to humans, animals and aquatic life. Dilution of such materials in lieu of treatment (removal) is not an acceptable policy.
- E. No person shall discharge or cause to be discharged materials which exert or cause BOD in excess of 250 mg/l, suspended solids in excess of 250 mg/l or oil and grease in excess of 50 mg/l without prior approval of the Superintendent and without paying a surcharge for the additional strength of the wastes.

- F. The storage of any material in areas draining into the city sewer which may create a hazard to the sewage works or treatment processes, or constitute a hazard to human being or animals, or the receiving stream shall be subject to review by the Superintendent. He may require reasonable safeguards to prevent discharge or leakage of such materials into the sewers.
- G. If any waters or wastes contain the substances or possess the characteristics enumerated in 10.04.04 of this article, and in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance are discharged, or are proposed to be discharged to the public sewers the city may:
1. reject the wastes;
 2. require pretreatment of an acceptable condition for discharge to the public sewers in accordance with an approved implementation schedule; and/or
 3. require control over the quantities and rates of discharge, if the city permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to requirements of all applicable codes, ordinances and laws, and U.S. Environmental Protection Agency Guidelines for pretreatment; and/or
 4. require that a wastewater effluent retention basin be provided of adequate volume to insure that slugs of concentrated pollutants are not discharged into the public sewer. If the city requires the retention of wastewater effluent, the design and installation of the retention basin shall be subject to the review and approval of the city.
- H. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing greases in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
- I. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- J. When directed to do so by the city, the owner of any property discharging industrial wastes shall have a qualified testing laboratory collect a representative

sample of the industrial wastewater and have the appropriate physical, chemical, and biological tests performed on this sample. Qualified testing laboratories selected by the owner shall be acceptable to the city. The purpose of such tests shall be to determine the conformance of the wastewater characteristics to this ordinance. A report shall be made in writing to the city by the laboratory stating the results of the tests. Required sampling and testing shall be performed in accordance with the provisions of 10.04.02 of this article.

- K. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association. The sample shall be taken at the control manhole, and sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (Ord. No. 2001-3, Art. V.)

10.04.06 Protection from damage

- A. No unauthorized person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities.
- B. No unauthorized person shall cover any manhole on a public sewer with earth or paving, or otherwise renders it inaccessible.
- C. No unauthorized person shall remove the earth cover from a public sewer so that less than two (2) feet of earth cover remains over the pipe bells. Approval to remove subsequent cover shall require written consent from the Superintendent. (Ord. No. 2001-3, Art. VI.)

10.04.07 Power and authority of Superintendent

- A. The Superintendent and other duly authorized employees bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industrial processes beyond that point having a direct bearing on the kind and source of discharge.
- B. While performing the necessary work on private properties referred to in part A. above, the Superintendent or duly authorized employees shall observe all safety rules applicable to the premises established by the company. The company shall

be held harmless for injury or death to city employees. The city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in 10.04.05.

- C. The Superintendent and authorized employees bearing proper credentials shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurements, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. No. 2001-3, Art. VII)

10.04.08 Penalty for violation

- A. Any person found to be violating any provision of this ordinance except Section 10.04.07 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in part A. of this article, and/or any person who shall be found to be violating the provisions of 10.04.06 of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not more than One Hundred Dollars (\$100.00) for each violation or double that sum for each repetition of such offense or violation, and if the act is continuous in nature, in any sum not more than One Hundred Dollars (\$100.00) for each day that the same shall be unlawfully continued.
- C. Any person violating any of the provisions of this chapter shall become liable to the city for any expenses, loss or damage occasioned the city by reason of such violation.
- D. In cases of repeated violations, the city may revoke the permission for discharge of wastes into the sewer system and effect the discontinuation of water service, sewer service, or both. (Ord. No. 2001-3, Art. VIII.)

10.04.09 Joint sewer contract

- A. Whenever easements are refused across any real property which are necessary for public use in the construction of said sewer system and in the public interest for said purpose, that the acquisition of the land necessary for such purpose by eminent domain is found and declared to be necessary for the public use and in the construction of said sewer system.

- B. The City Attorney of the city of Cotter, Arkansas, be, and she hereby is, authorized and directed to take all steps necessary for such acquisition whenever she cannot obtain the necessary easements for said sewer lines; and, further, that she be, and she hereby is, authorized and directed to acct jointly with the City Attorney for the city of Gassville, Arkansas, in taking all steps necessary for such acquisition when such acquisition is for the construction of the joint sewer system and to take any and all steps necessary for such acquisition on behalf of the city of Cotter, Arkansas, when such acquisition is for the construction of sewer lines within the service area of the city of Cotter, Arkansas; and that all steps heretofore taken by the City Attorney in connection with eminent domain proceedings for easements be, and they hereby are, approved. (Ord. No. 76-5, Secs. 1-2.)

CHAPTER 10.08

SEWER COMMISSION

Sections:

- 10.08.01 Established
- 10.08.02 Authority
- 10.08.03 Rules and Regulations
- 10.08.04 Posting
- 10.08.05 Validity
- 10.08.06 Fine

10.08.01 Established The Board of Sewer Commissioners shall have charge of the operation of the Sewer Treatment Facility as set forth in Interlocal Cooperation Agreement between the cities dated February 19, 1975 and recorded in the office of the Circuit Clerk and ex-officio Recorder of Baxter County, Arkansas, on February 21, 1975, in Book S on page 55 thereof. (Ord. No. 77-3, Sec. 1.)

10.08.02 Authority In order to provide flexibility and easily changed or amended standard operating policies, procedures and schedules of charges for various services provided

by the Sewer Treatment Facility, there is herein created the authority for the Board of Sewer Commissioners to prepare written Rule and Regulations governing its operations, policies, procedures, and standard charges for various services other than the sewer charge which shall be established by the then current monthly sewer rate schedule of each individual city for itself. (Ord. No. 77-3, Sec. 2.)

10.08.03 Rules and Regulations These proposed Rules and Regulations shall be presented to the City Councils of both cities for their consideration, ratification and approval by resolution of each City Council. After said approval and adoption by both City Councils, these Rules and Regulations shall provide the guidelines and policies of the Board of Sewer Commissioners until such time as they may be amended, changed removed or expanded by further resolution approving subsequent Rules and Regulations as may thereafter be issued under the authority of the ordinance. (Ord. No. 77-3, Sec. 3.)

10.08.04 Posting Such Rules and Regulations as may be approved by both the City Councils as set out in 10.08.03 above shall have the full force, effect and legal status as this authorizing ordinance. The Rules and Regulations adopted shall be posted in each city at the City Hall and at such other public places as the City Council may determine. In addition copies thereof shall be furnished to every plumber, builder, developer or real estate office located in the cities or doing business in the cities. (Ord. No. 77-3, Sec. 4.)

10.08.05 Validity The provisions of this ordinance are separable and if any part hereof shall be held to be invalid, such determination shall not affect the validity of the remainder of this ordinance, it being the intention of this ordinance and the subsequent Rules and Regulations issued hereunder that they shall not be more permissive, nor less restrictive, than the conditions or policies contained in currently enacted bond ordinances, rate ordinances, or loan conditions passed by the cities. (Ord. No. 77-3, Sec. 5.)

10.08.06 Fine Any person, firm, group, or corporation held to be in violation of this ordinance or its authorized Rules and Regulations shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount of not less than Five Dollars (\$5.00) nor more than Twenty-Five Dollars (\$25.00); and that each day that said violation continues shall be considered a separate offense. (Ord. No. 77-3, Sec. 6.)

CHAPTER 10.12

SEWER RATES

Sections:

- 10.12.01 Sewer rates
- 10.12.02 Excessive strength charges

10.12.03	Charges for extraneous flows
10.12.04	Toxic pollutants charges
10.12.05	Debt service
10.12.06	Administration costs
10.12.07	Total user charge per 1,000 gallons
10.12.08	Billing
10.12.09	Records
10.12.10	Review and revision
10.12.11	Notification
10.12.12	User request for review
10.12.13	Review of request

10.12.01 Sewer rates The City hereby establishes as rates, to be charged for sewer services furnished by the City's system, which the City Council finds and declares to be reasonable and necessary, to be charged to all users who contribute wastewater to the Cotter/Gassville Treatment works. The proceeds of such charges so derived will be used for the purpose of operation and maintaining, including replacement (OM&R), the public wastewater treatment works. (Replacement is defined as expenditures for obtaining and installing equipment, accessories or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which they were designed and constructed.)

All users of the municipality owned wastewater treatment system shall be charged \$6.48 per 1000 gallons of metered consumption for the operation and maintenance including future replacement. In the case of users not on a metered basis, the utility superintendent shall establish water consumption based on a comparison of the non-metered users with a metered user of a similar class. Example: a non-metered family of four will be compared to a typical family of four with a water meter to establish water consumption.

All sewer users shall be classified by the city of Cotter as residential, commercial or industrial.

User Charge Methodology:

Total annual OM&R cost in 1000 gallons = \$6.48

Total User Charge – Per 1000 gallons and Beyond First 1000 = OM&R for 1000 gallons+ Debt + Reserves = \$6.48

(Ord. No. 2019-02, Sec. 1.)

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

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

C_s = a surcharge for wastewaters of excessive strength.

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

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

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

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

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

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

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

*Maximum limit for average domestic waste.

(Ord. No. 2001-4, Art. I, Sec. 2.)

10.12.03 Charges for extraneous flows The costs of O&M for all flows not directly attributable to users (such as infiltration/inflow) shall be distributed among users on the same basis as O&M charges. (Ord. No. 2001-4, Art. I, Sec. 3.)

10.12.04 Toxic pollutants charges Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the treatment works shall pay for such increased costs. (Ord. No. 2001-4, Art. I, Sec. 4.)

10.12.05 Debt service -0-

Annual debt service to be fully funded by 1% sales tax. (Ord. No. 2001-4, Art. I, Sec. 5.)

10.12.06 Administrative costs

Admin costs / No. 1,000 sold = \$11,185 / 24,013 = \$.46

(Ord. No. 2001-4, Art. I, Sec. 6.)

10.12.07 Total user charge per 1,000 gallons

Minimum bill per user = OM&R for 1,000 gal. + Deb service + Admin. Charge

\$4.55 = \$4.09 + \$0 + \$.46

Total user charge – per 1,000 gallons, beyond first 1,000 = OM&R for 1,000 gal. + Debt service

\$4.09 = \$4.09 + \$0

(Ord. No. 2001-4, Art. I, Sec. 7.)

10.12.08 Billing Users of the system will be billed on a monthly basis with payment due ten (10) days after the date of billing. Users on metered water service will be billed on the same notice as water charges and will be designated as a separate entry. Users of the wastewater system not on metered water service will be billed monthly on an individual notice for wastewater service at the rate established by the utility. Users with delinquent accounts of 11 days will be notified in writing by the utility where, during which hours of the day, and before whom disputed bills appropriately may be considered.

If the user waives the opportunity to be heard, the water and/or wastewater services will be discontinued until such bill is paid. (Ord. No. 2001-4, Art. I, Sec. 8.)

10.12.09 Records A financial management system shall be established and maintained by the city of Cotter to document compliance with federal regulations pertaining to the revolving load. The system will account for all revenues generated and expenditures for operation and maintenance and replacement. (Ord. No. 2001-4, Art. I, Sec. 9.)

10.12.10 Review and revision The Mayor of Cotter will review the user charges at least annually and recommend to the City Council the rates as necessary to ensure that adequate revenues are generated to pay the cost of operation, maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement cost among users and user classes. (Ord. No. 2019-02, Sec. 2.1.)

10.12.11 Notification Each user shall be notified at least annually, in conjunction with the regular bill, of the sewer use rate and the portion of the user charges which are attributable to wastewater treatment. Cost shall be broken down to show the operation and maintenance cost attributable to that user. (Ord. No. 2019-02, Sec. 2.2.)

10.12.12 User request for review Any user who feels his user charge is unjust and inequitable may make written application to the Cotter Water Department requesting a review of his user charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made. (Ord. No. 2001-4, Art. III, Sec. 1.)

10.12.13 Review of request Review of the request shall be made by the Mayor and Cotter Water Department and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period. (Ord. No. 2001-4, Art. III, Sec. 2.)

CHAPTER 10.13

WASTEWATER MAINTENENCE

Sections:

- 10.13.01 Property owner's responsibilities
- 10.13.02 Written notice
- 10.13.03 Notice contents
- 10.13.04 Completion time requirements

10.13.01 Property owner's responsibilities It is the property owner's responsibility to maintain the sewer line on their property, and this ordinance does not mitigate that responsibility but provides a convenient means for the property owner to cause repairs to be made to their sewer line. (Ord. No. 2015-04, Sec. 1.)

10.13.02 Written notice When the Cities' Sewer Line Crew locates a breach in the collection system, the Line Crew Foreman will issue a written notice to be submitted to the property owner or the property owner's legal agent. (Ord. No. 2015-04, Sec. 2.)

10.13.03 Notice contents The notice will describe the location and nature of the breach and will also provide an offer to the owner that the Cities' Sewer Line Crew will repair the condition described, and the notice will tell the cost of the parts to make such repairs. Further the notice will require the owner or their legal agent to authorize permission for the Line Crew to work on the property, and the owner will agree to pay within thirty (30) days of the repair the price of the parts used for the repair. There will be no labor charge made by the City to the property owner. (Ord. No. 2015-04, Sec. 3.)

10.13.04 Completion time requirements The notice shall also state that if a property owner or their legal agent declines the offer of repair by the Cities' Sewer Line Crew, the owner or their legal agent declines the offer of repair by the Cities' Sewer Line Crew, the owner or their legal agent must make the repairs within thirty (30) days' notice of the needed repairs given by the Cities' Sewer Line Crew. If repairs required exceed the scope of routine, manageable and relatively minor, the Line Crew Foreman shall notify the Mayor to prompt an additional notice (letter) to the property owner or their legal agent to take immediate action to make the necessary repairs. (Ord. No. 2015-04, Sec. 4.)

CHAPTER 10.16

WATER DEPARTMENT

Sections:

10.16.01	Established
10.16.02	Rules and Regulations
10.16.03	Guidelines
10.16.04	Posting
10.16.05	Fine
10.16.06	Amendments

10.16.01 Established The city owned and operated public water facilities shall hereafter be known as the City Water Department of the city of Cotter, Arkansas. (Ord. No. 1975-174, Sec. 1.)

10.16.02 Rules and Regulations In order to provide flexibility and easily changed or amended standard operating policies, procedures, and schedules of charges for various services provided by the Water Department, there is herein created the authority for the Water Department to prepare written Rules and Regulations governing its operations, policies, procedures, and standard charges for various services other than the sale of water which shall be established by the then current monthly water rate schedule. (Ord. No. 1975-174, Sec. 2.)

10.16.03 Guidelines These proposed Rules and Regulations shall be presented to the City Council of the city of Cotter for their consideration, ratification, and approved by resolution of said City Council. After said approval and adoption these Rules and Regulations shall provide the guidelines and policies of the Water Department until such time as they may be amended, changed, removed, or expanded by further resolution approving subsequent Rules and Regulations as may thereafter be issued under the authority of the ordinance. (Ord. No. 1975-174, Sec. 3.)

10.16.04 Posting Such Rules and Regulations as may be approved by both the City Councils as set out in 10.16.03 above shall have the full force, effect and legal status as this authorizing ordinance. The Rules and Regulations adopted shall be posted in each city at the City Hall and at such other public places as the City Council may determine. In addition copies thereof shall be furnished to every plumber, builder, developer or real estate office located in the cities or doing business in the cities. (Ord. No. 1975-174, Sec. 4.)

All accounts will receive a Thirty Dollar (\$30.00) charge for returned checks. (Ord. No. 2008-8, Sec. 1.)

10.16.05 Fine Any person, firm, group, or corporation held to be in violation of this ordinance or its authorized Rules and Regulations shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount of not less than Five Dollars (\$5.00) nor more than Twenty-Five Dollars (\$25.00); and that each day that said violation continues shall be considered a separate offense. (Ord. No. 1975-174, Sec. 6.)

10.16.06 Amendments

Article 3, Section 7 A copy of the lease agreement between landlord and tenant or a letter stating that said tenant will be renting this property from the owner will be provided to the Water Department prior to service hook-up.

Article 3, Section 15 1. Water turn-on or turn-off fee is \$17.50 for each call out.
2. Disconnect service fee of \$35.00 for non-payment of account.
(Ord. No. 2010-2, Sec. 1.)

CHAPTER 10.20

WATER RATES AND FEES

Sections:

- 10.20.01 Monthly water rates
- 10.20.02 Federal Safe Drinking Water Act
- 10.20.03 Leaving unpaid bills
- 10.20.04 Tapping fee
- 10.20.05 Deposit fee

10.20.01 Monthly water rates The city of Cotter, Arkansas, hereby finds and declares that the following rates and charges are fair, reasonable and necessary.

- A. A flat rate system will be applied. There will be a minimum bill including, 1,000 gallons of water with a charge of Sixteen Dollars and Seven Cents (\$16.07).
- B. The charge of each additional one thousand (1,000) gallons of water will be Six Dollars and Ninety-nine Cents (\$6.99). A sample of rates follows:

Sample Water Rates

Minimum bill and 1K gallons	\$16.07
2K gallons	\$23.06
4K gallons	\$37.04
5K gallons	\$44.03
10K gallons	\$78.98

15K gallons	\$113.93
20K gallons	\$148.88
30K gallons	\$218.78
40 K gallons	\$288.68

Attached rate schedule reflects breakdown is one hundred (100) gallon increments.
(Ord. No. 2009-11, Sec. 1.)

10.20.02 Federal Safe Drinking Water Act

- A. Under authority of Act 903 of 1993, there is hereby levied and shall be collected from each customer of the city of Cotter Water and Sewer System, both District 1 and District 2, the sum of \$0.25 per month as the prescribed fee for federal safe drinking water act compliance. Such fee shall be in the form of a rate increase and shall become effective September 1, 1993.
- B. Said \$0.25 per month fee shall be added to and included on each customer's bill as a separate line item. The Mayor and Recorder/Treasurer are hereby authorized and empowered to take such administrative action as may be necessary to implement the rate increase upon the books and records of the Cotter Water and Sewer Department. (Ord. No. 93-7, Secs. 1-2.)

10.20.03 Leaving unpaid bills

- A. When any person, which shall include any business, corporation, partnership or other entity, shall move from one city to the other and make application for water and sewer services, that city shall ascertain from the city from which such person has moved whether or not he has left behind any unpaid water and sewer bills.
- B. If there are such bills, then the city to which he has applied for such services, shall refuse such application until he has fully paid such water and sewer bills, together with delinquent fees, to the city to which such bills are owing.
- C. Upon the payment of such unpaid bills, the city to which same were owing shall issue a statement that all bills and delinquent fees have been paid in full and upon submission thereof to the city to which application has been made, such city shall then, and only then, consider the furnishing of water and sewer services under such application. (Ord. No. 81-1, Sec. 1.)

10.20.04 Tapping fee The City Council of Cotter, Arkansas hereby finds and declares that the following tapping fees and charges are fair, reasonable and necessary.

¾ inch tap	\$750.00
1 inch tap	\$900.00
2 inch tap	\$1850.00

If there is need to cut and repair pavement the additional cost will be that incurred for the cut and repair.

If there is need for 3 inch or 4 inch tap the cost will be materials, labor and equipment cost, plus Seventy Dollars (\$70.00). (Ord. No. 2009-7, Sec. 1.)

10.20.05 Deposit fee

- A. The city hereby establishes rates to be charged for renters and owners of properties serviced by the Cotter Water System.
- B. All owners of property on the water system shall be charged One Hundred Dollars (\$100.00) and all renters shall be charged Three Hundred Fifty Dollars (\$350.00) for said customer deposits. (Ord. No. 2009-8, Sec. 1.)

CHAPTER 10.24

WELLHEAD PROTECTION

Sections:

- 10.24.01 Title and purpose
- 10.24.02 Definitions
- 10.24.03 Protection zone
- 10.24.04 Permitted uses
- 10.24.05 Prohibited uses
- 10.24.06 Administration

10.24.01 Title and purpose

- A. This ordinance shall be known as the Wellhead Protection Ordinance.
- B. The purpose of this ordinance is to insure the provision of a safe and sanitary drinking water supply for the citizens of Cotter by the establishment of wellhead protection zones surrounding the wellheads for all wells which are supply sources for the city of Cotter water system, and by the designation and regulation of property uses and conditions which may be maintained within such zones. (Ord. No. 97-5, Sec. 1.)

10.24.02 Definitions When used in this ordinance, the following words and phrases shall have the meanings given in this section:

Hazardous waste or material Any waste or material which because of its quantity, concentration or physical, chemical or infectious characteristics may:

- A. cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- B. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Sanitary landfill A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

Wellhead The upper terminal of a well, including adapters, ports, seals, valves and other attachments.

Regulatory agency Any governmental agency with jurisdiction over hazardous waste as defined herein. (Ord. No. 97-5, Sec. 2.)

10.24.03 Protection zone There is hereby established a use district to be known as a Wellhead Protection Zone, identified and described as all the area within a circle the center of which is the center of any city water supply wellhead and the radius of which is 1320 feet or any part thereof which the city has jurisdiction. (Ord. No. 97-5, Sec. 3.)

10.24.04 Permitted uses The following uses shall be permitted within Wellhead Protection Zones:

- A. Any use permitted within existing agricultural, residential, or commercial districts so long as uses conform to the rules and regulations of the regulatory agencies.
- B. Any other open land use where any building located on the property is incidental and accessory to the primary open land use. (Ord. No. 97-5, Sec. 4.)

10.24.05 Prohibited uses The following uses or conditions shall be and are hereby prohibited within Wellhead Protection Zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under 10.24.04 of this ordinance unless such uses are approved or permitted by state and federal regulatory agencies:

- A. Surface use or storage of hazardous material, including commercial use of agricultural pesticides;
- B. Septic tanks or drain fields appurtenant thereto;
- C. Impervious surfaces other than roofs of buildings, and streets,

- D. Sanitary landfills;
- E. Hazardous waste disposal sites;
- F. Stormwater infiltration basins;
- G. Underground storage tanks;
- H. Sanitary sewer lines within 100 feet of a wellhead.
(Ord. No. 97-5, Sec. 5.)

10.24.06 Administration The policies and procedures for administration of any Wellhead Protection Zone established under this ordinance, including without limitation those applicable to non-conforming uses, exceptions, enforcement and penalties, shall be the same as provided in the existing zoning ordinances for the city of Cotter, as the same is presently enacted or may from time to time be amended. (Ord. No. 97-5, Sec. 6.)

CHAPTER 10.28

CROSS-CONNECTION CONTROL PROGRAM

Sections:

- 10.28.01 Intent
- 10.28.02 Purpose
- 10.28.03 Definitions
- 10.28.04 Operating criteria
- 10.28.05 Facilities requiring backflow protection
- 10.28.06 Approval of backflow prevention devices
- 10.28.07 Non-compliance
- 10.28.08 Ownership
- 10.28.09 Installation and costs
- 10.28.10 Testing and maintenance

10.28.01 Intent In compliance with the state of Arkansas *Rules and Regulations Pertaining to Public Water Systems*, Section VII.E, the Arkansas Department of Health finds it necessary for the health, safety and welfare of the people served by the water division of the city utilities department to adopt cross-connection control standards which establish the requirements for the design, construction and maintenance of connections to the public water supply. These standards are supplemental to and do not supersede or modify the Arkansas State Plumbing Code and its latest revisions under which the city operates. (Ord. No. 94-8, Sec. 1.1)

10.28.02 Purpose The purposes of this ordinance are:

- A. To provide for the protection of the public potable water supply.
- B. To isolate at the service connection any actual or potential pollution or contamination within the consumer's premises and
- C. To provide a continuous, systematic and effective program of cross-connection control. (Ord. No. 94-8, Sec. 1.2)

10.28.03 Definitions

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

Backflow preventer shall mean a device or means to prevent backflow.

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

Reduced-Pressure Principle Backflow Prevention Assembly (RP) means a device containing a minimum of two (2) independently acting, approved check valves, together with an automatically operated pressure differential relief valve located between the check valves. The assembly will include two (2) cut-off valves and four (4) test cocks. (Ord. No. 94-8, Sec. 1.2)

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

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

- A. In the case of any premises where there is an auxiliary water supply, there shall be no physical connection between said auxiliary water supply and the consumer's water system which is served by the public water supply system. Where such connections are found, disconnections shall be accomplished and the public water system shall be protected against the possibility of future reconnection by an

approved reduced-pressure-principal backflow prevention device at the service connection.

- B. In the case of any premises where this is water or a substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double-check valve assembly.
- C. In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved reduced-pressure principal backflow prevention assembly.
- D. In case of any premises where this are “uncontrolled” cross-connections, either actual or potential, the public water system shall be protected by an approved reduced-pressure principle backflow prevention assembly at the service connection.
- E. In the case of any premise where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected by the installation of an approved reduced-pressure principal backflow prevention assembly at the service connection. (Ord. No. 94-8, Sec. 1.4)

10.28.05 Facilities requiring backflow protection The following is a partial list of facilities which may require reduced-pressure principal backflow prevention assemblies at the service connection. Requirements are based upon the degree of hazard afforded the public potable water system.

- 1. Automatic car washes
- 2. Auxiliary water systems
- 3. Exterminators
- 4. Facilities with commercial boilers or chilled water systems
- 5. Fire systems
- 6. Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes and clinics
- 7. Irrigations systems
- 8. Laboratories (industrial, commercial, medical and school)
- 9. Laundries
- 10. Radiator shops
- 11. Restricted, classified or other facilities closed to inspection
- 12. Sand and gravel plants
- 13. Wastewater treatment plants, pump stations and storm water pumping facilities
- 14. Waterfront homes, facilities and industries

15. Swimming pools
16. Others as found high hazards

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

1. Apartments
2. Beauty parlors and barber shops
3. Doctors and dental offices
4. Greenhouses and nurseries
5. Hotels and motels
6. Laundry and cleaners
7. Restaurants and food handlers
8. Service stations
9. Others, as found with suspected low hazards
(Ord. No. 94-8, Sec. 1.6)

10.28.06 Approval of backflow prevention devices Any backflow prevention assembly required herein shall be a type in accordance with AWWA specifications C506-78 or its latest revision, the Arkansas Department of Health Regulation and the water purveyor and/or the city of Cotter. (Ord. No. 94-8, Sec. 1.7)

10.28.07 Non-compliance Service to be discontinued. Notice: Consent to enter.

- A. In emergency situations when the public potable water supply is being contaminated or is in immediate danger of contamination the water service will be discontinued by the water purveyor and/or superintendent.
- B. No water service connection shall be installed on the premises of any consumer unless the public potable water system is protected as required by this ordinance.
- C. Delivery of water to premises of any consumer may be discontinued by the water purveyor and/or the city of Cotter, if any protective device required by this article has not been installed, or is defective, or has been removed or bypassed. Discontinued water service shall not be resumed until conditions at the consumer's premise have been abated or corrected to the satisfaction of the water purveyor and/or superintendent.
- D. Upon discovery of a violation of this ordinance, written notice shall be given to the consumer. If violations are not corrected by date and time as stated on the notice, the water supply will be discontinued and the violation may be referred to the Water Commission for action.

- E. For the purpose of making any inspections or discharging the duties imposed by this article, the water purveyor and/or the city of Cotter, the State Health Department, and/or Plumbing Inspector shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to his premises of water from the public water supply, shall be considered as having stated his consent to the entry upon his premise of the water purveyor and/or superintendent the State Health Department and/or Plumbing Inspection for the purpose stated herein. (Ord. No. 94-8, Sec. 1.8)

10.28.08 Ownership The consumer shall purchase, own and maintain all backflow prevention devices installed at the point of delivery to the consumer's water systems. (Ord. No. 94-8, Sec. 1.9)

10.28.09 Installation and costs Customers of the city water division requiring backflow prevention devices shall pay all cost associated with installation of the appropriate size and type of device under private contract. New installations shall be completed prior to the "final" plumbing inspection so that the device can be included as part of the inspection. Devices shall be installed above ground in a location that is readily accessible for maintenance and testing and should be located not less than twelve inches, nor more than thirty inches above ground. (Ord. No. 94-8, Sec. 1.10)

10.28.10 Testing and maintenance The consumer will be responsible for the annual testing of the backflow prevention assembly by contract with a certified backflow assembly tester. The consumer will annually furnish water purveyor and/or the city with a certificate of such satisfactory testing by the anniversary date of the installation of the assembly. In instances where the water purveyor, the city and/or Plumbing Inspector deems the hazard to be great enough, testing may be required at more frequent intervals, costs of which would be borne by the consumer. Any maintenance fees required as a result of inspections or testing shall be paid by the consumer through private contract. Records of inspections, testing or repairs shall be kept by the water purveyor and/or the city and made available to the State Health Department.

All new construction within the city of Cotter shall be effective upon passage of this ordinance. All existing consumer premises shall be in compliance with this ordinance by January 1995. (Ord. No. 94-8, Sec. 1.11 – 1.12.)

CHAPTER 10.32**IDENTITY THEFT PREVENTION PROGRAM****Sections:**

10.32.01	Title
10.32.02	Purpose
10.32.03	Definitions
10.32.04	Findings
10.32.05	Process of establishing a covered account
10.32.06	Access to covered account information
10.32.07	Credit card payments
10.32.08	Sources and types of red flags
10.32.09	Prevention and mitigation of identity theft
10.32.10	Updating the program
10.32.11	Program administration
10.32.12	Outside service providers

10.32.01 Title This article shall be known as the Identity Theft Prevention Program. (Ord. No. 2009-1, Sec. A-1.)

10.32.02 Purpose The purpose of this article is to comply with 16 CFR 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft. (Ord. No. 2009-1, Sec. A-2.)

10.32.03 Definitions For purposes of this article, the following definitions apply:

City means the city of Cotter.

Covered account means

- A. An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and
- B. Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

Credit means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

Creditor means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.

Customer means a person that has a covered account with a creditor.

Identity theft means a fraud committed or attempted using identifying information of another person without authority.

Person means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

Personal Identifying Information means a person's credit card account information, debit card information bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.

Red flag means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

Service provider means a person that provides a service directly to the city.
(Ord. No. 2009-1, Sec. A-3.)

10.36.04 Findings

- A. The city is a creditor pursuant to 16 CFR 681.2 due to its provision of maintenance of covered accounts for which payment is made in arrears.
- B. Covered accounts offered to customers for the provision of city services include water and sewer.
- C. The city's previous experience with identity theft related to covered accounts is as follows: no findings recorded to date.
- D. The processes of opening a new covered account, restoring an existing covered account, making payments on such accounts have been identified as potential processes in which identity theft could occur.

- E. The city limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the city's computer system and is not otherwise recorded.
- F. The city determines that there is a moderate risk of identity theft occurring in the following ways (if any):
 - 1. Use by an applicant of another person's personal identifying information to establish a new covered account;
 - 2. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
 - 3. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts;
 - 4. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment. (Ord. No. 2009-1, Sec. A-4.)

10.32.05 Process of establishing a covered account

- A. As a precondition to opening a covered account in the city, each applicant shall provide the city with personal identifying information of the customer, a valid government-issued identification card containing a photograph of the customer, or for customers who are not natural persons, a photograph of the customer's agent opening the account. Such applicant shall also provide any information necessary for the department providing the service for which the covered account is created to access the applicant's consumer credit report. Such information shall be entered directly into the city's computer system and shall not otherwise be recorded.
- B. Each account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The city may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs. (Ord. No. 2009-1, Sec. A-5.)

10.32.06 Access to covered account information

- A. Access to customer accounts shall be password-protected and shall be limited to authorized city personnel.
- B. Such password(s) shall be changed by the Director of the department providing the service for which the covered account is created on a regular basis, shall be at least eight (8) characters in length and shall contain letters, numbers and symbols.
- C. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Mayor and the password changed immediately.
- D. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the City Clerk and the City Attorney. (Ord. No. 2009-1, Sec. A-6.)

10.32.07 Credit card payments

- A. In the event that credit card payments that are made over the internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.
- B. all credit card payments made over the telephone or the city's website shall be entered directly into the customer's account information in the computer data base.
- C. Account statements and receipts or covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account. (Ord. No. 2009-1, Sec. A-7.)

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

- A. Alerts from consumer reporting agencies, fraud detection agencies or service providers Examples of alerts include, but are not limited to:
 1. A fraud or active duty alert that is included with a consumer report;
 2. A notice of credit freeze in response to a request for a consumer report;

3. A notice of address discrepancy provided by a consumer reporting agency;
4. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
 - a. A recent and significant increase in the volume of inquiries;
 - b. An unusual number of recently established credit relationships;
 - c. A material change in the use of credit, especially with respect to recently established credit relationships; or
 - d. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

B. Suspicious documents Examples of suspicious documents include:

1. Documents provided for identification that appear to be altered or forged;
2. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
3. Identification on which the information is inconsistent with information provided by the applicant or customer;
4. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or
5. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

C. Suspicious personal identification, such as suspicious address change Examples of suspicious identifying information include:

1. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:
 - a. The address does not match any address in the consumer report; or

- b. The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
 2. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.
 3. Personal identifying information or a phone number, or address, is associated with known fraudulent applications or activities, as indicated by internal or third-party sources used by the financial institution or creditor.
 4. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.
 5. The SSN provided is the same as that submitted by other applicants or customers.
 6. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.
 7. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
 8. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
 9. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
- D. Unusual use of or suspicious activity relating to a covered account Examples of suspicious activity include:
1. Shortly following the notice of a change of address for an account, city receives a request for the addition of authorized users on the account.

2. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example: The customer fails to make the first payment or makes an initial payment but no subsequent payments.
 3. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
 - a. Non-payment when there is no history of late or missed payments;
 - b. A material change in purchasing or spending patterns.
 4. An account that has been inactive for a long period of time is used taking into consideration the type of account, the expected pattern of usage and other relevant factors.
 5. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
 6. The city is notified that the customer is not receiving paper account statements.
 7. The city is notified of unauthorized charges or transactions in connection with a customer's account.
 8. The city is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.
- E. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts
(Ord. No. 2009-1, Sec. A-8.)

10.32.09 Prevention and mitigation of identity theft

- A. In the event that any city employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft of attempted identity theft is likely or probable, such employee shall immediately

report such red flags to the Mayor. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Mayor, who may in his or her discretion determine that no further action is necessary. If the Mayor, in his or her discretion, determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the Mayor:

1. Contact the customer;
 2. Make the following changes to the account if after contacting the customer it is apparent that someone other than the customer has accessed the customer's covered account:
 - a. Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
 - b. Close the account.
 3. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;
 4. Notify a debt collector within twenty-four (24) hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
 5. Notify law enforcement in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
 6. Take other appropriate action to prevent or mitigate identity theft.
- B. In the event that any city employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee

shall immediately report such red flags to the Mayor. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Mayor who may, in his or her discretion, determine that no further action is necessary. If the Mayor, in his or her discretion, determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the Mayor:

1. Request additional identifying information from the applicant;
2. Deny the application for the new account;
3. Notify law enforcement of possible identity theft; or
4. Take other appropriate action to prevent or mitigate identity theft.
(Ord. No. 2009-1, Sec. A-9.)

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

- A. The city's experiences with identity theft;
- B. Updates in methods of identity theft;
- C. Updates in customary methods used to detect, prevent, and mitigate identity theft;
- D. Updates in the types of accounts that the city offers or maintains; and
- E. Updates in service provider arrangements.
(Ord. No. 2009-1, Sec. A-10.)

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

- A. The Office Administrator will report to the Mayor at least annually on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issued such as:
 - 1. The effectiveness of the policies and procedures of city in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
 - 2. Service provider arrangements;
 - 3. Significant incidents involving identity theft and management’s response; and
 - 4. Recommendations for material changes to the program.

- B. The City Clerk is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The City Clerk shall exercise his or her discretion in determining the amount and substance of training necessary. (Ord. No. 2009-1, Sec. A-11.)

10.32.12 Outside service providers In the event that the city engages a service provider to perform an activity in connection with one or more covered accounts the City Clerk shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider’s activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider’s activities and take appropriate steps to prevent or mitigate identity theft. (Ord. No. 2009-1, Sec. A-12.)

CHAPTER 10.36

ADMENDMENTS TO IDENTITY THEFT PREVENTION PROGRAM

Sections:

- 10.36.01 Short title
- 10.36.02 Purpose
- 10.36.03 Definitions
- 10.36.04 Policy

- 10.36.05 Furnishing consumer's address to consumer reporting agency
- 10.36.06 Methods of confirming consumer addresses

10.36.01 Short title Treatment of address discrepancies. (Ord. No. 2009-1, B-1.)

10.36.02 Purpose Pursuant to 16 CFR 681.1, the purpose of this article is to establish a process by which the city will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the city has received a notice of address discrepancy. (Ord. No. 2009-1, B-2)

10.36.03 Definitions For purposes of this article, the following definitions apply:

City means city of Cotter.

Notice of address discrepancy means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. 1681(c)(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer. (Ord. No. 2009-1, B-3.)

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

- A. Compare the information in the consumer report with:
 - 1. Information the city obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. 5318(1);
 - 2. Information the city maintains in its own records, such as application for service, change of address notices, other customer account records or tax records; or
 - 3. Information the city obtains from third-party sources that are deemed reliable by the relevant city employee; or
- B. Verify the information in the consumer report with the consumer.
(Ord. No. 2009-1, Sec. B4.)

10.36.05 Furnishing consumer's address to consumer reporting agency

- A. In the event that the city reasonably confirms that an address provided by a consumer to the city is accurate, the city is required to provide such address to the consumer reporting agency from which the city received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:
 - 1. The city is able to form a reasonable belief that the consumer report relates to the consumer about whom the city requested the report;
 - 2. The city establishes a continuing relation with the consumer; and
 - 3. The city regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.
- B. Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the city to such agency for the reporting period in which the city establishes a relationship with the customer.
(Ord. No. 2009-1, Sec. B-5.)

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

- A. Verifying the address with the consumer;
- B. Reviewing the city's records to verify the consumer's address;
- C. Verifying the address through third party sources; or
- D. Using other reasonable processes.
(Ord. No. 2009-1, Sec. B-6.)

TITLE 11

BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 Construction Codes
- 11.08 Plumbing Code
- 11.12 Electrical Code
- 11.16 Fire Prevention Code
- 11.20 Fair Housing Code
- 11.24 Gas Code
- 11.28 Mechanical Code
- 11.32 House Numbering

CHAPTER 11.04

CONSTRUCTION CODES

Sections:

- 11.04.01 Adoption of the Construction Codes
- 11.04.02 Deletions, insertions and amendments
- 11.04.03 Permit and inspection fees and application
- 11.04.04 Conversion of residential structures for the use of multiple dwellings and commercial use
- 11.04.05 Minimum foundation requirement
- 11.04.06 Violations; penalties

11.04.01 Adoption of the Construction Codes The following codes, in their current editions and revisions, are hereby adopted by reference thereto and incorporated herein, verbatim, except as specifically modified by this ordinance.

- A. The Arkansas Fire Prevention Code
Volume 1 – Fire, Volume 2 – Building and Volume 3 – Residential
- B. The Arkansas Electrical Code
- C. The Arkansas State Plumbing Code

- D. The Arkansas State Gas Code
- E. The Arkansas Mechanical Code
- F. Arkansas State Energy Code for New Building Construction
- G. Arkansas Manufactured Home Commission Rules and Regulations
- H. Arkansas Department of Environmental Quality (ADEQ)
- I. Building Code – (IRC) International Residential Code.
(Ord. No. 2018-01, Sec. 2.)

11.04.02 Deletions, insertions and amendments

- A. Delete the Board of Appeals and Adjustments as provided in the Arkansas Fire Prevention Code, Section 108 of Volume 1, Section 112 of Volume 2, and Section R112 of Volume 3, and use the provision set forth in the city of Cotter, Arkansas Zoning Regulations, Chapter V, Section 3-A.
- B. The fee for an appeal shall be Fifty Dollars (\$50.00) and shall be paid to the City Clerk for deposit in the General Fund. (Ord. No. 2007-7, Sec. 2.)

11.04.03 Permit and inspection fees and application A building permit shall be obtained from the city of Cotter, Arkansas, in accordance with the terms set forth in the city of Cotter, Arkansas, Zoning Regulations, Chapter 7, Section II, and the Building Code. Separate permits are required, in addition to building permits, for work involving any shed, demolition, land clearing of vacant lot, footing, foundation, electric, plumbing, gas and mechanical (HVAC) work, as well as for the final inspections thereof. Permit fees shall include fees for plan reviews, and all inspections and issuance of Certificates of Occupancy and shall be the amount provided for in the schedules below. There shall be a minimum fee of Thirty Dollars (\$30.00) for building permit fees which are calculated on a square-foot basis.

- A. Construction permit and inspection fees are as follows:
 - 1. All construction
except sheds and demolition 12 cents per sq. ft. (\$30.00 min.)
 - 2. Sheds \$30
 - 3. Demolition \$30
 - 4. Land clearing and grading
(vacant lots only) \$30
 - 5. Footings \$30
 - 6. Foundation \$40
 - 7. Framing \$40
 - 8. Plumbing \$45, plus \$1.00 per fixture or waste
 - 9. Electrical \$45, plus \$2.00 per circuit (110V or 220V)
 - 10. Gas \$20, plus \$1.00 per appliance or fixture
 - 11. Mechanical (HVAC) \$40.

Permit and inspection fees are due before the beginning of construction. Permits will be issued at the time of payment. Fees will be paid to the City Clerk for deposit in the General Fund. (Ord. No. 2008-7, Sec. 2.)

B. Remodeling and partial construction permit and inspection fees are as follows:

Remodeling and partial construction fees will be a base fee of Twelve Cents (\$.12) per square foot. The following fee for each permit required shall be as follows:

1. Shed	\$30
2. Footings	\$30
3. Foundation	\$40
4. Framing	\$40
5. Plumbing	\$45, plus \$1.00 per fixture or waste
6. Electrical	\$45, plus \$2.00 per circuit (110V or 200V)
7. Gas	\$20, plus \$1.00 per appliance or fixture
8. Mechanical (HVAC)	\$40

(Ord. No. 2007-7, Sec. 3.)

11.04.04 Conversion or residential structures for the use of multiple dwellings and commercial use Existing residential structure of Type V construction may be converted for non-hazardous commercial or multiple dwelling uses provided the rules set out hereafter are adhered to completely and without exception.

- A. Type V structures with a set back of less than ten (10) feet between exterior walls or to property lines shall be protected and have non-combustible exterior walls.
- B. Any alterations to the structure shall be in compliance with Volume 1, Volume 2 and Volume 3 of the Fire Prevention Code.
- C. Existing wiring may be used provided it is approved by a licensed electrician and certified to the Electrical Inspector to be safe from overloads and defects; alterations, repairs and additional wiring must meet the requirements of the latest edition of the Arkansas Electrical Code and City Electrical Code. (Ord. No. 2007-7, Sec. 5.)

11.04.05 Minimum foundation requirements

- A. Minimum depth from exterior finished grade to bottom of footing shall be eighteen (18) inches.
- B. Minimum width of footing shall be twenty-four (24) inches, except for footings on a one-story frame dwelling with wood, vinyl, or metal siding shall be eighteen (18) inches.

- C. Minimum thickness of footing shall be twelve (12) inches, except for footings on a one-story frame dwelling with wood, vinyl or metal siding shall be eight (8) inches.
- D. Minimum of two (2) number four (#4) longitudinal reinforcing rods placed horizontally, full length of the footing.
- E. The footings shall be placed on firm, undisturbed soil. Where rock is encountered the rock shall be removed to a depth of six (6) inches below the bottom of the footing and the rock excavation shall be filled with sand. The footing trench shall be free of rock, loose dirt and debris and shall be inspected prior to the placement of the footing. (Ord. No. 2007-7, Sec. 6.)

11.04.06 Violations; penalties Any person, firm, corporation or agent who violates any provision of this ordinance shall be guilty of a misdemeanor and shall, upon conviction, pay a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each violation. (Ord. No. 2007-7, Sec. 7.)

Pages 101 through 113 Reserved

CHAPTER 11.32

HOUSE NUMBERING

Sections:

11.32.01	Uniform system
11.32.02	Official map
11.32.03	Scale
11.32.04	Roads and ways
11.32.05	Changes
11.32.06	Applying for number
11.32.07	Assignment of numbers

11.32.01 Uniform system There is hereby established a uniform system for numbering the property frontages on all road and public ways in Cotter, Arkansas, and the residential and business structures accessible therefrom. (Ord. No. 94-5, Sec. 1.)

11.32.02 Official map A city of Cotter road map prepared and dated 1996 by Slater Surveying and Mapping is hereby adopted as the official Cotter, Arkansas, E911 map for numbering and location of roads and public ways within the city of Cotter. (Ord. No. 94-5, Sec. 2.)

11.32.03 Scale Any new structure within the city of Cotter will be addressed on the 25 foot scale (211 addresses per mile) except the following areas:

The following areas will be addressed on the scale of 5.28 ft; Denton Ferry Rd. Cotter Rd, and the areas mentioned in resolution 96-3 (Rainbow Crossing Subdivision and West Main St.)

The following areas will be addressed on 5.28 ft. plus 100: Trout Dock Trail, Capitol St. Melba Ave, Cedar St., Virginia Lee Dr., Rainbow Heights Drive, Harding Blvd., Ruthven St., Sunset Dr., Lithia St., Bland St., Mulberry Land, Edna St., Wallick Dr., Glen St., Mable St. Walnut Hill land, Pyeatt St., State St., Big Spring Parkway, Hargis Place, College St., Summit St., View St., Valley St. Hazel St., Memory Land, Ridge Road, Bayless St. (Ord. No. 94-5, Sec. 3.)

11.32.04 Roads and ways All county, city, public and private roads and ways shall be numbered from the point of beginning of each road and all structures located on each road shall be numbered in such a way that all structures on the right side shall have odd numbers and all structures on the left side shall have even numbers. (Ord. No. 94-5, Sec. 4.)

11.32.05 Changes The Baxter County E911 office previously established by the Quorum Court shall be authorized to make such changes, alterations and additions to the numbering system created by adoption of said map as deemed appropriate to implement the current numbering system and also to include sequenced numbers for such additional structures hereafter constructed, moved or located within the county. (Ord. No. 94-5, Sec, 5.)

11.32.06 Applying for number The owner, developer or agent proposing to located any house, structure or building in need of an address in the address area of the city of Cotter, shall apply to the E911 office for the assignment of the correct number or numbers. In building permit issuing areas, no building permit shall be issued for structures in need of an address until the applicant has been assigned an official E911 address. The applicant shall post a temporary sign displaying the assigned structure number at the construction site until such time the permanent number can be displayed as described in 11.40.07 (B). In those parts of the address service area where the property is located outside the city but still part of the Planning Commission jurisdiction, the applicant shall apply to the E911 office for an assigned address. Upon occupancy of the structure, the temporary posted address will be permanently affixed to the structure as described in 11.40.07 (B) herein. Upon annexation of any county and/or private road which structures have been addressed on a 5.28 ft. scale, any structures built after annexation will be addressed on the 5.28 ft. scale. Any road without structures prior to annexation, will be addressed on a scale of 5.28 ft, plus 100. (Ord. No. 94-5, Sec. 6.)

11.32.07 Assignment of numbers

- A. No person, firm, corporation or partnership or other entity shall authorize any public utility company to supply any service to any new structure in Baxter County until an official E911 address for such structure has been assigned or otherwise approved by the County Judge or his designee.
- B. Address numbers shall be at least three inches in minimum height and shall be installed at the expense of the owner, and shall likewise conform to the standards established by the county. Such address numbers shall be posted in such a manner as to be clearly visible from the named and/or numbered road of access.
- C. Any person or other entity failing to comply with the provisions of this ordinance shall upon conviction thereof, be fined not less than Twenty-Five Dollars (\$25.00), plus prosecution costs for each offense. Each day said offense continues shall be deemed as a separate offense. (Ord. No. 94-5, Sec. 7.)

TITLE 12

PARKS AND RECREATION

Chapters:

- 12.04 Park Regulations
- 12.08 Youth Center Facility

CHAPTER 12.04

PARK REGULATIONS

Sections:

- 12.04.01 General provisions
- 12.04.02 Definitions
- 12.04.03 Park operations, administration and enforcement
- 12.04.04 Fees for use of portions of a park
- 12.04.05 Care of park property
- 12.04.06 Traffic rules
- 12.04.07 Recreational activities
- 12.04.08 Conduct in a park
- 12.04.09 Penalty

12.04.01 General provisions This ordinance shall be known and cited as the Cotter City Parks Regulations Ordinance. (Ord. No. 97-08, Sec. 1.)

12.04.02 Definitions For the purposes of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Approved charitable organization An organization enjoying non-profit status as set out in current Internal Revenue Service Codes, or dedicated solely to the betterment of others and approved by the City Council to hold fund raising events in a park.

City The city of Cotter, Arkansas.

Park A park, reservation, walking trail, playground recreation center, or any other area in the city owned or used by the city, and devoted to active or passive recreation.

Person Any person, firm, partnership, association, corporation, company or organization of any kind.

Vehicle Any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled, and shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the city. (Ord. No. 97-8, Sec. 2.)

12.04.03 Park operations, administration and enforcement Operating hours: Except for unusual and unforeseen emergencies, the city parks shall be open to the public every day of the year from 5:00 a.m. until 10:00 p.m. Any section or part of the park may be declared closed to the public by the city or its duly authorized representative at any time and for any interval of time. (Ord. No. 2001-10, Sec. 1.)

12.04.04 Fees for use of portions of a park

PAVILLION

Resident	No charge
Non-resident, including churches, schools, etc.	\$30.00
Corporate	\$100.00

SPRING HOUSE (rented through the Chamber of Commerce)

Resident	\$40.00
Non-resident	\$10.00 each additional
Corporate	hour after that

GAZEBO

Resident	\$30.00, 8 hr. day if under 8 hrs. No charge
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BALLPARK

\$25.00 for day/event

A \$30.00 refundable damage/clean-up deposit will be charged for each of the three facilities at the time of securing the reservation. Local organizations such as schools, guilds, Saturday club, Care Crew, the Chamber, etc. will have the fees waived. However, they must still reserve the facility to ensure its use. Reservations beyond one year will not be accepted.

There shall be posted within said city parks, conspicuous signs which reflect the following:

Hours of Operation

5:00 a.m. to 10:00 p.m.

Park Rules

No littering

No glass containers

No obscene language

No driving on grass

No horses in park or on trails

No ATVs in park or on trails

No climbing on fences or nets

No firearms

No alcoholic beverages

Speed Limit

10 miles per hour

OFFENDERS WILL BE PUNISHED

(Ord. No. 2001-10, Sec. 2.)

12.04.05 Care of park property

- A. **Buildings and other structures** No person shall willfully mark, deface, disfigure, injure or tamper with any building, monument, bridge, table, bench, fireplace, sign, public utility, or other structure, or equipment, facility or park property or appurtenance whatsoever, either real or personal.
- B. **Restrooms and washrooms** No person in a park shall fail to cooperate in maintaining the restrooms and washrooms in a neat and sanitary condition.
- C. **Removal of natural resources** No person in a park shall dig or remove any sand, whether submerged or not, or any soil, rock, stone, tree, shrub or plant, down

timber, or other wood or material, or make any excavation by tool, equipment, blasting, or other means except on written permission obtained from the city.

- D. **Pollution of water** No person in a park shall throw, discharge, or otherwise place or cause to be placed in the waters of any flowing stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such water, any substance which will or may result in the pollution of said waters.
- E. **Wild animals, birds, fish, and other wildlife** No person in the park shall hunt, molest, harm, frighten, poison, kill, trap or remove any animal, bird or fish or remove the eggs, nest, or young of any wild animal, bird, fish or reptile.
- F. **Erection of structures** No person in a park shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permission obtained from the city.
- G. **Refuse and trash** No person shall bring into a park, any glass bottles, cans, or bags of refuse or trash of any kind for disposal in receptacles maintained by the city. Nor shall any trash generated by normal use of the picnic facilities be left anywhere in the grounds thereof, but shall be placed in the proper receptacles. Where such receptacles are not so provided, all such trash shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere. (Ord. No. 97-8, Art. 3.)

12.04.06 Traffic rules

- A. **Compliance with state and city motor vehicle laws required** No person in the park shall fail to comply with all applicable provisions of the state motor vehicle traffic laws in regard to equipment and operation of vehicles together with such applicable regulations as are contained in this section and section 1 of these rules and regulations.
- B. **Speed of vehicles** No person in a park shall ride or drive a vehicle at a rate of speed exceeding ten (10) miles per hour.
- C. **Parking** No person in a park shall park a vehicle in other than an established or designated parking area.
- D. **Vehicles prohibited after closing hours** No person in a park shall enter, operate, park, leave or abandon a vehicle within the park after the closing hour of 10:00 p.m.

- E. **Bicycles, motorbikes, motorcycles, all terrain vehicles (ATV's), and similar motor propelled devices** are prohibited on other than a paved vehicular road or path designated for that purpose. No person shall ride, drive, operate or push an All Terrain Vehicle (ATV) within the boundaries of a park. In addition, no person shall ride or lead horses in the park. (Ord. No. 2011-8, Sec. 1.)

12.04.07 Recreational activities

- A. **Hunting and firearms** No person in a park shall use, carry or possess firearms of any description or air rifles, spring guns, slings, traps, bows and arrows, or other weapons or devices potentially lethal to wildlife and dangerous to human safety.
- B. **Picnic facilities** No person in a park shall picnic or dine in an area other than those designated for that purpose, or use any portion of the picnic areas, picnic facilities, structures, or park recreational facilities to the exclusion of other persons; nor shall any person use such areas and facilities for an unreasonable time if the facilities are crowded. Use of individual tables and recreational facilities will generally follow the rule of "first come, first served".
- C. **Responsibilities of persons using park facilities** No person in a park shall leave the area he occupied before all trash in the nature of boxes, cans, garbage and other refuse is placed in the disposal receptacles where provided. Where no such receptacles are available, the refuse and trash shall be carried away from the park area to be properly disposed of elsewhere.
- D. **Camping prohibited** No person in a park shall set up or use tents, camping trailers, recreational vehicles, shacks or any other temporary shelter for the purpose of overnight camping; nor shall any person bring in or leave in a park after closing hours, any such structure or vehicle that could be used for such purpose. (Ord. No. 97-8, Art. 5.)

12.04.08 Conduct in a park

- A. **Gambling prohibited; recreational activities to take place only in suitable areas** No person in a park shall gamble, or participate in, or abet any game of chance; nor shall any person take part in or abet the playing of other forms of recreation except in areas set apart for or conducive to the particular form of recreation.
- B. **Intoxicating beverages and narcotics prohibited** No person in a park shall bring into or consume alcoholic beverages or narcotics within a park; nor shall any person enter a park when under the influence of intoxicating beverages or narcotics.

- C. **Fires** No person in a park shall build or attempt to build a fire except in fireplaces, or facilities designed for such use, nor leave any such fire unattended. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes, cigars or other flammable material within a park area or on any thoroughfare abutting or contiguous thereto.
- D. **Fireworks prohibited** No person in a park shall bring in, explode, or cause to be exploded, discharge or burn any firecrackers, torpedoes, skyrockets, roman candles, sparklers or any other fireworks, explosives, or inflammable materials without first obtaining from the city, a written permit for such activity.
- E. **Entering closed areas prohibited** No person in a park shall enter an area posted as "Closed to the Public," nor shall any person use or abet the use of, any area in violation of posted notices.
- F. **Vending and peddling**
1. Ord. No. 97-8 of the city of Cotter shall be amended to allow food and beverage vendors within the city parks of Cotter. All of said vendors shall be subject to the regulation of the city and shall comply with all provisions of this ordinance.
 2. Any such vendors shall apply for a permit from the city in order to operate as a vendor within the city parks of Cotter. Said permit shall be for a twelve (12) month period and shall run from January 1 to December 31 of each year between the hours of 9:00 a.m. and 10:00 p.m. and shall be subject to an annual permit fee of Twenty-Five Dollars (\$25.00). The vendor conducting business shall have a non-permanent structure. No person shall build any permanent structure in the park. During non-profit festivals or organized events that charge a fee for booths, the vendor will be required to also pay the booth fee for the opportunity to conduct business in the park. In addition the vendor shall provide the following information at the time of the application, to wit:
 - a. An occupation license issued by the city of Cotter;
 - b. Copies of any and all local, county and state permits that are required to operate the particular food or beverage service which is being proposed.
 - c. A diagram which reflects the type of structure or other accommodations which will be utilized by the vendor; and

- d. Any and all other documentation that may be determined by the city to be relevant to the operation of such a service within the city parks of the city of Cotter, Arkansas.
- 3. The health and safety of the citizens of the city of Cotter and of the persons who utilize the city parks may make it necessary to limit the permits issued for such vendor service to a maximum of three (3) permits. Said permits shall be issued on a first come, first serve basis, assuming that the vendor meets all other requirements stated herein. (Ord. No. 2012-2, Secs. 1-3.)
- G. **Advertising prohibited** No person in a park shall announce, advertise, or call attention in any way to any article or service for sale or hire, nor shall he paste, tack or otherwise post any sign, placard or inscription, whatsoever, nor shall any person erect, or cause to be erected any sign whatsoever on any public lands, highways, streets or roads adjacent to a park. Exception is here made for a charitable organization acting under the authority and regulation of the city.
- H. **Ball field signs** Signs may be permitted on ball field fences and scoreboards in a park. The city shall provide rules and regulations for the placement, removal, size, quantity and quality of such signs. (Ord. No. 97-8, Art. 6.)

12.04.09 Penalty The violation of any provision of these rules and regulations shall be considered a misdemeanor, and upon conviction thereof, the violator shall be fined not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00) for each such violation; provided no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state of Arkansas. If the violation of the rules and regulations is, in its nature, continuous in respect to time, the penalty for each day the same is unlawfully continued shall not exceed Five Hundred Dollars (\$500.00). (Ord. No. 97-8, Art. 7.)

CHAPTER 12.08

YOUTH CENTER FACILITY

Sections:

- 12.08.01 County youth center
- 12.08.02 Remodeling
- 12.08.03 Schedule and personnel
- 12.08.04 Funds
- 12.08.05 Reports

12.08.01 County youth center The city of Cotter does hereby agree to enter into inter-local agreement with Baxter County, Arkansas, providing for the cooperative remodeling of a youth center to serve all youth of Cotter and Baxter County, Arkansas. (Ord. No. 94-4, Sec. 1.)

12.08.02 Remodeling The city of Cotter, Arkansas, using funds listed above shall provide the remodeling of the youth center and dedicate it to the benefit of all the youth of Cotter and Baxter County, Arkansas. (Ord. No. 94-4, Sec. 2.)

12.08.03 Schedule and personnel In addition, the city of Cotter, Arkansas shall provide for the youth center's operating schedule and personnel. (Ord. No. 94-4, Sec. 3.)

12.08.04 Funds The obligations of funds reflected in the inter-local agreement shall be subject to the limitation imposed by Article 12, Section 4 of the Constitution for the state of Arkansas (1874 as amended) and Baxter County shall use all good faith efforts to appropriate funds necessary to meet their obligation hereunder, said sum to be \$44,200.00. (Ord. No. 94-4, Sec. 4.)

12.08.05 Reports The city of Cotter shall provide Baxter County with access to any and all reports or other documents relating to the youth center, including budget reports, cost of operations and revenues. (Ord. No. 94-4, Sec. 5.)

TITLE 13

PLANNING

Chapters:

13.04 Planning Commission

CHAPTER 13.04

PLANNING COMMISSION

Sections:

13.04.01 Commission created
13.04.02 Duties
13.04.03 Appointment
13.04.04 Terms
13.04.05 Powers and duties

13.04.01 Commission created There is hereby created a commission of the city of Cotter, Arkansas, to be known as the Cotter Planning Commission, which said Commission shall consist of seven members who shall serve without compensation and of whom not more than one-third may hold any other municipal office or appointment. (Ord. No. 151, Sec. 1.)

13.04.02 Duties The Planning Commission shall have all the duties and functions authorized by Act 186 of the Acts of Arkansas 1957, as amended. (Ord. No. 151, Sec. 2.)

13.04.03 Appointment The members of the Planning Commission shall be named and appointed by the Mayor and his appointments will be valid and effective upon confirmation by the City Council. (Ord. No. 151, Sec. 3.)

13.04.04 Terms The members of said city Planning Commission shall each be appointed for a term of five years commencing with anniversary date of said appointment, provided that the members of said Commission first appointed on the enactment of this ordinance: One member shall be appointed initially for a term of five years, one member shall be appointed initially for a term of four years, two members shall be appointed initially for a term of three years, two members shall be appointed initially for a term of two years and one member shall be appointed initially for a term of one year. The Mayor, if he deems it necessary, may dismiss any member

of the Commission who is absent at more than two consecutive regular meetings of the said Commission except when same is caused by illness or absence from the city. When the term of any member shall expire or occur, the Mayor shall make a nomination to fill such vacancy which will be valid and effective upon confirmation by the City Council. (Ord. No. 151, Sec. 4.)

13.04.05 Powers and duties The Commission is vested with all the powers and duties prescribed and set forth in A.C.A. 14-56-402 – 14-56-409 of the Arkansas Statutes.

STATE LAW REFERENCE - See A.C.A. 14-56-402, 404 and 410.

TITLE 14

ZONING

Chapters:

- 14.04 Zoning Ordinance Adopted
- 14.08 Mobile Homes
- 14.12 Municipal Airport Board
- 14.16 Signs
- 14.20 Annexing and Rezoning Property

CHAPTER 14.04

ZONING ORDINANCE ADOPTED

Sections:

- 14.04.01 Authority – Purpose
 - Section 1 Authority
 - Section 2 Purpose
- 14.04.02 Definitions
 - Section 1 Definitions
- 14.04.03 Use Zones
 - Section 1 Residential R-1
 - Section 2 Commercial C-1, C-2, C-3
 - Section 3 Industrial I-1
 - Section 4 Special Uses
 - Section 5 Agricultural and Forestry AG
 - Section 6 Mixed Use MU-1 (Central Business Dist)
- 14.04.04 General Regulations
 - Section 1 Annexed Area
 - Section 2 Completion of Existing Buildings
 - Section 3 Home Occupations
 - Section 4 Existing Lots and Lot Area
 - Section 5 Nonconforming Buildings and Uses
 - Section 6 Sign, Bulletin Board and Outdoor Advertising Structures

- 14.04.05 Board Of Zoning Adjustment
 - Section 1 Organization
 - Section 2 Meetings
 - Section 3 Appeals from Decisions of Building Officials
 - Section 4 Powers
 - Section 5 Variance and Special Use Permits
 - Section 6 Other Functions of Board
 - Section 7 Appeals from Decisions of the Board
 - Section 8 Notice of Public Hearing

- 14.04.06 Amendments To Zoning Regulations
 - Section 1 Amendments by Public Body
 - Section 2 Amendments by Individual Property Owners

- 14.04.07 Enforcement And Administration
 - Section 1 Responsibility
 - Section 2 Building Permits
 - Section 3 Fees
 - Section 4 Violations
 - Section 5 Penalty for Violation

14.04.01 Authority – Purpose

Section 1. Authority Act 186 of 1957 of the General Assembly of the State of Arkansas, as amended, empowers the City of Cotter, Arkansas to enact zoning regulations and to provide for their administration, enforcement and amendment. The Cotter City Council, pursuant to the provisions of Act 186 of 1957 of the General Assembly, as amended, has established a planning commission, which has divided the City into districts and has prepared regulations pertaining to these districts in accordance with the Comprehensive Development Plan. These regulations apply to all land and structures and are in effect throughout the entire city limits of Cotter, Arkansas.

Section 2. Purpose

- A. The City Council deems it necessary, for the purpose of promoting the health, safety, morals, order, and general welfare of the City, to enact these zoning regulations.

- B. These zoning regulations are designed to lessen congestion in the streets; to secure safety from fire and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;

to stabilize property values; and to insure orderly development of the community for the general welfare of the citizens.

- C. These zoning regulations provide for zoning districts of suitable and harmonious uses with the purpose of conserving the value of buildings and encouraging the most appropriate use of land in the City of Cotter.
- D. City of Cotter recognizes the town for being a good place to retire and enjoy a quiet river, and world-class trout fishing. We recognize the town for being a good place to live and enjoy type of life. Our natural resources provide an ideal community for visitors and new residents who would enjoy our schools, city parks, historical bridge and downtown, city park spring, nature trail along the White a quiet type of life to attract young families, retirees, veterans, and business to support our vision for our community.

A community that prides itself on protecting the integrity of its neighborhoods, natural surroundings, and history, while being open to planned, compatible growth, and retaining the small town atmosphere to protect the health, safety, welfare and morals of our community.

- E. A number of general objectives, which became apparent during the planning studies, are proposed:
 - 1. Basically, to strive for a more convenient, harmonious, efficient, functional, and attractive community.
 - 2. To promote safety through street designs and the location of such public facilities as schools, fire stations, and parks.
 - 3. To promote increased trade within the city for the convenience of the residents, and to expand the local economy.
 - 4. To achieve a land use pattern that will provide for the long-range needs of Cotter and that will be functional and economically feasible in terms of community services.
 - a. To promote residential development, which is safe, convenient, and attractive, thus creating a healthful environment for families. Protect the health, safety, welfare, and morals of the community.
 - b. To create safe and attractive commercial areas.
 - c. To provide attractive and functional areas for existing and future industrial growth.
 - 5. To create a functional street pattern providing for traffic circulation and safety.

6. To promote the expansion of school facilities to meet anticipated needs.
7. To develop recreational facilities -- parks and playgrounds -- for all age groups.

All of these general objectives were considered and are reflected in the Comprehensive Development Plan for Cotter, Arkansas.

14.04.02 Definitions

Section 1. Definitions

- A. For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:
 1. The word shall is mandatory, the word may is permissive.
 2. The words used or occupied shall include the words intended, designed, or arranged to be used or occupied.
 3. The word lot includes the words plot and parcel.
 4. The present tense includes the future tense, the singular number and includes the plural, and the plural number includes the singular.
- B. For the purpose of these regulations, the following terms or words are defined as follows:
 1. Accessory Structure. A subordinate structure located on the lot with the principal structure. Where an accessory structure is attached to the principal structure, in a substantial manner, as by a roof, such accessory shall be considered as a part of the principal structure. An example of an accessory structure for a non-residential structure would be the educational buildings of a church, with the sanctuary being the principal structure.
 2. Accessory Use. A use which is customarily incidental to the principal use. In buildings restricted to residential use, the office of a professional man or customary family workshops not conducted for compensation shall be deemed an accessory use.
 3. Alley. A narrow public way not in excess of 20 feet which affords a secondary means of access to abutting properties and not intended for general traffic circulation.

4. Area. This term refers to the amount of land surface in a lot or parcel.
5. Area Requirements. The yard, lot area, width of lot, and parking requirements as set forth in a specific district.
6. Building Official. A person appointed by the City Council to administer and enforce these regulations.
7. Dwelling Unit. A structure or portion thereof providing complete housekeeping facilities for one family. The term shall not be construed to include motels, hotels, or rooming houses.
8. Dwelling, Single Family. A detached structure designed for or occupied by one family only.
9. Dwelling, Two-Family. A detached structure designed for or occupied by two families, only, with separate housekeeping and cooking facilities for each.
10. Dwelling, Multi-family. A structure designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.
11. Existing. The established fact of the use of land or structure at time of effective date of these regulations.
12. Family. One or more persons occupying premises and living as a single, non-profit housekeeping unit provided that, unless all members are related by blood or marriage, the number of persons shall not exceed five.
13. Fence. Definition pending City Council ratification.
14. Floor Area. The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings but not including cellar or basement space not used for retailing and not including accessory off-street parking or loading zone.
15. Grazing Lands. Lands used for grazing livestock under conditions where pasture foraging provides the primary nutrition source and only supplemental feeding is provided. (Ord. No. 1999-07.)

16. Home Occupation. Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising other than an unlighted identification sign of not more than two square feet in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building; and in connection with which not more than one person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat or glare. When within the above requirements, a home occupation includes, but is not limited to, the following: (a) Art studio; (b) Dressmaking; (c) Professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation; (d) Teaching, with musical instruction limited to one or two pupils at a time; however, a home occupation shall not be interpreted to include restaurants.
17. Lot. A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to same.
18. Lot of Record. A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
19. Manufactured Housing. *(To be ratified by City Council)*
20. Mobile Home. A portable single-family dwelling unit designed to be transported, after fabrication, on its own wheels or on a flat-bed or other trailer to a suitable lot area for location on a fixed foundation. The term shall not be construed to include recreational vehicles, camping trailers, and other type vehicles designed primarily for temporary occupancy on an on-and-off-the road basis. In addition, the definition of a mobile home as set out herein shall not include manufactured homes which have HUD approval and which have had the axles and wheels removed from said home. (Ord. No. 93-2, Sec. 2.)
21. Mobile Home Park. A commercial operation where two (2) or more spaces are provided for locating mobile homes, on a non-transient basis, with suitable water, sewage disposal, and utilities provided to each space.

22. Nonconforming. A use or structure or both that existed prior to the adoption of these regulations but which does not meet the requirements of these regulations.
23. Open Space. Any unoccupied space on a lot that is open and unobstructed to the sky and occupied by no structures or portion of structures whatever.
24. Parking Space. An on-lot space available for the parking of one motor vehicle and having an area of not less than 200 square feet exclusive of space necessary to provide access to a street or alley.
25. Principal Use. The chief or main recognized use of a structure, of lot, or of land.
26. Property Line. The line bounding a lot as described herein.
27. Street. A public way which affords the principal means of access to abutting properties.
28. Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, billboards, signs and poster panels, but do not include walks, parking areas, drives and fences. (Ord. No. 2006-8, Sec. 1.)
29. Use of Land. The unoccupied portion of a lot shall be considered to be in the same use as is the principal structure located on the lot unless such land is utilized for open storage or agriculture outside of the structure, then the use of land shall be classified according to the nature of its use.
30. Yard. A horizontal distance from a lot line to a parallel designated line. A yard is an open space extending the full distance of the lot.
31. Under Construction. A building may be constructed without being bound by the requirements of these regulations if the foundation was completed before the adoption or amendment of these regulations, and if the construction is completed within one (1) year after the adoption or amendment.
32. Boarding House - A building with at least two, but not more than five rooms offered for lodging and meals. (Ord. No. 2017-01.)

- 33. Hotel - A building or buildings intended and designed for transient overnight or extended occupancy, divided into separate units with the same building with or without a public dining facility. (Ord. No. 2017-01.)
- 34. Bed and Breakfast – An occupied private dwelling that provides overnight temporary travelers’ accommodations in a single-family residence offering lodging and meals for a fee. (Ord. No. 2017-01.)
- 35. Transitional Housing Facility -Drug Rehabilitation Facility, Re-entry Correction Facility – A building with at least two rooms offered for non-temporary, transitional lodging to persons within second kindred to each other; but shall not include convalescent or nursing homes, hotels, rest homes or other facilities providing elder or regulated health care. (Ord. No. 2017-01.)
- 36. A tiny house on wheels (THOW) is house ranging in size from 150 to 400 square feet. A Tiny House on wheels is considered a recreational vehicle as it pertains to zoning. (Ord. No. 2019-01, Sec. 1.)

14.04.03 Use Zones The City of Cotter is divided into the following use zones as indicated on the Zoning Map, which is a part of these regulations.

Residential Use Zone The residential use zones are intended primarily for residences, with permitted related uses such as churches, schools and recreational facilities. The permitted uses and the area requirements establish the character of the use district.

- | | |
|-----|----------------------------------|
| R-1 | Residential (low density) |
| R-2 | Residential (low-medium density) |
- (Ord. No. 1977-02.)

Commercial Use Zone The commercial use zones are intended for the conduct of business and provision of services and the processing and manufacturing of goods which by the nature of the operation do not constitute a nuisance or a danger to the community.

- | | |
|-----|--|
| C-1 | Commercial |
| C-2 | Highway Commercial (Ord. No. 1979-02.) |
| C-3 | Quiet Commercial (Ord. No. 1997-01.) |

Industrial Use Zone The industrial use zone is intended for general manufacturing and industrial activities, and for the bulk storage of goods.

- | | |
|-----|------------|
| I-1 | Industrial |
|-----|------------|

Agricultural and Forestry Zone An area for agricultural uses and rural residential uses protected from intensive development

AG Agricultural and Forestry

(Ord. No. 99-7, Sec. 1.)

Mixed Use MU-1 The mixed use zone is intended to allow residential properties to intermixed with commercial properties. It will allow new residences, owners of existing residences to rebuild in the event of a catastrophe, and business owners to reside on or near their commercial property. (Ord. No. 2012-01.)

MU-1

Central Business District

Boundaries

The boundaries of these districts are shown on the Zoning Map which accompanies and is made a part of these regulations. The original of this map is properly attested and on file with the City Clerk, and said map and all the information shown thereon shall have the same force and effect as if fully set forth or described herein.

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- a. Boundaries indicated as approximately following the centerlines of streets, highways and alleys shall be construed as following such center lines.
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- d. Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.
- e. In circumstances not covered by the preceding rules, the Board of Zoning Adjustment shall interpret the district boundaries.
- f. Boundary lines for Central Business District Zone C-1:

Beginning at the point where the center line of the alley between South Avenue and Tyler Avenue intersects the center line of 3rd Street, go northwest along the center line of 3rd Street to the point of intersection with the center line of the alley between Combs Avenue and McLean Avenue. Then left (SE) along the center line of the alley to a point of intersection with the lot line between Lot 794 and

Lot 795. Then right (NW) along said lot line to the center of Combs Avenue. Then left (SW) along the center line of Combs Avenue to a point of intersection with the lot line between Lot 849 and Lot 850. Then right (NW) along said lot line to the center of the alley between Combs Avenue and Dalton Avenue. Then right (NE) along the center line of the alley to a point of intersection with the lot line between Lot 1091 and Lot 1092. Then left (NW) along said lot line to the center line of Dalton Avenue. Then left (SW) along the center line of Dalton Avenue to the point of intersection with the center line of 2nd Street. Then right (NW) along the center line of 2nd Street to the point of intersection with the center line of Harding Boulevard (U.S. Hwy. 62). Then left (S) along the center line of Harding Boulevard to the point of intersection with the northwest side of Powell Avenue. Then right (SW) in the same direction as the northwest side of Powell Avenue would follow if extended. Follow this extended line to the point where it intersects the present C-2 Zone line. Then left (SE) and follow the C-2 Zone line to where it joins the R-2 Zone line at the center line intersection of 1st Street and McLean Avenue. Continue southeast along the B-2 Zone line to a point where the extended center line of the alley between South Avenue and Tyler Avenue would intersect the R-2 Zone line. Then left (NE) along the center line of the alley to the point of beginning at the center line of 3rd Street. (Ord. No. 79-2, Sec. 1.)

Section 1. Residential

R-1 (low density) – This zone is intended primarily for conventional type single-family and two-family dwellings with a suitable lot area.

R-2 (low-medium density) – This zone is intended primarily for single-family, two-family, and multi-family dwellings with a suitable lot area.

A-1 1. Permitted Uses – R-1 Zone

- a. Residential structures.
- b. Public schools, parks, churches and religious educational buildings.
- c. Municipal recreational uses and public utilities.
- d. Accessory structures or uses incidental to the principal use.
- e. Home occupation, as defined.
- f. Mobile homes and mobile home parks, as defined in Chapter 3, Section E, are not permitted in this zone.

2. Conditional Use and Special Use

- 1.
- 2.
- 3.

- 4.
- 5.

A-2 1. Permitted Uses – R-2 Zone

- a. Residential structures.
- b. Mobile homes.
- c. Mobile home parks.
- d. Public schools, parks, churches and religious educational buildings.
- e. Municipal recreational uses and public utilities.
- f. Accessory structures or uses incidental to the principal use.
- g. Home occupations, as defined.

2. Conditional Use and Special Use

- 1.
- 2.
- 3.
- 4.
- 5.

B-1 Area requirements, residential

1. Minimum lot area:

- a. Single family 6,800
- b. Two family and multi-family an additional 2,250 sq. ft. for each additional family unit per lot.

2. Minimum lot width: (at front yard building line)

- a. Single family 70 ft.
- b. two family and multi-family an addition 15 feet for each additional family unit per lot.

3. Front yard: minimum of 25 feet from front street lot line. On corner lots the front yard shall be considered as parallel to the street upon which the lot line is the shortest.

4. Side yard (each): minimum of 10 feet from each property line.

5. Side yard (street): minimum of 15 feet from side street lot line.

6. Rear yard: minimum of 20 feet from rear lot line or center of alley if alley exists.
7. Off-street parking:
 - a. Single-family and two-family dwellings: parking space shall be provided on the lot to accommodate one motor vehicle for each family unit.
 - b. Multi-family dwellings: four on-lot parking spaces shall be provided for the first two families, plus one on-lot parking space for each additional family unit. (Ord. No. 93-2, Sec. 1.)
8. Residential structures (single-family) shall have a minimum square footage of 750 square feet in R-1 and R-2. See definitions “Floor Area” explaining measurements how square footage is determined.
 - a. Exceptions: In R-2 zoning, Mobile Home Parks shall have a minimum square footage of 475 square feet for Manufacture/Mobile Homes. And Multiple Family Residence such as Duplexes and Quadplex shall have a minimum square footage of 475 square feet per living unit.
 - b. Exception: Where a subdivision covenant exceeds the minimum requirements, the covenant shall take precedent. (i.e., the Covenants for Rainbow Heights Subdivision requires a minimum of 1,600 square feet) (Ord. No. 2019-01, Sec. 1.)

B. Area Requirements, Mobile Home and Mobile Home Park

1. A mobile home located on an individual lot in the R-2 residential zone shall conform to all the area requirements specified for a single-family dwelling.
2. Area requirements applicable to a mobile home located within a mobile home park are set forth in Subsection E, Mobile Home and Mobile Home Park Requirements.

C. Area Requirements, Place of Public Assembly

1. Height: Maximum shall be two and one-half stories and not to exceed 35 feet for that portion of the structure used for assembly or offices.
2. Yard: Minimum of 25 feet from all property lines.
 - a. Off-Street Parking: Parking space shall be provided on the lot to accommodate one

- b. motor vehicle for each six (6) persons accommodated within the designated capacity of the assembly hall.

D. Mobile Home and Mobile Home Park Requirements / Manufactured Housing
Manufactured housing and Mobile homes for the purpose of these regulations shall be considered as one and the same.

- 1. Mobile Home: A mobile home parked for habitation purposes within the corporate limits of the city of Cotter, whether located on an individual lot or within a mobile home park, shall comply with the following requirements;
 - a. Have the wheels and axles removed and shall be positioned on fixed foundations with skirting installed.

- b. Be anchored to the ground in one of the manners included in the most current issue of the Defense Civil Preparedness Agency publication entitled Protecting Mobile Homes From High Winds on file in the office of the City Clerk.
- c. Be connected to an approved water supply, sanitary sewer, and utility lines in compliance with the latest codes, ordinances, and health standards applicable to the city of Cotter. All such connections shall be completed prior to occupancy.

2. Mobile Home Park

- a. The Park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- b. Each mobile home space shall be at least 40 feet wide and contain a minimum of 4,000 square feet.
- c. No mobile home shall be located closer than 10 feet to any property line bounding the park, or closer than 25 feet to any other mobile home or any building within the park.
- d. Each mobile home space shall contain parking space for one motor vehicle and shall abut upon a hard-surfaced driveway of not less than 20 feet in width, which shall have unobstructed access to a public street or highway.

Section 2. Commercial

The commercial zones are intended for those businesses which provide (1) convenient shopping and services for the residents of Cotter and adjacent areas, and (2) services for highway traffic.

A. C-1

1. Permitted Uses

- a. Retail establishments providing goods and service
- b. Professional offices, banks, and related uses
- c. Hotels and motor hotels
- d. Governmental and administrative offices
- e. Commercial recreation
- f. Mobile homes and mobile home parks, as defined in Chapter 3, Section E, are not permitted in this zone.

2. Height

- a. The maximum height of a structure shall be 2 stories and shall not exceed 36 feet.

3. Yard Requirements

- a. Rear yard -- a minimum of 15 feet from the property line, or from the center of the alley where one exists.

4. Loading and Unloading

- a. Loading and unloading facilities, driveways and parking areas shall be provided so as not to block any public right of way and shall be accessed from the side or rear of the lot.

5. Conditional Use and Special Use

- 1.
- 2.
- 3.
- 4.
- 5.

B. Highway Commercial C-2

1. Permitted Uses

- a. Retail establishments providing goods and services
- b. Auto sales and service facilities
- c. Professional offices, drive-in banks and related uses
- d. Motels
- e. Commercial recreation

Mobile homes and mobile home parks, as defined in Chapter 3, Section E, are not permitted in this zone.

2. Height

- a. The maximum height of a structure shall be 2 stories and shall not exceed 36 feet

3. Yard Requirements

- a. A minimum of 25 feet from all street right-of-way and residential property lines.

4. Lot Coverage
 - a. No structure shall cover more than one-half of the lot area.

5. Off-street Loading and Unloading
 - a. Loading and unloading facilities shall be provided so as not to block any public right-of-way.

6. Off-street Parking
 - a. Commercial uses: one parking space for each 200 square feet of floor area.

 - b. Places of public assembly: one parking space for each (6) six people.

7. Conditional Use and Special Use
 1. A. Transitional Housing Facility, Drug Rehabilitation Facility, Re-entry Correction Facility
 1. Transitional Housing Facility, Drug Rehabilitation Facility, Re-entry Facility shall be required to submit application for Conditional Use as follows.

 2. Conditions shall not create an unsafe environment for occupants, a public health hazard, or a nuisance condition at the establishment or surrounding community.

 3. Facilities shall comply with all local and state fire codes and ordinances, State and Federal Building codes. In addition, these Facilities shall comply with NFPA Standards 101 Life Safety Code, Chapters 22 and 23 – Detention and Correctional Occupancies. Facilities shall be required to have (1) a Fire Protection Sprinkler System, (2) a monitored Fire Alarm System and (3) on site personnel providing 24 hour qualified supervision.

 4. Prior to issuing any Building Permit and/or Occupancy Permit for Transitional Housing Facility, Drug Rehabilitation Facility, or Re-Entry Correction Facility, such Application for said facility shall be submitted to the Planning and Zoning Board for review with final approval by the City Council.

 5. Transitional Housing Facility, Drug Rehabilitation Facility, Re-entry Correction Facility are not allowed in other Zones, i.e. C-1, C-3, R-1, R-2, I-1 and MU-1. (Ord. No. 2017-01.)

- 2.
- 3.
- 4.
- 5.

B. Quiet Commercial C-3

1. Permitted Uses
 - a. Bed and breakfast
 - b. Uses allowed in Zone R-1

2. Conditional Use and Special Use
 - 1.
 - 2.
 - 3.
 - 4.
 - 5.

C. Requirements

1. All requirements as outlined in chapter III, Section 1B, Residential Requirements, shall apply to this special zone.
2. Does not require the use of commercial vehicles in the regular operation of the business.
3. Does not require the use of an accessory building or yard space or an activity outside the main structure not normally associated with residential use.
4. Shall not erect a sign larger than two (2) square feet on the premises, or use any portion of existing buildings as signage.
5. Shall not permit the external display of goods for sale.
6. Shall not serve meals or sell prepared food to persons other than overnight guests. (Ord. No. 97-01.)

Section 3. Industrial I-1

This zone will provide space for manufacturing activities. It is also intended for the storage and sale of bulk materials which are prohibited in the commercial zones.

A. Permitted Uses

1. The manufacturing, compounding, processing, packaging or assembling of such products when it is found by the enforcement officer that the location and the safeguards taken will so reduce the noise, dust, odor, or vibration as not to be detrimental or dangerous to the health, safety, or general welfare of the people.
2. Storage of bulk material when it is found by the enforcement officer that the specific location and safeguards taken will so reduce the danger of fire or explosion as not to be dangerous to the health, safety, or general welfare of the people.

B. Residential Uses Prohibited

1. No structure may be constructed or altered for residential use.

C. Area Requirements

1. All structures shall be built at least 25 feet from all property lines abutting a residential zone, and 12 ½ feet from all other property lines.

D. Height

1. Maximum height of a structure shall be three stories and not to exceed 45 feet.
2. The Board of Adjustment may waive the height requirements when it is demonstrated that the equipment and structure to house the operation requires greater height.

E. Off-street Parking

1. One on-lot parking space shall be provided for every 6 employees.

F. Off-street Loading and Unloading Facilities

1. Each structure or use shall provide off-street loading and unloading facilities which will not block a street, alley, or other public way.

G. Conditional Use and Special Use

- 1.
- 2.
- 3.
- 4.
- 5.

Section 4. Special Uses

The City Council of Cotter or the Board of Zoning Adjustment, by special permit, after public hearing and after study and report by the Planning Commission subject to such reasonable

conditions and protective restrictions as are deemed necessary, may authorize the following special uses in any district from which they are otherwise prohibited:

1. Cemetery or mausoleum
2. Funeral Home
3. Greenhouse or nursery
4. Hospital, clinic or institution not primarily for the mentally ill or those with contagious diseases, provided that less than 40 percent of the total land area is occupied by buildings and that all the required yards are increased by one foot for each foot of building height in excess of height limits specified in these regulations.
5. Nursing homes
6. Radio tower or broadcasting station.
7. Public utility structure.

Section 5. Agriculture and Forestry

This zone will provide an area for agricultural uses and rural residential uses protected from intense development.

A. Permitted uses

1. Grazing lands
2. Timber Cutting
3. Field, row and tree crops
4. Fishing bait tackle sales
5. Single-family homes
6. Farm implement storage
7. Municipal parks and playgrounds
8. Similar uses deemed by the planning Commission to be in character with the zone

B. Conditional Uses (Conditional Use Permit Required)

1. Keeping livestock
2. Animal shelters
3. Agricultural industries
4. Sales building for agricultural products
5. Lumber industries

6. Child Care-Day Care facilities
7. Radio, TV transmitter tower
8. Public utilities
9. Clubs and lodges
10. Fuel storage
11. Camps and resorts
12. Churches
13. Cemeteries
14. Similar uses deemed by the Planning Commission to be in character with the zone.

C. Temporary Uses (Temporary Use Permit required)

1. Arts and crafts shows or fairs
2. Music festivals
3. Circuses, carnivals
4. Similar uses deemed by the Planning Commission to be in character with the zone.

D. Home Occupation

Home occupations may be permitted subject to the criteria contained in Chapter IV, Section 3 of the general regulations, and approval of a Home occupation Permit by City Hall

E. Permitted Signs

Must conform to existing sign code.

F. Lot dimensions

Minimum Lot Area: 1 acre

Minimum lot Width: 150 feet

Minimum Setback from street right-of-way lines shown on Master Street plan where property abuts any streets: 30 feet

G. Conditional Use and Special Use Permit

- 1.
 - 2.
 - 3.
 - 4.
 - 5.
- (Ord. No. 1999-07)

Section 6. Mixed Use MU-1

The mixed use zones are intended for (1) businesses which provide convenient shopping and services for the residents of Cotter and adjacent areas, and (2) residences.

A. Mixed Use MU-1

1. Permitted Uses

- a. Retail establishments providing goods and service
- b. Professional offices, banks, and related uses
- c. Hotels and motor hotels
- d. Governmental and administrative offices
- e. Commercial recreation
- f. Single and Multi-family residences

Sexually oriented businesses, self-storage units, hazardous material storage and mobile homes and mobile home parks, as defined in Chapter 3, Section E, are not permitted in this Zone.

2. Height

- a. The maximum heights of a structure shall be 2 stories and shall not exceed 36 feet.

3. Yard Requirements

- a. Rear yard – a minimum of 15 feet from the property line, or from the center of the alley where one exists.

4. Loading and Unloading

- a. Loading and unloading facilities, driveways and parking areas shall be provided so as not to block any public right of way and shall be accessed from the side and rear of the lot.

5. Existing Residence

- a. If an existing residence is destroyed, a new residence may be built using the same footprint as the previous building.

6. Conditional Use and Special Use

- 1.
- 2.
- 3.
- 4.
- 5.

(Ordinance No. 2012-01)

14.04.04 General Regulations

Section 1. Annexed Area

- A. Territory annexed to the City of Cotter after adoption of these regulations shall be given use designations within 90 days after the effective date of annexation in accordance with the amendment procedures of these regulations.
- B. Before official use designation is made after annexation, all requests for building permits shall be referred to the City Planning Commission or a committee thereof. The Planning Commission or its designated committee may recommend issuance of the permit if said use conforms to the land use plan and the structure meets the requirements of the zone in which it is to be located.

Section 2. Completion of Existing Buildings

- A. Nothing herein contained shall require any change in construction or designated use of a building actually under construction at the time of the adoption of these regulations.

Section 3. Home Occupations

- A. An occupation may be carried on in a residential structure in a residential district only if the following are complied with:
 - 1. It does not involve the use of commercial vehicles operating from the residence.
 - 2. It does not require the use of more than one room otherwise normally considered as living space.
 - 3. It does not require the use of an accessory building or of yard space or an activity outside the main structure not normally associated with residential uses.
 - 4. It does not have a sign in excess of two square feet to denote the business, occupation, or profession.
 - 5. It does not involve the external display of goods and services.
 - 6. The occupation must be carried on only by a member of the family residing in the dwelling unit.
 - 7. The occupation must be of a nature that does not cater to the day to day needs of the general public, i.e., the merchandising of convenience goods, such as groceries, sundries, etc.

- B. Occupations carried on in a residential structure or accessory building in a residential district at the time of the adoption of these regulations must comply with the regulations established in Section 3 of this chapter, within two years of the date of the passage of these regulations, or said business, occupation, or profession shall be deemed in violation of these regulations.

Section 4. Existing Lots and Lot Area On any lot in a residential use district which is on a plat of record at the time of passage of these regulations, a one-family structure may be erected even though the lot be of less area or width than required by the regulations of the residential use area in which the lot is located, provided all other area requirements are met.

Section 5. Nonconforming Buildings and Uses (Approved by City Council 1/28/2016)

The lawful use of a building or premises existing at the time of adoption or amendment of these zoning regulations may be continued although such use does not conform with the provisions of these regulations. Such nonconforming use may not be extended **with the following exceptions (s):**

If a nonconforming residential structure in a non-residential zone is destroyed through no fault of the property owners, the structure may be rebuilt up the same footprint and using similar dimensions.

For all other nonconforming structures, the total structural repairs or alterations in such a nonconforming building shall not exceed 50 percent of the assessed value of the building unless permanently changed to a conforming use.

If **any** nonconforming use is discontinued for a period of 12 months, any future use of the building and premises shall conform to these regulations. Whether a nonconforming use exists shall be a question of fact and shall be decided by the Board of Zoning Adjustment after public notice and in accordance with the rules of the Board.

Section 6. Sign, Bulletin Board and Outdoor Advertising Structures (Ord. Nos. 1997-06 & 2007-08)

See Appendix 1 – Cotter Arkansas Sign Ordinance

14.04.05 Board Of Zoning Adjustment

Section 1. Organization

- A. Board of Zoning Adjustment is hereby created which shall consist of the Planning Commission as a whole and the Chairman of the one shall likewise be the Chairman of the other.

Section 2. Meetings

- A. The Board of Zoning Adjustment shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions. Each session of the Board of Zoning Adjustment shall be a public meeting with public notice of said meeting and business to be carried on published in a newspaper of general circulation in the city, at least on time seven days prior to the meeting.

Section 3. Appeals from Decision of Building Official

- A. An appeal may be taken to the Board of Zoning Adjustment by any person, group, or organization, public or private, affected by a decision of the Building Official. Such appeal shall be taken within such time as prescribed by the Board by general rule, by filing with the Building Official and with the Board a notice of appeal, specifying the grounds thereof. A fee of \$5.00 shall accompany all notices of appeals.

Section 4. Powers The Board of Zoning Adjustment shall have the following powers:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building Official in the enforcement of these regulations and may affirm or reverse, in whole or part, said decision of the enforcement officer.
- B. To hear requests for variances from the literal provisions of the zoning regulations in instances where strict enforcement of the zoning regulations would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning regulations. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the regulations. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.
- C. To hold public hearings on, and decide the following exceptions to or variations of these regulations:

1. To permit the extension of a district where the boundary line thereof divides a lot held in a single ownership at the time of adoption of these regulations.
2. Interpret the provisions of these regulations in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map where the street layout on the ground varies from the street layout as shown on this map.
3. Classify commercial or industrial uses which are likely to create hazards and review the locations of proposed industrial uses.

Section 5. Variance and Special Use Permits

- A. The Board shall hear requests for variances from the stated provisions of the zoning regulations in instances where strict compliance with the provisions of the regulations would cause undue hardship to the circumstances unique to the individual property under consideration.
- B. The Board may grant variances or special use permits only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning regulations.
- C. The Board shall not permit as a variance any use in a zone that is not permitted under these regulations in conformance with Act 186 of 1957 as amended.
- D. The Board may impose conditions in the granting of the variance or special use permit to insure compliance and to protect adjacent property.

Section 6. Other Functions of Board

- A. The Board may hear applications and take such action as permitted on matters specifically referred to it under these regulations.

Section 7. Appeals from Decisions of the Board

- A. Appeal from the decision of the Board shall be to a court of record within 30 days from the decision of the Board in accordance with Act 186 of 1957 as amended.

Section 8. Notice of Public Hearing

- A. Whenever an appeal or application for a variance or special use permit is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application, which notice shall be published at least once not less than seven (7) days preceding the date of such hearing in an official paper or a paper of general circulation in said notice to designate the particular location with which

the appeal or application is concerned, and a brief statement as to what the appeal or application consists of. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.

14.04.06 Amendments To Zoning Regulations

Section 1. Amendments by Public Body

- A. The City Council may suggest that the Planning Commission amend the text of these regulations, or the Planning Commission itself may desire to initiate an amendment.
- B. Amendments to the text proposed by the Planning Commission shall be advertised in a paper of general circulation at least 15 days in advance of a public hearing to be conducted by the Planning Commission. After the public hearing, the Planning Commission shall make a report and recommendation to the City Council pertaining to the proposed amendment to the text. The City Council action on the report and recommendation shall be final.

Section 2. Amendments by Individual Property Owners

- A. A petition, giving the legal description of the property involved and the zoning classification requested for the property, or indicating the proposed amendment, shall be submitted to the Planning Commission by the property owner or his legally designated agent. The petition shall also include a statement and diagram explaining the proposed change.
- B. Upon receipt of the petition, the Planning Commission, in accordance with Act 186 of the 1957 General Assembly as subsequently amended, shall proceed as follows:
 - 1. The Planning Commission shall hold a public hearing on a proposed amendment. Notice of the public hearing shall be published in a newspaper of general circulation in the City, at least one time fifteen (15) days prior to the hearing.
 - 2. Following the public hearing, the proposed amendment may be approved as presented or in modified form by a majority vote of the Planning Commission and recommended to the City Council for adoption.

3. If the Planning Commission disapproved a proposed amendment, the reasons for such disapproval shall be given in writing to the petitioner within fifteen (15) days from the date of the decision.
4. The City Council, by majority vote, may by ordinance adopt the recommended amendment submitted by the Planning Commission or may return the proposed change to the Planning Commission for further study and recommendation.

If the City Council does not concur with the recommendations of the Planning Commission, either as first submitted or as submitted after re-study, the City Council may, by a majority vote, amend these regulations by granting the request for the proposed change in zoning classification in full or in modified form.

5. Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decisions are in error. Such appeal shall be filed with the City Clerk within fifteen (15) days of receipt of notice of Planning Commission action.
- C. No application for a change in zoning classification will be reconsidered by the Planning Commission within twelve (12) months from date of final disapproval unless the Commission finds that a substantial reason exists for waiving this limitation.
 - D. Before any action shall be taken as provided in this section, any person or persons proposing a change in the zoning classification of his property shall deposit with the City Clerk the sum of twenty-five dollars (\$25.00) to cover the expenses involved in this procedure, and any excess shall be returned to the petitioner.

14.04.07 Enforcement And Administration

Section 1. Responsibility

- A. The Building Official shall be responsible for the administration and enforcement of these regulations.

Section 2. Building Permits (See Appendix 2 0 Ord. 2007-07)

- A. No structure shall be erected, moved, added to, or externally altered without a building permit. No building permit shall be issued except in conformity with the provisions of these regulations, except after written order by the Board of Adjustment.
- B. All applications for building permits shall show dimensions and shape of the lot to be built upon; the sizes and locations on the lot of structures already existing, if any, and the location and dimensions of the proposed structure or alteration. The application shall include such other information as lawfully may be required, including existing or proposed structural alterations; existing or proposed uses of structure and land; the number of families, housekeeping units, or rental units the structure is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, these regulations.

Section 3. Fees

The Cotter City Council shall set fees for all applications, permits, or appeals provided for by these regulations to defray the costs of advertising mailing notices, processing, inspecting, and copying applications, permits and use permits.

Section 4. Violations

- A. If the Building Official shall find that the provisions of these regulations are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
- B. Should the person responsible for such violation fail to take the necessary action to correct it, the Building Official shall notify the City Council of the violation, said City Council shall certify the violation to the City Attorney, and said City Attorney shall within seven (7) days thereafter apply to Chancery Court for an injunction, mandamus, or other process to prevent, enjoin, abate, or remove said violation to these regulations.

Section 5. Penalty for Violation

- A. Any person or corporation who shall violate any of the provisions of these regulations or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement of plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of these regulations shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof, shall be fined as hereinbefore provided.

CHAPTER 14.08

MOBILE HOMES

Sections:

14.08.01	Definitions
14.08.02	Prohibited areas
14.08.03	Unlawful
14.08.04	Exception
14.08.05	Fine

14.08.01 Definitions For the purpose of this ordinance, the following terms shall be deemed and construed to have the meaning respectively ascribed to them in this section unless from the particular context it clearly appears that some other meaning is intended:

Person shall mean and include both the singular and plural and shall also mean and include any individual, firm, corporation, partnership, association, club, society or any other organization.

Mobile home shall mean and include any structure, which could be used as a year-round dwelling unit, vehicular in design, which may, during the period of time from its inception, be or have been driven, towed or propelled from one location to another, whether or not the same be supported by wheels or on a foundation. (Ord. No. 73-165, Sec. 1.)

14.08.02 Prohibited areas The following described area within the corporate limits of the city of Cotter, Baxter County, Arkansas, as shown by the recorded plats of the city of cotter, Arkansas, and of Cotter Heights and Reddick's Addition to the city of Cotter, Arkansas, all as recorded in the plat books of the Circuit Clerk and ex-officio Recorder of Baxter County, Arkansas, is hereby zoned to prohibit the use, occupancy and maintenance of mobile homes thereon:

All of Cotter Heights; also all that part of the city of Cotter as shown on the recorded plat of the city of Cotter, Arkansas, lying north and east of a line beginning at a point on the bank of White River which would be intersected by Sixth Street if said Sixth Street were extended northerly to said river, from said point of beginning run south along such line and along Sixth Street to Combs Avenue, run thence easterly along Combs Avenue to Seventh Street, run thence south along Seventh Street to South Avenue, run thence easterly along south Avenue to the west line of NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 31, Township 19 North, Range 14 West; also all that part of the NW $\frac{1}{4}$, SE $\frac{1}{4}$ and SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 31, Township 19 North, Range 14 West lying within the corporate limits of the city of Cotter, Arkansas; also Lots 84, 85, 218 through 233, 237 through 247 in Reddick's Addition to the city of Cotter, Arkansas, which is not within the boundaries of the city of Cotter, Arkansas. (Ord. No. 73-165, Sec. 2.)

14.08.03 Unlawful It shall be unlawful for any person to erect, place, locate, move onto, or spot a mobile home upon the lands described in 14.08.02. (Ord. No. 73-165, Sec. 3.)

14.08.04 Exception This ordinance shall not be construed to prohibit the setting aside within said described lands a parcel or parcels of lands under single ownership as a mobile home park or parks or trailer park or parks, planned and improved for the placement of mobile homes for non-transient use and for which permit is issued by the City Council of the city of Cotter, Arkansas. (Ord. No. 73-165, Sec. 4.)

14.08.05 Fine Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each violation. Each and every day that such violation is permitted to exist shall constitute a separate offense. (Ord. No. 73-165, Sec. 5.)

CHAPTER 14.12

MUNICIPAL AIRPORT BOARD

Sections:

- 14.12.01 Created
- 14.12.02 Members
- 14.12.03 Authorization

14.12.01 Created There is established and created the Twin Lakes Municipal Airport Board consisting of five (5) members, which board is vested and delegated all of the authority granted municipalities authorized to be delegated under the provisions of Act No. 128 of the Acts of the General Assembly of Arkansas for 1953 to acquire, establish, construct, improve, equipment provide for the maintenance, operation, regulation, and protection of an airport and air navigation facilities for the benefit of the city of Cotter, the city of Mountain Home and the city of Gassville, in Baxter County, Arkansas. (Ord. No. 113, Sec. 1.)

14.12.02 Members H.E. Keeter, Frank Wolf, Sam Powell, T.J. McCabe and Ray Ramey, Jr., are hereby appointed as the members of the Twin Lakes Municipal Airport Board to serve until their successors have been duly appointed and qualified. (Ord. No. 113, Sec. 2.)

14.12.03 Authorization The Mayor and the City Recorder are hereby authorized and directed to execute the joint agreement with the city of Gassville, and the city of Mountain Home, a copy of which agreement, providing for the jointly acquired, owned and controlled airport shall be filed with the City Recorder. (Ord. No. 113, Sec. 3.)

CHAPTER 14.16

SIGNS

Sections:

14.16.01	Definitions
14.16.02	Sign permits
14.16.03	Sign maintenance
14.16.04	Existing signs
14.16.05	Exemptions
14.16.06	General regulations
14.16.07	Roof signs
14.16.08	Freestanding signs
14.16.09	Off-site signs
14.16.10	Projecting signs
14.16.11	Wall signs
14.16.12	Area identification signs
14.16.13	Business/professional directory
14.16.14	Board of Sign Appeals
14.16.15	Separability
14.16.16	Penalties

14.16.01 Definitions For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein:

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

Animated sign Any sign which is designed and constructed to give its message through movement or semblance of movement created through a sequence of progressive changes of parts, lights or degree of lighting (see flashing 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 (number) 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, wall or archway with letters or symbols affixed thereto.

Banner Any sign printed or displayed upon cloth or other flexible material normally but not always without frame.

Beacon A stationary or revolving light which flashes or projects illumination, single color or multi-colors, in any manner which is intended to attract or divert attention; except however, this term is not intended to include any kind of lighting device which is required or prescribed by the Federal Aviation Agency, or used by any official public body, public utility or any authorized commercial enterprise when operating in behalf of public safety, health and welfare.

Billboard see Outdoor advertising structure

Board of Sign Appeals see 14.16.14.

Building face The visible outer surface of a main external wall of a building. The area of the face of the building shall be the total area of such surface including the area of doors and windows which open into the surface. Each building wall will be considered to have only one building face and normally this shall be that wall containing the principle entry into the building and facing the street used for access to the building.

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

Bulletin board Sign erected by a charitable, educational or religious institution or a public body, which is erected upon the same property as said institution, for the purposes of announcing events which are held on the premises.

Canopy see Marquee.

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

Central business district to be defined

City The city of Cotter, Arkansas.

City Attorney The City Attorney of Cotter, Arkansas.

City Council The City Council of Cotter, Arkansas

Clear sight triangle See sketch for street intersection sight triangle within the Cotter Comprehensive Development 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 Signs used in conjunction with construction projects for 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 exist signs at driveways or on buildings, are considered non-commercial directional signs. Commercial directional signs are usually off-site signs pointing the way to a nearby business or professional location or activity. 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 signs 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-effected zoning ordinance governing the use of buildings and land are uniform for each class of use permitted therein. See respective section of the Zoning Ordinance for details of use zones.

Erect To build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post or display. Normal maintenance, including refinishing, is not included in this definition provided the sign copy is not changed or altered.

Existing signs Permanent signs erected before adoption of this ordinance.

Flashing sign An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

Floodlighting For the 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.

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

Frontage The length of the sides along the street or any other principal public thoroughfare, but not including such length along and alley, water course, railroad or street or thoroughfare with no permitted access. Frontage may refer to lineal footage of a lot or of a building or other structure.

Grandfather clause Signs in place prior to the enactment of this ordinance.

Ground level Immediate surrounding grade by vertical measurement.

Hanging sign see Suspended sign.

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 etc. and indicate direction thereto.

Illegal signs A sign which contravenes this ordinance.

Illumination, direct Illumination which is so arranged that the light is directed into the eyes of the viewer from the light source.

Illumination, indirect Illumination so arranged that the light is reflected from the sign to the eyes of the viewer.

Illuminated sign Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

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

Lease For purposes of this ordinance, agreement by which a property owner conveys, usually for a specific rent, to other persons, permission to erect and maintain a sign, bulletin board or outdoor advertising structure upon his property.

Lot A parcel of land defined by metes and bounds or as a platted lot of record.

Lot line The line or lines bounding a lot as described herein.

Mall Any concentration of retail stores and/or service establishments which share customer parking areas and are located within an enclosure having public walkways whereby a customer in one store or establishment may walk to another store or establishment without leaving the enclosure.

Mansard roof Any roof that has an angle greater than forty-five (45) degrees and which derives part of its support from the building wall and is attached to (but not necessarily a part of) a low slope roof and which extends along the full length of the front building wall or three-quarters of the length of a side building wall. For purposes of this ordinance, a low slope roof shall mean any roof with a pitch less than three (3) inches rise per twelve (12) inches horizontal.

Marquee A marquee shall mean and include any roofed structure attached to and supported by a building and projecting over public property. Can also be described as a canopy.

Mayor Mayor of the city of Cotter, Arkansas.

Mobile sign Any sign that is movable, portable, capable of or intended to be movable or portable, or 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. Includes signs non-illuminated, illuminated or capable of being illuminated. 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 not to temporary signs as defined by this ordinance.

See **Portable swinger**, **A Frame** or **Sandwich sign**, and **Portable temporary attraction signboard**.

Nameplate An on-site sign serving to identify the residents and/or address of a dwelling, building or location. Such signs shall not exceed a total area of one (1) square foot.

Non-illuminated sign Any sign which uses no artificial light source, internal, external or detached to call attention to or provide assistance in reading the message thereon.

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 non-commercial 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 non-commercial 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 non-commercial message.

Open house sign see Temporary sign

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 an outdoor advertising structure may also display a non-commercial message. For the purposes of this ordinance, outdoor advertising structure shall be considered the same as a billboard.

Person Person shall mean and include any person, firm, partnership, association, corporation, company, organization or entity of any kind.

Planning Commission The Planning Commission of Cotter, Arkansas.

Portable sign See a **frame sign** and **Mobile** or **Portable sign**.

Portable swinger sign and A Frame or Sandwich sign An advertising device which is ordinarily in the shape of an "A" or some variation thereof, located on the ground, easily movable, not permanently attached thereto and which is usually two-sided. See **Mobile sign**.

Portable temporary attraction sign board A single or double surface sign or some variation thereof, which is temporary in nature, usually mounted on wheels, easily movable, not permanently attached thereto. See **Mobile sign**.

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 structure 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 or private property line.

Shopping center Two (2) or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer parking areas, regardless of whether said stores and/or establishments occupy separate structures or are under separate ownership.

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 shall be considered a sign within the meaning of this ordinance, when placed near the inside surface of 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 or 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 of elements, each element shall be considered to be a single sign. For the purposes of this ordinance includes bulletin boards and outdoor advertising structures.

Sign structure Any structure support or framework which supports, has supported, or is capable of supporting a sign.

Temporary sign Any sign constructed of paper, cloth canvas or 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, open house 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 sign shall not project above the top of the wall or beyond the end of the building. For the 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 subdivisions; schools, religious institutions or fraternal organizations.

Zoning Ordinance The Zoning Ordinance of the city of Cotter, Arkansas.
(Ord. No. 97-6, Sec. 1.)

14.16.02 Sign permits

- A. **Generally** It shall be unlawful for any person to erect, repair, alter or relocate within the city of Cotter any sign or other advertising structure as defined in this ordinance, except as exempted under Section D or Section E without first obtaining a sign permit from the Enforcement Officer and payment of the fee as required by this section. All illuminated signs shall, in addition, be subject to the provisions of the city Electrical Code and its fees. All signs shall be subject to the provisions of the National Electric Safety Code, the regulations of the State Highway and Transportation Department where applicable, and the provisions of this ordinance.
- B. **Application for initial sign permit** Application for initial sign permits shall contain the following information:
1. Name, address and telephone number of the applicant.
 2. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.

3. Position of the sign or other advertising structure in relation to buildings or structures that are within 25 feet of where the sign is to be placed on the property.
 4. A print to scale drawing of the sign with specifications and method of construction and attachment to the building or in the ground.
 5. Such other information as the Enforcement Officer shall require to show full compliance with the ordinance.
- C. Sign permit fees Every applicant, before being granted a permit hereunder shall pay to the City Enforcement Officer's office a ____ Dollars (\$__) permit fee for each job or each advertising structure regulated by this ordinance including all new signs and the moving of existing signs to a new location.
- D. 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 the 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 Cotter, he shall then issue the permit. If the work authorized under the permit has not been completed within six (6) months after date of issuance, the said permit shall become null and void.
- E. Sign permit revocable All right 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 such permits shall contain this provision.
(Ord. No. 97-6, Sec. 2.)

14.16.03 Sign maintenance

- A. Premises maintenance All free-standing signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.
- B. 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 standard set forth within thirty (30) days after written notification, 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 14.16.16 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 be determined whether there was probably cause to remove the sign. Said administrative hearing shall be governed by, and held in accordance with the procedure prescribed by 14.16.14 of this ordinance. (Ord. No. 97-6, Sec. 3.)

14.16.04 Existing signs This ordinance shall apply to permanent existing signs which constitute a safety hazard, or are in an abandoned or dilapidated condition shall apply to any sign erected after this ordinance is adopted. (Ord. No. 97-6, Sec. 4.)

14.16.05 Exemptions Exempt signs shall comply with the applicable safety provisions and 14.16.06 of the ordinance, except that the exempt signs mentioned herein shall not be required to comply with 14.16.06 (G) of the ordinance. No sign permit shall be required for the erection of the following signs:

- A. Business/Professional Directories erected flat on the walls of a building.
- B. Building construction signs.
- C. Real estate signs. On a lot in any district, there may be erected one unanimated real estate sign.
- D. Reserved for special use signs.
- E. Official notices.
- F. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- G. 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.
- H. 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 purpose.

- I. Election campaign signs. Political signs are permitted to be placed on private property in any district, subject to the following conditions:
 - 1. In districts where signs are not otherwise permitted, a political sign may be erected but said sign shall be removed within seventy-two (72) hours following the final election to which it applies; the owner of the property on which said sign is placed shall be responsible for its removal.
 - 2. In districts where signs are otherwise permitted, political signs shall meet those requirements.
- J. Time and temperature displays without advertising matter providing all clearances prescribed herein for signs similarly located are maintained.
- K. Banners shall be exempt when used in conjunction with public and private events as follows:
 - 1. Election campaigns Election campaign banners when said banners are not placed more than ten (10) days prior to and removed within seventy-two (72) hours following the election to which the banner applies.
 - 2. Public events Public event banners shall be removed within seventy-two (72) hours following the event to which the banner applies.
 - 3. Private sales events Banners placed on private property for advertising a special event provided said banners are removed within seventy-two (72) hours after the event to which they apply.
- L. All signs located within a building that are not visible to the public outside said building.
- M. Signs painted on, or affixed to, glass surfaces of windows or doors and pertaining to the lawful business conducted therein.
- N. Directional, identification and informational signs; provided, such signs shall be limited to wall and free-standing signs with a maximum of four (4) square feet of display surface area.
- O. Collection boxes for charitable or non-profit organizations containing no commercial advertising.
- P. Subdivision identification signs.
- Q. A free-standing bulletin board.

- R. Fuel price information signs: One fuel price information sign shall be permitted to each end of fuel pump island. Nothing herein shall be construed to prohibit the advertising of fuel prices or any other sign meeting the requirements of this ordinance.
- S. The integral and/or self-contained message on newspaper vending machine box, other vending devices, telephone, mailboxes, trash containers and boxes or depositories of charitable and/or non-profit organizations provided all such devices, boxes and depositories conform to all other regulations of this ordinance and the Zoning Ordinance.
- T. Decorative devices or emblems without commercial message, such as may be displayed on a persons mailbox. (Ord. No. 97-6, Sec. 5.)

14.16.06 General regulations

A. Removal of certain signs

- 1. In the event a business ceases operation for a period of time in excess of sixty (60) days, the sign owner or lessee, or the property owner, shall immediately remove any information on signs within the corporate limits or 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 with 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 in violation and, as provided for in 14.16.18 of this ordinance, any expense incidental to the removal shall be charged to the sign owner and/or lessee and/or property owner.
- 2. All temporary signs must be removed within thirty (30) days after the event for which it was utilized is accomplished.

B. Signs not to constitute traffic hazard No sign or other advertising structure as regulated by this ordinance shall be erected or continue to be displayed in such a manner as to obstruct free and clear vision.

C. 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 sign posts, or upon traffic sign posts under the following conditions:

1. The signs direct the reader to the location of a public facility attended principally by out-of-town patrons, to a facility operated by a non-profit 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 site;
 2. The signs are fabricated, erected and maintained by the City Street Department;
 3. The entire cost of the signs is borne by the entity requesting the signs;
 4. The signs conform to the manual on uniform traffic-control devices.
- D. Sign illumination Direct sign illumination is permitted but cannot be distracting or blinding.
- E. Spot light and beacons prohibited It shall be unlawful to operate or erect any attraction device or sign which contains a beacon. Spotlights may be used only as provided in 14.16.06 (D).
- F. Fluctuating illumination prohibited Illumination of attraction devices or signs located in the city, that fluctuates in light intensity shall be prohibited.
- G. Portable signs Portable Swinger, "A" Frame, Sandwich and Portable Temporary Attraction Sign Boards are prohibited except as follows:
1. These signs can be utilized by a new business for a total of fifteen (15) days. 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.
- H. Revolving, rotating or moving signs are prohibited.
(Ord. No. 97-6, Sec. 6.)

14.16.07 Roof signs

- A. Roof signs are prohibited in the R-1 zoning districts.
- B. Roof signs are permitted in commercial, industrial – zoning districts. (Ord. No. 97-6, Sec. 7.)

14.16.08 Freestanding signs

- A. Freestanding signs are prohibited in R-1 zoning districts.
- B. Freestanding signs are permitted in commercial, industrial and residential zoning structure except R-1, subject to the following:
 - 1. Shall be set back a minimum of fifteen (15) feet from the edge of the 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 eight (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. 97-6, Sec. 8.)
 - 6. Free-standing signs shall not contain more than seventy-five (75) square feet of total surface area. (Ord. No. 2007-8, Sec. 1.)

14.16.09 Off-site signs

- A. Spacing of off-site signs: No two (2) signs shall be spaced less than two hundred (200) feet apart; provided, the minimum spacing herein shall not apply to signs separated by buildings or other obstructions in such a manner that only one sign is visible from the street or highway at any one time.
- B. Off-site signs shall not contain more than seventy-five (75) square feet of total surface area.
- C. Outdoor Advertising Structures shall be prohibited. (Ord. No. 2007-8, Sec. 2.)
- D. Off-site signs on Hwy 62/412 shall not contain more than six hundred (600) square feet of total surface area per side. (Ord. No. 2000-3, Sec. 1.)

14.16.10 Projecting signs

- A. 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.
- B. Projecting signs over sidewalks or pedestrian walkways shall have a minimum of seven (7) feet of clearance from walk surface to the sign bottom.
- C. Projecting signs shall be prohibited in R-1 zoning districts.
(Ord. No. 97-6, Sec. 10.)

14.16.11 Wall signs

- A. Wall signs shall be permitted in commercial, industrial and residential zoning districts except R-1.
- B. Wall signs shall be prohibited in R-1 zoning districts.
- C. Wall signs shall not contain more than 75 square feet of total surface area.
(Ord. No. 97-6, Sec. 11.)

14.16.12 Area identification signs

- A. Area identification signs are permitted in all zoning districts.
- B. The size and location of the area identification sign must be approved by the Enforcement Officer, who will approve such structure upon the criteria of traffic safety sight lines. (Ord. No. 97-6, Sec. 12.)

14.16.13 Business/Professional Directory A Business/Professional Directories may be a wall sign, freestanding sign or a projecting sign. When erected as a wall sign, only one (1) shall be allowed for each main entrance to a building and total size will 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) Director for each major entrance to the parking lot. (Ord. No. 97-6, Sec. 13.)

14.16.14 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.

- A. 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.
- B. 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 the interest and decide the appeal within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.
- C. 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 of 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.
 - a. The Board shall not permit as a variance any sign the erection of which or the continuance of which is prohibited by 14.16.06. The Board may grant a variance from the provisions of 14.16.04 (A) of this ordinance where strict enforcement of said section would be unreasonable.
 - b. 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. (Ord. No. 97-6, Sec. 14.)

14.16.15 Separability Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. No. 97-6, Sec. 15.)

14.16.16 Penalties

- A. Violations of the provisions of this 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 to the city for any expense incurred by the city in the removal or alteration of unsafe and/or unlawful signs.
- B. 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 a separate offense and suffer the penalties here provided.
- C. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. No. 97-6, Sec. 16.)

CHAPTER 14.20

ANNEXING AND RE-ZONING PROPERTY

Sections:

- 14.20.01 Annexing
- 14.20.02 Re-zoning property

14.20.01 Annexing

- Ord. No. 73-167 Part of E ½ of Sec. 30, Twp 19 N, Range 14 West
- Ord. No. 76-3 Part of White River Railway, Sec. 31, Twp 19 N, Range 14 West
- Ord. No. 76-4 Part of SE ½ of Sec. 32, Twp 19 N, Range 14 West
- Ord. No. 136 Part of SE ¼ of Sec. 30, Twp 19 N, Range 14 West
- Ord. No. 86-1 Territory along stream for five (5) miles and two (2) miles laterally
- Ord. No. 99-06 Part of NE ¼ of Sec. 30, left bank of White River
- Ord. No. 2003-2 Part of NE ¼ of Sec. 30, Twp 19 N, Range 14 West

14.20.02 Re-zoning property

Ord. No. 79-10	From R-1 to C-2	Part of SW ¼ of Sec. 29, Twp 19 N, Range 14 West W ½ of Sec. 29, Twp 19 N, Range 14 West
Ord. No. 81-3	From R-1 to R-2	Part of W ½ of Sec. 29, Twp 19 N, Range 14 West
Ord. No. 86-1	From R-1 to C-2	Either side of Hwy 62 for 300 ft.
Ord. No. 86-4	From R-2 to C-2	Side of U.S. Hwy No. 62
Ord. No. 90-1	From R-2 to C-2	Blocks 7, 8 & 9 in Burke's Addition
Ord. No. 91-5	From R-1 to C-2	Lots 1 – 20
Ord. No. 93-6	From R-1 to R-2	Lots 1 – 24, Bayless Heights Subdivision
Ord. No. 94-9	From C-1 to CR-2	Lots 1113, 1114 & 1115
Ord. No. 95-2	From R-1 to R-2	Lots 1139, 1140 & 1141
Ord. No. 98-12	From R-2 to C-2	Part of Block 10, Burkes First Addition
Ord. No. 2000-4	From R-1 to C-2	Lots 7, 8, 9 & 10, Grandview Heights
Ord. No. 2000-6	From R-1 to C-2	Lot 6 & 7 in Grandview Heights
Ord. No. 20 01-6	From R-1 to C-2	Part of Lot 4, Grandview Heights
Ord. No. 2002-6	From R-1 to R-2	Part of Lot 23, M.C. Burke's Second Addition
Ord. No. 2003-6	From R-2 to R-1	Lots 18, 19, 20, and 21
Ord. No. 2011-10	From I-1 to C-1	Part of NE ¼ of Sec. 1, Twp 18 N, Range 15 West
Ord. No. 2011-11	From R-1 to C-1	Part of NE ¼ of Sec. 1, Twp 18 N, Range 15 West
Ord. No. 2015-01	From R-1 to AG	Land located in Cotter Heights East of Hazel St.

TITLE 15

SUBDIVISION REGULATIONS

Chapters:

15.04 Subdivision Regulations

CHAPTER 15.04

SUBDIVISION REGULATIONS

Sections:

- Section 15.04.01 General Provisions
 - Section 1 Purpose
 - Section 2 Authority
 - Section 3 Jurisdiction
 - Section 4 Conformance of Official Plans
 - Section 5 Reservation of Land
 - Section 6 Suitability of Land
 - Section 7 Metes and Bounds
- Section 15.04.02 Definitions
- Section 15.04.03 Procedure For Plat Approval
 - Section 1 Objective
 - Section 2 Preplatting Preparation
 - Section 3 Preliminary Plat Approval Procedure
 - Section 4 Final Plat Approval Procedures
- Section 15.04.04 Plat Requirements
 - Section 1 Objective
 - Section 2 Plat Size and Scale
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 - Section 4 Plat Information and Restrictive Covenants
- Section 15.04.05 Design And Layout
 - Section 1 Objective
 - Section 2 Special Conditions
 - Section 3 Streets
 - Section 4. Blocks

- Section 5 Lots
- Section 6 Easements and Public Dedications
- Section 7 Grade and Profiles
- Section 8 Topography and Natural Features
- Section 15.04.06 Improvements
 - Section 1 Procedural Requirements Relative To Improvements
 - Section 2 Required Improvements
 - Section 3 Standards For Improvements And Approval Of Plans For Improvements
- Section 15.04.07 General
 - Section 1 Severability
 - Section 2 Enforcement
 - Section 3 Penalty
 - Section 4 Amendments
 - Section 5 Fees
 - Section 6 Enforcement
- Section 15.04.08 Penalty

Section 15.04.01 General Provisions

Section 1 Purpose

The purpose of these regulations is to set forth procedures, requirements and minimum standards governing the subdivision of land under the jurisdiction of the Cotter Planning Commission (hereinafter referred to as the “Planning Commission”).

Section 2 Authority

These subdivision regulations are adopted in accordance with the authority granted by Act 186 (as amended) of the 1957 General Assembly of the State of Arkansas.

Section 3 Jurisdiction

The territorial jurisdiction of these regulations includes the land within the corporate limits of the City of Cotter, Arkansas, and the surrounding area designated on the planning area map adopted by the Cotter Planning Commission on February 20th, 1986. (Ord. No. 1986-01).

Section 4 Conformance of Official Plans

Subdivisions shall conform to official plans and regulations that are in effect.

Section 5 Reservation of Land

The developer shall reserve all land designated for public use on an adopted official plan for six (6) months following date of approval of preliminary plat, to permit the public body having jurisdiction or financial responsibility to acquire the property. The responsible public body shall be required to take an option on the designated land within 90 days from date of approval of preliminary plat. However, the developer may be released from the reservation requirement in less than six (6) months if the public body having jurisdiction notifies the planning commission that it no longer desires to have the land held.

Section 6 Suitability of Land

All land proposed for residential use shall be suitable for development free from flood and topographic conditions that would endanger health, life, or property.

Section 7 Metes and Bounds

No conveyance by metes and bounds of tracts or lots coming under the definition of a subdivision without compliance with the applicable provisions of these regulations or amendments thereto shall be permitted. This provision is aimed at preventing an attempt to circumvent these regulations by conveying by metes and bounds without taking the necessary steps for filing an approved plat. (Ord. No. 71-157, Sec. 1.)

Section 15.04.02 Definitions For the purpose of these regulations, certain terms used herein are defined as follows:

1. Alley. A minor public way used for utility easements and vehicular service access to the back or the side of properties abutting a street.
2. Building Set-back Line. A line parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected.
3. Cul-de-sac. A street having one end open to the traffic and being terminated at the other end by a vehicular turnaround.
4. Easement. A grant by a property owner to the public, a corporation, or persons of the use of a strip of land for specific purposes.
5. Improvements. Street grading and surfacing, curbs and gutters, water mains and lines, sanitary and storm sewers, culverts and bridges, and other utilities and related items.
6. Lot. A portion of a subdivision, or any parcel of land intended as a unit of transfer of ownership or for development.

7. Plan, City. The Comprehensive Development Plan made and adopted by the Planning Commission and accepted by resolution by the City Council indicating the general location recommended for the various land uses, major streets, parks, public buildings, zoning districts and other public improvements.
8. Plat. A map or drawing and accompanying material indicating the layout and design of a proposed subdivision or lot-split prepared by a developer for consideration and approval by the Planning Commission. Such plats may be the sketch plat, the preliminary plat, or the final plat.
9. Street. A dedicated public right-of-way which provides vehicular and pedestrian access to adjacent properties.
 - a. Arterial Highway. A street of greater continuity which serves or is intended to serve as a major traffic way, and is designated as a limited access highway to identify those streets comprising the basic structure of the street plan.
 - b. Collector Street. A feeder route which carries vehicles from minor and local-service streets to thoroughfares.
 - c. Local-service Street. A non-through neighborhood street within a particular area mainly used for access to properties.
10. Street, Dead-end. A street, similar to a cul-de-sac, but providing no turnaround at its closed end.
11. Subdivider. A person, firm, or corporation undertaking to develop a subdivision as defined in these regulations.
12. Subdivision. The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development. However, a division of land for agriculture purposes into lots or parcels of 10 acres or more and not involving a new street is not a subdivision. (Ord. No. 71-157, Sec. 1.)

Section 15.04.03 Procedure For Plat Approval

Section 1 Objective

To establish a uniform procedure the developer shall follow to obtain plat approval.

Normally, the approval process involves the preparation by the developer and the approval by the Planning Commission of a Preliminary Plat and Final Plat for the land proposed for development.

In the event the plat as submitted by the applicant is disapproved by the Planning Commission, the applicant may petition the City Council for a review of the Planning Commission action. The City Council may sustain the disapproval of the Commission or refer the plat back to the Planning Commission for restudy.

Section 2 Preplatting Preparation

The developer should consult with the Planning Commission or its representative prior to the preparation of preliminary plat. In connection with such consultations, the developer should indicate on a pencil sketch plan his subdivision proposal, the request check lists and instructions to guide him in the preparation of the plat. He should also familiarize himself with the regulations, the major street plan and with other official plans and policies.

Section 3 Preliminary Plat Approval Procedure

The following actions and conditions relate to the preliminary plat approval procedure.

1. Submission to Planning Commission. The developer shall submit two (2) copies of a preliminary plat to the Planning Commission or its representative no less than fifteen (15) days prior to the meeting at which the plat is to be considered. Upon receipt of the plats, one copy shall be dated and signed for the Planning Commission files. The Planning Commission may require additional copies if deemed necessary.
2. Action by Planning Commission. Within 15 days after submission, the Planning Commission shall indicate its approval, disapproval or conditional approval of the plat. The reasons for disapproval shall be stated in writing.

Before approval of the plat, the Planning Commission shall obtain evidence that the plat has been reviewed and commented on by the City Council, the agencies and the municipal departments that have an interest in or may be affected by the plat proposal.

3. Expiration of Approval. The approval of the preliminary plat shall lapse unless a final plat of the subdivision is submitted to the Planning Commission within one (1) year following date of approval.
4. Approval as Authorization to Install Improvements. Approval of the preliminary plat does not constitute approval for filing the plat with the County Recorder. It is, however, authorization for the subdivider to proceed with the installation of improvements or to submit guarantees in lieu of improvements.
5. Preliminary Plat Must Show Layout of Entire Development. If the developer desires presently to develop only a portion of the entire area intended for development, a preliminary plat for the entire area will be required in order that each part may be properly related to the total area.

Section 4 Final Plat Approval Procedures

The following actions and conditions relate to the Final Plat approval procedures.

1. Submission to Planning Commission. After approval of the Preliminary Plat, and after the required improvements have been installed or provisions for their installation have been made (see Section II, Improvements, Section 3,) the developer shall submit not less than fifteen (15) days prior to a Planning Commission meeting five (5) copies of A Final Plat, together with certifications and other supporting information.
2. Action by Planning Commission. Within forty (40) days after its submission, the Planning Commission shall approve, disapprove, or conditionally approve the plat. If disapproved, the reasons shall be recorded in the Planning Commission minutes and transmitted to the subdivider in writing.
3. Final Plat for a Portion of A Subdivision. If a subdivider desires to develop only a portion of the area for which the preliminary plat has been approved, the Planning Commission may approve a Final Plat for a portion of the preliminary plat area.
4. City Council Action. Upon approval of a Final Plat of a subdivision located within the corporate limits of the City, the Planning Commission shall transmit a copy of the plat to the City Council for its acceptance of the dedication of public streets and other public space.
5. Recording of Final Plat. A copy of the approved final plat (and acceptance by the City Council if located within the city) shall be filed with the County Recorder. Pursuant to Section 5-3, Arkansas Planning Law 186 of 1957, as amended, "the recorder shall not accept any plat for record without the approval of the Planning Commission." Evidence of approval shall be the signature of both the Planning Commission and the City Council on the Plat. At the same time the final plat is recorded any restrictive covenants shall also be filed with the County Recorder. (Ord. No. 71-157, Sec. 1.)

Section 15.04.04 Plat Requirements

Section 1 Objective

To set forth the minimum information that is needed on a subdivision plat, and accompanying the plat, for the Planning Commission to determine if the subdivision complies with the land development regulations and meets the legal requirements for filing and recording purposes.

Section 2 Plat Size and Scale

The scale of the preliminary plat shall be not less than 1 inch equals 100 feet. The final plat shall be prepared on sheets _____ inches, or on approved size to correspond with the County Deed Book.

Section 3 Right of Survey

The Planning Commission may have a survey made of the boundary of the subdivision to determine if said description is correct; in the event there is an error in said description, the subdivider shall pay for said survey and correct the boundary description to the satisfaction of the Planning Commission.

Section 4 Plat Information and Restrictive Covenants

Whenever the letter “x” appears opposite an item, that information shall be shown on the plat at the time the plat is presented to the Planning Commission. At the time the preliminary plat is submitted any restrictive covenants shall also be presented to the Planning Commission for their approval.

	Preliminary Plat	Final Plat
1. Name of subdivision (including City, County & State)	X	X
2. Boundary, legal description and acreage of tract signed by a certified surveyor or registered engineer.	X	X
3. Names and addresses of owners, and surveyor	X	
4. Names of adjacent subdivision or ownership of adjacent property if not platted	X	X
5. Vicinity map at a legible scale	X	X
	Preliminary Plat	Final Plat
6. Contour line at intervals which the Planning Commission deems sufficient	X	
7. Date, graphic and stated scale, and north arrow	X	X
8. Location of all streets (names, alleys, and easement within and bordering tract)	X	
9. Dimensions of streets, alleys, easements, blocks and lots numbered or lettered	X	X
10. Bearings of all lot, block or street lines which are not 90 degree angles		X
11. Location of monuments		X

12. Location of building lines	X	X
13. Location and dimension of any non-residential property	X	X
14. Certifications		
a. Approval by Planning Commission	X	X
b. Ownership and dedication		X
c. Accuracy by registered engineer approved by the City Council		X
15. Accompanying Information		
a. Approval of water and sewer by State Health Department		X
b. Approval of drainage system by City		X
c. Approval of street system by registered engineer or a qualified surveyor approved by the City Council		X
d. Street profiles		X
e. Certification of improvements		X
f. Approval of restrictive covenants (Ord. No. 71-157, Sec. 1.)	X	X

Section 15.04.05 Design And Layout

Section 1 Objective

To identify those physical features that affect the internal arrangements of subdivisions and to set forth design and layout standards that will assure the development of safe, attractive, efficient, and economical urban residential areas.

Section 2 Special Conditions

Whenever the tract to be subdivided is of such unusual size, shape, or topography, or surrounded by such development or conditions that the provisions of these regulations shall result in substantial hardship on the subdivider, the Planning Commission may vary or modify such requirements to the end that the subdivision may be developed consistent with public welfare and safety. Such a variance may be granted only by an affirmative vote of a majority of the Planning Commissioners.

Section 3 Streets

1. Projection of Major Streets. Major streets in a subdivision shall conform to the general plan and be continuation or approximate projection of existing major streets in surrounding areas.
2. Local-service Streets. Minor streets shall be laid out in a manner that will discourage through traffic.
3. Street Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle of less than 60 degrees. Property lines at intersections shall be rounded with a radius of not less than 10 feet. Shrubs or other obstructions over two feet high shall not be permitted within 20 feet of the intersection to insure adequate sight distance.
4. Dead-end Streets. Dead-end streets, designed to be so permanently, shall not be longer than 500 feet and shall be provided at the closed end with a turn-around having a property line diameter of at least eighty (80) feet.
5. Street Width. Street right-of-way widths and pavement widths shall be as shown on the Plan and where not shown shall be not less than as follows:

	<u>Right-of-Way</u>	<u>Pavement</u>
Arterial ----- -----	80 feet	
Collector ----- -----	60 feet	36 feet
Local-service ----- -----	50 feet	20 feet

6. Curb and Gutter. All streets shall be curbed and guttered. The curb shall be approximately 6” high and the gutter approximately 18” in width of an approved hard-surface wearing material.
7. Street Surface. The street surface shall be a hard, all-weather surface such as concrete or a bituminous mixture. If a bituminous mixture is used, the minimum thickness shall be a 2” bituminous macadam wearing surface over a crushed limestone base, unless otherwise designated by a registered professional engineer and accepted by the City Planning Commission.
8. Street Grades. Street grades shall be such as to provide safe and comfortable travel, and shall have sufficient crown for drainage.

9. Street Jogs. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.
10. Street Curves. Curves in streets shall have a radius adequate to insure sight distances sufficient to permit a driver to stop safely.
11. Subdivision with Arterial Streets. Where a subdivision abuts or contains an arterial street, the Planning Commission may require such improvements as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. These improvements may include, but not necessarily limited to, marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, and deep lots with rear service alleys.
12. Half Streets. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations and where the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
13. Street Names. Names of existing streets shall not be used for new streets and there shall be only one name for each street. Street names shall be subject to the approval of the Planning Commission.

Section 4. Blocks

1. Length, Width, and Shape. The length, width and shape of blocks shall be determined with due regard to:
 - a. Adequate building sites suitable to the type of use contemplated.
 - b. Zoning requirements.
 - c. Needs for convenient access, circulation, control and safety of street traffic.
 - d. Topography
2. Blocks shall be large enough to accommodate two tiers of lots and shall be at least two times the width in length.

When a block exceeds 600 feet in length, the Planning Commission may require a dedicated easement not less than fifteen feet in width and a paved crosswalk of not less than four feet in width to provide pedestrian access across the block.

Section 5 Lots

1. Lot Size and Shape. The lot size, width, depth, shape, and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
2. Lot Dimensions. Lot dimensions shall conform to the requirements of the zoning regulations. Where no zoning ordinance is in effect (i.e., within the planning area outside the corporate limits) the lot dimensions shall be as follows:
 - a. Residential lots where served by public sewer shall be not less than seventy (70) feet wide at the building setback line nor less than 9,000 square feet in area.
 - b. Widths and areas of residential lots not served by public sewer shall be determined with respect to soil conditions and State and local health regulations and standards.
3. Corner Lots. Such lots shall have extra width to permit appropriate building setback from and orientation to both streets.
4. Street Access. Each lot shall be provided satisfactory access to a public local-service street. Lots fronting on or having direct access to an arterial street shall be discouraged.
5. Double and Reverse Frontage. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such arterial street or other undesirable use.
6. Side Lot Lines. These lines shall be substantially at right angles or radial to street lines.
7. Building Setback Lines. Where no zoning ordinance is in effect, the front building setback line shall be not less than 30 feet and the side line not less than 10 feet from the respective property lines.

Section 6 Easements and Public Dedications

1. Utility. Easements across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 10 feet wide.
2. Drainage. Easements adequate in width shall be provided where necessary for water courses and storm water drainage, and shall include at least 20 feet on both sides of the centerline of the water course.

3. Public Dedication. All land held for public use shall be approved by the Planning Commission.

Section 7 Grade and Profiles

1. Streets. The subdivider shall provide profile sheets indicating present and finished street grades at centerline of right-of-way.
2. Utilities. Profile sheets indicating the grades for storm and sanitary sewers shall be submitted when installation of the same is required.
3. Cuts and Fills. When cuts and fills are to be made, the subdivider shall present a grade plan.

Section 8 Topography and Natural Features

1. Topographic Map. The Planning Commission may require a topographic map of the subdivision with a contour interval of such specification which it deems sufficient for conveying the appropriate and needed topographic information. The subdivider also may be required to indicate natural features such as drainage ways (creeks, etc.), ponds, trees, etc., on the topographic map. (Ord. No. 71-157, Sec. 1.)

Section 15.04.06 Improvements

In order to protect new land owners and to reduce maintenance costs to the City of Cotter, the subdivider shall provide for the installation of the following improvements at his own expense in accordance with standards and specifications adopted by the City Council.

Section 1 Procedural Requirements Relative To Improvements

1. Sketch Plat. No information concerning actual improvements is required.
2. Plat Preparation. At the time of plat preparation, the subdivider shall prepare the necessary information required in respect to improvements.
3. Preliminary Approval. Preliminary approval shall be given when plans meeting requirements for improvements are approved.
4. Final Approval. Final approval shall be given when one of the following has been met for each required improvement.
 - a. Evidence of installation of improvements in the form of a certificate containing the signatures of the proper official or officials as to compliance.

- b. A performance bond based on value of 1 ½ times the estimated cost of the improvements.
 - c. A deposit with the City of Cotter of a sum equal to 1 ¼ times the estimated cost of the improvements. The developer may be permitted to draw on his deposit upon satisfactory completion of various stages of his improvements.
5. The appropriate city officials shall be responsible for certifying proper installation of required improvements.

Section 2 Required Improvements

1. Water Distribution System. Where it is determined by the Planning Commission that public water is available to the subdivision, each lot in the subdivision shall be served with an adequate supply of water from the public water system.
2. Sanitary Sewer System. Where it is determined by the Planning Commission that the sanitary sewer system is available to the subdivision, each lot in the subdivision shall be provided with sanitary sewer service.
3. Sanitation. Where it is determined by the Planning Commission that a public water supply and/or sanitary sewer system is not available, then evidence shall be shown by the subdivider that an alternate water supply has been provided and that arrangements have been made for the provisions of satisfactory sewage disposal facilities. Such evidence shall include the results of water tests and percolation tests by county or state health authorities.
4. Storm Water Drainage. Where it is determined by the Planning Commission that an underground storm water drainage system is available and that connection thereto is feasible, then the entire subdivision shall be provided with underground storm water drainage facilities and connected with the existing system. Where an underground storm water drainage system is installed, emergency surface drainage overflows shall be provided to prevent possible flooding in the event of failure of the underground drainage system.

Where an underground storm water drainage system is not available, then adequate surface storm water drainage facilities shall be installed and connected to existing surface drainage facilities.

Diversion of storm water flow shall be avoided, if at all possible. If storm water is to be diverted from its natural course, the plat shall show the location of the existing waterway and the location of the proposed channel. Provisions shall be made for the sodding or paving of open waterways to prevent erosion or silting.

5. **Streets.** Streets shall be installed and surfaced in accordance with right-of-way widths set forth in the Comprehensive Development Plan or in Section IV, Section 3 of these regulations, and street surface standards adopted by the City Council.
6. **Sidewalks.** Sidewalks shall be installed on both sides of the street on all streets except where such sidewalks are deemed unnecessary by the Planning Commission. All sidewalks shall be a minimum width of 42 inches and shall be located within the street right-of-way at a distance of one foot from the property line.
7. **Monuments.** Concrete monuments four inches in diameter or square and three feet long with one-half inch metal reinforcing rod running the length of the monument shall be placed with the top flush to the ground at all quarter section points within or on the boundary of the subdivision and at all points of the subdivision boundary intersections.

Metal rods, three-fourths inch in diameter and 24 inches long, shall be placed with the top flush to the ground at each corner of every block or portion of a block, at points of curvature and points of tangency on street lines, at each angle point on the boundary of the subdivision and at all lot corners.

In situations where conditions prohibit the placing of markers in the locations prescribed, off-set markers shall be permitted.

Section 3 Standards For Improvements And Approval Of Plans For Improvements

1. The standards for water, sanitary sewers, and street improvements shall be as adopted by the City.
2. The review and approval of all plans relating to water, sanitary sewers or sewage disposal, street improvements and storm drainage shall be by individuals designated by the City. (Ord. No. 71-157, Sec. 1.)

Section 15.04.07 General

Section 1 Severability

If any section, paragraph, clause, phrase, or part of these subdivision regulations is for any reason invalid, such decision shall not affect the validity of the remaining provisions of these regulations and the applications of these provisions to any persons or circumstances shall not be affected thereby.

Section 2 Enforcement

No plat of any tract of land within the planning area jurisdiction of the Planning Commission shall be accepted by the County Recorder for filing of record unless the plat has been approved by the Planning Commission.

Section 3 Penalty

Any person, firm or corporation which violates any provisions of these regulations or amendments thereto shall be guilty of a misdemeanor and on conviction shall be subject to penalties provided by law.

Section 4 Amendments

On any proposed amendments to these regulations, the Planning Commission shall hold a public hearing, for which fifteen (15) days advance notice in a local newspaper of general distribution has been published. Following such hearing, the City Council may adopt the amendment or amendments as recommended by the Planning Commission.

Section 5 Fees

For each preliminary plat submitted, the fee shall be \$5.00 plus 50 cents for each lot.

For each final plat submitted, the fee shall be \$5.00 plus 50 cents for each lot. All of the fees shall be paid to the Secretary of the Planning Commission, who shall deposit the fee with the City Clerk.

Section 6 Enforcement

Should any ordinance or parts of any ordinance be in conflict herewith, the more restrictive ordinance shall apply. These regulations shall be in full force and effect from and after their final passage and publication as provided by law. (Ord. No. 71-157, Sec. 1.)

15.04.08 Penalty Any person, firm, or corporation found guilty of violating any of the provisions of this ordinance shall be fined for each such violation as provided by A.C.A. 5-1-112. (Ord. No. 71-157, Sec. 2.)

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