

**MUNICIPAL CODE**

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

Date of Incorporation

July 8, 1884

Prepared with  
assistance of the

**ARKANSAS MUNICIPAL LEAGUE**

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

# **HAZEN MUNICIPAL OFFICIALS**

## **At The Time of This Code's Preparation**

<b>Mayor</b>		<b>David Duch</b>
<b>Recorder/Treasurer</b>		<b>David Hardke</b>
<b>City Attorney</b>		<b>Randall Gammill</b>
<b>Municipal Judge</b>		<b>Gary Rogers</b>
<b>Court Clerk</b>		<b>Sherry Atkins</b>
<b>Police Chief</b>		<b>Scot Strong</b>
<b>Fire Chief</b>		<b>Franklin Skarda</b>
<b>Water &amp; Sewer Superintendent</b>		<b>Phillip Foot</b>
<b>Director of Public Works</b>		<b>Phillip Foot</b>
<b>Health Officer</b>		<b>Arthur Camp</b>
<b>Administrative Assistant</b>		<b>T.A. Cowan</b>
<b>Code Enforcement Officer</b>		<b>Phillip Foot</b>
<b>Aldermen</b>	<b>Burk Sims</b>	<b>Robert Seidenstricker</b>
	<b>Carolyn Carter</b>	<b>Leonard Washington</b>
	<b>Randy Skarda</b>	<b>Allyson Chlapecka</b>

## **ORDINANCE NO. 363**

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAZEN ARKANSAS:

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "Hazen 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 November 21, 2002, 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 21<sup>st</sup> day of November.. All ordinances of a general and permanent nature not included in such code are hereby repealed from and after the 21<sup>st</sup> day of November, 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 No resolution of the city, not specifically mentioned, is hereby repealed.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:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such code;
- (2) Any ordinance promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;
- (3) Any contract or obligation assumed by the city;
- (4) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the city;

- (5) Any appropriation ordinance;
- (6) Any ordinance which, by its own terms, is effective only for a stated or limited time;
- (7) Any ordinance providing for local improvements and assessing taxes therefor;
- (8) Any ordinance dedicating or accepting any subdivision plat; or
- (9) Any ordinance enacted after November 21, 2002.

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 therefor, 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 Hazen 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 Hazen 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 Hazen 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 Hazen 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 21<sup>st</sup> day of November, 2002.

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Mayor

(SEAL)

ATTEST:

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Clerk/Treasurer/Recorder

## LEGAL NOTICE

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

Pursuant to Act 209 of 1961 and Act 267 of 1949 three copies of the Hazen 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 November 21, 2002.

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MAYOR

## ***P R E F A C E***

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

**ARKANSAS MUNICIPAL LEAGUE  
CODE SERVICE**

## **TABLE OF CONTENTS**

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

# **TITLE 1**

## **GENERAL PROVISIONS**

### **Chapters:**

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

### **CHAPTER 1.04**

#### **HOW CODE DESIGNATED AND CITED**

### **Sections:**

- 1.04.01 How code designated and cited

1.04.01 How code designated and cited. The ordinances embraced in the following chapters and sections shall constitute and be designated "Hazen 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 are 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 Hazen, 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 Hazen, Arkansas.

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

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

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

**OR, AND.** "**Or**" may be read "**and**", and "**and**" may be read "**or**" if the sense requires it.

**OTHER CITY OFFICIALS OR OFFICERS.** Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., "**Mayor**", etc., they shall be deemed to refer to the officials, boards, commissions and departments of the city of Hazen, 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.

**SIDEWALK.** The word "**sidewalk**" means a strip of land in front of or on the side of a house or lot of land lying between the property line and the street.

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

**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 Hazen, 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, nor unless expressly so provided, shall they be so deemed when any of such sections, including the subheadings, are amended or reenacted.

## **CHAPTER 1.16**

### **EFFECT OF REPEAL OF ORDINANCES**

#### **Sections:**

##### 1.16.01 Effect of repeal of ordinances

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

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

## **CHAPTER 1.20**

### **SEVERABILITY OF PARTS OF CODE**

#### **Sections:**

##### 1.20.01 Severability of parts of code

1.20.01 Severability of parts of code. It is hereby declared to be the intention of the City Council of the city of Hazen, 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 by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, chapters, titles and sections of this code.

## **CHAPTER 1.24**

### **AMENDMENTS TO CODE**

#### **Sections:**

##### 1.24.02 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 language: "That section \_\_\_\_\_ of the Hazen Municipal Code is hereby amended to read as follows: . . ." The new provisions may then be set out in full.

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

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

## **CHAPTER 1.28**

### **ALTERING CODE**

#### **Sections:**

##### 1.28.01 Altering code

1.28.01 Altering code. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever, except by ordinance of the City Council, which shall cause the law of the city of Hazen, 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) 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 therefor shall be no less nor greater than that set forth by state law.

STATE LAW REFERENCE-See A.C.A. 14-55-504

## CHAPTER 1.36

### REFERENDUM PETITIONS

#### Sections:

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

1.36.01 Filing date. All referendum petitions under Amendment No. 7 to the Constitution of the State of Arkansas must be filed with the Recorder/Treasurer within thirty (30) days after passage of such ordinance. (Ord. No. 177, Sec. 1 or resolution.)

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 in the County of Prairie having a general circulation in the city of Hazen of a time not less than five (5) days after the publication of such notice at which the City 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 Prairie County within thirty (30) days to review its action. (Ord. No. 177, Sec. 2.)

1.36.03 City Council calls election. If the City Council of the city of Hazen, Arkansas, finds that such petition is signed by the requisite number of qualified 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 in the county of Prairie and having a general circulation in the city of Hazen, 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 or resolution 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, such election shall be conducted in the manner provided by law for the conduct of a regular municipal election. (Ord. No. 177, Sec. 3.)

STATE LAW REFERENCE - See Const., Amend. No. 7 and A.C.A. 14-55-301

**TITLE 2**

**CLASSIFICATION, ADMINISTRATION**

**AND PERSONNEL**

Chapters:

- 2.04 City Classification
- 2.08 City and Ward Boundaries
- 2.12 Social Security Coverage
- 2.16 Unclaimed Property
- 2.20 City Council
- 2.24 Mayor
- 2.28 Recorder/Treasurer
- 2.32 City Attorney
- 2.36 Fire Department
- 2.40 City Marshal
- 2.44 District Court
- 2.46 City Court
- 2.48 Criminal Justice Fund
- 2.50 Hazen Fire Relief & Pension Fund
- 2.52 Personnel Policies
- 2.56 Conflict of Interest
- 2.60 Independent Candidates

**CHAPTER 2.04**

**CITY CLASSIFICATION**

Sections:

- 2.04.01 Operation as second class city
- 2.04.02 Voting and publication

2.04.01 Operation as second class city The incorporated town of Hazen, Arkansas, shall be and it is hereby converted into a city of the second class as approved by the qualified voters of the town of Hazen in a special election held on the 7<sup>th</sup> day of August, 1951.

## **CHAPTER 2.08**

### **CITY AND WARD BOUNDARIES**

#### **Sections:**

- 2.08.01 Statutory requirements
- 2.08.02 Boundaries of wards

2.08.01 Statutory requirements The City Council finds that pursuant to A.C.A. 14-44-103 et seq., no more than two council members may reside in one ward. Further, that it is in the best interests to continue representation by a six man council. Therefore, it is necessary and in the best interests of the city of Hazen to redistrict the present wards and add an additional ward, making a total of three wards. (Ord. No. 233, Sec. 1.)

2.08.02 Boundaries of wards For purposes of municipal government, and the election of aldermen, and pursuant to A.C.A. 14-44-101, the city of Hazen shall hereafter be composed of three (3) wards, the boundaries of which are as follows:

- A. WARD I shall consist of all property within the corporate limits of the city of Hazen lying west of the following line description: Beginning at the intersection on the north boundary line of the corporate limits of the city of Hazen of the centerline of Woodlawn Street if extended north, thence proceed South to the mid-point of the intersection of Woodlawn Street with U.S. Highway 70, thence proceed West along the centerline of U.S. Highway 70 to the West boundary line of the corporate limits of the city of Hazen.
- B. WARD II shall consist of all property within the corporate limits of the city of Hazen lying south of the centerline of U.S. Highway 70.
- C. WARD III shall consist of all property within the corporate limits of the city of Hazen lying north of the centerline of U.S. Highway 70 and east of the property described in WARD I.

Attached hereto and made a part hereof by reference is a plat of the city of Hazen that sets out the boundaries of each Ward. (Ord. No. 233, Sec. 2.)

## **CHAPTER 2.12**

### **SOCIAL SECURITY COVERAGE**

#### **Sections:**

- 2.12.01 Contract
- 2.12.02 Withholding taxes from wages
- 2.12.03 City to match withholding

2.12.01 Contract. The Mayor and the Recorder/Treasurer of the city of Hazen, Arkansas, are hereby authorized and directed to enter into an agreement with the state of Arkansas for the purpose of obtaining insurance coverage for all the non-uniform employees of the city of Hazen, Arkansas, under the terms and provisions of the Federal Social Security Act. (Ord. No. 117, Sec. 1.)

2.12.02 Withholding taxes from wages That commencing January 1, 1954, each employee's insurance contribution shall be deducted from his salary check in accordance with the terms and provisions of the said Social Security Act. (Ord. No. 117, Sec. 2.)

2.12.03 City to match withholding That commencing January 1, 1954, there is hereby appropriated from the General Fund of the city of Hazen, Arkansas, the sums of money necessary to pay the city's share of the insurance tax in accordance with the terms and provisions of the said Social Security Act. (Ord. No. 117, Sec. 3.)

## **CHAPTER 2.16**

### **UNCLAIMED PROPERTY**

#### **Sections:**

- 2.16.01 Disposal
- 2.16.02 Sale
- 2.16.03 Proceeds of sale to owner
- 2.16.04 Proceeds remaining after six months

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

STATE LAW REFERENCE - For procedure relating to liquor, See A.C.A. 3-3-312

2.16.02 Sale. All unclaimed personal property coming into the hands of the Mayor will be held by him for a period of six (6) weeks or longer. If property remains unclaimed, he shall periodically advertise such property in some newspaper of general circulation in the city of Hazen once each week for three (3) consecutive weeks setting forth in the notice the time for the sale which shall not be earlier than five (5) days after the last publishing of the notice and no later than ten (10) days thereafter, designating an easily accessible place for the sale thereof, and giving a complete list and description of unclaimed articles to be sold. The Mayor shall have the right to refuse any and all bids not satisfactory and will then proceed to advertise these items for sale at a later date. Terms of such sale shall be for cash only. Nothing in this chapter shall prohibit any person who properly identifies any of the property as being their own before the sale from claiming and having property restored to them.

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

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

## **CHAPTER 2.20**

### **CITY COUNCIL**

#### **Sections:**

- |         |                                  |
|---------|----------------------------------|
| 2.20.01 | Council meetings - regular       |
| 2.20.02 | Council meetings - special       |
| 2.20.03 | Freedom of information procedure |
| 2.20.04 | Order of business                |

2.20.05 Salary

2.20.01 Council meetings - regular. All regular meetings of the Council shall be held at the municipal building on the 3<sup>rd</sup> Thursday of each month.

2.20.02 Council meetings - special. Special meetings of the City Council of the city of Hazen, Arkansas, may be held upon the call of the Mayor, whenever in his opinion it shall be necessary, or by three (3) members of the Council by giving at least two hours' notice of such special meeting, by giving notice in writing or by phone which notice shall be served personally or through the mails to all members of the Council, which notice shall state the time of the meeting and purpose thereof.

2.20.03 Freedom of information procedure. All meetings of the City Council of the city of Hazen, Arkansas, shall be public meetings. Notice of the time, place and date of all special meetings shall be given to representatives of the newspapers and radio stations located in Prairie County, Arkansas, which have requested to be notified at least two (2) hours before the special meeting takes place.

2.20.04 Order of business. At all meetings of the Council the following shall be the order of business unless the Council by a majority vote shall order otherwise.

1. Call to order
2. Roll call
3. Reading of minutes of the previous meeting
4. Reports of boards and standing committees
5. Reports of special committees
6. Unfinished business
7. New business
8. Announcements
9. Adjournment

2.20.05 Salary Each of the six aldermen shall receive a monthly salary as set by the City Council in the current year's budget payable at the end of each month (Ord. No. 138, Sec. 1.)

## **CHAPTER 2.24**

### **MAYOR**

Sections:

- |         |                         |
|---------|-------------------------|
| 2.24.01 | Office created          |
| 2.24.02 | Election                |
| 2.24.03 | Duties                  |
| 2.24.04 | Appointment of officers |
| 2.24.05 | Salary                  |

2.24.01 Office created. The office of Mayor is hereby created for the city of Hazen, Arkansas.

2.24.02 Election. On the Tuesday following the first Monday in November, 1978 and every four (4) years thereafter, the qualified voters of the city of Hazen, Arkansas, shall elect a Mayor for four (4) years.

2.24.03 Duties. As chief executive of the city, the Mayor shall preside over all meetings of the City Council of the city of Hazen, Arkansas, and shall perform such duties as may be required of him by state statute or city ordinance.

2.24.04 Appointment of officers. The Mayor shall appoint, with the approval of the City Council of the city of Hazen, Arkansas, (where such approval or confirmation is required) all officers of the city whose election or appointment is not provided for by state statute or city ordinance.

2.24.05 Salary The salaries of the Mayor and each of the aldermen of the city of Hazen, Arkansas, shall, commencing on the 1<sup>st</sup> day of January, 1965, and continuing until otherwise provided for by ordinance of said city, or changed by other lawful means, be as follows:

The Mayor shall receive a monthly salary as set by the City Council in the current year's budget payable at the end of each month. (Ord. No. 138, Sec. 1.)

## **CHAPTER 2.28**

### **RECORDER/TREASURER**

Sections:

2.28.01	Offices combined
2.28.02	Compensation
2.28.03	Duties
2.28.04	Collector

2.28.01 Offices combined. The offices of Recorder and Treasurer are hereby combined into one office to be known as the Recorder/Treasurer.

2.28.02 Compensation. The Recorder/Treasurer shall receive a monthly salary as set by the City Council in the current year's budget.

STATE LAW REFERENCE - Constitutional Amendment No. 56

2.28.03 Duties. The duties of the Recorder/Treasurer shall be:

- A. To keep an accurate and complete record of the finances of the different departments of the city and of the receipts and disbursements of funds belonging to the different departments of the city, as designated by the City Council.
- B. To perform such other duties as may be required by the ordinances of the city or laws of the State.

2.28.04 Collector. The Recorder/Treasurer shall be the collector of all occupational and privilege taxes and other taxes for the city. The Recorder/Treasurer shall keep records on all occupational and other taxes and moneys collected.

## **CHAPTER 2.32**

### **CITY ATTORNEY**

Sections:

2.32.01	Created
2.32.02	Duties
2.32.03	Salary

2.32.01 Created The office of City Attorney for the city of Hazen, Arkansas, is hereby created. (Ord. No. 136, Sec. 1.)

2.32.02 Duties The duties of City Attorney shall be those prescribed by Sections 19-912 and 19-914 of the Ark. Stat. 1947 and such other duties as the Council may prescribe. (Ord. No. 136, Sec. 2.)

2.32.03 Salary The salary of the City Attorney shall be set by the City Council.

## **CHAPTER 2.36**

### **FIRE DEPARTMENT**

#### **Sections:**

2.36.01	Creation
2.36.02	Personnel
2.36.03	Duties of Fire Chief
2.36.04	Assistant Fire Chief
2.36.05	Captains
2.36.06	Meetings
2.36.07	Compensation
2.36.08	Record of members
2.36.09	Outside fire service
2.36.10	Mutual aid agreements
2.36.11	Line of duty
2.36.12	Hazardous materials
2.36.13	Rescue runs
2.36.14	Vehicle fires
2.36.15	Structure fires outside city

2.36.01 Creation There is hereby created a city Fire Department to be officially known as the Hazen Fire Department. (Ord. No. 118, Sec. 1.)

2.36.02 Personnel The Hazen Fire Department shall consist of the Fire Chief, one or two assistant chiefs and two Captains, one of which assistant chief shall be secretary and treasurer of the department, and such number of hosemen, plugmen and operators as the City Council may

order, but not less than 14 active members exclusive of the officers herein created, who shall be divided into two companies. (Ord. No. 185, Sec. 1.)

2.36.03 Duties of Fire Chief. The Fire Chief shall be appointed by the Mayor, with the consent and approval of the City Council. The Fire Chief shall name and select, with the approval of the Mayor and the City Council, the members of the department and he shall have authority to take any action necessary to the discharge of his duties and responsibilities, including the demolition of any buildings and parts of buildings, which in his judgment may be necessary to prevent the spread of fire and loss of life. (Ord. No. 118, Sec. 3.)

2.36.04 Assistant Fire Chief The Assistant Fire Chief shall be appointed from the ranks of the membership by the Mayor, with the consent and approval of the City Council, and shall exercise, in the order of their seniority, the full powers and responsibilities of the Fire Chief in the absence of that officer or his inability to act. (Ord. No. 118, Sec. 4.)

2.36.05 Captains The Captains shall be appointed from the ranks of the membership by the Fire Chief, with the consent and approval of the Mayor and the City Council. They shall be responsible for the direction of their respective companies, and shall assume and exercise full departmental command at fires until relieved by a superior officer. (Ord. No. 118, Sec. 5.)

2.36.06 Meetings There shall be held not less than two nor more than four meetings of the department each month for the purpose of instruction and training, and all members shall attend unless excused for reasonable cause. The Hazen Fire Department shall adopt such rules as may be deemed necessary for the proper functioning of the department, but all such rules shall be subject to the approval of the City Council. (Ord. No. 118, Sec. 6.)

2.36.07 Compensation All members of the Hazen Fire Department who have been selected and approved as herein provided shall receive the minimum sum as set by the City Council in the current year's budget for each training meeting and for attendance upon and service at each and every fire. (Ord. No. 185, Sec. 1.)

2.36.08 Record of members The Fire Chief shall keep a record of the names of the members who attend the monthly meeting and who perform service at each fire, and that he shall submit a full statement of the number of fires attended by each member each month to the City Council at its next regular meeting, He shall also keep a complete record in log form of all fire department activities. (Ord. No. 118, Sec. 8.)

2.36.09 Outside fire service The Mayor or Fire Chief, and/or their successors in authority, in their discretion, may aid in the extinguishing of fires in another city or town, or on property within a reasonable distance from the city of Hazen, as provided in Act. No. 270 of 1951, under the following conditions:

- A. A request for assistance from a city or incorporated town must come only from the Mayor or Fire Chief, and/or their successors in authority.

- B. Calls may be responded to only by such apparatus, at such time and to such distances which, in the judgment of the Mayor or Fire Chief, and/or their successors in authority, will not unduly impair the fire protection within the city.
- C. Each person, firm or corporation situated beyond the corporate limits and receiving services of the department shall pay to the city, for the benefit of the individual members, the sum of Twenty Dollars (\$20.00) per hour or part thereof for each hour after the first, for each member in attendance at the fire from the time the fire apparatus leaves the fire house until it returns thereto. The payments herein stipulated shall be made within fifteen (15) days after demand. (Ord. No. 185, Sec. 1.)

2.36.10 Mutual aid agreements The Mayor and Fire Chief are hereby authorized to enter into mutual aid agreements with other municipalities, firms, corporations or individuals for the rendering of fire services in promotion of the general welfare, as provided in Act. No. 23 of 1949. (Ord. No. 118, Sec. 10.)

2.36.11 Line of duty All members of the Hazen Fire Department when engaged in fighting fire beyond the corporate limits of the city of Hazen shall be considered to be acting within their line of duty and in discharge thereof, and no member shall lose or forfeit any rights or benefits in rank, disability, pay or retirement payments and benefits on account of authorized departmental service beyond the corporate limits. (Ord. No. 118, Sec. 11.)

2.36.12 Hazardous materials Due to the costly nature of working a haz-mat scene, the charge for working this scene will be Seven Hundred Fifty Dollars (\$750.00) with no maximum charge, plus any cost of cleanup will be added to the charge, such as oil dry, foam. (Ord. No. 460, Sec. 1.)

2.36.13 Rescue runs Rescues to residents of Hazen will be free of charge within the corporate city limits of Hazen. For all other rescues there will be a fee of Seven Hundred Fifty Dollars (\$750.00) per run. (Ord. No. 460, Sec. 2.)

2.36.14 Vehicle fires On all car and light truck fires in vehicles which are owned by Hazen citizens, there will be no charge within the corporate city limits of Hazen. All those who reside outside the corporate limits will be charged Three Hundred Fifty Dollars (\$350.00) and Twenty Dollars (\$20.00) per man hour for each hour after the first. The same charge will be in effect outside the city limits. All commercial trucks will be billed Seven Hundred Fifty Dollars (\$750.00), plus Twenty Dollars (\$20.00) per man hour for each hour after the first. (Ord. No. 460, Sec. 3.)

2.36.15 Structure fires outside city All calls that the Hazen Fire Department responds to outside the city limits of Hazen will be billed a minimum of Two Hundred Fifty Dollars (\$250.00) and a maximum of Five Hundred Dollars (\$500.00), plus Twenty Dollars (\$20.00) per man hour for each hour after the first hour. There will be no charge on all mutual aid assisted fires.

**CHAPTER 2.40****CITY MARSHAL****Sections:**

2.40.01	Established
2.40.02	Members
2.40.03	Powers
2.40.04	Duties
2.40.05	Deputy Marshals
2.40.06	Assistant Marshal
2.40.07	Authority of Deputy Marshals
2.40.08	Rules
2.40.09	Fees
2.40.10	Vacation
2.40.11	Appointment of City Marshal

2.40.01 Established There is hereby established a City Marshal's office as authorized by A.C.A. 14-52-103 to be officially known as the city of Hazen Marshal's office. (Ord. No. 414, Sec. 1.)

2.40.02 Members The City Marshal's office shall consist of:

- A. At least one City Marshal.  
(Ord. No. 435, Sec. 1.)
- B. No more than one Deputy Marshal with the rank of Assistant Marshal.
- C. As many full-time and part-time Deputy Marshals as designated by the City Marshal and approved by Arkansas Commission of Law Enforcement Standards.  
(Ord. No. 436, Sec. 2.)

2.40.03 Powers The City Marshal is appointed and removed by the Mayor (A.C.A. 14-44-111) (A.C.A. 14-42-110) and shall have all powers, duties, and responsibilities as authorized and set forth by A.C.A. 14-44-113, and shall be responsible for the preservation of the peace, safety, and welfare of the public for and in the city of Hazen. The Marshal is not required to reside in the corporate city limits of Hazen. (Ord. No. 436, Sec. 3.)

2.40.04 Duties The City Marshal, as the Administrative Department Head, shall have the authority to employ and terminate law enforcement officers to serve as Deputy Marshals of the Marshal's office, and he shall have authority to take any actions necessary to the discharge of his duties and responsibilities as the administrative and disciplinary head of the Marshal's office. (Ord. No. 436, Sec. 4.)

2.40.05 Deputy Marshals All Deputy Marshals appointed as law enforcement officers of the Marshal's office shall be conservators of the peace for and in the city of Hazen , that they shall be commissioned as Deputy Marshals for the city of Hazen and that they shall take an oath of office as Deputy Marshals. (Ord. No. 436, Sec. 5.)

2.40.06 Assistant Marshal The Deputy Marshal with the rank of Assistant Marshal shall be appointed from the ranks of the Deputy Marshals by the City Marshal, and shall be responsible for the performance of duties assigned by the City Marshal, and shall exercise, in the order of seniority, the full powers and responsibilities of the City Marshal in the absence of the City Marshal or his inability to act. (Ord. No. 436, Sec. 6.)

2.40.07 Authority of Deputy Marshals All full-time and part-time Deputy Marshals shall be responsible for the performance of duties assigned by the City Marshal, and shall perform duties under the authority of the City Marshal, throughout the incorporated limits of the city of Hazen, and shall have same authority on property owned or leased by the city of Hazen outside the corporate city limits as authorized by A.C.A. 14-52-104. (Ord. No. 436, Sec. 7.)

2.40.08 Rules The City Marshal's office shall adopt such rules, regulations, and policies as deemed necessary for the proper functioning of the Marshal's office to preserve the peace, safety and welfare of the public. (Ord. No. 436, Sec. 8.)

2.40.09 Fees All fees charged by the City Marshal's office for similar service for similar cases shall be done so in accordance to A.C.A. 21-6-307, and that all fees collected by the City Marshal and his deputies for similar services shall be paid over to the city treasury. (Ord. No. 436, Sec. 9.)

2.40.10 Vacation All commissioned employees of the City Marshal's office shall be entitled to annual vacation as set forth by A.C.A. 14-52-106 and city policy, and that all non-commissioned employees of the City Marshal's office shall be entitled to holiday compensation, sick leave, and annual vacation as set forth by city policy. (Ord. No. 436, Sec. 10.)

2.40.11 Appointment of City Marshal The City Marshals for and in the city of Hazen, Arkansas, shall be appointed and removed by the Mayor. (Ord. No. 435, Sec. 2.)

## CHAPTER 2.44

### DISTRICT COURT

Sections:

2.44.01	District Court established
2.44.02	Qualifications and powers of Judge
2.44.03	District Court Clerk
2.44.04	Jurisdiction
2.44.05	District Court Civil Docket
2.44.06	Duties of Judge
2.44.07	Filing fee
2.44.08	Operation
2.44.09	Compensation for Judge
2.44.10	Compensation for Clerk
2.44.11	Court fees
2.44.12	Collection of fines

2.44.01 District Court established There is hereby created and established a District Court by the city of Hazen, Prairie County, Arkansas. (Ord. No. 168, Sec. 1.)

2.44.02 Qualifications and powers of Judge At the 88th General Assembly, regular session, 2011, the General Assembly finds that the adoption of Amendment 80 to the Arkansas Constitution is the creation of a three-tiered unified system. It is a state-funded system which furthers the goal of a unified and equitable system for the delivery of judicial services. State District Court Judge means a full-time judge whose salary is paid by the state; who is not engaged in the private practice of law; and who is available for work in circuit court under rules adopted by the Supreme Court.

State District Courts exercise territorial jurisdiction within judicial districts established by the General Assembly that is city, county, or district wide. These courts have subject matter jurisdiction over misdemeanors and violations of state law and local ordinances, preliminary felony cases and civil cases involving contracts, damage to personal property and recovery of personal property in matters less than \$25,000.00. A small claims division provides a forum in which citizens represent themselves to resolve contracts and personal property matters of less than \$5,000.00. Supreme Court Administrative Order Number 18 authorizes state district court judges to hear certain matters filed in circuit court upon referral by the circuit court or the consent of the parties.

Beginning January 1, 2017, the Twenty-Third District shall be composed of the counties of Prairie and White. The Twenty-Third District shall have a total of 13 departments to include

**Pages 20-24 Reserved**

one (1) located in Hazen. The Twenty-Third District shall be served by two (2) state district court judges and shall be elected district wide with district wide jurisdiction. (Ord. No. 490, Sec. 1.)

2.44.03 District Court Clerk There is hereby established and created the office of District Court Clerk for the City of Hazen. The judge of the district court with the approval of the governing body of the city may appoint a clerk for the court. This clerk shall be designated and known as the District Court Clerk and the salary of said Clerk shall be set by the Mayor and City Council.

The District Court Clerk shall keep a fair record of all the acts done and proceedings had in their respective courts, and enter all judgments of the court, under the direction of the Judge. The District Court Clerk shall administer oaths; take affidavits required or permitted in the progress of the action; keep a complete docket of all proceedings to the extent and in the manner directed by the Judge; seasonably record the judgments, rules, orders, and other civil or criminal proceedings of the court, and keep an alphabetical index thereto; keep such other dockets, books and indexes as may be required by law or by the Judge; and issue and attest all processes.

The District Court Clerk shall render for each month, not later than the 10th of succeeding month, reports in triplicate of all civil and criminal cases tried, showing all fines, penalties, forfeitures, fees and costs taxed, assessed and collected during the month, showing the nature of each case; one (1) copy of such report to be forwarded or delivered to the Mayor of the city; one (1) copy to the Clerk of the County Court; one (1) copy to the Administrative office of the Courts. The District Court Clerk and deputy clerks, before entering upon the duties of such office, shall make and file with the City Clerk, a good and sufficient bond for the faithful performance of his duties as such Clerk in the sum of not less than \$7,500.00, said bond to be approved by the Mayor and City Council. The Mayor and City Council may, where the duties of District Court Clerk do not require a full-time employee, require that the duties of such Clerk be performed by any other officer of the city. (Ord. No. 490, Sec. 2.)

2.44.04 Jurisdiction All matters of jurisdiction, venue, and procedure now provided by the Statutes and Constitution of the state of Arkansas pertaining and controlling District Courts and District Court Clerks, are hereby adopted and incorporated within this ordinance. (Ord. No. 168, Sec. 4.)

2.44.05 District Court Civil Docket Under the authority of the general laws of the state of Arkansas, there is hereby created for the Prairie County District Court-Hazen Department, a District Court Civil Document. (Ord. No. 490, Sec. 3.)

2.44.06 Duties of Judge Said Civil Docket shall be presided over by the Judge of the Prairie County District Court-Hazen Department and the Clerk of said District Court shall be charged with the responsibility of maintaining said docket, filing all necessary pleadings, issuing summons, subpoenas, and other instruments necessary for the efficient and orderly administration of said docket. (Ord. No. 490, Sec. 4.)

2.44.07 Filing fee A filing fee in the amount of \$80.00 in civil/ \$65.00 in small claims to include a \$15.00 court technology fee to be remitted to the Department and Finance Administration is hereby established for actions filed in such civil docket. (Ord. No. 490, Sec. 5.)

2.44.08 Operation The Judge and Clerk of the Prairie County District Court-Hazen Department shall be charged with the operation of said civil docket in accordance with the laws of the state of Arkansas and shall possess such powers as are now or may hereafter be enumerated by the legislature or the courts of the state of Arkansas. (Ord. No. 490, Sec. 6.)

2.44.09 Compensation for Judge State District Court salaries are uniform and shall be paid with moneys appropriated from the Constitutional Officers Fund, § 19-5-205, by the General Assembly. The state shall pay the salary and benefits of state district court judges. Each county or city in a district in which a state district court judgeship exist shall pay to the state an amount equal to its proportionate share of one-half (1/2) of the base salary established by law for the district's state district court judge. On or before January 15th of each year, the city and county shall remit to the Administration of Justice Funds Section for deposit in the Constitutional

2.44.10 Compensation for Clerk The Clerk of the Prairie County District Court-Hazen Department shall receive a sum each month as County his or her compensation for performing the duties of Clerk the of the Civil in Docket the of Prairie County District Court-Hazen Department, a sum as set by the City Council in the current year's budget to be paid out of the City General Fund of the City of Hazen, Arkansas to be determined by the City Council. (Ord. No. 490, Sec. 8.)

2.44.11 Court costs

- A. Pursuant to Act 328 of 2009 of the General Assembly of the state of Arkansas for the City Council of the City of Hazen to authorize that the Prairie County District Court-Hazen Department shall assess an access fee not to exceed Ten Dollars (\$10.00) for the collection of fines asses in the Prairie County District Court-Hazen Department by any electronic payment of a court ordered fine by an approved credit card or debit card designated under A.C.A. 16-12-709. (Ord. No. 490, Sec. 9.)
- B. The fee collected by the Prairie County District Court-Hazen Department shall be deposited by the by the 10th day of each month in the District Court automation fund established under A.C.A. 16-73-304 to be used solely for the purposes state in that section. (Ord. No. 490, Sec. 10.), Secs. 1-2.)

2.44.12 Collection of fines The Chief of the Hazen Police Department is hereby designated as the official with the primary responsibility for the collection of fines assessed in the Prairie County District Court-Hazen Department. (Ord. No. 490, Sec. 11.)

Pursuant to Arkansas Code §16-13-706 the City of Hazen, Arkansas hereby approves a contract between the City and Court Solutions via their company i3Verticles LLC, dba Court Solutions to provide the service for the acceptance and collection of fines and associated costs assessed by the Prairie County District Court, Hazen Division with an approved credit card for which i3Verticles, LLC, dba Court Solutions may charge the offender a transaction fee according to the terms set forth in the contract attached hereto. (Ord. No. 514, Sec. 1)

Pursuant to Arkansas Code Annotated 14-54-302(b) the Mayor and Recorder are hereby authorized to execute said contracts as well as the Chief of Police and/or District Court personnel as may be required. (Ord. No. 514, Sec. 2)

These funds will be collected and disbursed in the time and manner according to Arkansas law including, but not limited to Arkansas Code Annotated §16-92-118. (Ord. No. 514, Sec. 3)

## **CHAPTER 2.46**

### **CITY COURT**

Sections:

- |         |                        |
|---------|------------------------|
| 2.46.01 | City Court established |
| 2.46.02 | Judge appointed        |

2.46.01 City Court established There is hereby created the City Court of Hazen, Arkansas, as authorized by A.C.A. 16-18-111, and such City Court is hereby granted such power and jurisdiction as is allowed by state law. (Ord. No. 349, Sec. 1.)

2.46.02 Judge appointed The Mayor of the city of Hazen, Arkansas, shall appoint as judge of the court any person qualified under the laws of the state of Arkansas to assume the powers, duties and responsibilities of a judge of the court. (Ord. No. 349, Sec. 2.)

**CHAPTER 2.48**

**CRIMINAL JUSTICE FUND**

**Sections:**

- 2.48.01 Purchase of equipment and uniforms
- 2.48.02 Fee for incarceration

**2.48.01 Purchase of equipment and uniforms**

- A. Under the authority of A.C.A. 16-17-111, Act 357 of 1991, the City Council of Hazen, Arkansas, authorizes the expenditure of the Criminal Justice Fund in

excess of One Thousand Five Hundred Dollars (\$1,500.00) for the City Police Department equipment and uniforms, when approved by the City Council.

- B. All equipment and uniforms purchased from this fund must be by prior approval of the Chief of Police and a purchase order will be required. (Ord. No. 266, Sec. 1-2.)

#### 2.48.02 Fee for incarceration

- A. Pursuant to A.C.A. § 16-17-129, the City Council of the City of Hazen, Arkansas has found it necessary to increase the fines collected from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture in all cases in the first class of accounting records as described in A.C.A. § 16-17-707 in the Hazen, Arkansas District Court. This helps to defray the cost of incarcerating town or city prisoners. (Ord. No. 529, Sec. 1)
- B. The city of Hazen, Arkansas hereby levies a fine of twenty dollars (\$20.00) from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture in all cases in the first class of accounting records as described in A.C.A. § 16-17-707 in the Hazen, Arkansas District Court. The District Court is to collect this fine. (Ord. No. 529, Sec. 2)
- C. This fine will be collected, deposited and disbursed according to A.C.A. § 16-17-129. (Ord. No. 529, Sec. 3)
- D. The funds collected by the additional fine authorized in this ordinance must be used to help defray the cost of incarcerating the city prisoners and deposited in the city of Hazen General Fund account each month at the same time other court costs and payments are made to other state and local agencies. (Ord. No. 364, Secs. 1.)

## **CHAPTER 2.50**

### **HAZEN FIRE RELIEF & PENSION FUND**

#### Sections:

- 2.50.01 Authority  
2.50.02 Marriage Provision

2.50.01 Authority If accepted by LOPFI, the administration of the HAZEN Fire Relief and Pension Fund (Local Plan) shall be transferred to LOPFI under authority of Arkansas Code Annotated 24-10-101 et. seq., as amended. Such transfer shall mean the administration of the

Local Plan only and not a change in the Local Plan's benefit program unless a benefit increase is approved by the City of HAZEN, Arkansas. With the passage of this ordinance, a fifty-dollar (\$50.00) per month benefit increase and a three percent (3%) compound Cost of Living Adjustment (COLA) shall be added to the benefit program of the Local Plan. This COLA will be awarded each July 1<sup>st</sup> according to LOPFI guidelines. (Ord. No. 502, Sec. 1)

The Chief Administrative Officer is hereby authorized to enter into an irrevocable agreement, using a twenty (20) year amortization schedule, with LOPFI to administer the Local Plan as stated in Section I hereof. (Ord. No. 502, Sec. 2)

It is the intent of the City Council and it is hereby ordained that the provisions of this Ordinance shall be codified into the Code of Ordinances of HAZEN, Arkansas and the sections thereof may be re-numbered and re-lettered as necessary to accomplish such intention. (Ord. No. 502, Sec. 3)

Due to the need to consolidate administration of the Local Plan with LOPFI, an emergency is hereby declared to exist and this Ordinance shall be in full force from and after the date of its passage and approval.

2.50.02 Marriage Provision The City the Council recognizes that the Arkansas Local Police and Fire Retirement System (LOPFI) is the administrator of the Hazen Local Fire Pension Fund (Local Plan). Therefore, the Chief Administrative Officer is hereby authorized to provide LOPFI an approved copy of this Ordinance approving this marriage provision for this Local Plan. To ensure equity for all eligible participants of the Local Plan, the effective date for this marriage provision shall be retroactive to January 1, 2020. (Ord. No. 504, Sec. 1)

## **CHAPTER 2.52**

### **PERSONNEL POLICIES**

#### Sections:

2.52.01 Personnel Policy Handbook

2.52.01 Personnel Policy Handbook The city of Hazen, Arkansas hereby adopts and approves the Human Resources Handbook attached hereto and made a part hereof as if set out word for word. The city of Hazen, Arkansas hereby adopts the comprehensive Human Resources Employee Handbook attached to Ordinance Number 531 and incorporated therein as if set out word for word as the city's sole Human Resources Employee Handbook. (Ord. No. 531, Secs. 2 & 3)

## CHAPTER 2.56

### CONFLICT OF INTEREST

Sections:

2.56.01	Position of officials
2.56.02	Description of officials
2.56.03	Contracts with employees
2.56.04	Interest in contracts
2.56.05	Executing ordinances
2.56.06	Businesses providing benefit
2.56.07	Financial interest
2.56.08	Transaction interest
2.56.09	Acting as agent
2.56.10	Removal
2.56.11	Fine
2.56.12	Conviction
2.56.13	Exceptions

2.56.01 Position of officials The holding of public office or employment is a public trust created by the confidence which the electorate reposes in the integrity of officers and employees of city government. An officer or employee shall carry out all duties assigned by law for the benefit of the people of the city. The officer or employee shall not use his or her official position, or information gained by virtue of his or her position, to advance his or her individual personal economic interest or that of an immediate member of his or her family, an associate or other city official. (Ord. No. 316, Sec. 1.)

2.56.02 Description of officials For purposes of this ordinance, officers and employees of city government shall include:

- A. All elected officers
- B. All members of city boards, committees and commissions, advisory and administrative
- C. All employees thereof  
(Ord. No. 316, Sec. 2.)

2.56.03 Contracts with employees No officer or employee, elected or appointed, shall have an interest either directly or indirectly, in any contract or job, or service to be furnished or performed for or by the city unless the City Council shall have enacted an ordinance or resolution making a full disclosure of the interest an officer, employee or appointed official has in any given matter. It being the intent of this ordinance to make illegal, secret deals and secret

benefits by actions of the city of Hazen officials, whereby said officials benefit from knowledge and relationships not available to the citizens of Hazen at large. (Ord. No. 316, Sec. 3.)

2.56.04 Interests in contracts No member of the City Council, the Mayor, Recorder nor any officer or employee shall have an interest in any contract or job for work or materials, or the profits thereof, or service to be furnished or performed for or by the city of Hazen unless provided for under the provisions of Section 3. (Ord. No. 316, Sec. 4.)

2.56.05 Executing ordinances If the Mayor, Recorder, members of the City Council, or any other elective officer shall willfully and knowingly violate, fail, refuse, or neglect to execute any of the laws or ordinances within their jurisdiction, they shall be deemed guilty of nonfeasance in office. (Ord. No. 316, Sec. 5.)

2.56.06 Businesses providing benefits No member of the City Council, Mayor, Recorder nor any other elective or appointed officer or city employees shall acquire an interest in any business or undertaking which he or she has reason to believe may be directly affected to their economic benefit by official action to be taken by city government unless provided for under Section 3 of this ordinance. (Ord. No. 316, Sec. 6.)

2.56.07 Financial interest No member of the City Council, Mayor, Recorder nor any other elective or appointed officer or employee shall perform an official act directly affecting a business or other undertaking when he or she has a financial interest in a competing firm or undertaking unless provided for under Section 3 of this ordinance. (Ord. No. 316, Sec. 7.)

2.56.08 Transaction interest No member of the City Council, Mayor, Recorder nor any other elective or appointed officer or employee shall have an interest, either directly or indirectly, in any contract or transaction made, authorized, or entered into on behalf of the city or an entity created by the city, or accept or receive any property, money, or other valuable thing, for his or her use or benefit on account of, connected with, or growing out of any contract or transaction of the city of Hazen unless provided for under Section 3 of this ordinance. (Ord. No. 316, Sec. 8.)

2.56.09 Acting as agent No city employee shall act as an agent or in any way solicit elected officials support for any endeavor that benefits any other elected official or appointed official, their immediate family or an associate. (Ord. No. 316, Sec. 9.)

2.56.10 Removal The City Council may provide, by proper ordinance, for the removal of any appointive officer upon a majority vote of the council. (Ord. No. 316, Sec. 10.)

2.56.11 Fine Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and shall be fined in a sum not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) and shall serve not less than ninety (90) days nor more than one (1) year in the county jail. (Ord. No. 316, Sec. 11.)

2.56.12 Conviction At such time there is a conviction for the violation of this ordinance, said conviction shall ipso facto remove the official or employee from municipal office or position held by him or her and shall render him or her ineligible to thereafter hold any office or position under, or in connection with, the municipal corporation of the city of Hazen. (Ord. No. 316, Sec. 12.)

2.56.10 Exceptions The Mayor and Aldermen may conduct business with the city as authorized by Act 485 of 1981, under the following conditions:

- A. The purchase is under \$10,000.00 in value and comparable merchandise or equipment at comparable prices is not otherwise available within the city; or
- B. The cost of the service is under \$10,000.00 in value and comparable services at comparable prices are not otherwise available within the city.  
(Ord. No. 271, Sec. 1.)

On all purchases of supplies, equipment or services of more than \$10,000.00, advertisement for bids must be taken pursuant to ordinance, as amended by Act 745 of 1985, unless the City Council shall by ordinance waive competitive bidding in exceptional situations where such procedure is deemed not feasible or practical. (Ord. No. 271, Sec. 2.)

## CHAPTER 2.60

### INDEPENDENT CANDIDATES

Sections:

2.60.01 Filing dates

2.60.01 Filing dates All independent candidates running for all municipal offices for the city of Hazen will use the filing dates as set by the Prairie County Election Commission. (Ord. No. 446, Sec. 1.)

## TITLE 3

### FISCAL AFFAIRS

#### Chapters:

- 3.04 Purchases
- 3.08 Single Transaction
- 3.12 Short-Term Financing
- 3.16 Competitive Bidding
- 3.20 Hotel/Motel Tax
- 3.24 Sales and Use Tax
- 3.28 Officials Doing Business with City
- 3.32 Credit Card Use
- 3.36 Fixed Assets

#### CHAPTER 3.04

#### PURCHASES

#### Sections:

- 3.04.01 \$10,000.00 or under
- 3.04.02 Over \$25,000.00
- 3.04.03 Approval of payments
- 3.04.04 Renovation of Historic Sites Over \$50,000.00
- 3.04.05 Sale or exchange of supplies, materials or equipment
- 3.04.06 Waiver of requirements for competitive bidding
- 3.04.07 Bidding on leasing of equipment

3.04.01 \$10,000.00 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 Hazen, Arkansas, and to make all necessary contracts for work or labor to be done, or material or other necessary things

3.04.02 Over \$25,000.00 No expenditure above Twenty-Five Thousand Dollars (\$25,000.00) may be made without approval of the City Council. Where the amount of approved expenditure for any purchase or contract exceeds the sum of Twenty-Five Thousand Dollars (\$25,000.00), 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. This Section of the Hazen Municipal Code is subject to the exception pertaining to the Renovation of Historic Sites contained in Municipal Code Section 3.04.04. (Ord. No. 532, Sec. 1)

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. That 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. 184, Sec. 3.)

3.04.04 Renovation of Historic Sites Over \$50,000.00 A contract for the altering, repairing, or renovation of a recognized historic site or structure owned by the City of Hazen, Arkansas in which the estimated cost of the work equals or exceeds the sum of Fifty thousand dollars (\$50,000) shall not be entered into between the City of Hazen, Arkansas and any contractor unless the City of Hazen, Arkansas has first published notice of intention to receive bids for improvements one (1) time each week for not less than two (2) consecutive weeks in newspaper of general circulation published in the county in which the proposed improvements are to be made. 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; subject to any Historic Site exceptions set forth in the Arkansas Code; provided, however, the Mayor, or his duly authorized representative, may reject any and all bids received.

In addition, the City of Hazen, Arkansas, may avail itself of any of the provisions of Arkansas Code Annotated §§22-9-208 – 22-9-211 as it may deem necessary and proper. (Ord. No. 532, Sec. 2)

3.04.05 Sale or exchange of supplies, materials or equipment 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 Ten Thousand Dollars (\$10,000.00). No supplies, materials or equipment shall be sold without

receiving competitive bids therefor if the value thereof exceeds the sum of Ten Thousand Dollars (\$10,000.00); 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 Ten Thousand Dollars (\$10,000.00), the same may be sold by the Mayor without competitive bidding. (Ord. No. 184, Sec. 4.)

#### 3.04.06 Waiver of requirements for competitive bidding

- A. The city of Hazen does and hereby declare that water and wastewater laboratory fees, biologist fees, accounting fees, attorney fees, bond marketing fees, engineering fees, subsurface soil exploration costs, biolac patented wastewater treatment equipment costs, other specialized wastewater treatment equipment costs including screening equipment and ultraviolet disinfection equipment costs, fuel, oil, sanitation contracts, used equipment, and computer programming fees for the city of Hazen are not feasible or practical under the law of competitive bidding. (Ord. No. 251, Sec. 1.)

Maintenance of certain structures, equipment and plants that have been installed by certain name brand, are exempted from competitive bidding, such as irrigation water wells, city water wells, water treatment plant and certain computer equipment. (Ord. No. 248, Sec. 1.)

- B. The requirement of competitive bidding is hereby waived in accordance with Act 28 of 1959 of the Acts of Arkansas of the Arkansas General Assembly and the Mayor of this city is hereby authorized to pay said water and wastewater laboratory fees, biologist fees, accounting fees, attorney fees, bond marketing fees, engineering fees, subsurface soil exploration costs, biolac patented wastewater treatment equipment costs, other specialized wastewater treatment equipment costs including screening equipment and ultraviolet disinfection equipment costs, fuel, oil, sanitation contracts, used equipment, and computer programming fees without competitive bidding. (Ord. No. 251, Sec.2.)

#### 3.04.07 Bidding on leasing of equipment

- A. All competitive bidding on leasing of equipment by the city of Hazen is hereby waived.
- B. The Mayor or his duly authorized representative, shall obtain all terms for leasing of equipment and submit to the City Council for approval before signing any lease contract, and that all leasing of equipment will be limited to “one year,” or any part of “one year.” (Ord. No. 306, Sec. 1-2.)

## **CHAPTER 3.08**

### **SINGLE TRANSACTION**

#### **Sections:**

#### 3.08.01 Definitions

3.08.01 Definitions The term “single transaction” for the purposes of the local sales tax, shall be 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 tax.
- B. The charges for utility services, which are subject to the taxes levied under this ordinance, and which are furnished on a continuous service basis, whether such services are paid daily, weekly, monthly or annually, for the purposes of the local sales tax, shall be computed upon a monthly basis, and each such daily charge increment shall be considered to be a part of one transaction per month for the purposes of the local sales tax where billing is upon a monthly basis.
- C. For sales of building materials and supplies to contractors, builders or other persons, a single transaction, for the purposes of the local sales 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.
- 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 local sales tax.
- E. For groceries, drug items, dry goods, and other tangible personal property and/or services not otherwise expressly covered in this section, a single transaction shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales tax figure has been reported and remitted to the state. (Ord. No. 358, Sec. 2.)

## CHAPTER 3.12

### SHORT-TERM FINANCING

Sections:

- 3.12.01      Financing of equipment
- 3.12.02      Interest rate
- 3.12.03      Limit on principal
- 3.12.04      Principal and interest payments

3.12.01 Financing of equipment The Mayor and the Recorder of the city of Hazen are hereby authorized, pursuant to Amendment 78 of the Constitution of the state of Arkansas, to enter into short-term financing obligations to mature over a period of, or having a term, not to exceed five (5) years in order to purchase vehicles for use by the city. (Ord. No. 377, Sec. 1.)

3.12.02 Interest rate Such obligation may bear interest at either a fixed interest rate or a variable interest rate as allowed in Section 2 of Amendment 78, but not to exceed the maximum lawful rate. (Ord. No. 377, Sec. 2.)

3.12.03 Limit on principal The aggregate principal amount of short-term financing obligations incurred by the city shall not exceed five percent (5%) of the assessed value of taxable property located within the city, as determined by the last tax assessment completed before the last obligation was incurred by the city or county. (Ord. No. 377, Sec. 3.)

3.12.04 Principal and interest payments The total annual principal and interest payments in each fiscal year on all outstanding obligations of the city shall be charged against and paid from the general revenues for such fiscal year. (Ord. No. 377, Sec. 4.)

## CHAPTER 3.16

### COMPETITIVE BIDDING

Sections:

- 3.16.01      Waiving competitive bidding

3.16.01 Waiving competitive bidding Pursuant to A.C.A. 14-58-303(B) of the Municipal Code allowing cities to waive competitive bidding, the city of Hazen deems it necessary to waive competitive bidding on the above entities. (Ord. No. 398, Sec. 1.)

- A. The city waives bidding with Brannon Waste Services, Teddy Brannon, for the city trash pickup and Mark and Jeff Marek Farms for the city Airport Farm and with Corporate AR, David Duch, for the spraying of mosquitoes.
- B. Every two years, each contract price will be negotiated with the City Council starting in 2007 for mosquito control at the renewal date of Brannon Waste Service's, and Jeff and Mark Marek's current contract, and every two years after. (Ord. No. 398.)
- C. Pursuant to AC 14-58-303 B. of the Hazen Municipal Code allowing cities to waive competitive bidding, the City of Hazen deems it necessary to waive competitive bidding on the purchase of a 2018 Chevrolet 3500 HD, LWB, Crew Cab, MODEL: CK35943 truck from Petrus Chevrolet totaling \$34,783.00. (Ord. No. 485, Sec. 1.)
- D. Pursuant to ACA §14-58-303(b)(2)(B) competitive bidding is waived; and, the Mayor and Recorder are hereby authorized and empowered to execute a contract with Utility Service Co., Inc., D/B/ A USC, Inc. for water storage tank maintenance in the amount of \$100,000.00 being the initial payment due in the year 2022, with specific, scheduled payments through the year 2029. Thereafter, the annual fee may be adjusted. (Ord. No. 505, Sec. 1)
- E. Pursuant to Arkansas Code Annotated §14-58-303(b)(2)(B), competitive bidding is waived; and, the Mayor and Recorder are hereby authorized and empowered to execute a contract with ADAPCO, LLC for the following mosquito abatement chemicals: Trumpet EC, Fyfanon ULV and Fyfanon EW. The Mayor and Recorder are hereby authorized and empowered to execute a contract with Clarke Mosquito Control Products, Inc. for the mosquito abatement chemical Duet HD. The single source documentation supporting this purchase is attached hereto as well as the proclamation setting forth this necessity. (Ord. No. 510, Sec. 1)
- F. Pursuant to Arkansas Code Annotated §14-58-303(b)(2)(B), competitive bidding is waived; and, the Mayor and Recorder are hereby authorized and empowered to execute a contract with Heller Co., Inc. In the amount of \$51,700.00 for the repair of the wastewater line crossing Highway 70. Pursuant to Arkansas Code Annotated §22-9-201(c)(6), the emergency contract is to address an unforeseen and unavoidable emergency in which human life, health, or public property, namely Highway 70, is in jeopardy. A written statement describing the emergency necessitating the emergency contract being entered into without compliance under §22-9-203 is attached hereto. (Ord. No. 511, Secs. 1 & 2)

- G. Pursuant to Arkansas Code Annotated § 14-58-303(b)(2)(B), competitive bidding is waived; and, the Mayor and Recorder are hereby authorized and empowered to execute a contract with Heller Co., Inc. in the amount of \$73,000.00 for the repair of the wastewater line crossing Highway 70. Pursuant to Arkansas Code Annotated § 22-9-201(c)(6) 14-58-303(b)(2)(B), the emergency contract is to address an unforeseen and unavoidable emergency in which human life, health, or public property, namely Highway 70, is in jeopardy and a written statement describing the emergency necessitating the emergency contract being entered into without compliance under § 22-9-203 is attached hereto. (Ord. No. 518, Secs. 1 & 2)
- H. Pursuant to Arkansas Code Annotated §14-58-303(b)(2)(B), competitive bidding is waived; and the Mayor and Recorder are hereby authorized and empowered to execute a contract with Heller Co., Inc in the amount of \$177,218.50 for the repair of the above-described wastewater line. Pursuant to Arkansas Code Annotated §22-9-201(c)(6) 14-58-303(b)(2)(B), the emergency contract is to address an unforeseen and unavoidable emergency in which human life, health, or public property, namely city streets and Highway 70, are in jeopardy and a written statement describing the emergency necessitating the emergency contract being entered into without compliance under §22-9-203 is attached hereto. (Ord. No. 524, Secs. 1 & 2)

## CHAPTER 3.20

### HOTEL/MOTEL TAX

Sections:

3.20.01          Levied

3.20.01 Levied Under the authority of the authorizing legislation, there is hereby levied a three percent (3%) tax (Hotel/Motel Tax) on the gross receipts from the proceeds from renting, leasing or otherwise furnishing hotel, motel, house, cabin, bed and breakfast, campground, condominium, or other similar rental accommodations for sleeping, meeting, or party room facilities for profit in the city of Hazen, but such accommodations shall not include the rental or lease of such accommodations for periods of thirty (30) days or more. (Ord. No. 428, Sec. 1.)

## CHAPTER 3.24

### SALES AND USE TAX

Sections:

3.24.01          Levy of tax and election  
3.24.02          Additional tax

3.24.01 Levy of tax and election Under the authority of the authorizing legislation, there is hereby levied a two percent (2%) tax on the gross receipts from the sale at retail within the city of all items which are subject to the Arkansas Gross Receipts Tax Act of 1941, as amended (A.C.A. 26-52-101, et seq.) and the imposition of an excise (or use) tax on the storage, use or other consumption with the city of tangible personal property subject to the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. 26-53-101, et seq.) at a rate of two percent (2%) of the sale price of the property or, in the case of leases or rentals, of the lease or rental price (collectively, the "Sales and Use Tax"). The Sales and Use Tax shall be levied and collected only on the first \$2,500 for each single transaction. (Ord. No. 358, Sec. 1.)

On September 24, 2002, a special election was held at which a majority of the electors voting on the question voted in favor of adoption of the Sales and Use Tax. (Ord. No. 358, Sec. 4.)

3.24.02 Additional tax Under the authority of the authorizing legislation, there is hereby levied a one percent (1%) tax on the gross receipts from the sale at retail within the city of all items which are subject to the Arkansas Gross Receipts Act of 1941, as amended (A.C.A. 26-52-101, et seq.) and the imposition of an excise (or use) tax on the storage, use, distribution or other consumption within the city of tangible personal property subject to the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. 26-53-101, et seq.) at a rate of one percent (1%) of the sale price of the property or, in the case of leases or rentals, of the lease or rental price (collectively, the “Sales and Use Tax”). (Ord. No. 426, Sec. 1.)

## **CHAPTER 3.28**

### **OFFICIALS DOING BUSINESS WITH CITY**

#### Sections:

3.28.01            Conducting business

3.28.01 Conducting business

- A. Mayor David Duch is a member of Double D Air, LLC and Grower’s Aire Service, LLC and has a financial interest in both companies and to comply with city Ord. No. 316, and A.C.A. 14-42-107, Mayor David Duch is stating these facts:
1. Double D Air, LLC and Grower’s Aire Service, LLC provide<sup>3</sup> reasonable rates and efficient service to the city.
  2. Hazen City Council has approved conducting business with Mayor David Duch, Double D. Air, LLC and Grower’s Aire Service, LLC for the aerial spraying of mosquitoes for the city of Hazen effective this date and until this ordinance is superseded. (Ord. No. 437, Secs. 1-3.)

B. Council member Rick Wiggins is the owner of Rick's Automotive, and to comply with Ordinance No. 316 and Arkansas Code 14-42-107, Council Member Wiggins is stating these facts:

1. That Rick's Automotive provides reasonable rates and efficient service to the City of Hazen; and
2. That the Hazen City Council has approved conducting business with Rick's Automotive for the repair and maintenance of vehicles for the City of Hazen effective this date and until this ordinance is superseded. (Ord. No. 473, Secs. 1-3.)

C. Council Member, David Campbell is an employee of Greenway Equipment, Inc. and to comply with City Ord. No. 316 and Ark. Code 14-42-107, Council Member Campbell is stating these facts:

1. That Greenway Equipment Inc. sells equipment at competitive prices and provides efficient service; and
2. The Hazen City Council has approved conducting business with Greenway, Inc. for the purchase and maintenance of equipment for the City of Hazen effective this date and until this ordinance is superseded. (Ord. no. 479, Secs. 1-3.)

## **CHAPTER 3.32**

### **CREDIT CARD USE**

Sections:

- |         |                            |
|---------|----------------------------|
| 3.32.01 | Definition                 |
| 3.32.02 | Issuance, Use, and Control |
| 3.32.03 | Definition                 |
| 3.32.04 | Issuance, Use, and Control |

3.32.01 Definition As used herein, "credit card" shall mean a card or device issued under an arrangement pursuant to which the issuer gives to a cardholder the privilege of obtaining credit from the issuer. (Ord. No. 479, Sec. 1)

3.32.02 Issuance, Use, and Control The Hazen City Council hereby adopts the following policy for the issuance, use, and control of a credit card by the utility manager.

- a. The Utility Manager is hereby authorized to apply and obtain a credit card on behalf of the City of Hazen in accordance with the provisions and restrictions contained herein. The Utility Manager is also authorized to sign all documents deemed necessary in order to carry out the provisions herein and to obtain such credit card.

- b. The use of the credit card is subject to all federal, state, and local laws pertaining to the use of credit cards by municipal officials, the acquisition of credit by municipal officials and municipalities, and the making of purchases or payments on behalf of the City of Hazen.
- c. There shall only be one credit card account, and it shall have a maximum credit limit of no more than \$3,500.00 (Three thousand five hundred dollars). The Utility Manager shall have a credit limit for use of the card up to this maximum credit limit.
- d. Signed receipts for items purchased must be presented to the Recorder/Treasurer along with the credit card statement before the credit card debt balance will be paid. Unless otherwise directed by the City Council from time-to-time, the credit card debt balance shall be paid in full each month upon receipt of the monthly billing statement and before the due date thereon.
- e. The Utility Manager shall not use a city-issued credit card for non-city business use. If the Utility Manager ever uses a city-issued credit card for non-city business, the Utility Manager shall be billed for all charges on the credit card, and the Recorder/Treasurer is authorized to direct the City Clerk to make payroll deductions to recover any unauthorized charges.
- f. Cash Advances on credit cards are prohibited. (Ord. No. 479, Sec. 2)

3.32.03 Definition As used herein, “credit card” shall mean a card or device issued under an arrangement pursuant to which the issuer gives to a cardholder the privilege of obtaining credit from the issuer. (Ord. No. 507, Sec. 1)

3.32.04 Issuance, Use, and Control The Hazen City Council hereby adopts the following policy for the issuance, use, and control of a credit card by the city administration.

- a. The Mayor is hereby authorized to apply for and obtain a credit card on behalf of the City of Hazen in accordance with the provisions and restrictions contained herein. The Mayor is also authorized to sign all documents deemed necessary in order to carry out the provisions herein and to obtain such credit card.
- b. The use of the credit card is subject to all federal, state, and local laws pertaining to the use of credit cards by municipal officials, the acquisition of credit by municipal officials and municipalities, and the making of purchases or payments on behalf of the City of Hazen.

- c. There shall only be one credit card account, and it shall have a maximum credit limit of no more than \$5,000.00 (Five Thousand Dollars). The Mayor or his designee shall have a credit limit for use of the card up to this maximum credit limit. (Ord. No. 530, Sec. 2)
- d. Signed receipts for items purchased must be presented to the Recorder/Treasurer along with the credit card statement before the credit card debt balance will be paid. Unless otherwise directed by the City Council from time-to-time, the credit card debt balance shall be paid in full each month upon receipt of the monthly billing statement and before the due date thereon.
- e. The Mayor or his designee shall not use a city-issued credit card for non-city business use. If the Mayor or his designee ever uses a city-issued credit card for non-city business, the Mayor or his designee shall be billed for all charges on the credit card, and the Recorder/Treasurer is authorized to direct the City Clerk to make payroll deductions to recover any unauthorized charges.
- f. Cash Advances on credit cards are prohibited. (Ord. No. 507, Sec. 2)

## **CHAPTER 3.36**

### **FIXED ASSETS**

#### Sections:

3.36.01          Fixed assets

3.36.01 Fixed assets The minimum limit for the recording of fixed assets for the City of Hazen pursuant to Arkansas Code Annotated 14-59-107 is established at \$2,000.00 with a useful life of at least one year retroactive to January 1, 2023. (Ord. No. 520, Sec. 1)

## **TITLE 4**

### **BUSINESS LICENSES AND REGULATIONS**

#### **Chapters:**

- 4.04 Electric Franchise
- 4.08 Telephone Franchise
- 4.12 Cable Television
- 4.16 Ambulance Franchise
- 4.20 Occupational Licenses
- 4.24 Airport Operating Fees

#### **CHAPTER 4.04**

#### **ELECTRIC FRANCHISE**

#### **Sections:**

- 4.04.01 Electric franchise granted to Entergy
- 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

4.04.01 Electric franchise granted to Entergy The city of Hazen, Arkansas, (hereinafter called Grantor) hereby grants to the 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 Hazen, 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. 140, 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. 140, 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. 140, 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. 140, 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. 140, 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.

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 Hazen, 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 Hazen, 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 9 hereof, to pay the city the sum of four and twenty-five hundredths percent (4.25%) annually of the gross residential and commercial electric revenues shall immediately terminate. (Ord. No. 140, 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. 140, 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. 140, Sec. 11.)

## **CHAPTER 4.08**

### **TELEPHONE FRANCHISE**

#### Sections:

- 4.08.01 Grant of right, privilege and franchise
- 4.08.02 Supervision of city of location of poles and conduit
- 4.08.03 Streets to be restored to good condition
- 4.08.04 Temporary removal of wires
- 4.08.05 Permission to trim trees
- 4.08.06 Annual cash consideration to be paid by the Telephone Company
- 4.08.07 Payment of cash in lieu of other payments
- 4.08.08 No exclusive privileges
- 4.08.09 Successors and assigns
- 4.08.10 Period of franchise
- 4.08.11 Partial invalidity and repeal provisions
- 4.08.12 Acceptance of agreement

4.08.01 Grant of right, privilege and franchise That the right, privilege and franchise be, and the same is hereby granted to CenturyTel, hereinafter referred to as the “Telephone Company,” and its successors or assigns, subject to the terms and conditions hereinafter set forth, to construct, erect, build, equip, own, maintain and operate in, along, under, over and across the streets, alleys, avenues, bridges, viaducts and public ground of the city, such posts, poles, wires, cables, conduits and other appliances, structures and fixtures necessary or convenient for rendering telephone and other communications services and for conducting a general local/extended area and long-distance telephone business. (Ord. No. 193, Sec. 1.)

4.08.02 Supervision of city of location of poles and conduit that all poles to be placed shall be of sound material and reasonably straight, and shall be so set that they will not interfere with the flow of water to any gutter or drain, and so that the same will interfere as little as practicable with the ordinary travel on the street or sidewalk. The location and route of all poles, stubs, guys, anchors, conduits and cables to be placed and constructed by the Telephone Company in the construction and maintenance of its telephone system in the city, and the location of all conduits to be laid by the Telephone Company within the limits of the city under this ordinance, shall be subject to the reasonable and proper regulation, control and direction of the City Council or of any city official to whom such duties have been or may be delegated.

That nothing in this ordinance is intended to add to or detract from any authority granted by the legislature of the state of Arkansas to the city. (Ord. No. 193, Sec. 2.)

4.08.03 Streets to be restored to good condition That the surface of any street, alley, highway or public place within the city disturbed by the Telephone Company plant and system shall be restored within a reasonable time after the completion of the work to as good a condition as before the commencement of the work and maintained to the satisfaction of the City Council, or of any city official to whom such duties have been or may be delegated, for one year from the date the surface of said street, alley, highway or public place is broken for such construction or maintenance work, after which time responsibility for the maintenance shall become the duty of the city. No such street, alley, highway, or public place shall be encumbered for a longer period than shall be necessary to execute the work. (Ord. No. 193, Sec. 3.)

4.08.04 Temporary removal of wires The Telephone Company on the request of any person shall remove or raise or lower its wires within the city temporarily to permit the moving of houses or other bulky structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the benefitted party or parties, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes. The clearance of wires above the ground for rails within the city and also underground work shall conform to the basic standards of the National Electrical Safety Code, National Bureau of Standards, United States Department of Commerce, as promulgated at the time of erection thereof. (Ord. No. 193, Sec. 4.)

4.08.05 Permission to trim trees. That the right, license, privilege and permission is hereby granted to the Telephone Company, its successors and assigns, to trim trees upon and overhanging the streets, alleys sidewalks and public places of the city, also as to prevent the branches of such trees from coming in contact with the wires or cables of the Telephone Company, and when so ordered by the city, said trimming shall be done under the supervision and direction of the City Council or of any city official to whom said duties have been or may be delegated. (Ord. No. 193, Sec. 5.)

4.08.06 Annual cash consideration to be paid by the Telephone Company That to indemnify the city for any and all possible damages to its streets, alleys, and public grounds which may result from the placing therein of the Telephone Company poles, conduits, or other equipment or apparatus, and to compensate the city for its superintendence of this agreement, and as the cash consideration for the same, the Telephone Company agrees to pay to the city quarterly during the continuance of this agreement a sum of money equal to five percent (5%) of the quarterly gross receipts derived by the Telephone Company from exchange access rates, contained in Sections 6 and 36 of its approved General Exchange Tariff, charged customers within the corporate limits of the city during the preceding calendar quarter. The first payment hereunder shall be made on or before June 30, 1983, and shall equal in amount to five percent (5%) of the gross receipts derived from exchange excess rates from the effective date of this ordinance to March 31, 1983; and thereafter payment shall be made quarterly on or before

September 30, December 31, March 31 and June 30. This ordinance shall be deemed to become effective January 1, 1983, at which time ordinance No. 137, dated December 3, 1963, is repealed. (Ord. No. 193, Sec. 6.)

4.08.07 Payment of cash in lieu of other payments That the city agrees that the consideration set forth in the preceding section hereof shall be paid and received in lieu of any tax, license, charge, fee, street or alley rental or any other character of charge for use and occupancy of the streets, alleys, and public places of the city; in lieu of any pole tax or insertion fee tax; in lieu of any easement or franchise tax, whether levied as an ad valorem, special or other character of tax and in lieu of any imposition other than the usual general or special ad valorem taxes now or hereafter levied. Should the city not have the legal power to agree that the payment of the foregoing cash consideration shall be in lieu of the taxes, licenses, charges, fees, rentals, and easement or franchise taxes aforesaid, then the city agrees that it will apply so much of said payment as may be necessary to the satisfaction of the Telephone Company's obligations, if any, to pay any such taxes, licenses, charges, fees, rentals, and easement or franchise taxes. (Ord. No. 193, Sec. 7.)

4.08.08 No exclusive privileges That nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges. (Ord. No. 193, Sec. 8.)

4.08.09 Successors and assigns That the rights, powers, limitation, duties and restrictions herein provided for shall inure to and be binding upon the parties hereto and upon their respective successors and assigns. (Ord. No. 193, Sec. 9.)

4.08.10 Period of franchise That this agreement shall be in full force and effect for the period beginning with the effective date hereof and thereafter during the life of this franchise. (Ord. No. 193, Sec. 10.)

4.08.11 Partial invalidity and repeal provisions that if any section, sentence, clause, or phrase of this ordinance is for any reason held to be illegal, ultra vires or unconstitutional, such invalidity shall not affect the validity of the remaining portions of this ordinance. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed. (Ord. No. 193, Sec. 11.)

4.08.12. Acceptance of agreement That the Telephone Company shall have sixty days (60) from and after the passage and approval of this ordinance to file its written acceptance thereof with the City Treasurer/Secretary, and upon such acceptance being filed, this ordinance shall take effect and be in force from and after the date of its acceptance, and shall effectuate and make binding the agreement provided by the terms hereof. (Ord. No. 193, Sec. 12.)

## CHAPTER 4.12

### CABLE TELEVISION

#### Sections:

4.12.01	Title
4.12.02	Definitions
4.12.03	Grant of authority
4.12.04	Police power
4.12.05	Indemnification
4.12.06	Construction and maintenance
4.12.07	Franchise term
4.12.08	Renewal procedure
4.12.09	Subscribers service
4.12.10	Free service
4.12.11	Access to records
4.12.12	Franchise fee
4.12.13	Transfers
4.12.14	Surrender right
4.12.15	Forfeiture
4.12.16	Receiver sales prohibited
4.12.17	Acceptance
4.12.18	Unlawful acts

4.12.01 Title This ordinance shall be known and may be cited as the Hazen Cable TV Ordinance. (Ord. No. 181, Sec. 1.)

4.12.02 Definitions For the purpose of this ordinance, and when not inconsistent with the context, words used herein in the present tense include the future; words in plural include the singular, and visa versa. The word “shall” is always mandatory. The captions supplied herein for each section are for convenience only. Said captions have no force of law, are not part of the section, and not to be used in constructing the language of the section. The following terms and phrases, as used herein, shall be given the meaning set forth below:

**City** is the city of Hazen, Arkansas. A municipal corporation under the laws of the state of Arkansas.

**Grantee** is Classic Communications, Inc, a corporation organized and existing under the laws of the state of Arkansas, and it is the grantee of rights under this franchise.

**City Council** is the City Council of the city of Hazen, Arkansas or its designated representative.

**Federal Communications Commission** or FCC is the present Federal Agency of that name as constituted by the Communications Act of 1934, or any successor agency created by the United States Congress.

**Person** is any individual, firm, partnership, association, corporation, company or organization of any kind.

**Gross Subscriber Revenues** shall include any and all compensation or receipts derived by Grantee from installation, disconnection and re-installation charges and periodic services in connection with the carriage of broadcast signals and Federal Communications Commission mandated non-broadcast services within the city, but shall not include any refunds or credits made to the subscriber or any taxes upon the services furnished by Grantee. Nor shall it include revenue from “ancillary or auxiliary” services, which include, but are not limited to advertising, leased channel charge basis, if any.

**Regular Subscriber Services** shall include the carriage of broadcast signals and FCC mandated non-broadcast services, but shall not include ancillary or auxiliary services, which include but are not limited to, advertising, leased channels and programming supplied on a per program or per channel charge basis, if any. (Ord. No. 181, Sec. 2.)

4.12.03 Grant of authority There is hereby granted by the city to the Grantee the right and privilege to construct, erect, operate and maintain in, upon, along, across, above and over the streets, alleys public utility easements, public ways and public places now laid out or dedicated and all extensions thereof and additions thereto in the city, all poles wires, cables, and other conductors and fixtures necessary for the maintenance and operation in the city of a cable television system for the transmission of television signals and other signals permitted by the FCC, either separately or upon or in conjunction with any public utility maintaining the same in the city, with all of the necessary and desirable appliance and appurtances pertaining thereto. Without limiting the generality of the foregoing this franchise and grant shall and does hereby include in, over, and upon the streets, sidewalks, alleys, public utility easements and public grounds and places in the city to install, erect, operate or in any way acquire the use of, as by leasing or licensing, all lines and equipment necessary to a cable television system and the right to make connections to subscribers and the right to repair, replace, enlarge and extend said lines, equipment and connections. The right herein granted for the purpose herein set forth shall not be exclusive, and the city reserves the right to grant a similar use of a said street, alleys, public utility easements, public ways and places to any person at any time during the period of this franchise; provided, however, that nothing contained herein shall be deemed to require the granting of additional CATV Franchises, if, in the opinion of the City Council, it is in the public interest to restrict such franchise to any one or more. (Ord. No. 181, Sec. 3.)

4.12.04 Police power Grantee shall at all times during the term of this franchise be subject to all lawful exercise of the Police Power of the city. The right is hereby reserved to the city to adopt; in addition to the provisions herein contained and any other existing applicable ordinances, such additional ordinance as it shall find necessary in the exercise of its police

power; provided, however, that such additional ordinances shall be reasonable, shall not conflict with or alter in any manner the right granted herein, and shall not conflict with the laws of the state of Arkansas, the laws of the United States of America, or the rules and regulations, and policies of the FCC. (Ord. No. 181, Sec. 4.)

4.12.05 Indemnification Grantee shall save the city harmless from all sustained by the city on account of any suit, judgment, execution, claim or demand whatsoever against the city resulting from negligence on the part of Grantee in the construction, operation or maintenance of its cable television system in the city and for this purpose Grantee shall carry property damage and personal injury insurance with some responsible insurance company or companies qualified to do business in the state of Arkansas. The amounts of such insurance to be carried for liability due to property damage shall be \$100,000.00 as to any one person; and against liability due to injury to or death of person, \$300,000.00 as to any one occurrence. The city shall notify Grantee, in writing, within ten (10) days after the presentation of any claim or demand, either by suit or otherwise, made against the city on account of any negligence as aforesaid on the part of Grantee. Where any such claim or demand against the city is made by suit or other legal action, written notice thereof shall be given by the city to Grantee not less than five (5) days prior to the date upon which an answer to such legal action is due or within ten (10) days after the claim or demand is made upon the city, whichever notice period yields Grantee the larger amount of time within which to prepare an answer. Failure by the city to notify Grantee properly in accordance with the foregoing of any such claim, suit, or demand against the city shall release grantee from its obligation to indemnify the city as provided herein. (Ord. No. 181, Sec. 5.)

4.12.06 Construction and maintenance

- A. All structures, lines and equipment erected by Grantee within city shall be so located as to cause minimum interference with the proper use of streets, alleys, public utility easements and other public ways and places and to cause minimum interference with the rights or reasonable convenience of property owners, and Grantee shall comply with all reasonable, proper and lawful ordinances of the city now and hereafter in force. Existing poles, posts, conduits and other such structures of any electric power system, telephone company, or other public utility located in the city shall be made available to grantee for leasing or licensing upon terms and shall be used to the extent practicable in order to minimize interference with travel and avoid unnecessary duplication of facilities. The city shall actively assist Grantee to the fullest extent necessary in obtaining reasonable joint or conduit use agreements from the owners of existing poles or conduits. To the extent that existing poles, posts, conduits and other such structures are not available, or are not available under reasonable terms and conditions, including excessive cost or unreasonable limitation upon the use of Grantee's cable television system, Grantee shall have the right to purchase, lease, or in any other manner acquire land, right-of-way, or public utility easements upon or under which to erect and maintain its own poles, conduits and other such structures as may be necessary for the construction and maintenance of its cable television system.

- B. In case of any disturbance by the Grantee of pavement, sidewalk, driveway or other surfacing, Grantee shall, at its own cost and expense and in a manner approved by the city, replace and restore all paving, sidewalk, driveway or surface so disturbed in as good condition as before said work was commenced.
- C. In the event that at any time during the period of this franchise the city shall lawfully elect to alter or change any street, alley, public utility easement, or other public way requiring the relocation of Grantee's facilities, then in such event Grantee, upon reasonable notice by the city, shall remove, relay and relocate the same at its own expense; provided, however, that where public funds are available for such relocation pursuant to law, Grantee shall not be required to pay the cost.
- D. Grantee shall, on request of any person holding a building moving permit issued by the city, temporarily raise or lower its lines to permit the moving of the building, the expense of such temporary removal shall be paid by the person requesting the same, and Grantee shall have the authority to require such payment in advance.
- E. Grantee shall have the authority to trim trees upon and overhanging all streets, alleys, public easements, sidewalks and public places of the city so as to prevent the branches of such trees from coming into contact with Grantee's facility.
- F. All poles, lines, structures and other facilities of Grantee in, on, over and under streets, sidewalks, alleys, public utility easements and public grounds or places of the city shall be kept by Grantee at all times in a safe and substantial condition. (Ord. No. 181, Sec. 6.)

4.12.07 Franchise term This franchise shall take effect and be in full force from and after acceptance by Grantees provided in Section 18, and the same shall continue in full force and effect for a term of twenty (20) years; provided however, that should FCC authorization be necessary in connection with implementation or continuation of the Cable television service contemplated by this franchise, then the term shall begin upon the effective date of such FCC authorization. (Ord. No. 181, Sec. 7.)

4.12.08 Renewal procedure Grantee shall have the unlimited option to renew this franchise for an additional period not to exceed twenty (20) years. Should Grantee desire to exercise this option; it shall so notify the city, in writing, not less than three (3) months prior to expiration of this franchise. (Ord. No. 181, Sec. 8.)

4.12.09 Subscribers service The Grantee shall make available an all-band system, capable of providing at least ten channels of satisfactory television reception to its subscribers and provide pictures on subscribers receivers throughout the system essentially of the same quality as those received at the antenna sight. Said system shall conform to the requirements of the FCC and shall be free of spurious radiation or leakage so as to definitely prohibit interference with

television reception of non-subscribers to the service. Upon complaint and proof to the City Council, that actions of the Grantee have caused a deterioration of reception to a non-subscriber, such complaint shall be referred to an officer of the grantee with advise that repairs or alterations to the system must be made within thirty (30) days. Failure to repair or alter any fault of the Grantee that interferes with reception to non-subscribers, within the time prescribed shall constitute cause for repeal of this ordinance and termination of the franchise granted herein. (Ord. No. 181, Sec. 10.)

4.12.10 Free service The grantee shall furnish free of charge, one service distribution connection to each school located within the corporate limits of the city, one service distribution connection to the City Hall and to each of the Fire Department Stations within the corporate limits of the city and to the Police Department. (Ord. No. 181, Sec. 11.)

4.12.11 Access to records The city shall have access at all reasonable hours to all of the plans, contracts and engineering, accounting, statistical and customer service records of the grantee. Reports of property and gross revenues shall be filed with the city with payment of the annual franchise revenues. (Ord. No. 181, Sec. 12.)

4.12.12 Franchise fee In consideration of the terms of this franchise, Grantee agrees to pay the city a sum of money equal to three percent (3%) of Grantees gross subscriber revenue per year derived from installation of equipment and regular subscriber services in the city. Said payment shall be made to the city annually and on the first day of February of each year for the previous calendar year, and, if requested, shall post bond to assure each payment. All license fees or taxes levied upon grantee by the city shall be credited against the payment required herein, but shall not be in lieu of ad valorem taxes assessed with respect to real or personal property of the Grantee by the city. (Ord. No. 181, Sec. 13.)

4.12.13 Transfers All of the rights and privileges and all of the obligations, duties and liabilities created by this franchise shall pass to and be binding upon the successors of the city and the successors and assigns of Grantee; and the same shall not be assigned or transferred without the written approval of the City Council, which approval shall not be unreasonably withheld; provided, however, that this section shall not prevent the assignment or hypothecation of the franchise by Grantee as security for debt without such approval; and provided further that transfers or assignments of this franchise between any parent, subsidiary corporation or between entities of which at least fifty per cent (50%) of the beneficial ownership is held by the same person, persons, or entities, shall be permitted without the prior approval of the City Council. (Ord. No. 181, Sec 14.)

4.12.14 Surrender right Grantee may surrender this franchise at any time upon filing with the City Clerk of the city a written notice of its intentions to do so at least thee (3) months before the surrender date. On the surrender date specified in the notice, all of the rights and privileges and all of the obligations, duties and liabilities of Grantee in connection with this franchise shall terminate. (Ord. No. 181, Sec. 15.)

4.12.15 Forfeiture If Grantee should violate any of the terms, conditions, or provisions of this franchise or if Grantee should fail to comply with any reasonable provisions of any ordinance of the city regulating the use by Grantee of the streets, alleys, public utility easements or public ways of the city, and should Grantee further continue to violate or fail to comply with the same for a period of thirty (30) days after Grantee shall have been notified in writing by the city to cease and desist from any such violation or failure to comply so specified, then Grantee may be deemed to have forfeited and annulled and shall thereby forfeit and annul all the rights and privileges granted by this franchise, provided however, that such forfeiture shall be declared only by written decision of the City Council after an appropriate public proceeding before the City Council affording Grantee due process and full opportunity to be heard and to respond to any such notice of violation or failure to comply and provided further that the City Council may, in its discretion and upon a finding of violation or failure to comply, impose a lesser penalty than forfeiture of this franchise or excuse the violation or failure to comply upon a showing by Grantee of mitigating circumstances. Grantee shall have the right to appeal any finding of violation or failure to comply and any resultant penalty to any court of competent jurisdiction. In the event that forfeiture is imposed upon Grantee, it shall be afforded a period of six (6) months within which to sell, transfer, or convey this Cable Television System to a qualified purchaser at fair market value. During this six months, which shall run from the effective date of the final order or decision imposing forfeiture, including any appeal, Grantee shall have the right to operate this Cable Television System pursuant to the provisions of the franchise. (Ord. 181, Sec. 16.)

4.12.16 Receiver sales prohibited As a condition of this franchise, Grantee agrees that it shall not engage in the business of sales or repair of television receivers owned by its subscribers; nor shall it be responsible for the operating condition of said receivers; provided; however, that this paragraph shall not apply to converters, decoders, home interactive terminals and other such devices as may be used in furnishing any programming or service via Grantee's Cable Television System. (Ord. No. 181, Sec. 17.)

4.12.17 Acceptance This ordinance shall become effective when accepted by Grantee and shall then be and become a valid and binding contract between the city and Grantee; provided, however, that this ordinance shall be void unless Grantee shall, within ninety (90) days after the final passage of this ordinance, file with the City Clerk of the city a written acceptance of this ordinance and the franchise herein granted, agreeing that it will comply with all of the provisions and conditions hereof and that it will refrain from doing all of the things prohibited by this ordinance. (Ord. No. 181, Sec. 18.)

4.12.18 Unlawful acts

- A. It shall be unlawful for any person to make any unauthorized connections, whether physically, electrically, acoustically, inductively or otherwise, with part of the Grantee Cable Television System for the purpose of enabling himself or others to receive any television signals, radio signals, pictures, programs, sounds, or any other information or intelligence transmitted over Grantee's Cable System without payment to Grantee or its lessee.

- B. It shall be unlawful for any person, without the consent of the owner, to willfully tamper with, remove, or injure any cable wires, or other equipment used for the distribution of television signals, radio signals, pictures, programs, sounds, or any other information or intelligence transmitted over Grantee's Cable System.
- C. It shall be a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for a term not to exceed six months, or both, for any person to violate any of the provisions of this section. (Ord. No. 181, Sec. 19.)

**CHAPTER 4.16**

**AMBULANCE FRANCHISE**

Sections:

- 4.16.01 Franchise granted
- 4.16.02 Rules and regulations
- 4.16.03 Interlocal agreement
- 4.16.04 Outside city limits
- 4.16.05 Intracity transport
- 4.16.06 Fine
- 4.16.07 Contract

4.16.01 Franchise granted The city of Hazen, pursuant to A.C.A. 14-266-105 grants to Southern Paramedic Service of Wynne, Arkansas, Inc. an exclusive franchise beginning at 12:00 a.m. on January 1, 1996, and ending at 12:00 a.m. on January 1, 1998, for the purpose of providing emergency and non-emergency ambulance services and any and all aspects attendant thereto within the city of Hazen, Arkansas, at a paramedic level.

Upon the end of the contract term, Southern will be given the opportunity to request renewing its contract with the city of Hazen. (Ord. No. 303, Sec. 1.)

4.16.02 Rules and regulations The standards, rules and regulations for the operation of the city of Hazen Municipal Ambulance Service shall not be less than those standards, rules and regulations established by the Arkansas Department of Health, Division of Emergency Medical Services, or by other applicable regulations and statutes of the state of Arkansas. (Ord. No. 303, Sec. 2.)

4.16.03 Interlocal agreement The city of Hazen recognizes this interlocal agreement between the city and Southern regarding emergency and non-emergency medical services. However, pursuant to A.C.A. 14-266-102. (Ord. No. 303, Sec. 3.)

4.16.04 Outside city limits Southern's units at Hazen shall have the freedom to provide ambulance services to those surrounding areas whose governing bodies request and authorize those services. In no way shall the city of Hazen be required to subsidize or extend financial support in order to render these services outside the city limits of Hazen. (Ord. No. 303, Sec. 4.)

4.16.05 Intracity transport All intracity transport of patients and intracity and intracounty transport of patients originating from within the city of Hazen shall be conducted by the Southern Paramedic Service except as said service may request assistance from other services. However, no regulations shall be imposed upon those items listed in A.C.A. 14-166-105 (a) (5) wherein the city is prohibited from imposing regulations. (Ord. No. 303, Sec. 5.)

4.16.06 Fine Any ambulance service, company, or corporation not affiliated with the city of Hazen shall not operate within the city limits of the city of Hazen, Arkansas, for emergency or non-emergency ambulance transfers unless specifically requested to do so by Southern. Any individual, service, company or corporation doing so without specific authorization from Southern shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than Two Hundred Fifty Dollars (\$250.00) and not more than Five Hundred Dollars (\$500.00) by the city. (Ord. No. 303, Sec. 6.)

4.16.07 Contract The governing body of the city of Hazen, the City Council, shall retain oversight of emergency services provided within the corporate limits of Hazen. The contract between the city of Hazen and Southern shall be binding for the term of the contract, unless certain circumstances occur where Southern could not render services, or loss of state license due. (Ord. No.303, Sec. 7.)

## **CHAPTER 4.20**

### **OCCUPATIONAL LICENSES**

#### Sections:

4.20.01	Annual license
4.20.02	Amendments
4.20.03	Fees
4.20.04	Validity
4.20.05	Payment
4.20.06	False statements
4.20.07	Fine
4.20.08	Definition of organization
4.20.09	Information to be listed
4.20.10	Cumulative
4.20.11	Public information
4.20.12	Severability
4.20.13	Fine

4.20.01 Annual license That it shall be and it is hereby declared to be unlawful for any person, firm or corporation to engage in, follow or carry on in the city of Hazen, Arkansas, any business, trade, occupation, vocation, calling or profession without first having obtained and paid an annual license therefor to the treasurer of the city of Hazen, Arkansas, the amount of which license is hereby fixed in this ordinance. (Ord. No. 197, Sec. 1.)

4.20.02 Amendments Any assessment made herein may, by ordinance, be amended or changed by amending only the numbered horizontal line or lines in which the change or changes may be desired. It shall be unnecessary to amend any other portion hereof, and all the remaining numbered lines not specifically mentioned shall remain unchanged. (Ord. No. 197, Sec. 2.)

4.20.03 Fees The fee for licenses issued under authority of this ordinance shall be uniform and shall be \$25.00 for each business, trade, occupation, vocation, calling or profession listed except that said fee for carnivals, tent shows, circuses shall remain \$25.00 per day and \$5.00 for each concession. (Ord. No. 315, Sec. 3.)

4.20.04 Validity Should any section or provision of this ordinance be for any reason held void or invalid, it shall not affect the validity of any other section or provision hereof which are not itself void or invalid. (Ord. No. 197, Sec. 4.)

4.20.05 Payment All license fees herein provided for shall be paid in advance not later than August 15<sup>th</sup> of each year, and all licenses herein shall be valid from July 1 to June 30 of each fiscal year. No partial fees shall be accepted and no refunds made if the business is closed for any period of the same year. All persons, firms or corporations failing to pay to the City Clerk the annual license fees shall be subject to fine as fixed in Section 7 hereof. (Ord. No. 197, Sec. 5.)

4.20.06 False statements It shall be unlawful for any person, firm or corporation to knowingly and willfully make a false written or verbal statement in making application for a license to the City Clerk for the purpose of defrauding the city of Hazen, Arkansas, by procuring a license for a less sum than is lawfully due. It shall be unlawful for any person, firm or corporation to fail to furnish the City Clerk any such further reasonable proof as may be demanded by the Clerk to properly determine the amount of the license. (Ord. No. 197, Sec. 6.)

4.20.07 Fine Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than double the amount of the annual license, and each day of said violation shall constitute a separate offense. (Ord. No. 197, Sec. 7.)

4.20.08 Definition of organization The word "organization" as used herein means any group of individuals, whether incorporated or unincorporated. (Ord. No. 126, Sec. 1.)

4.20.09 Information to be listed Any organization operating or functioning within the city of Hazen, including but not limited to civic, fraternal, political, mutual benefit, legal, medical, trade, or other organization, upon the request of the Mayor, Aldermen, City Clerk, City Collector, or City Attorney, shall list with the City Clerk the following information within 15 days after such request is submitted:

- A. The official name of the organization.
- B. The office, place of business, headquarters or usual meeting place of such organization.
- C. The officers, agents servants, employees or representatives of such organizations, and the salaries paid them.
- D. The purpose or purposes of such organization.
- E. A financial statement of such organization, including dues, fees, assessments and/or contributions paid, by whom paid, and the date thereof, together with the statement reflecting the disposition of such sums, to whom and when paid, together with the total net income of such organization.
- F. An affidavit by the president or other officiating officer of the organization stating whether the organization is subordinate to a parent organization, and if so, the name of the parent organization. (Ord. No. 126, Sec. 2.)

4.20.10 Cumulative This ordinance shall be cumulative to other ordinances heretofore passed by the city with reference to occupation licenses and the collection thereof. (Ord. No. 126, Sec. 3.)

4.20.11 Public information All information obtained pursuant to this ordinance shall be deemed public and subject to the inspection of any interested party at all reasonable business hours. (Ord. No. 126, Sec. 4.)

4.20.12 Severability Any section or part of this ordinance declared to be unconstitutional or void shall not affect the remaining sections of the ordinance, and to this end the sections or subsections hereof are declared to be severable. (Ord. No. 126, Sec. 5.)

4.20.13 Fine Any person or organization 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 less than \$50.00 nor more than \$250.00 and each day of violation shall constitute a separate offense. The City Council in the enforcement of this ordinance shall have the power to seek injunctive relief. (Ord. No. 126, Sec. 6.)

## **CHAPTER 4.24**

### **AIRPORT**

#### **Sections:**

- 4.24.01 FBO who builds a hangar
- 4.24.02 FBO who does not build a hangar
- 4.24.03 Aerial applicators

4.24.01 FBO who builds a hangar A Fixed Base Operator (FBO) who builds a hangar at his expense or purchases an existing hangar will be assessed a fee of \$100.00 for the remainder of 2022; \$1,200.00 for the years 2023 and 2024; \$2,000.00 for the years 2025 through 2032; following 2032 the lease amount will be negotiable with the City of Hazen, Arkansas in the fee range of \$2,400.00 to \$3,000.00 per year. (Ord. No. 516, Sec. 1)

4.24.02 FBO who does not build a hangar An FBO who does not build or purchase a hangar will be assessed a fee of Twelve Hundred Dollars (\$1,200) per year with a contract term to be negotiated with the City Council. (Ord. No. 384, Sec. 2.)

4.24.03 Aerial applicators All aerial applicators (crop dusters) operating off-base will be assessed a fee of Five Hundred Dollars (\$500.00) per year for each business. (Ord. No. 384, Sec. 3.)

## TITLE 5

### HEALTH AND SANITATION

Chapters:

- 5.04 Maintenance of Real Property
- 5.06 Coronavirus Public Health Emergency
- 5.08 Septic Tanks
- 5.12 Littering
- 5.16 Insect Control
- 5.20 Collection of Garbage

### CHAPTER 5.04

#### MAINTENANCE OF REAL PROPERTY

Sections:

- 5.04.01 Unsightly or unsanitary conditions on real property
- 5.04.02 Notice required
- 5.04.03 Notification of unknown real property owner
- 5.04.04 Enforcement of lien and collection of costs

5.04.01 Unsightly or unsanitary conditions on real property. All property owner or owners located within the City of Hazen, Arkansas are required to cut weeds and grass and not allow weeds and plant growth over 12 inches in height. Property owners are also required to remove garbage, debris, lumber, inoperable appliances, rubbish, abandoned vehicles and other unsanitary and unsightly articles and things from their property, and to eliminate, fill up, or remove stagnant pools of water or any other unsanitary things, places or conditions which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. (Ord. No. 492, Sec. 1.)

5.04.02 Notice required. If the owner or owners of any real property within the city, after being given a warning citation from the police department, shall refuse or neglect to perform the duties in connection with his or their property as specified in 5.04.01, a citation will be issued with a fine not less than \$25.00 and no more than \$500.00. After a citation is issued, the Chief of Police is authorized to enter upon the property and have said weeds, rank grass or other vegetation cut and removed, or eliminate any unsanitary trash and unsightly condition, and the owner or owners of the property shall be responsible for the costs associated with the cleanup of the property. The warning citation initially given will allow the property owner to have seven (7) days to comply before an official citation is issued. (Ord. No. 492, Sec. 2.)

5.04.03 Notification of unknown real property owner. In case the owner of any lot or other real property is unknown or his whereabouts are not known or he is a nonresident of this state, a copy of the written notice referred to shall be posted upon the premises and before any action to enforce the lien shall be had, the City Recorder shall make an affidavit setting out the facts as to unknown address or whereabouts of nonresidents, and service of publication as now provided for by law against nonresident defendant may be had and an attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found. (Ord. No. 339, Sec. 3.)

5.04.04 Enforcement of lien and collection of costs

- A. Any person, firm, corporation, partnership, association of persons, owner, occupant, agent or anyone having supervision or control, who shall violate a provision of this ordinance, or fail to comply therewith, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this ordinance is committed or continued. Upon conviction of any such violation, such person shall be punished by a fine, not to exceed Five Hundred Dollars (\$500.00) for the first offense, and not more than Two Hundred Fifty Dollars (\$250.00) for each day of offenses of a continuing nature plus the costs of removal of items and disposing of said items.
- B. These costs shall be added to the owner(s) city services bill and shall be paid at the same time city services shall be paid. If said owner(s) do not pay for these costs on time, that owner(s) city services shall be terminated at the normal cutoff date and shall remain cut off until all costs are paid in full. If the owner(s) do not have city services, the city shall file a claim in small claims court to collect the fines and costs and the defendant shall pay all costs incurred to collect the debt. If costs are not paid, a lien may be enforced on the owner(s) of the property at any time within eighteen (18) months after the work has been done. The amount of the lien herein provided by may be determined at a hearing before the City Council of the city of Hazen, Arkansas, held after thirty (30) days' written notice by certified mail to the owner(s) of the property. If the name and whereabouts of the owner(s) is not known, and if the name of the owner(s) cannot be determined, then after publication of notice of such hearing in a newspaper having a bona fide circulation in Prairie County, Arkansas, for one (1) insertion per week for four (4) consecutive weeks, the amount so determined at said hearing, plus ten percent (10%) penalty for collection, shall be certified by the City Council to the Prairie County Tax Collector, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent (3%) thereof, when so collected shall be paid to the city of Hazen, Arkansas. (Ord. No. 386, Sec. 2.)

## CHAPTER 5.06

### CORONAVIRUS PUBLIC HEALTH EMERGENCY

Sections:

- 5.06.01 Title
- 5.06.02 Curfew
- 5.06.03 Exclusions
- 5.06.04 Penalties

5.06.01 Title Ordinance 496 shall be known and may be cited as the “City of Hazen Emergency Coronavirus (COVID19) Ordinance”. (Ord. No. 496, Sec. 1)

5.06.02 Curfew A curfew is hereby imposed upon the City from Nine O’clock p.m. until 5 O’clock a.m., during which it shall be unlawful for any person subject to the curfew to be present or travel upon any public street, public alley, public roadway or public property. (Ord. No. 496, Sec. 2)

5.06.03 Exclusions The curfew does not apply to the following persons and conduct:

1. A person traveling to and from:
    - a. work, whether commercial or noncommercial;
    - b. businesses, both for and not-for profit;
    - c. government agencies; and
    - d. any location to receive medical care, food, or any other essential goods and services.
  2. A person traveling as the result of, or in response to, an emergency.
  3. A person walking their pets.
  4. A person acquiring exercise outdoors while maintaining social distance of at least six ( 6) feet.
- (Ord. No. 496, Sec. 3)

5.06.04 Penalties Any violation of this ordinance is punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or by imprisonment not exceeding one (1) month, or both. (Ord. No. 496, Sec. 4)

**CHAPTER 5.08**

**SEPTIC TANKS**

Sections:

- 5.08.01 Water Superintendent shall be inspector
- 5.08.02 Overflows unlawful

5.08.01 Water Superintendent shall be inspector. The Water Superintendent shall be the inspector, and shall regulate the erection, building and maintenance of all septic tanks now in use or to be put in use in the city and it shall be the duty of any person intending to build or erect a septic tank within the city limits to first make application to the Water Department Superintendent. It shall be the duty of the inspector to see that such septic tank shall be in conformity with the recommendations of the State Board of Health.

5.08.02 Overflows unlawful. It shall be unlawful to allow a septic tank to overflow or drain on the surface of the ground or in any street or ditch within the city.

**CHAPTER 5.12**

**LITTERING**

Sections:

- 5.12.01 Littering illegal

5.12.01 Littering illegal. It shall be unlawful for any person to place, dispose, or otherwise permit to be located upon, in, on, or about any public street, sidewalk, alley or public thoroughfare or any private or public property adjacent thereto, any litter, refuse or debris.

**CHAPTER 5.16**

**INSECT CONTROL**

Sections:

- 5.16.01 Insect control
- 5.16.02 Insect control collection
- 5.16.03 Changing fees
- 5.16.04 Chemicals for mosquito spraying

5.16.01 Insect control There is no monthly fee assessed to each residential and business water holder. The city will pay for mosquito control from funds generated by city sales tax. (Ord. No. 400, Sec. 1.)

5.16.02 Insect control collection Any charge assessed hereunder shall be billed monthly and added to the monthly water, sewer and natural gas bill. Any fee provided herein shall be paid to the city of Hazen within ten days from the billing date and shall be transferred to the account for insect control. The city of Hazen Municipal Water, Sewer and Gas Departments are hereby authorized and directed to discontinue the above named utility services to delinquent persons and the city of Hazen is hereby authorized to charge a reconnect fee for each of the above utilities after the bill and any penalties have been paid. (Ord. No. 341, Sec. 4.)

5.16.03 Changing fees The City Council shall have the power and authority to increase or reduce fees charges hereunder for said service by resolution (Ord. No. 341, Sec. 9.)

5.16.04 Chemicals for mosquito spraying

- A. Mayor David Duch will purchase the chemicals for mosquito spraying from a chemical dealer that is licensed by the Arkansas State Plant Board and one that David Duch has no ownership in.
- B. Corporate Air, LLC will store and track inventory and give the city a monthly chemical balance with an amount used on each spraying by plane.
- C. A cost per spraying of the city by Corporate Air, LLC will be approved by motion of the City Council every year.
- D. Phillip Foot is an employee of the city of Hazen and performs truck spraying of mosquitoes as an extra duty and is paid separately for this service. (Ord. No. 402, Secs. 1-4.)

## CHAPTER 5.20

### COLLECTION OF GARBAGE

Sections:

5.20.01	City will collect
5.20.02	Definitions
5.20.03	Weekly collection
5.20.04	Sanitation fee
5.20.05	Containers
5.20.06	Construction or demolition
5.20.07	Vacant lots
5.20.08	Burning trash
5.20.09	Reducing fees
5.20.10	Fine

5.20.01 City will collect The city of Hazen, Arkansas, acting by and through independent contractor(s), shall collect and remove all garbage and waste in the city of Hazen, from residential dwellings, commercial establishments and industries. No person, firm or corporation shall be permitted to collect and remove garbage and waste commercially for a fee, unless approved by the City Council. (Ord. No. 341, Sec. 1.)

5.20.02 Definitions Garbage and waste within the meaning of this ordinance shall mean and be construed to include all rejected food waste, fruit or vegetable matter, rubbish from homes, business or industry and other substances which are detrimental to the beauty and sanitation of the city of Hazen. The terms garbage and waste shall not in any way include or apply to large appliances, car bodies, dead animals, wood, limbs, brush and other items which cannot be sealed in bags or disposable boxes. (Ord. No. 341, Sec. 2.)

5.20.03 Weekly collection The city of Hazen shall by independent contractor collect garbage and waste from all residences and businesses weekly. (Ord. No. 341, Sec. 3.)

5.20.04 Sanitation fee There is no monthly fee for each single residence or each single dwelling unit and for each single family unit of a multiple dwelling unit. The city will pay for the collection of garbage and waste from funds generated by city sales tax. (Ord. No. 400, Sec. 2.)

5.20.05 Containers Containers or bagged trash shall not be placed on the curb for pick up no sooner than 24 hours prior to collection. (Ord. No. 400, Sec. 3.)

5.20.06 Construction or demolition This ordinance shall not in any way obligate the city, its agents or employees, or its independent contractor to clean or pick up refuse or debris resulting from demolition or construction on property where buildings are being removed, constructed or repaired, nor wood or limbs resulting from removal of trees on private property. (Ord. No. 341, Sec. 6.)

5.20.07 Vacant lots It shall be unlawful for any person, firm or corporation to dump or throw garbage, trash, refuse, leaves or waste on any vacant lot, street, ditch, or alley in the city of Hazen, Arkansas. (Ord. No. 341, Sec. 7.)

5.20.08 Burning trash It shall be unlawful to burn trash or garbage within the city limits of the city of Hazen. (Ord. No. 341, Sec. 8.)

5.20.09 Reducing fees The City Council shall have the power and authority to reduce or increase the fees charged hereunder for said service by resolution. (Ord. No. 341, Sec. 9.)

5.20.10 Fine Any person firm or corporation violating any provision of this ordinance or failing to pay any of the fees provided herein shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than Fifty Dollars (\$50.00), nor more than Five Hundred Dollars (\$500.00). (Ord. No. 341, Sec. 10.)

## TITLE 6

### ANIMALS AND FOWL

Chapters:

- 6.04 Rabies Vaccinations
- 6.08 Dogs
- 6.12 Other Animals and Fowl
- 6.16 Pit Bulls and Vicious Dogs

#### CHAPTER 6.04

#### RABIES VACCINATIONS

Sections:

- 6.04.01 Vaccinations
- 6.04.02 Fine

6.04.01 Vaccinations All dogs and cats within the city of Hazen shall be vaccinated by a licensed veterinarian at least once a year against rabies, and it is made the duty of all owners of dogs or cats or persons having the possession or control of dogs or cats within this city to have the animals vaccinated with vaccine against rabies in an amount, quantity, and quality to be approved by the State Veterinarian. (Ord. No. 388, Sec. 4.)

6.04.02 Fine Any owner of any dog or cat or any person having the care and control of any dog or cat who fails to have the animal vaccinated according to the terms of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Five Dollars (\$5.00) nor more than Twenty-Five Dollars (\$25.00) for each offense. (Ord. No. 388, Sec. 4.)

#### CHAPTER 6.08

#### DOGS

Sections:

- 6.08.01 Definitions

6.08.02	Enforcement
6.08.03	Running at large prohibited
6.08.04	Impoundment
6.08.05	Redemption of impounded animals
6.08.06	Impoundment fees
6.08.07	Confinement of certain dogs and other animals
6.08.08	Rabies control
6.08.09	Reports of bite cases
6.08.10	Responsibilities of veterinarians
6.08.11	Investigation
6.08.12	Interference
6.08.13	Repeal of conflicting ordinances
6.08.14	Record
6.08.15	Fines
6.08.16	Fees for adoption of any dog
6.08.17	Release form
6.08.18	Dog and Cat- Number Owned
6.08.19	Animal Shelter Foster Dog Program-Plan and Procedure

6.08.01 Definitions As used in this ordinance the following terms mean:

**Owner:** Any person, group of persons, or corporation owning, keeping or harboring a dog or dogs.

**Kennel:** Any person, firm or corporation engaged in the commercial business of breeding, buying, selling or boarding dogs.

**At large:** Any dog shall be deemed to be at large when he is off the property of his owner and not under control of a competent person.

**Restraint:** A dog is under restraint within the meaning of this ordinance if he is controlled by a leash, at “heel” beside a competent person and obedient to that person’s commands, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper.

**Spayed female:** Any bitch which has been operated upon to prevent conception.

**Animal shelter:** Any premises designated by action of the city for the purpose of impounding and caring for all animals found running at large in violation of this ordinance.

**Animal Control Authority:** the provision of this ordinance shall be enforced by the Animal Control Authority. The Animal Control Authority shall consist of the Mayor, the Chief of Police, and such other person or persons as shall be designated by the Mayor and City Council.

**Animal warden:** The person or persons employed or appointed by the Animal Control Authority as its Enforcement Officer.

**Exposed to rabies:** A dog 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 infected with rabies. (Ord. No. 274, Sec. 1.)

6.08.02 Enforcement The provisions of this ordinance shall be enforced by the Animal Control Authority of the city of Hazen, Arkansas. (Ord. No. 274, Sec. 2.)

6.08.03 Running at large prohibited The owner shall keep his dog under restraint at all times and shall not permit such dog to be at large, off the premises or property of the owner, unless under the control of a competent person. (Ord. No. 274, Sec. 5.)

6.08.04 Impoundment

- A. Any dogs found running at large, shall be taken up by the agents of the animal control authority, and impounded in the shelter designated as the city animal shelter, and there confined in a humane manner for a period of not less than five (5) days, and may thereafter be disposed of in a humane manner if not claimed by their owners. Provided however, that prior to such disposition, the owners shall be given five (5) days notice by certified mail, return receipt requested. Dogs not claimed by their owners after the expiration of such five (5) days notice, shall become the property of the Animal Control Authority and be disposed of at the discretion of the said authority, except as hereinafter provided in the cases of certain dogs. (Ord. No. 371, Sec. 2.)
- B. Unclaimed dogs for scientific purposes Whenever any hospital or reputable institution for learning shall apply to the city of Hazen for permission to use for research purposes in the study of prevention of disease, or the betterment of mankind, any impounded dog or dogs remaining unclaimed, the city shall request the animal control authority to surrender to the institution or hospital such unclaimed dogs as it has requested, and they shall be so surrendered.
- C. When dogs are found running at large, the first time, and their ownership is known to the Animal Control Authority, such dogs need not be impounded, but the agent, may at his discretion issue the owner a warning citation to keep his or her dog from running at large.
- D. Immediately upon impounding dogs, or other animals the agents of the Animal Control Authority shall make every reasonable effort to notify the owners of such dogs, or other animals so impounded, and inform such owners of the conditions whereby they may regain custody of such animals.

- E. Animals other than dogs shall be impounded when found running at large within the city limits and disposed of in accordance with law.
- F. Unspayed female stray dogs No unspayed dog which has been impounded by reason of its being a stray shall be allowed to be adopted from the animal shelter unless the prospective owner shall agree to have such female spayed. (Ord. No. 274, Sec. 6.)

6.08.05 Redemption of impounded animals

- A. The owner shall be entitled to resume possession of any impounded dog, except as hereinafter provided in the cases of certain dogs, upon the payment of impoundment fees set forth herein. (Ord. No. 388, Sec. 1.)
- B. Any other animal impounded under the provisions of this ordinance may be reclaimed by the owner upon the payment of impoundment fees set forth herein.
- C. Any animal impounded under the provisions of this ordinance and not reclaimed by its owner within five (5) days of written notice by certified mail, may be humanely destroyed by the Animal Control Authority, or placed in the custody of some person deemed a responsible and suitable owner, who will agree to comply with the provisions of this ordinance and such other regulations as shall be fixed by the Animal Control Authority. Provided, if the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by state law, such law shall be complied with. (Ord. No. 274, Sec. 7.)

6.08.06 Impoundment fees Any animal impounded hereunder may be reclaimed as herein provided upon payment by the owner to the Animal Control Authority the sum of Ten Dollars (\$10.00) for each such animal, plus the sum of Five Dollars (\$5.00) for each day such animal is kept after the first day. Impoundment fees set forth herein shall be collected and paid into a fund for the maintenance and operation of the city animal shelter and for the administration and enforcement of this ordinance. (Ord. No. 371, Sec. 3.)

The fee for any animal impounded for rabies quarantine, or for use as evidence in a criminal prosecution is Ten Dollars (\$10.00) for the first day and Five Dollars (\$5.00) for each day such animal is kept after the first. (Ord. No. 371, Sec. 4.)

6.08.07 Confinement of certain dogs and other animals

- A. The owner shall confine within a building or secure enclosure, every fierce, dangerous, or vicious dog, and not take such dog out of such building, or secure enclosure unless such dog is securely muzzled.

- B. Every female dog in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female dog cannot come in contact with another animal, except for breeding purposes.
- C. No wild animal may be kept within the city limits, except under such conditions as shall be fixed in the Animal Control Authority; 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 Animal Control Authority.
- D. Any animal described in the foregoing sub-sections of Section 9 of this ordinance, found at large, shall be impounded by the Animal Control Authority and may not be redeemed by owners, unless such redemption be authorized by any court having jurisdiction.
- E. Any dog or other animal, impounded for being a public nuisance may not be redeemed unless such redemption is authorized by a court having jurisdiction.
- F. When in the judgment of the Animal Control Authority or its agents, an animal should be destroyed for humane reasons, such animal may not be redeemed. (Ord. No. 274, Sec. 9.)

#### 6.08.08 Rabies control

- A. Every animal which bites a person shall be promptly reported to the Animal Control Authority, and shall thereupon be securely quarantined at the direction of said authority for a period of 10 days, and shall not be released from such quarantine except by written permission of the Animal Control Authority. At the discretion of the Animal Control Authority such quarantine may be on the premises of the owner, at the shelter designated as the City Animal Shelter, or at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals, or in the cases of animals whose ownership is not known, such quarantine shall be at the shelter designated as the City Animal Shelter.
- B. The owner upon demand made by the Animal Control Authority 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 set forth in 6.04.06 of this ordinance. (Ord. No. 388, Sec. 3.)
- C. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation,

the Animal Control Authority shall immediately send the head of such animal to the State Health Department for pathological examination, and shall notify the proper public Health Officer of reports of human contacts, and the diagnosis made of the suspected animal.

- D. When one or both reports give a positive diagnosis of rabies, the Animal Control Authority may impose a city-wide quarantine for a period of 30 days, and upon the invoking of such quarantine, no animal shall be taken into the streets, or permitted to be in the streets during such period of quarantine. During such quarantine no animal may be taken to or shipped from the city without written permission of the Animal Control Authority.
- E. During such period of rabies quarantine as herein mentioned, every animal bitten by an animal adjudged to be rabid, shall be forthwith destroyed, or at the owner's option and expense, shall be treated for rabies infection by a licensed veterinarian, or held under 30 days quarantine by the owner in the same manner as other animals are quarantined.
- F. In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six months.
- G. 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, nor remove same from the city limits without written permission from the Animal Control Authority.
- H. The carcasses of any dead animals exposed to rabies shall upon demand be surrendered to the Animal Control Authority.
- I. The Animal Control Authority shall direct the disposition of any animal found to be infected with rabies.
- J. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by the Animal Control Authority. (Ord. No. 274, Sec. 10.)

6.08.09 Reports of bite cases It shall be the duty of every physician, or other practitioner, to report to the Animal Control Authority the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control. (Ord. No. 274, Sec. 11.)

6.08.10 Responsibilities of veterinarians It shall be the duty of every licensed veterinarian to report to the Animal Control Authority his diagnosis of any animal observed by him as a rabies suspect. (Ord. No. 274, Sec. 12.)

6.08.11 Investigation For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, any agent of the Animal Control Authority or any police officer, is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog or the license for such dog. It is further provided that any agent of the Animal Control Authority may enter the premises 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 his opinion, it required humane treatment. (Ord. No. 274, Sec. 14.)

6.08.12 Interference No person shall interfere with, hinder or molest any agent of the Animal Control Authority in the performance of any duty of such agent, or seek to release any animal in the custody of the Animal Control Authority or its agents, except as herein provided. (Ord. No. 274, Sec. 15.)

6.08.13 Repeal of conflicting ordinances Any existing ordinances of the city of Hazen in conflict herewith are hereby repealed. (Ord. No. 274, Sec. 18.)

6.08.14 Record

- A. It shall be the duty of the Animal Control Authority to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into its custody.
- B. It shall be the duty of the Animal Control Authority to keep, or cause to be kept, accurate and detailed records of all bite cases reported to it, and its investigation of same.
- C. It shall be the duty of the Animal Control Authority to keep, or cause to be kept, accurate and detailed records of all monies received pursuant to this ordinance belonging to the city of Hazen which records shall be open to inspection at reasonable times by such persons responsible for similar records of the city of Hazen, and shall be audited annually in the same manner as other city records are audited. (Ord. No. 274, Sec. 16.)

6.08.15 Fines Fees for being in violation of running at large are as follows:

- A. All dogs:

First offense	\$25.00
Second offense	35.00

Third offense	60.00
Subsequent offenses	85.00

- B. Animals impounded for rabies quarantine or for use as evidence in a criminal prosecution:

Per day	\$10.00
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Additional court fines of \$25.00 to \$1,000.00 may be assessed for violating the Animal Control Ordinance.

- C. Rabies vaccinations and city tags must be purchased before fine may be paid. (Ord. No. 371, Sec. 9.)

6.08.16 Fees for adoption of any dog There shall be a Five Dollar (\$5.00) fee for the adoption of any dog or puppy. All such dogs or puppies adopted shall receive a rabies shot. Female dogs shall be spayed, or the owner to be shall agree to have such female dog spayed. (Ord. No. 371, Sec. 10.)

6.08.17 Release form Any owner wishing to give the city of Hazen any animal shall be required to sign a release form giving the city full and complete authority to destroy or dispose of the said animal at the convenience of the city of Hazen, and by whatever manner the city of Hazen or its officer shall deem fit. (Ord. No. 274, Sec. 21.)

6.08.18 Dog and Cat- Number Owned

1. Number of Animals Except as pursuant to Section 2 herein it shall be unlawful for any person or household to own, keep, or harbor more than five (5) animals (dogs and/or cats combined) over the age of six (6) months within the corporate limits of the City. This provision shall not apply to the City animal shelter, proprietors of animal hospitals, veterinarians, kennel operators, and grooming facilities when such animals are kept upon premises used by such businesses. The burden of proof shall be the owners to show the age of such.

Keeping on the premises of more than five (5) dogs and/or cats over the age of six (6) months shall be a prima facie evidence violation of this Section. Any person found not to be in compliance with this section shall, at the discretion of the animal control officer or his/her designee have a period of not less than ten (10) days nor more than ninety (90) days to reduce the number through legal channels. When the over limit of animals is causing a nuisance in the community, the time to remove the nuisance animals is reduced. Failure to reduce the number in the designated time is a violation of this section.

A person violating this section shall be assessed a fine not to exceed one-hundred fifty dollars (\$150) for each violation. Each day of a continuing violation may be deemed a separate violation for purposes of fine assessments. (Ord. No. 515, Sec. 1)

2. Permit Required For More Than Five Dogs And/or Cats Any person desiring to keep more than five (5) dogs and/or cats at the same address or on the same premises shall deliver a written request to the Mayor's office for permission.

After investigation of the premises by the animal control officer, if it appears that the keeping of said animals as set out in the request and the manner of keeping the same shall not be inhumane offensive unsanitary, nor a public nuisance, the city may issue a permit and said animals may be kept upon the location set out in the request.

- (A) The pet owner/guardian must provide proof of rabies vaccination, and sterilization status for all animals listed on the request.
- (B) A non-refundable permit fee of \$10.00 for dogs and/or cats is paid to the city and shall be renewed each subsequent year. A penalty of \$10.00 is charged for failure to renew the over limit permit. A re-inspection of the property and animals may be required prior to the renewal being approved.
- (C) If at any time the animal control officer shall find that any person to whom a permit has been issued for the keeping of more than five (5) dogs and/or cats on the same premises is keeping the same in a manner that is:
  - 1. Unsanitary.
  - 2. Detrimental to the health or safety of the people in the household or neighborhood.
  - 3. Detrimental to the health of the animals or neighboring animals.
  - 4. In violation of applicable animal care/control ordinances.
  - 5. Not within the specifications set out within the issued permit.

The animal control officer shall revoke the permit issued to the person or household. However, no such permit shall be revoked until ten (10) days notice has been given to the person holding such permit to correct the violation or reduce the number of animals to the legal limit. Failure to correct the violation(s) and/or reduce the number of animals is a violation of this Section.

A person or household that fails to correct a violation or has a second violation of this section within a twelve (12) month period is assessed a fine of no less than one-hundred-fifty dollars (\$150.00) nor more than one-thousand dollars (\$1,000.00). (Ord. No. 515, Sec. 2)

6.08.19 Animal Shelter Foster Dog Program-Plan and Procedure

1. Foster Dog Agreement:

The following is the Foster Dog Agreement to be used and followed whenever a person wishes to be a foster parent of an animal currently being housed in the Hazen, Arkansas Animal Shelter:

**FOSTER DOG AGREEMENT**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work/Cell Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

This agreement is between the City of Hazen, Arkansas and the above-named Foster Parent(s). The City of Hazen, Arkansas agrees to give the foster parent(s) possession and control of the following foster animal(s) contingent upon the terms outlined below.

Animal One Description: \_\_\_\_\_

Animal Two Description: \_\_\_\_\_

Unless otherwise denoted all Sections referenced herein are to the Hazen Municipal Code.

There is a limit of five (5) animals in total per household pursuant to §6.08.18(1). Any foster animal(s) are included in this number along with those that may be previously present. The Animal Control Authority and the Animal Warden may enforce these provisions as deemed necessary.

As a foster parent(s), I agree to the following terms:

1. To provide food, shelter and care for the foster animal(s) and assume all responsibility for the animal's wellbeing.

2. The Foster Parent(s) understands and agrees to abide by the applicable city ordinances which includes an initial investigation of the premises by the animal control office as outlined in §6.08.18(2) as well as any further investigations as the animal control officer deems necessary, whether the Foster Parent(s) resides in or outside the Hazen, Arkansas city limits.
3. To ensure that a dog/puppy lives in an appropriate environment. This includes an initial investigation of the premises by the animal control office as outlined in §6.08.18(2) as well as any further investigations as the animal control officer deems necessary.
4. To comply with all state laws and the city ordinances relative to the keeping and care of the animal(s).
5. In no event should an animal(s) be removed from the City of Hazen, Arkansas Animal Shelter without prior approval of a City of Hazen, Arkansas Animal Shelter Representative.
6. To assume all responsibility for damage to property or person caused by the animal(s) either directly or indirectly while in the Foster Parent's direct control. This is whether the damage is to the Foster Parent's property or person or the property or person of another.
7. The Foster Parent(s) understands and agrees that the City of Hazen, Arkansas Animal Shelter will take every precaution necessary to ensure that the animal(s) are in reasonably good health; (see Paragraph 8 below) however, the City of Hazen, Arkansas Animal Shelter cannot be held responsible/liable for any unforeseen health problem that may develop once the animal is in my care. If unforeseen problems arise, the Foster Parent(s) is responsible for keeping the animal separated from any other resident pets (in cases of contagious and/or easily transmittable illnesses) and is also responsible for any medical needs of resident animals as a result of such.
8. In the event that the Foster Parent(s) cannot continue to foster the animal(s), the Foster Parent(s) will contact the City of Hazen, Arkansas Animal Shelter and give notice of this and will await the finding of a new foster home within two (2) weeks.
9. Understand that I am making a commitment to fostering an animal(s). Before this fostering occurs, the City of Hazen, Arkansas will have insured that the animal(s) have current rabies vaccinations, have been treated for worms, and have been given the Max 5 shot for parvo and distemper. In the case the animal needs heart

worm treatment, an additional six (6) months may be required before the animal may be released by the Animal Shelter. This is to ensure the treatment has been completed and the Hazen, Arkansas Animal Shelter has received confirmation of this from the veterinarian.

10. To bring the animal(s) to the Grand Prairie Vet Clinic, Hazen, Arkansas for any other medical treatments as deemed necessary. All treatment MUST be pre-approved by the City of Hazen, Arkansas Animal Shelter, barring extreme emergency.
11. Hereby agree to indemnify and hold harmless the City of Hazen, Arkansas Animal Shelter, the City of Hazen, Arkansas and its city officials and employees, from any and all liability arising out of or in consequence of, or injury sustained as a result of any activity connected with volunteering for the City of Hazen, Arkansas Animal Shelter as a foster home.
12. Understand and agree to be responsible for arranging for the safe care of all foster animal(s) in the event of travel and agree to pay all related boarding expenses.
13. To carry sufficient homeowner's/renter's insurance to cover injury or damage caused by a foster pet and is aware of any breed restrictions that may be in place; and, to provide written proof of such insurance to the City of Hazen, Arkansas Mayor's office.
14. This foster agreement is only intended to be on a short-term basis. This is based on the needs of the City of Hazen, Arkansas Animal Shelter due to overcrowding. It can be terminated at any time by the City of Hazen, Arkansas as the City deems necessary.
15. If I elect to foster one of the breeds listed in §6.16.01, I realize this is only temporary as those breeds are banned in the City of Hazen, Arkansas. The time of this temporary foster status for these listed breeds is only 90 (ninety) days after entering this agreement. I also will comply with all requirements of Chapter 6.16 of the Hazen Municipal Code as it pertains to those breeds.

By signing this agreement, the Foster Parent(s) agrees that he/she has read and understands the above and agrees to abide by all its provisions. The City of Hazen, Arkansas Animal Shelter may reclaim the animal(s), if in their judgment the animal(s) are not being cared or properly or if in the City of Hazen, Arkansas Animal Control Officer's sole discretion, it is determined that the Foster Parent(s) has not complied with the terms of this agreement or if that in the City of Hazen, Arkansas Animal Control Offices' sole discretion as in §6.16.01 it is determined that the animal(s) is declared to be a vicious dog.

Signature of Foster Parent(s): \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

City of Hazen, Arkansas Animal Shelter Representative:

\_\_\_\_\_ Date: \_\_\_\_\_

2. Conditional Suspension of Banned Breeds.

Sections 6.16.01 (A) (B) and (C) lists breeds which are banned from being kept within the corporate limits of Hazen, Arkansas. For the specific, limited purpose of this Foster Dog Program the prohibition of these above-mentioned breeds being kept within the corporate limits of Hazen, Arkansas is suspended. This is limited to when only when the animal is in the Foster Dog Program and limited to the length of time the animal is with the Foster Parent(s). It is not a suspension of the general ban imposed by Section 6.16.01 of those named breeds being kept within the corporate limits of Hazen, Arkansas. (Ord. No. 522, Sec. 2)

**CHAPTER 6.12**

**OTHER ANIMALS AND FOWL**

Sections:

- 6.12.01 Livestock
- 6.12.02 Disturbing the peace
- 6.12.03 Penalty

6.12.01 Livestock

A. Hereafter it shall be unlawful for any horse, mare, mule, colt, jack, jennett or swine or any kind of sheep, goats, cattle or fowl to run at large within the limits of this city at any time, day or night. It is hereby declared to be unlawful for the owner or person in charge of any of the animals mentioned above to suffer or permit any such animals to run at large within the limits of this city contrary to the provisions of this article. (Ord. No. 475, Sec. 1.)

- B. Any owner of any horse, mare, mule, colt, jack, or jennet who walks or rides such animal through the city of Hazen must have the animal bagged so that no fecal material may be deposited on the streets, sidewalks, parks or private property of the other citizens of Hazen. (Ord. No. 394, Sec. 3.)

6.12.02 Disturbing the peace It shall be unlawful to harbor or keep any animals or fowls which disturb the peace with loud noises at any time of the day or night.

6.12.03 Penalty Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Five Dollars (\$5.00) nor more than Twenty Five Dollars (\$25.00), and each day that the provisions of this article are violated shall constitute a separate offense. (Ord. No. 235, Sec. 3.)

## **CHAPTER 6.16**

### **PIT BULLS AND VICIOUS DOGS**

Sections:

- |         |                                 |
|---------|---------------------------------|
| 6.16.01 | Keeping of pit bulldogs limited |
| 6.16.02 | Keeping of registered pit bulls |
| 6.16.03 | Irrefutable presumptions        |
| 6.16.04 | Failure to comply               |
| 6.16.05 | Violation and penalties         |

6.16.01 Banning of Pit Bulls and other Vicious Dogs No pit bull dog or vicious dog (as deemed by the Hazen Animal Control Officer) may be kept within the corporate limits of Hazen unless the animal was registered prior to the effective date of the ordinance. Only dogs registered prior to the passage of this ordinance will be allowed in Hazen city limits and a pit bull is defined to mean:.

- A. The Staffordshire bull terrier breed of dog;
  - B. The American pit bull terrier breed of dog;
  - C. The American Staffordshire terrier breed of dog;
  - D. Any dog which has the appearance and characteristics of being predominantly of the breeds listed above or a combination of any of these breeds.
  - E. Any dog deemed vicious by the Hazen Animal Control Officer.
- (Ord. No. 468, Sec. 1-2.)

6.16.02 Keeping of registered pit bulls The keeping of pit bull dogs shall be subject to the following standards:

- A. Leash and Muzzle No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
- B. Confinement. All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground not less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
- C. Confinement indoors No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- D. Signs All owners, keepers or harborers of registered pit bull dogs within the city shall within thirty (30) days of the effective date of this ordinance display in a prominent place on their premises a sign easily readable by the public using the words "BEWARE OF DOG". In addition, a similar sign is required to be placed on the kennel or pen of each animal.
- E. Insurance All owners, keepers or harborers of registered pit bull dogs must, within ten (10) days of the effective date of this ordinance, provide proof to the City Recorder/Treasurer of public liability insurance in a single incident amount of Fifty Thousand Dollars (\$50,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the City Recorder/Treasurer.

- F. Identification photographs All owners, keepers or harborers of registered pit bull dogs must, within ten (10) days of the effective date of this ordinance, provide to the City Recorder/Treasurer two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.
- G. Reporting requirements All owners, keepers or harborers of registered pit bull dogs must, within ten (10) days of the incident, report the following information in writing to the City Recorder/Treasurer as required hereinafter:
1. The removal from the city or death of a registered pit bull dog;
  2. The birth of offspring of a registered pit bull dog;
  3. The new address of a registered pit bull dog owner should the owner move within the corporate limits of the city.
- H. Sale or transfer of ownership prohibited No person shall sell, barter, or in any other way dispose of a pit bull dog registered with the city to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog. Provided, that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the city.
- I. Animals born of registered dogs All offspring born of pit bull dogs registered within the city must be removed from the city within six (6) weeks of the birth of such animal. (Ord. No. 370, Sec. 2.)
- J. Spaying and Neutering All owners of pit bulls and vicious dogs that were registered prior to the effective date of this ordinance shall, at his/her own expense, have the animal spayed or neutered and/or shall present to the Hazen Animal Control Officer documentary proof from a licensed veterinarian that a sterilization procedure has been performed on said animal. (Ord. No. 468, Sec. 3.)

6.16.03 Irrefutable presumptions There shall be an irrefutable presumption that any dog registered with the city as a pit bull dog or any of those breeds prohibited by Section 6.12.01 of this chapter is in fact a dog subject to the requirements of this ordinance. (Ord. No. 370, Sec. 3.)

6.16.04 Failure to comply It shall be unlawful for the owner, keeper or harbinger of a pit bull dog registered with the city to fail to comply with the requirements and conditions set forth in this ordinance. Any dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the city. (Ord. No. 370, Sec. 4.)

6.16.05 Violations and penalties If the owner of a pit bull or a vicious dog that is registered prior to the effective date of this ordinance violates any requirement of this ordinance pertaining to the keeping of said dogs, they will be given a written violation which will go into their file. Upon a second violation of any requirement to keep pit bulls or vicious dogs, the dog in question will be immediately banned from the City of Hazen after conviction in District Court and cannot come back into the City limits. Furthermore, if a citizen brings a new pit bull into the city limits of Hazen after passage of this ordinance, he/she will be issued a ticket. Upon being found guilty of any violation of this ordinance in District Court , the fine will be \$500.00. (Ord. No. 468, Sec. 4.)

**TITLE 7**

**PUBLIC PEACE, SAFETY AND MORALS**

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Loitering
- 7.16 Discharging of Firearms
- 7.20 Claims against City
- 7.24 Storage and Handling of Volatile Combustibles
- 7.28 Disturbing of the Peace
- 7.32 Civil Defense
- 7.36 Fireworks
- 7.40 Disorderly Behavior of a Minor

**CHAPTER 7.04**

**STATE CRIMINAL STATUTES AND PENALTIES**

Sections:

- 7.04.01 State criminal statutes adopted
- 7.04.02 State penalties adopted

7.04.01 State criminal statutes adopted All criminal statutes of the state relating to misdemeanors and violations of the laws of criminal procedure in connection therewith, three (3) copies of which are on file in the Recorder/Treasurer office, are hereby enacted by the City Council to form a part of the laws of the city and any person, firm or corporation being found guilty of the violation of any such laws shall be deemed guilty of the violation of the ordinances of the city, and shall be fined or imprisoned or both in the manner set out under the state statutes. STATE LAW REFERENCE - See A.C.A. 14-55-501

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

## CHAPTER 7.08

### CURFEW

#### Sections:

7.08.01	Civil emergencies
7.08.02	Congregating during state of emergency
7.08.03	Penalty
7.08.04	Absence of the Mayor
7.08.05	Juvenile curfew
7.08.06	Unaccompanied minor
7.08.07	Responsibility of adult
7.08.08	Responsibility of business
7.08.09	Juvenile fined
7.08.10	Adult fined
7.08.11	Business fined

7.08.01 Civil emergencies. The Mayor of the city of Hazen at any time a civil disturbance, riot, insurrection, or local disaster has arisen, or, when he shall reasonably determine that there is a clear and present danger that any of such occurrences is imminent, said Mayor may declare a state of emergency and impose a curfew for such time and for such areas within the city of Hazen as he may deem necessary to meet such emergency. Any such curfew shall not extend for a period in excess of 72 hours unless it is extended by a majority vote of the elected members of the City Council. At any time while any curfew called by the Mayor is in effect, such curfew may be lifted or nullified by a vote of two-thirds (2/3) of the elected members of the City Council. (Ord. No. 151, Sec. 1.)

7.08.02 Congregating during state of emergency. No person or persons during the period of such curfew shall congregate, operate any business or be upon the streets or other public ways, unless on official business for the city or state or federal governments, in any area or areas designated by the Mayor as curfew areas in the city of Hazen during the time of any declared emergency. (Ord. No. 151, Sec. 2.)

7.08.03 Penalty. Any person, firm, or corporation violating any of the provisions of this chapter shall, upon conviction, be punished by a fine not to exceed Five Hundred (\$500.00) Dollars or imprisonment for a period not to exceed one (1) year, or by both such fine and imprisonment. (Ord. No. 151, Sec. 3.)

7.08.04 Absence of the Mayor Should the Mayor of the city of Hazen be absent for any reason at such time of emergency or impending emergency, or if there should be a vacancy in said position due to the death or disability of said official, the Recorder of the city of Hazen shall have the same authority and powers to act in the premises as the Mayor would have. In the

absence of both the Mayor and Recorder, or in the event of a vacancy in both such positions, the senior member in point of service of the City Council shall have authority to act in the premises in the stead of the said Mayor and Recorder. (Ord. No. 151, Sec. 4.)

7.08.05 Juvenile curfew It shall be unlawful for any unmarried person under the age of 18 years to be, or to remain in or upon any of the streets, alleys or public places in the city of Hazen, Arkansas, at night after the hours of 11:00 p.m. Sunday through Thursday nights and 12:00 p.m. Friday and Saturday nights, unless such person is accompanied by a parent, guardian or other adult person responsible for or having legal custody of such minor person; or such minor's gainful employment makes it necessary for such minor to be upon said streets, alleys or other public places after the specified hours; or on an emergency errand sanctioned by the parent, guardian or other adult person responsible for or having legal custody of said minor. (Ord. No. 257, Sec. 1.)

7.08.06 Unaccompanied minor The fact that said minor unaccompanied by parent, guardian or other adult person responsible for or having the legal custody of said minor is found upon any street, alley or other public place after the specified hours, as set forth in section one, shall be prima facie evidence that the minor is there unlawfully and that no reasonable excuse exists. (Ord. No. 257, Sec. 2.)

7.08.07 Responsibility of adult It shall be unlawful for any person, guardian or other adult person responsible for or having the lawful care, custody and control of any unmarried person under the age of 18 years to allow, permit or suffer such minor to violate the provisions of 7.08.05. (Ord. No. 257, Sec. 3.)

7.08.08 Responsibility of business It shall be unlawful for any person, firm or corporation operating or in charge of any place of amusement, entertainment or refreshment, or other place of business to permit any unmarried minor under the age of 18 years to loiter, loaf or idle in such place or on the premises during the hours prohibited by this ordinance. When such owner, operator or person in charge of such place of business shall find such a minor or minors under the age of 18 years on the premises, he shall order such person to leave and if such minor refuses, the owner or operator shall notify the police department and inform them of such violation. (Ord. No. 257, Sec. 4.)

7.08.09 Juvenile fined Any unmarried person under the age of 18 years violating the provisions of Section 1 of the ordinance shall upon conviction be fined in a sum not to exceed \$25.00 for the first offense and double the previous fine for any succeeding offense. (Ord. No. 257, Sec. 5.)

7.08.10 Adult fined Any parent, guardian or other adult person responsible for or having the legal custody of an unmarried minor under the age of 18 years, who permits, allows or suffers said minor to violate the provisions of Section 1 of this ordinance shall upon conviction be fined in any sum not less than \$25.00 for the first offense and double the previous fine for any succeeding offense. (Ord. No. 257, Sec. 6.)

7.08.11 Business fined Any person, firm or corporation operating or in charge of any place of amusement, entertainment, refreshment or other place of business who shall violate Section 7.08.08 of this ordinance shall upon conviction be fined in any sum not less than \$25.00 for the first offense and double the previous fine for any succeeding offense. (Ord. No. 257, Sec. 7.)

## **CHAPTER 7.12**

### **LOITERING**

#### **Sections:**

7.12.01	Illegal
7.12.02	Definitions
7.12.03	Penalty

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

#### **7.12.02 Definitions.**

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

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

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

## CHAPTER 7.16

### DISCHARGING OF FIREARMS

Sections:

- |         |                                    |
|---------|------------------------------------|
| 7.16.01 | Discharging of firearms            |
| 7.16.02 | Police Department's Shooting Range |
| 7.16.03 | Air guns                           |
| 7.16.04 | Responsible adult                  |
| 7.16.05 | Penalty                            |

7.16.01 Discharging of firearms It shall be unlawful for any person to discharge a firearm, as defined under the Arkansas Criminal Code, within the boundary of the City of Hazen, Arkansas, except for protection of life and property. It shall be a misdemeanor punishable as set forth in Section 5. (Ord. No. 497, Sec. 1.)

7.16.02 Police Department's Shooting Range Insofar as the City of Hazen, Arkansas Police Department's Shooting Range is situated within the city limits of the City of Hazen, Arkansas, an exception for said City of Hazen, Arkansas Police Department's Shooting Range from this Ordinance is hereby declared. As said City of Hazen, Arkansas Police Department's Shooting Range currently exists, an exception is prudent, practical and necessary. (Ord. No. 497, Sec. 2.)

7.16.03 Air guns It shall be a misdemeanor for any person to discharge an air gun of any kind; including, but not limited to, B B Guns or Pellet Guns, within the boundary of the City of Hazen, Arkansas. with the intent of striking a person or residence or of causing physical damage to personal or real property belonging thereto. It shall be punishable as set forth in Section 5. (Ord. No. 497, Sec. 3)

7.16.04 Responsible adult The parent(s) or person(s) having actual custody of such minor child or children shall be held liable for any such acts which constitute a violation of this Ordinance by their child or ward. Any parent, parents, legal guardians or other persons in violation of this Ordinance shall be guilty of a misdemeanor. It shall be punishable as set forth in Section 5. (Ord. No. 497, Sec. 4.)

7.16.05 Penalty Any person or persons in violation of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof be fined not less than Five Dollars (\$5.00) and not more than Five Hundred Dollars (\$500.00). (Ord. No. 497, Sec. 5)

## CHAPTER 7.20

### CLAIMS AGAINST CITY

Sections:

- |         |                      |
|---------|----------------------|
| 7.20.01 | Liability coverage   |
| 7.20.02 | Settlement of claims |

7.20.01 Liability coverage. The city shall carry liability coverage on all its motor vehicles in the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act. STATE LAW REFERENCE - See A.C.A. 21-9-303

7.20.02 Settlement of claims. All persons having claims against the city may file them with the City Clerk. The Mayor shall present them to the Council. The Council may grant a hearing for the claimant and may authorize a settlement. STATE LAW REFERENCE - See A.C.A. 21-9-302

## CHAPTER 7.24

### STORAGE AND HANDLING OF VOLATILE COMBUSTIBLES

#### Sections:

- 7.24.01      Restriction on keeping
- 7.24.02      Volatiles never to be allowed to pass into drainage system
- 7.24.03      Penalty

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

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

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

**CHAPTER 7.28****DISTURBING OF THE PEACE****Sections:**

7.28.01	Unlawful
7.28.02	Fine

7.28.01 Unlawful It shall hereafter be unlawful for any individual to do any act that disturbs the peace and quiet of another. (Ord. No. 310, Sec. 1.)

7.28.02 Fine Any person who shall disturb the peace and quiet of another 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 Dollars (\$200.00) and each violation shall be deemed to be a separate offense. (Ord. No. 310, Sec. 2.)

## CHAPTER 7.32

### CIVIL DEFENSE

Sections:

7.32.01	Policy and purpose
7.32.02	Definitions
7.32.03	Powers of the mayor
7.32.04	Director of Civil Defense
7.32.05	Duties of director
7.32.06	Advisory Council
7.32.07	Duties
7.32.08	Mutual aid arrangements
7.32.09	Appropriations and authority to accept services, gifts, grants, and loans
7.32.10	Utilization of existing services and facilities
7.32.11	Political activity prohibited
7.32.12	Civil Defense personnel

7.32.01 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. 127, Sec. 1)

7.32.02 Definitions As used in this ordinance:

**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. 127, Sec. 2)

7.32.03 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. 127, Sec. 3)

7.32.04 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. 127, Sec. 4)

7.32.05 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. 127, Sec. 5)

7.32.06 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. 127, Sec. 6)

### 7.32.07 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. 127, Sec. 7)

#### 7.32.08 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. 127, Sec. 8)

#### 7.32.09 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. 127, Sec. 9)

7.32.10 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. 127, Sec. 10)

7.32.11 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. 127, Sec. 11)

7.32.12 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. 120, Sec. 12)

**CHAPTER 7.36**

**FIREWORKS**

Sections:

- 7.36.01 Discharging fireworks
- 7.36.02 Fine

7.36.01 Discharging fireworks Fireworks may only be discharged within the city limits of the city of Hazen, Arkansas, until 10:00 p.m. two (2) weeks prior to July 4<sup>th</sup> and on July 4<sup>th</sup> until 11:00 p.m.

- A. Any such other time as may be established by the Mayor for the city of Hazen, Arkansas, by proclamation which is to be published in the local newspaper at least one (1) week prior to the proposed discharge dates or by the Council of the city of Hazen, Arkansas, by a duly authorized resolution enacted at least one (1) month prior to the proposed discharge dates.
- B. Anyone discharging fireworks is required to remove all leftover debris. (Ord. No. 424, Sec. 1.)

7.36.02 Fine Any person who violates this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than Fifty Dollars (\$50.00) and no more than One Hundred Dollars (\$100.00). Each and every violation of this ordinance shall constitute a separate offense. (Ord. No. 424, Sec. 2.)

**CHAPTER 7.40**

**DISORDERLY BEHAVIOR OF A MINOR**

Sections:

- 7.40.01 Behavior
- 7.40.02 Fines

7.40.01 Behavior It shall be unlawful for a parent, guardian, or caregiver, to permit or allow any minor under the age of eighteen (18) to act or participate in disorderly behavior. A minor commits the act of disorderly behavior if he or she:

- A. Engages in fighting or in violent behavior
- B. Disturbs or disrupts any lawful assembly of people.
- C. Uses abusive or obscene language or makes obscene gestures in a public place.
- D. Refuses to disperse from a public place from the order of a law enforcement officer or other person engaged in enforcing or executing the law. (Ord. No. 433, Sec. 1.)

7.40.02 Fines Permitting disorderly behavior of a minor is a Class C misdemeanor.  
Upon conviction of permitting disorderly behavior of a minor:

- A. First offense: Written warning by law enforcement officer
- B. Second offense: Fine of no less than Fifty Dollars (\$50.00), not to exceed One Hundred Dollars (\$100.00)
- C. Third offense: Fine of no less than One Hundred Dollars (\$100.00), not to exceed Two Hundred Dollars (\$200.00). In addition, a family in need of services petition will be filed.
- D. Further offenses: To be determined by magistrate. (Ord. No. 433, Sec. 2.)

**TITLE 8**

**VEHICLES AND TRAFFIC**

Chapters:

- 8.04 Adoption of State Laws
- 8.08 Emergency Vehicles
- 8.12 Non-Operating Vehicles
- 8.16 Speed Limits

**CHAPTER 8.04**

**ADOPTION OF STATE LAWS**

Sections:

- 8.04.01 Adoption of state laws

8.04.01 Adoption of state laws The "Uniform Act Regulating Traffic on Highways of Arkansas", as contained in Title 27 of the Arkansas Statutes, three (3) copies of which are on file in the office of the Recorder/Treasurer, is hereby adopted as traffic rules and regulations within and for the city. Any person convicted of violation of said statutes shall be deemed guilty of the violation of the ordinances of the city, and shall be fined or imprisoned or both in the manner set out under the state statutes.

**CHAPTER 8.08**

**EMERGENCY VEHICLES**

Sections:

- 8.08.01 Right-of-way
- 8.08.02 Following prohibited
- 8.08.03 Restriction of vehicular traffic
- 8.08.04 Strict enforcement
- 8.08.05 Exempt personnel
- 8.08.06 Penalty

8.08.01 Right-of-way When any emergency vehicle is on an emergency run, a siren and/or flashing red light shall be operated at all times while said vehicle is in motion. Any such moving emergency vehicle shall be entitled to and shall receive the right-of-way over all pedestrian and vehicle traffic. When the operator of any non-emergency vehicle is approached from any direction by such emergency vehicle, he shall immediately move his vehicle to the extreme right side of the street, and shall come to a full stop, remaining at such full stop until all such emergency vehicle movements have passed.

8.08.02 Following prohibited. No person except as herein authorized shall follow any emergency vehicle which is operating its emergency signals.

8.08.03 Restriction of vehicular traffic. No vehicular traffic (other than that of authorized personnel specified herein) shall be permitted within a three (3) block radius of any emergency, unless such vehicular movement is permitted by order of the fire, police or medical personnel in charge at the scene of such emergency. Fire, police or other authorized personnel shall have the specific authority to order all pedestrians and spectators outside said emergency area at any time.

8.08.04 Strict enforcement. The provisions hereof shall be strictly enforced by members of the Police Department.

8.08.05 Exempt personnel. The following personnel when acting in the line of duty are specifically exempt from the provisions of this chapter;

- A. All regular and volunteer Fire Department personnel.
- B. All regular and auxiliary police personnel.
- C. News reporting and photography personnel for public communications media.
- D. Medical, nursing and ambulance personnel.
- E. Law enforcement officers; and other persons specifically authorized by the Mayor, Police Chief or Fire Chief.
- F. Public utility personnel.

8.08.06 Penalty. Any person violating any of the provisions hereinabove shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

## CHAPTER 8.12

### NON-OPERATING VEHICLES

#### Sections:

8.12.01	Definitions
8.12.02	Abandonment regulated
8.12.03	Parking and storage regulated
8.12.04	Exceptions
8.12.05	Penalty
8.12.06	Adoption of law by reference

8.12.01 Definitions The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Motor vehicle** means a vehicle or conveyance which is self-propelled and designed to travel along the ground, and includes, but is not limited to, automobiles, buses, mopeds, motorcycles, trucks, tractors, go-carts, golf carts, campers, motor homes and trailers.

**Abandoned motor vehicle** means any motor vehicle which is left on public or private property, as defined in this section, for a period of more than ninety (90) days, regardless of whether wrecked or inoperable, and regardless of whether such vehicle bears a current registration and a current vehicle inspection sticker.

**Inoperable motor vehicle** means a motor vehicle, the condition of which is wrecked, dismantled, partially dismantled, incapable of operation by its own power upon a public street, or from which the wheels, engine, transmission or substantial part thereof has been removed, regardless of whether it has an unexpired motor vehicle license plat or current registration.

**Boat** means any vessel initially designed for the carrying of passengers or cargo upon the water whether currently seaworthy or not, and regardless of size or design, including without limitation, barges, motorboats, whether inboard or outboard, canoes, rowboats, rafts and sailboats.

**Trailer** means any freewheeling object designed or intended to be pulled or towed behind a motor vehicle, regardless of whether wrecked or inoperable, and regardless of whether currently inspected and/or registered, including without limitation the following: boat trailers, camper trailers, cargo trailers, special trailers for items such as golf carts or motorcycles, utility trailers, and farm implements.

**Major portion**, as applicable to motor vehicles, boats, and trailers, means any part thereof which is sufficiently large to constitute a public nuisance as a harborage of snakes or rodents, or as otherwise defined by state or city nuisance laws, and shall include, without limitation, the following: truck bed, cab or cabin, chassis or frame, axle, motor or engine, transmission, hull or pontoon, cargo compartment, seats, and portions of exterior parts or paneling such as walls and roofs.

**Subject item** is a comprehensive term which includes boats, motor vehicles, trailers, and major portions thereof, as defined in this section, which may become the subject of citation under this ordinance.

**Private property** means any real property in the city which is privately owned and which is not defined as public property in this section.

**Public property** means any real property in the city which is owned by a governmental body and includes buildings, parking lots, parks, streets, sidewalks, right-of-way, easements and other similar property.

**Code enforcement division** means the code enforcement division of the city, its agents, and its designees, if staffed, otherwise the city Police Department. (Ord. No. 360, Sec. 1.)

8.12.02 Abandonment regulated No person shall abandon or leave any subject item, including an inoperable subject item, whether attended or not, upon any public property within the city for a period of time in excess of ninety (90) days. The presence of any subject item, or parts thereof on public property is hereby designated to be a public nuisance, which may be subject to criminal prosecution under this section or abated as a nuisance in accordance with the laws of the state of Arkansas. This section does not apply to subject items parked or stored on public property by the city or any of its departments. (Ord. No. 360, Sec. 2.)

8.12.03 Parking and storage regulated No person shall park, store, lease or permit the parking, storing or leaving of any subject item of any kind, which is inoperable, whether attended or not, upon any private property within the city, except that, with respect to an inoperable motor vehicle, such vehicle may be parked, stored or left on such property for a period of time not to exceed ninety (90) days, after which time such inoperable motor vehicle shall constitute a nuisance subject to criminal prosecution under this section or abated as a nuisance in accordance with the laws of the state of Arkansas. (Ord. No. 360, Sec. 3.)

#### 8.12.04 Exceptions

- A. The provisions of 8.12.02 and 8.12.03 of this article shall not apply to:
  - 1. Any subject item parked or stored within a building or enclosed garage on private property.

2. Subject vehicle within a carport that is being actively repaired on at least a weekly basis. Subject vehicle and its parts when not being repaired shall be neatly and completely covered with an opaque cover.
- B. Subject vehicle not defined as an inoperable vehicle except for not having a current license may be stored in a covered carport. (Ord. No. 360, Sec. 4.)
- C. Short-term and long-term impound/storage lots:

**Short-term lots** are defined as vehicle storage up to 90 days and are allowed in C-1, C-2 or industrial zoned property. A vehicle may be stored over 90 days when an extension is granted from the city due to litigation issues.

Short-term impound/storage lots must provide the city with a vehicle description and vin number the next business day after the storage of the vehicle.

**Long-term lots** allow storage of vehicles over 90 days and are allowed in C-1 and C-2 zoned property if the contents are totally obscured from public view by privacy fencing. The privacy fencing must conform to the surrounding neighborhood and must be approved by the Mayor prior to installation.

Long-term lots are allowed in industrial zoned property. Fencing must be at least six (6) feet tall and no privacy fencing is required. (Ord. No. 400, Sec. 4.)

8.12.05 Penalty Penalty for the violation of this ordinance shall be as follows:

- A. Any person, firm, corporation, partnership, association of persons, owner, occupant, agent or anyone having supervision or control, who shall violate a provision of this ordinance, or fail to comply therewith, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this ordinance is committed or continued. Upon conviction of any such violation, such person shall be punished by a fine, not to exceed Five Hundred Dollars (\$500.00) for the first offense and not more than Two Hundred Fifty Dollars (\$250.00) for each day of offenses of a continuing nature.
- B. Prosecution under this section shall not be a waiver of the city's authority to abate any prohibited conduct set forth herein as a public nuisance including removal and sale of the subject item. If a vehicle or other subject item which has been the basis for prosecution under this ordinance has not been removed or otherwise brought into compliance with this ordinance, said subject item may be removed and impounded following either

1. The forfeiture of bond or non-appearance in court following the issuance of a criminal information or citation, or
  2. The expiration of thirty (30) days after a plea of guilty or no contest, or conviction for violation of this ordinance; provided, a properly perfected appeal to Circuit Court following conviction under this ordinance shall stay any procedures for the removal and storage of the subject item.
- C. However, the appeal of conviction under this ordinance shall not bar the city's authority to seek abatement pursuant to any civil remedies which may be available. The reasonable costs of towing, removal and storage of any vehicle or other subject item shall constitute a lien upon both the subject item and the property from which it was removed. (Ord. No. 360, Sec. 5.)
- D. Salvage yards are permitted only in industrial zoned property. (Ord. No. 400, Sec. 5.)

8.12.06 Adoption of law by reference As an alternative or supplement to the procedure set forth in this ordinance regarding abandoned vehicles on public or private property, A.C.A. 27-50-1101, 27-50-1102 and 8-6-413 are hereby incorporated by reference into this ordinance as if fully set forth herein. If the Police Department or Code Enforcement Division, in their discretion, shall pursue a remedy pursuant to A.C.A. 27-50-1101, 27-50-1102 or 8-6-413, they are directed to comply completely and fully with such provisions. (Ord. No. 360, Sec. 6.)

## **CHAPTER 8.16**

### **SPEED LIMITS**

#### **Sections:**

8.16.01 Streets in city limit

8.16.01 Streets in city limit The speed limit for all streets within the city limits of Hazen, Arkansas, shall be set at 30 mph. (Ord. No. 432, Sec. 1.)

## TITLE 9

### STREETS AND SIDEWALKS

Chapters:

- 9.04 Streets, Alleys, Gutters or Ditches
- 9.08 Excavations and Alterations
- 9.12 Shielded Street Lighting
- 9.16 Vacating and Accepting Streets

#### CHAPTER 9.04

#### STREETS, ALLEYS, GUTTERS OR DITCHES

Sections:

- 9.04.01 Streets and alleys
- 9.04.02 Gutters or ditches
- 9.04.03 Penalty

9.04.01 Streets and alleys. It shall be the duty of every owner or occupant of any lot or premises in this city along which any street or alleys runs, to keep said street or alley from the middle line thereof to the side next to him, free from all manner and kind of filth, garbage, trash, debris or decaying animal and vegetable substance of every kind.

9.04.02 Gutters or ditches. The owner or owners, occupant or occupants of any block or lot or part of block or lot in the City of Hazen, Arkansas, abutting on any gutter of any street of said city, as well as ditches abutting any property, shall be and are hereby required to keep the said gutter or gutters and ditches upon which the premises owned or occupied by them may abut, clean and clear of all obstructions to the free flow of water therein, and any and all persons are hereby prohibited from depositing or permitting any deposit in any street, gutter or gutters and ditches-of said city, any matter or thing that will obstruct or cause to be obstructed the free flow of water therein, this includes trash, weeds, leaves and anything which could cause an obstruction, provided that nothing herein contained shall be so construed as to apply to obstructions caused by the natural flow of water. (Ord. No. 509, Sec. 1)

9.04.03 Penalty Any person violating the provisions of this ordinance shall upon conviction thereof in the District court by adjudged guilty of a misdemeanor and shall be fined in any sum not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00). (Ord. No. 509, Sec. 2)

## CHAPTER 9.08

### EXCAVATIONS AND ALTERATIONS

Sections:

- |         |                                  |
|---------|----------------------------------|
| 9.08.01 | Excavations - permit             |
| 9.08.01 | Application for permit - deposit |
| 9.08.03 | Excavations to be restored       |

9.08.01 Excavations - permit. No person, firm or corporation shall cut into, tunnel under, or in any manner disturb the surface of any street, alley or sidewalk in the city without first applying for and obtaining from the Utility Manager a written permit to do so, which shall be dated, and shall give the name and address of the person to whom the permit is granted, and the location of the place where the street, alley or sidewalk is to be cut into, tunneled under, and the purpose for which said permit is granted.

9.08.02 Application for permit - deposit. Any person, firm or corporation applying for said permit shall estimate in writing the number of square feet to be cut or tunneled. Before such permit is granted the applicant shall deposit with the city of Hazen for the purpose of insuring that the street is properly restored the sum of Five Dollars (\$5.00) per square foot for cutting concrete or other bituminous surface and Two Dollars (\$2.00) per square foot for cutting into gravel surface; provided the minimum deposit shall be Twenty-Five Dollars (\$25.00) irrespective of the estimate.

9.08.03 Excavations to be restored. All excavations made are to be restored to their original condition to the satisfaction of the Mayor or his appointee before the deposit shall be returned.

STATE LAW REFERENCE - See A.C.A. 14-301-101

## CHAPTER 9.12

### SHIELDED STREET LIGHTING

Sections:

- |         |                        |
|---------|------------------------|
| 9.12.01 | Cost                   |
| 9.12.02 | Op out of installation |

9.12.01 Cost Pursuant to Act 1963 of 2005, the city of Hazen, Arkansas, has made a determination that the cost of acquiring shielded outdoor lighting fixtures is more expensive than the alternative fixtures and is therefore prohibitive, after comparing the cost of the fixtures and the projected energy cost for the operations of the fixture. (Ord. No. 397, Sec. 1.)

9.12.02 Op out of installation The city of Hazen hereby opts out of the application of such statute. (Ord. No. 397, Sec. 2.)

## **CHAPTER 9.16**

### **VACATING AND ACCEPTING STREETS**

Sections:

- 9.16.01 Vacating streets by reference
- 9.16.02 Accepting streets

9.16.01 Vacating streets by reference

- Ord. No. 381 Part of alley between lots 1 – 6 of Block 33 and G of Hurt's Addition
- Ord. No. 387 Part of Orlicek St. between Blocks 85 & 86 of Hudspeth's Addition

9.16.02 Accepting streets

- Ord. No. 408 Hwy 63, Section 11 Spur, along East Front St. and N. Livermore St.

## TITLE 10

### UTILITIES

#### Chapters:

- 10.04 Sewer Regulations
- 10.08 Water and Sewer Rates
- 10.12 One Call Center
- 10.16 Cross Connection Program
- 10.20 Gas Rates

#### 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 Power and authority of Superintendent
- 10.04.07 Protection from damage
- 10.04.08 Penalty for violation

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 (20E) degrees C, expressed in milligrams per liter.

**"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.

**"Combined Sewer"** shall mean a sewer receiving both surface run off and sewage.

**"Garbage"** shall mean solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

**"Industrial Wastes"** shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

**"Natural Outlet"** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

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

**"Ph"** shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**"Properly Shredded Garbage"** shall mean the waste from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1.27 centimeters) in any dimension.

**"Public Sewer"** shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

**"Sanitary Sewer"** shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

**"Sewage"** shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

**"Sewage Treatment Plant"** shall mean any arrangement of devices and structures used for treating sewage.

**"Sewage Works"** shall mean all facilities for collecting, pumping, treating and disposing of sewage.

**"Sewer"** shall mean a pipe or conduit for carrying sewage.

**"Shall"** is mandatory; "may" is permissive.

**"Slug"** shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

**"Storm-Drain"** (sometimes termed storm sewer) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**"Superintendent"** shall mean the City Engineer or his authorized agent, deputy, or representative.

**"Suspended Solids"** shall mean solids that either float on the surface, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

**"Watercourses"** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

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 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 or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- 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 sewage.
- D. The owner 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 or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities 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 property line.

10.04.03 Private sewage disposal system.

- A. Where a public sanitary or combined sewer is not available under the provisions of Section 10.04.02, the building sewer shall be connected to a private sewage disposal system complying with the provisions of State Health Department Rules and Regulations.
- B. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in this section, a direct connection shall be made to the public sewer in compliance with this chapter, within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.
- C. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
- D. No statement contained in this chapter shall be construed to interfere with any additional requirements that the Health Officer may impose.

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 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 as established by Chapter 11.08 for a residential or commercial building sewer permit and Twenty-Five Dollars (\$25.00) for an industrial building sewer permit shall be paid to the city at the time the application is filed.
- C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner 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 test by the Superintendent, to meet all requirements of this chapter.
- F. The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 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 shall make connection of roof downspouts, exterior foundation drains, areaway 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 A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- J. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
- K. All excavations for building sewer installation shall be adequately guarded with barriers and 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.

10.04.05 Use of public sewers.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewer or storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.
- C. No person 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, oil, or gas;
  - 2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either simply or by interaction with other wastes, to injure or interfere with any sewage treatment process, or any part of the sewer treatment facilities or sanitary sewage works, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as SN in the wastes as discharged to the public sewer;
  - 3. Any water or wastes having a Ph lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
  - 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or pumping facilities, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, 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, etc., either whole or ground by garbage grinders.
- D. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, having an adverse effect on the receiving stream, or otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent

will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

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, gases, or oils, whether emulsified or not, in excess of one hundred (100) 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 (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent;
4. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not;
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances 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 Superintendent 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 Superintendent 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 such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;
8. Any waters or wastes having a Ph in excess of 9.5;
9. Materials which assert or cause:

- a. Unusual concentration of inert suspended solids (such as but not limited to Fuller's 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 dye, wastes and vegetable tanning solutions).
  - c. Unusual BOD (biochemical oxygen demand) or chlorine requirements in such quantities as to constitute a significant load in the sewage treatment works.
  - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein; and
10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process 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 waters.
- E. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 10.04.05 part 4 hereinabove and which, 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, the Superintendent may:
- 1. reject the wastes;
  - 2. require pretreatment to an acceptable condition for discharge to the public sewers;
  - 3. require control over the quantities and rates of discharge; and/or
  - 4. require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of part 10 of this section.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

- F. 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.

- G. 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.
- H. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- I. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this chapter 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, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manholes. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer at which the building sewer is connected. 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.
- J. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore by the industrial concern.
- K.
  - 1. It is hereby declared to be a misdemeanor for any individual to damage the piping system or in any other manner to cause an opening to be made into the Hazen sewage treatment lines allowing the rain water to run into said lines.
  - 2. The penalty for violation of this ordinance shall be a fine of not more than \$100.00 for the first offense, and not more than \$300.00 for the second

and subsequent offenses. In addition, it should be the responsibility of any individual causing the damage to the Hazen Sewage Treatment Plant to pay the cost of repairing said piping in order to prevent any further leaking of the rain water into the sewage treatment system. (Ord. No. 254, Sec. 1.)

3. All car wash or wash racks shall be enclosed in a building or elevated where run-off water cannot infiltrate the sewer lines and be covered with a canopy. (Ord. No. 318, Sec. 1.)

#### 10.04.06 Power and authority of Superintendent.

- A. The Superintendent and other duly authorized employees of the city of Hazen, Arkansas, 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 chapter. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways of facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in part A. above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to city employees except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 10.04.05 part H.
- C. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification 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.

10.04.07 Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewer works. Any person violating this provision shall be deemed guilty of a misdemeanor.

#### 10.04.08 Penalty for violation.

- A. Any person found to be violating any provision of this chapter 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 section shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding Twenty-Five Dollars (\$25.00) for each violation. Each day in which such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this ordinance shall become liable to the city for any expenses, loss or damage occasioned the city by reason of such violation.

**CHAPTER 10.08**

**WATER AND SEWER RATES**

Sections:

- 10.08.01 Water rates
- 10.08.02 Sewer rates
- 10.08.03 Tapping fees
- 10.08.04 Monthly billings
- 10.08.05 Operation and maintenance
- 10.08.06 Meters

10.08.01 Water rates For each user connected to and served by the water system of the City of Hazen, Arkansas, water charges will be paid by every customer with an unlocked meter. Rates are completely set forth below:

<b>Effective Dates</b>	<b>Minimum Charges for 0 to 1000 gallons consumed</b>	<b>Over 1000 gallons consumed (per thousand gallons)</b>
January 1, 2026	\$15.35	\$8.50
January 1, 2027	\$15.65	\$10.15

(Ord. No. 528, Sec. 1)

10.08.02 Sewer rates For each user connected to and served by the sewer system of the City of Hazen, Arkansas:

<b>Effective Dates</b>	<b>Minimum Charges for 0 to 1000 gallons consumed</b>	<b>Over 1000 gallons consumed (per thousand gallons)</b>
January 1, 2026	\$13.50	\$5.10
January 1, 2027	\$13.50	\$5.10

(Ord. No. 528, Sec. 2)

### 10.08.03 Tapping fees

- A. Water tapping fees should be set at \$225.00 per tap for a 3/4" meter installation. For installations using a larger meter or service lines exceeding 100 feet in total length from the main to the customers piping; the tapping fee will be the actual cost of installation.
- B. Sewer tapping fees should be set at \$175.00 per sewer tap installation performed for a length of four inch diameter service line not to exceed thirty feet. Taps performed using length of service line exceeding thirty feet or a larger than four inch diameter pipe shall be the actual cost of installation. (Ord. No. 276, Sec. 3.)

10.08.04 Monthly billings Monthly billings for sewer services shall be made with and as a part of the waterworks billings and payment for water services shall not be accepted without payment for any sewer service due. All payments will be for the full amount due of water, sewer, and natural gas charges. For failure to pay for sewer services, water service will be disconnected as specified by resolution No. 217 passed on the 16<sup>th</sup> day of April 1963. (Ord. No. 442, Sec. 1.)

10.08.05 Operation and maintenance The said rates shall never be reduced below an amount sufficient to provide for the operation and maintenance of said waterworks and sewer system, for the prompt payment of the principal of, and interest on any waterworks and sewer revenue improvement bonds. When necessary rates shall be increased to provide for said operations, maintenance, and for the payment of the principal and interest on the said bond. (Ord. No. 276, Sec. 5.)

10.08.06 Meters The facilities or services afforded by the Waterworks System shall be furnished to the customer only through a meter, no meter shall serve more than one customer, and none of the facilities or services shall be furnished without a charge being made thereof. In the event that the city or any department, agency, or instrumentality thereof shall avail itself of any of the facilities or services afforded by the Waterworks and Sewer System, the reasonable value thereof shall be charged against the city, or such department, agency or instrumentality, and shall be paid for as the charges therefore accrue. The revenues so received from the city shall be deemed to be revenues from the operation of the Waterworks and Sewer System, and shall be used and accounted for in the same manner as any other revenues derived from their operation. Provided, however, that nothing herein shall be construed as requiring the city or any department, agency or instrumentality thereof to avail itself of the facilities or services afforded by the Waterworks and Sewer System. (Ord. No. 276, Sec. 6.)

## **CHAPTER 10.12**

### **ONE CALL CENTER**

#### **Sections:**

- 10.12.01 Membership
- 10.12.02 Maps
- 10.12.03 Announcement of excavations
- 10.12.04 Notification

10.12.01 Membership The city of Hazen hereby will belong to the “Arkansas One Call Center, Inc.” and will participate in payment for services furnished by “One Call Center.” (Ord. No. 267, Sec. 1.)

10.12.02 Maps Plans, maps and drawings of all existing and proposed underground utilities and services, will be maintained in the Utility Department of the city of Hazen. (Ord. No. 267, Sec. 2.)

10.12.03 Announcement of excavations Plans for excavations, blasting, augering, boring, backfilling, drilling, grading, pile driving, plowing in, pulling in, trenching or tunneling inside of the city limits of Hazen, Arkansas, will be announced to all underground utility and service companies at least forty-eight (48) hours prior to construction. (Ord. No. 267, Sec. 3.)

10.12.04 Notification Any contractor, utility company or any individual working for hire that cuts, damages, breaks or disrupts services in underground utility service shall be held liable, unless all utility companies have been properly notified and lines marked or flagged as to their exact location. (Ord. No. 267, Sec. 4.)

## **CHAPTER 10.16**

### **CROSS CONNECTION PROGRAM**

#### **Sections:**

- 10.16.01 Purpose
- 10.16.02 Inspections
- 10.16.03 Protection
- 10.16.04 Backflow prevention device
- 10.16.05 Emergency situations

10.16.06	Facilities
10.16.07	Customers to pay
10.16.08	Annual testing
10.16.09	New construction
10.16.10	Discontinuing service
10.16.11	Penalties

10.16.01 Purpose The purpose of this ordinance is

- A. To promote the health, safety, and welfare of the people served by the water division of the utilities department
- B. To provide for the protection of the public water supply
- C. To isolate at the service connection any actual or potential pollution or contamination within the consumers premises
- D. To provide a continuous, systematic and effective program of cross-connection control. (Ord. No. 353, Sec. 1.)

10.16.02 Inspections It is the responsibility of the city of Hazen to conduct inspections of commercial and industrial consumers in order to determine whether solid, liquid, or gaseous pollutants or contaminants are handled on the consumer's premises in such a manner as to possibly permit contamination of the public water system. When a hazard or potential hazard is found on the consumer's premises, an approved backflow prevention device will be installed by a licensed master plumber downstream of the meter at each public water service connection to the premises in accordance with this ordinance. The consumer shall be responsible for all costs of the Cross Connection Control device along with the cost of installation. (Ord. No. 353, Sec. 2.)

10.16.03 Protection The type of device shall depend on the degree of hazard involved as described in the AWWA manual M-14 or as described below. When more than one type of protection is possible, the actual method utilized shall be at the discretion of the city of Hazen following a physical inspection of the hazard.

- A. In the case of any premises where there is an auxiliary water supply connected to the consumer's water system served by the public water supply system. The water system shall be protected against the possibility of future reconnection by an approved Reduced Pressure Principle Backflow Prevention Device at the service connection.
- B. In the case of any premises where there is water or a substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved Double Check Valve Assembly.

- 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 Principle Backflow Prevention Assembly.
- D. In case of any premises where there are “uncontrolled” cross-connections, either actual or potential, the public water system shall be protected by an approved Reduced Pressure Principle Backflow Prevention Assembly at the service connection.
- E. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected by the installation of an approved Reduced Pressure Principle Backflow Prevention Assembly at the service connection. (Ord. No. 353, Sec. 3.)

10.16.04 Backflow prevention device Any Backflow Prevention Device required herein shall be a type in accordance with AWWA specifications C506-78 or its latest revision, the Arkansas Department of Health Regulation and the city of Hazen. (Ord. No. 353, Sec. 4.)

10.16.05 Emergency situations

- A. In emergency situations when the public potable water supply is being contaminated or is in immediate danger of contamination water service will be discontinued by the city of Hazen.
- B. No water service connection shall be installed on the premises of any consumer unless the water system is protected as required by this article.
- C. Delivery of water to the premises of any consumer may be discontinued by the city of Hazen if any protective device has not been installed, defective or removed. Water service will not be resumed until problems have been corrected.
- D. When a violation is discovered, written notice will be given to the consumer, if violations are not corrected by the date and time on the notice, the water will be shut off and the violation will be referred to the Mayor for action.
- E. For the purpose of making any inspections or discharging the duties imposed by this article, the city of Hazen, the Health Department and/or plumbing inspector shall have the right to enter upon the premises of the consumer. Each consumer as a condition of the continued delivery of water shall be considered as having stated his consent to the entry upon his premises of the utilities manager, Health Department, plumbing inspector for the purpose stated herein. (Ord. No. 353, Sec. 5.)

10.16.06 Facilities The following is a partial list of facilities that may require reduced pressure principal backflow prevention at the service connection: car washes, dental offices, doctors offices, nursing homes, funeral homes, radiator shops, high schools, wastewater treatment facilities, water treatment facilities using system water for surface wash, and any other facilities where toxic materials or chemicals are regularly stored or used. Also, any other facility listed in the Arkansas Department of Health minimum standards for cross connection control program as required at the Arkansas Department of Health Bureau of Environmental Health Services Division of Engineering. (Ord. No. 353, Sec. 6.)

10.16.07 Customers to pay Customers of the city water division requiring backflow prevention devices will pay all costs to the city associated with installation of the appropriate size and type of device. Devices shall be installed above ground downstream of the meter location that is readily accessible for maintenance and testing and should be located not less than 12" above ground, or more than 30". (Ord. No. 353, Sec. 7.)

10.16.08 Annual testing The consumer can hire the city of Hazen or a certified backflow tester to test the Backflow Prevention Device. Either way the consumer will be responsible for all costs associated with the testing. If the city of Hazen performs the test, the customer will be invoiced and will be given 30 days to pay all charges. If payment is not received within that time period, the city of Hazen reserves the right to disconnect service until all charges are paid in full.

The city of Hazen charges are as follows per device:

Pressure Vacuum Breaker (PVC)	\$35.00
Double Check Valve Assembly (DCVA)	\$45.00
Reduced Pressure Assembly (RP)	\$50.00

In the event that the certified backflow tester finds a problem that requires maintenance, the consumer will be responsible for hiring a master plumber certified for backflow prevention repair. It will be the customer's responsibility to provide certification to the city of Hazen that the maintenance has been done.

In cases where the city of Hazen and/or Plumbing Inspector deems the hazard to be great enough, testing may be required at more frequent intervals. The costs of which would be borne by the consumer. Records of inspections, testing or repairs shall be kept by the city of Hazen and made available to the Health Department, and the consumer. (Ord. No. 353, Sec. 8.)

10.16.09 New construction All new construction within the city of Hazen shall be effective upon the passage of this ordinance. All existing consumer premises shall be in compliance with this ordinance by June 30, 2002. (Ord. No. 353, Sec. 9.)

10.16.10 Cross connections; backflow

- A. The City Water Department of the city of Hazen, Arkansas, and the city plumbing inspector of the city of Hazen, Arkansas, are hereby authorized to discontinue or

cause to be discontinued all water service or services to any and all premises, lands, buildings or structures where it is found that an immediate hazard exists to the purity or potability of the city water supply, by reason of the requirements of the Arkansas State Plumbing Code and the City Plumbing Code and the regulations of the Arkansas State Board of Health having not been complied with.

- B. The City Water Department of the city of Hazen, Arkansas, and the city plumbing inspector of the city of Hazen, Arkansas, are hereby authorized and directed to take such steps as necessary to determine all potential hazards to the purity or potability of the city water supply which exists. Upon determining said potential hazards it shall be the duty of said department and said inspector to immediately cause notice to go to the owner or such other person responsible for said premises, specifying said hazards, and notifying said person that in the event that said hazard is not corrected within thirty (30) days from the date of said notice, all water services shall be discontinued thereafter until the requirements of the Arkansas State Plumbing Code, and the regulations of the Arkansas State Board of Health have been complied with. (Ord. No. 237, Sec. 7.)

10.16.11 Penalties Any person, firm or corporation found guilty of violating any of the provisions of this ordinance shall be subject to a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), together with the costs of such prosecution. Each day during which violation continues shall be a separate offense. (Ord. No. 237, Sec. 8.)

## **CHAPTER 10.20**

### **GAS RATES**

#### Sections:

10.20.01	Gas rates amendment
10.20.02	Replacement
10.20.03	Rates
10.20.04	Connection charge
10.20.05	Meter deposit
10.20.06	Carrying charge
10.20.07	Monthly billings
10.20.08	Operation and maintenance
10.20.09	Meters

10.20.01 Gas rates amendment That Section 3 of Ord. No. 125 of the city of Hazen, Arkansas, entitled "An ordinance providing the distributing system for natural gas to serve the

city of Hazen, Arkansas, providing for the issuance of gas transmission and distributing system revenue construction bonds by the city of Hazen to pay the cost of construction: fixing rates for gas to be furnished by the transmission line and distributing system: declaring an emergency, and for other purposes”, as amended by previous ordinances, is hereby amended as to the monthly rates to be charged for natural gas furnished to residential, commercial, and large commercial users, said amendment to be as follows: (Ord. No. 352, Sec. 1.)

10.20.02 Replacement This ordinance replaces Ord. 218 and 268, and 269, and it supersedes any other ordinance that may be in conflict. The provisions of this ordinance shall be effective retroactively since October 1, 2001. (Ord. No. 352, Sec. 2.)

10.20.03 Rates The following monthly rates are fixed as rates to be charged for gas to be furnished by the gas transmission lines and distribution system of the City of Hazen, Arkansas. The Mayor and the City Council find these rates reasonable and necessary minimum rates to be charged.

**For All Users:**

First 500 cu. ft. per month	\$15.00
After first 500 cu. ft.	Gas price with a \$5.50 adder per 1000 cu. ft.
Minimum Charge Per Month	\$15.00

**Wheeling Charge**

Charge for DeValls Bluff, Arkansas	\$1.20 per MCF
Charge for Biscoe, Arkansas	\$1.20 per MCF

The charge shall be calculated monthly as transmission information is received. (Ord. No. 527, Sec. 2)

The City Council of the City of Hazen, Arkansas further finds and declares that such rates as set out will produce a total revenue sufficient to pay the total operation and maintenance expense of the gas transmission and the distribution system. (Ord. No. 527, Sec. 3)

10.20.04 Connection charge At the time of connection to the Gas Transmission lines and Distributing System, for each 3/4" line and 1" line connection the fee shall be \$175.00.

In the event a connection is more than a one inch line, the connection fee shall be the actual cost of the installation. (Ord. No. 352, Sec. 3.)

10.20.05 Meter deposit Each customer connected to and served by the Gas Transmission System shall make and maintain a meter deposit in the amount of \$100.00. No interest will be paid on the deposit.

A \$150.00 deposit shall be required for all rice well users.

10.20.06 Carrying charge The following monthly rates are fixed as rates to charge for gas the city will transport for others through the city's natural gas distribution system and deliver to an end-use consumer. Said rate will apply only to each end-use consumer who has made arrangements to purchase their own gas and deliver such gas through M.R.T.C. present tap now serving Hazen.

10.20.07 Monthly billings Monthly billings for gas distribution services shall be made with and as a part of the waterworks billings, and payment for water service shall not be accepted without payment for any gas service due. Payment is due by the 10<sup>th</sup> of the month for the full amount due of water, sewer, and natural gas charges. If payment is not made by the tenth (10<sup>th</sup>) of the month, a ten percent (10%) penalty is added. If payment of all utility bills and penalties is not made in full by the twentieth (20<sup>th</sup>) day of the month, all such utility service will be discontinued and physically disconnected. For failure to pay for gas services, water service will be disconnected and charges of Twelve Dollars (\$12.00) for disconnection and Twelve Dollars (\$12.00) for reconnection along with all outstanding balances must be paid before service will be reconnected. (Ord. No. 512, Sec. 1)

10.20.08 Operation and maintenance The said rates shall never be reduced below an amount sufficient to provide for the operation and maintenance of said gas transmission lines and distribution system, and for the prompt payment of the principal of, and interest on any gas transmission lines and distribution system revenue improvement bonds. When necessary, rates shall be increased to provide for said operations and maintenance, and for the payment of the principal and interest on the said bonds. (Ord. No. 125, Sec. 3.)

10.20.09 Meters The facilities or services afforded by the Gas Transmission and Distribution System shall be furnished to the customer only through a meter; no meter shall serve more than one customer, and none of the facilities or services shall be furnished without a charge being made therefore. In the event that the city or any department, agency, or instrumentality thereof shall avail itself of any of the facilities or services afforded by the Gas Transmission Lines and Distribution System, the reasonable value thereof shall be charged against the city, or such department, agency or instrumentality, and shall be paid for as the charges therefore accrue. The revenues so received from the city shall be deemed to be revenues from the operation of the Gas Transmission and Distribution System, and shall be used and accounted for in the same manner as any other revenues derived from their operation. Provided, however, that nothing herein shall be construed as requiring the city or any department, agency or instrumentality thereof to avail itself of the facilities or services afforded by the Gas Transmission and Distribution System. (Ord. No. 125, Sec. 4.)

## **TITLE 11**

### **BUILDINGS AND CONSTRUCTION**

#### Chapters:

- 11.04 Building Permit
- 11.08 Plumbing Code
- 11.12 Electrical Code
- 11.16 Fire Prevention Code
- 11.20 Housing Code
- 11.24 Condemned Structures
- 11.28 Building Code
- 11.32 Mechanical Code
- 11.36 Southern Building Code
- 11.40 Street Naming and Property Numbering
- 11.44 9-1-1 Numbering
- 11.48 Energy Code

#### **CHAPTER 11.04**

#### **BUILDING PERMIT**

#### Sections:

- 11.04.01 Applications
- 11.04.02 Right of entry
- 11.04.03 Definitions
- 11.04.04 Fire limits established
- 11.04.05 Saving clause

#### 11.04.01 Applications

- A. Before beginning any work in the city of Hazen, Arkansas, the person building or altering same, shall apply to the Building Official (Inspector) or other designated official and obtain a permit to do such building. Only those persons legally authorized to build or alter structures may be issued permits. A permit may be issued to a home owner to build or alter buildings in a single family residence, provided the home owner does the work himself and that such work will meet the Building Code requirements of 1988 edition or most recent publication. (Ord. No. 311, Sec. 1.)

- B. All applications for permits shall be made at the comptroller’s desk at city hall. The application shall be accompanied by fees in accordance with the following schedule:

Residential	\$35.00
Commercial	\$50.00
(Ord. No. 331, Sec. 8.)	
Fences, retaining walls, concrete slabs (Drive ways, sidewalks, and patios)	\$ 2.00
(Ord. No. 311, Sec. 6.)	

11.04.02 Right of entry The Building Official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour. (Ord. No. 236, Sec. 7.)

11.04.03 Definitions

- A. Where ever the word **municipality** is used in the Building Code, it shall be held to mean the city of Hazen, Arkansas.
- B. Where ever the term **corporation counsel** is used in the Building Code, it shall be held to mean the attorney for the city of Hazen, Arkansas. (Ord. No. 236, Sec. 8.)

11.04.04 Fire limits established The fire limits of the city of Hazen, Arkansas are hereby established as city limits boundary to include proposed annexations and areas where city water lines are installed. (Ord. No. 236, Sec. 9.)

11.04.05 Saving clause Nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired or affected by this ordinance. (Ord. No. 236, Sec. 10.)

## **CHAPTER 11.08**

### **PLUMBING CODE**

#### **Sections:**

11.08.01	Definitions
11.08.02	State Code
11.08.03	Inspection and supervision
11.08.04	Applications; permits
11.08.05	Bond
11.08.06	Street openings
11.08.07	Cross connections; backflow
11.08.08	Penalties

11.08.01 Definitions Plumbing for the purposes of this ordinance is hereby defined as the definitions of Act 200 of 1951 of Arkansas and the Arkansas State Plumbing Code. (Ord. No. 237, Sec. 1.)

11.08.02 State Code The provisions and regulations of the Arkansas State Plumbing code, and amendments thereto, adopted by the State Board of Health of Arkansas are made a part of this ordinance by reference, three certified copies of which shall be on file in the office of the City Clerk, and shall extend over and govern the installation of all plumbing installed, altered or repaired within or without the city of Hazen, Arkansas, wherever water and/or sewage service originating from the Municipal Water and/or Sewer System is furnished. (Ord. No. 237, Sec. 2.)

#### **11.08.03 Inspection and supervision**

- A. There is hereby created the position of plumbing inspector or inspectors who shall be employed by the city of Hazen, Arkansas.
- B. The plumbing inspector or inspectors shall have experience in plumbing to the extent that enables him to know when plumbing is installed correctly.
- C. The plumbing inspector or inspectors shall not be directly connected in any way with any person, firm, corporation, directly or indirectly engaged in the business of plumbing, or plumbing suppliers.
- D. The inspector shall receive as full compensation for his services, a salary designated by the city of Hazen, Arkansas.
- E. It shall be the duty of the plumbing inspector or inspectors to enforce all provisions of this ordinance, and such inspector or inspectors are hereby granted

the authority to enter all buildings within or without the corporated limits of the city of Hazen, Arkansas, when such buildings are connected, or to be connected to the Municipal Water and/or Sewage System.

- F. The plumbing inspector shall prepare or cause to be prepared suitable forms for applications, permits, inspection reports and other such materials.
- G. It shall be the duty of the plumbing inspector to inspect and test all plumbing work for, compliance with this ordinance and its adopted plumbing code, and to enforce changing of such installations that does not meet the requirements. It further shall be his duty to see that all persons installing or altering plumbing shall be qualified by state law. (Ord. No. 237, Sec. 3.)

11.08.04 Applications; permits

- A. Before beginning any work in the city of Hazen, Arkansas, the person installing or altering same, shall apply to the plumbing inspector or other designated official and obtain a permit to do such work. Only those persons legally authorized to do plumbing may be issued permits. A permit may be issued to a home owner to install or alter plumbing in a single family residence, providing the home owner does the work himself and that such work shall meet the code requirements.
- B. All applications for permits shall be made on suitable forms provided. The application shall be accompanied by fees in accordance with the following schedule:

Each plumbing fixture and/or water and/or waste discharging devices	\$2.00
Hot water heater, new or replaced	\$5.00
Water service or connection	\$12.50

An additional fee of \$2.50 shall be charged for each additional trip on the part of the plumbing inspector, caused by the negligence of the plumber of not being ready for inspection or a return for inspection of a corrected installation. (Ord. No. 237, Sec. 4.)

11.08.05 Bond Every master plumber doing business in the city of Hazen, Arkansas, shall execute and deliver to the city a bond with a surety bonding company in the sum of \$1,000 to indemnify the city or any citizen for any damage caused by the failure of such master plumber to

comply strictly with the provisions of this ordinance. No plumbing permit shall be issued to any master plumber unless this bond has been delivered to the city and is in full force and effect. (Ord. No. 237, Sec. 5.)

11.08.06 Street openings

- A. All openings made in the public streets or alleys to install plumbing must be made as carefully as possible and all materials excavated from the trenches shall be removed or placed where the least inconvenience to the public will be caused.
- B. All openings must be replaced in precisely the same condition as before the excavation started and all rubbish and material must be removed at once, leaving the street or sidewalks clean and in perfect repair.
- C. All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the openings at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to person or property. (Ord. No. 237, Sec. 6.)

**CHAPTER 11.12**

**ELECTRICAL CODE**

Sections:

- 11.12.01 Definitions
- 11.12.02 Adoption
- 11.12.03 Adoption of technical codes by reference
- 11.12.04 Permits; fees

11.12.01 Definitions Electrical for the purpose of this ordinance is hereby defined as the definitions of National Electrical Code of 2014 and Electrical Code of the city of Hazen, Arkansas. (Ord. No. 462, Sec. 1.)

11.12.02 Adoption The City Council of Hazen, Arkansas, hereby adopts the most current electrical standard code set forth by the National Electrical Code as the official document for the city of Hazen, Arkansas. (Ord. No. 483, Sec. 1.)

11.12.03 Adoption of technical codes by reference A minimum of three (3) copies of the Electrical Code for the city of Hazen, Arkansas, will be maintained in the city hall at all times for inspection and review by the public prior to the passage of this ordinance. (Ord. No. 240, Sec. 3.)

11.12.04 Permits, inspection fees No electrical wiring or equipment shall be installed within or on any building, structure or premises, publicly or privately owned, nor shall any alterations or additions be made to any such existing wiring or equipment without first securing a permit therefore from the office of the City Clerk. Before any permit is granted for the installation or alteration of electrical wiring or equipment, the person, firm or corporation making application for such permit shall pay to the office of the City Clerk applicable inspection fees as follows:

### **Residential Structures**

#### Single Family Residences and Individual Structures

Up to 2,600 square feet	\$60.00
2,600 square feet to 3,000 square feet	\$80.00
3,000 square feet and above	\$150.00

#### Multiple Family Housing

Per Family Living Unit	\$60.00
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### **Commercial Structures**

Up to 1,800 square feet	\$60.00
1,800 square feet to 3000 square feet	\$80.00
3,000 square feet and above	\$150.00

All Meter Loop Inspections (temporary and permanent) \$25.00 each

Add-on Construction or Renovation will have a minimum fee \$60.00  
(Ord. No. 506, Sec. 1)

**Inspections:** The City of Hazen, Arkansas is in need of an electrical inspector, and the City Council of the City of Hazen, Arkansas hereby authorizes the Mayor to appoint an electrical inspector to inspect the installation of electrical wiring and other matters relating to the electrical code.

**Disposition of Fees:** The fee shall be collected at the time of the application for a City Permit. The electrical inspector shall be paid one-half (1/2) of the fee collected and the remaining one-half (1/2) shall be deposited into the City of Hazen, Arkansas's general revenue account. (Ord. No. 506, Sec. 2)

## CHAPTER 11.16

### FIRE PREVENTION CODE

Sections:

11.16.01	Adoption of Fire Prevention Code
11.16.02	Enforcement
11.16.03	Definition
11.16.04	Modifications
11.16.05	Appeals
11.16.06	Penalties

11.16.01 Adoption of Fire Prevention Code. There is hereby adopted by the city of Hazen, Arkansas, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Standard Fire Prevention Code, abbreviated Edition, recommended by the American Insurance Association, being particularly the 1965 edition thereof and the whole thereof, of which code not less than three (3) copies have been and are now filed in the office of the Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the city of Hazen. (Ord. No. 157, Sec. 1.)

11.16.02 Enforcement. The code hereby adopted shall be enforced by the Chief of the Fire Department. (Ord. No. 157, Sec. 2.)

11.16.03 Definition Wherever the word "Municipality" is used in the code hereby adopted, it shall be held to mean the city of Hazen. (Ord. No. 157, Sec. 3.)

11.16.04 Modifications. The Chief of the Fire Department shall have the power to modify any of the provisions of the code hereby adopted upon application, in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decisions of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (Ord. No. 157, Sec. 4.)

11.16.05 Appeals. Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Mayor and City Council within thirty (30) days from the date of the decision appealed. (Ord. No. 157, Sec. 5.)

11.16.06 Penalties. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Mayor or City Council, or by a court of competent jurisdiction, within thirty days, shall severally for each and every such violation and noncompliance respectively, be guilty

of a misdemeanor, punishable by a fine of not less than Twenty Dollars (\$20.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment for not less than thirty (30) days, nor more than 1 year, or by both such fine and imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. No. 157, Sec. 6.)

## **CHAPTER 11.20**

### **HOUSING CODE**

#### **Sections:**

11.20.01 Lonoke County Housing Authority

11.20.01 Lonoke County Housing Authority The Lonoke County Housing Authority is hereby authorized to exercise its powers within the territorial boundaries of the city of Hazen, Arkansas. (Ord. No. 239, Sec. 1.)

## **CHAPTER 11.24**

### **CONDEMNED STRUCTURES**

#### **Sections:**

11.24.01 Unlawful  
11.24.02 Condemnation required  
11.24.03 Pre-condemnation notice  
11.24.04 Description of building  
11.24.05 Boarding and securing  
11.24.06 Publication  
11.24.07 Unfit dwellings  
11.24.08 Abatement by owner  
11.24.09 Public sale  
11.24.10 Proceeds  
11.24.11 Lien on property  
11.24.12 Fine  
11.24.13 Notice to owner

11.24.01 Unlawful. It is hereby declared to be unlawful for any person or persons, partnership, corporation or association to own, keep or maintain any house, building and/or structure within the corporate limits of the city of Hazen, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council. (Ord. No. 333, Sec. 1.)

11.24.02 Condemnation required. Any such house, building and/or structure which is found and declared to be a nuisance by resolution of the City Council will be condemned to insure the removal thereof as herein provided. (Ord. No. 333, Sec. 2.)

11.24.03 Pre-condemnation notice Prior to the consideration of a resolution by the City Council declaring any house, building and/or structure as a nuisance, the owner of such house, building and/or structure shall be notified in writing of the date, time and place that the City Council will consider said resolution. Said notice shall be delivered by registered letter or personal service, the receipt of which shall be duly acknowledged. Should the owner(s) of any such house, building and/or structure not be known or the owner(s) whereabouts not be known or such owner(s) is a non-resident of Arkansas, then a copy of the written notice shall be published in a newspaper of general circulation, and posted upon the premises and the Mayor or his designee shall make an affidavit setting out the facts as to unknown address or whereabouts of non-residents, and thereupon, service of publication as now provided for by law against non-resident defendant may be had and an attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found. (Ord. No. 333, Sec. 3.)

11.24.04 Description of building The resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in said resolution an adequate description of the house, building and/or structure, the name or names, if known, of the owner or owners thereof and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance. (Ord. No. 333, Sec. 4.)

11.24.05 Boarding and securing When necessary for the public health and safety, the owner(s) of any property declared a nuisance by the City Council shall board and secure the structure or condition within the time set forth in the notice. The owner(s) shall maintain such boarding or securing at all times until the structure is brought into full compliance with the applicable building or abatement codes or until such time as the structure is razed and removed. Boarding and securing of the structure or condition does not relieve the owner(s) of the requirement to diligently repair, rehabilitate or demolish and remove the structure or condition. All materials used to board and secure shall be weatherproofed or treated and shall be painted and maintained with a color of paint that blends with the overall structure. (Ord. No. 333, Sec. 5)

11.24.06 Publication After a house, building and/or structure has been found and declared to be a nuisance and condemned by resolution as herein provided, a notice shall be published within 10 days in a newspaper of general publication and a true or certified copy of said

resolution will be mailed to the owner or owners thereof if the whereabouts of said owner or owners thereof be known or their last known address be known, and a copy thereof shall be posted at a conspicuous place on said house, building and/or structure. Provided, that, if the owner or owners of said house, building and/or structure be unknown or if his or their whereabouts or last known address be unknown, the posting of the copy of said resolution as hereinabove provided will suffice as notice. (Ord. No. 333, Sec. 6.)

11.24.07 Unfit dwellings Unfit dwellings or dwelling units:

- A. **Dangerous structures** Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and declared to be a nuisance and shall be so designated and placarded by the building official.
1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
  2. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
- B. **Form of notice** Whenever the Building Official and County Health Official has declared a dwelling or multifamily dwelling as unfit for human habitation and constituting a nuisance, he shall give notice to the owner of such declaration by placarding of the dwelling or multifamily dwelling as unfit for human habitation. Such notice shall:
1. Be in writing;
  2. Include a description of the real estate sufficient for identification;
  3. State time occupants must vacate dwelling units;
  4. Said notice shall further state that, if such repairs, reconstruction, alteration, removal, or demolition are not voluntarily completed within the stated time as set forth in the notice, the Building Official shall institute such legal proceedings charging the person or persons, firm, corporation, or agent with the violation of this code.
  5. In case the owner, agent or person in control cannot be found within the stated time limit, or if such owner, agent, or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, secure, or demolish and remove said building or structure or portion thereof the Building Official, after having ascertained the cost, shall cause such building or structure or portion thereof, to be demolished or secured and required to remain vacant.
  6. Costs incurred shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

C. **Service of notice** Service of notice to vacate shall be as follows:

1. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a responsible adult; or
2. By depositing the notice in the United States Post Office addressed to the owner at his last known address by certified mail with postage prepaid thereon;
3. By posting and keeping posted for twenty-four (24) hours a copy of the notice in placard form in a conspicuous place on the premises to be vacated.

D. **Vacating of declared building** Any dwelling or dwelling unit which has been condemned as unfit for human habitation and so designated and placarded by the Building Official, shall be vacated within thirty (30) days after notice of such condemnation has been given by the Building Official to the owner and/or occupant of the building. (Ord. No. 333, Sec. 7.)

11.24.08 Abatement by owner The owner(s) of any property declared a nuisance by the City Council shall obtain the necessary permits and commence to repair, rehabilitate, secure, raze, and remove, or otherwise abate the nuisance within thirty (30) days and shall continue such work to satisfactory completion within such time as the City Council or designee determines. (Ord. No. 333, Sec. 8.)

11.24.09 Public sale The Building Inspector or any other person or persons designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the city, to insure its removal and the abatement of the nuisance. (Ord. No. 333, Sec. 9.)

11.24.10 Proceeds All the proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials therefrom and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the City Treasurer. If any such house, building and/or structure, or the saleable materials therefrom be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the city of Hazen, Arkansas, plus any fine or fines imposed, the balance thereof will be returned by the City Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance.(Ord. No. 333, Sec. 10.)

11.24.11 Lien on property If the city has any net costs in removal of any house, building and/or structure, the city shall have a lien on the property as provided by Section 1 of Act 8 of 1983. The lien may be enforced in either one of the following manners:

- A. The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Chancery Court; or
- B. The amount of the lien herein provided may be determined at a hearing before the governing body of the municipality held after thirty (30) days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in the county wherein the said property is located for one (1) insertion per week for four (4) consecutive weeks, the determination of said governing body being subject to appeal by the property owner in the Chancery Court, and the amount so determined at said hearing, plus ten percent (10%) penalty for collection, shall be by the governing body of the municipality certified to the tax collector of the county wherein said municipality is located, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent (3%) thereof, when so collected shall be paid to the municipality by the County Tax Collector.(Ord. No. 333, Sec. 11.)

11.24.12 Fine A fine of Fifty Dollars (\$50.00) is hereby imposed against the owner or owners of any house, building and/or structure found and declared to be a nuisance by resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty Dollars (\$50.00) for each said separate and distinct offense, provided the notice as herein provided in Section 4 hereof has been given within ten (10) days after said house, building and/or structure has been by resolution found and declared to be a nuisance. (Ord. No. 333, Sec. 12.)

11.24.13 Notice to owner In the event it is deemed advisable by the City Council of the city of Hazen, Arkansas, that a particular house, building and/or structure be judicially declared to be a nuisance by a court having jurisdiction of such matters, the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the city. The only notice to be given to the owner or owners of any such house, building and/or structure sought to be judicially declared to be a nuisance by a court of competent jurisdiction is as herein provided. A fine of Fifty Dollars (\$50.00) is hereby imposed against the owner or owners thereof from the date said finding is made by the court and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty Dollars (\$50.00) for each separate and distinct offense. In the event the owner or owners of any such house, building and/or structure judicially found to be a nuisance fails or refuses to abide by the orders of the court, the Building Inspector or any other person or persons referred to in Section

11.24.08 of this ordinance will take such action as provided in Section 11.24.09 hereof, and Section 11.24.10 of this ordinance will be applicable to such owner or owners. The provisions contained in the immediately preceding sentences apply independently of any action as may be taken by the court judicially declaring the nuisance. (Ord. No. 333, Sec. 13.)

## **CHAPTER 11.28**

### **BUILDING CODE**

#### **Sections:**

- 11.28.01 Adoption of Building Code
- 11.28.02 Establishment of office of Building Official
- 11.28.03 Qualifications of Building Official
- 11.28.04 Duties of Building Official
- 11.28.05 Liability

11.28.01 Adoption of Building Code. There is hereby adopted by the City Council of the city of Hazen, Arkansas, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the **1976 Edition of the National Building Code** and the **1976 Edition of the National Fire Prevention Code**, recommended by the City Council of Hazen, Arkansas, being particularly the 1976 Edition thereof the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended of which not less than three (3) copies have been and are now filed in the office of the clerk or recorder of the city of Hazen, Arkansas, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the city. (Ord. No. 236, Sec. 1.)

#### 11.28.02 Establishment of office of Building Official.

- A. The office of the Building Official is hereby established and the executive official in charge shall be known as the Building Official.
- B. The Building Official shall be appointed by the Mayor. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.
- C. During temporary absence or disability of the Building Official, the Mayor shall designate an acting Building Official.  
(Ord. No. 236, Sec. 2.)

11.28.03 Qualifications of Building Official. He shall be in good health, physically capable of making the necessary examinations and inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or connected with building construction, alteration, removal and demolition. (Ord. No. 236, Sec. 3.)

11.28.04 Duties of Building Official.

- A. He shall receive applications required by this code, issue permits and furnish the prescribed certificates. He shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the Building Code. He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the Building Code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate existing facilities in buildings and structures, he shall issue such notices or orders as may be necessary.
- B. Inspections required under the provisions of the Building Code shall be made by the Building Official or his duly appointed assistant. The Building Official may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the Building Code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.
- C. The Building Official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made or reports rendered and of notices or orders issued.
- D. All such records shall be open to the public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Building Official without his written consent.
- E. The Building Official shall make written reports to his immediate superior once each month, or more often if requested, including statements of permits and certificates issued, and orders promulgated. (Ord. No. 236, Sec. 4.)

11.28.05 Liability. Any officer or employee charged with the enforcement of this code, acting for the city in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this code shall be defended by the City Attorney or legal representative of the city. (Ord. No. 236, Sec. 5.)

## CHAPTER 11.32

### MECHANICAL CODE

Sections:

11.32.01	Adopted
11.32.02	Appendices
11.32.03	Published
11.32.04	Penalty

11.32.01 Adopted There is hereby adopted by the city of Hazen, the Arkansas Mechanical Code, as recommended by the Southern Building Code Congress, being the 2010 or the latest of any subsequent revisions thereof, save and except such portions as amended below. These rules and regulations are adopted to ensure safe mechanical installations including alterations, repairs, replacements, equipment, appliances, fixtures, fittings, and appurtenances thereto, so as to safeguard life, health, and the public welfare.

For the purpose of this ordinance, the Building Official, his or her assistants, or any individual assigned by the Mayor, shall be the Administrative Authority authorized to enforce the provisions of the Mechanical Code. (Ord. No. 439, Sec. 1.)

11.32.02 Appendices Appendix A, guideline for estimating heat loss and gain, attached hereto and made a part hereof as though set out word for word. Appendix B: schedule of permit fees, also attached hereto and made a part hereof as though set out word for word. (Ord. No. 439, Sec. 2.)

## APPENDIX A

### Guidelines for Estimating Heat Loss and Gain

#### A101 Compliance

All heat loss and heat gain design criteria shall comply with the Model Energy Code.

#### A102 Guidelines to Achieve the Design Criteria

The following methods shall apply in estimating heat loss and heat gain in buildings. Other equivalent methods may be used providing approval is granted by the Mechanical Official.

**Residential Occupancy** to estimate heat loss and heat gain in residential occupancy, ACCA Manual J. ASHRAE Handbook of Fundamentals or The Hydronic Institute C-30 and H-21 shall be used.

**Other than Residential Occupancy** To estimate heat loss and heat gain for other than residential occupancy, ASHRAE Handbook of Fundamentals or ACCA Manual N shall be used.

## APPENDIX B

### Schedule of Permit Fees

#### B101 Permit Fees

##### **B101.1 Initial Fee**

For issuing each permit \$10.00

##### **B101.2 Additional Fees**

**B101.2.1** Fee for inspecting heating, ventilating, ductwork, air-conditioning and refrigeration systems shall be \$10.00 for the first \$1000.00, or fraction thereof, of valuation of the installation plus \$2.00 for each additional \$1000.00 or fraction thereof.

**B101.2.2** Fee for inspecting repairs, alterations and additions to an existing system shall be \$5.00 plus \$2.00 for each \$1000.00 or fraction thereof.

**B101.2.3** Fee for inspecting boilers (based upon Btu input):

33,000 Btu (1 BHp) to 165,000 (5 BHp)	\$5.00
165,001 Btu (5 BHp) to 330,000 (10 BHp)	\$10.00
330,001 Btu (10BHp) to 1,165,000 (52 BHp)	\$15.00
1,165,001 Btu (52 BHp) to 3,300,000 (98 BHp)	\$25.00
over 3,300,000 Btu	\$35.00

#### **B102 Fee for Reinspection**

In case it becomes necessary to make a re-inspection of a heating, ventilation, air-conditioning or refrigeration system, or boiler installation, the installer of such equipment shall pay a re-inspection fee of \$5.00.

#### **B103 Temporary Operation Inspection Fee**

When preliminary inspection is requested for purposes of permitting temporary operation of a heating, ventilating, refrigeration, or air-conditioning system, or portion thereof, a fee of \$5.00 shall be paid by the contractor requesting such preliminary inspection. If the system is not approved for temporary operation on the first preliminary inspection, the usual re-inspection fee shall be charged for each subsequent preliminary inspection for such purpose.

### **B104 Self-Contained Units less than Two Tons**

In all buildings, except one and two family dwellings, where self-contained air-conditioning units of less than two tons are to be installed, the fee charged shall be that for the total cost of all units combined (see B101.2.1 for rate).

11.32.03 Publication Three (3) copies of this code have been and are now on file in the utility manager's office in the Hazen City Hall, and the same are hereby adopted and incorporated, as amended, as if set out at length herein. From the date on which this ordinance shall take effect, the provisions of the aforementioned code shall be controlling in the construction of all buildings and other structures within the corporate limits of the city of Hazen, except as regulated by other ordinances of the city of Hazen. (Ord. No. 439, Sec. 3.)

11.32.04 Penalty A.C.A. 15-55-102 empowers municipal corporations to adopt ordinances to provide for the safety, health, comfort and convenience of inhabitants of the city. Violations of the Mechanical Code shall be considered a violation of this ordinance, and shall be punishable as a misdemeanor offense. Violation of any of the Mechanical Code adopted as a result of this ordinance or other provisions of this ordinance shall be punishable by a fine up to \$250.00. Each day that said violation continues shall be a separate offense, and each day subsequent to the first day of the violation shall be punishable by fines of up to \$250.00 per day. (Ord. No. 439, Sec. 4.)

## **CHAPTER 11.36**

### **SOUTHERN BUILDING CODE**

#### Sections:

- 11.36.01      Complying with ADA
- 11.26.02      Adopting Southern Building Code
- 11.36.03      Inspectors appointed by Mayor

11.36.01 Complying with ADA Adopting the "BOMA International ADA Compliance Guidebook" as the source of requirements to comply with the Americans with Disabilities ACT (ADA) Title III Provisions of public accommodations and commercial facilities. All future construction or remodeling of commercial structures which are open to the public or which any employees of the firm are to be located will be subject to the Title III Provisions. (Ord. No. 285, Sec. 1.)

11.36.02 Adopting Southern Building Code Be it ordained by the City Council of Hazen, Arkansas, that the Southern Building Code will be the officially recognized and adopted building code for the city. The Provisions for ADA Compliance, however, shall be from the "BOMA

International ADA Compliance Handbook.” (Ord. No. 285, Sec. 2.)

11.36.03 Inspectors appointed by Mayor Be it ordained by the City Council of Hazen, Arkansas, that the following provisions shall be adopted. A Building Inspector, Electrical Inspector, and a Plumbing Inspector shall be appointed and supervised by the Mayor of the city of Hazen. The Inspector should be licensed by the Arkansas Department of Health as a Plumbing Inspector. The responsibilities of each position are:

- A. **Building Inspector:** The Building Inspector for the city of Hazen, or his authorized assistant(s), shall inspect all construction (including, but specifically not limited to, new construction, remodeling, additions, improvements, etc.) within the limits of the city of Hazen, Arkansas, and within the jurisdiction of the Hazen Planning Commission. The purpose of such inspections shall be to insure compliance with, and enforce the provisions of the Southern Building Code, ADA act as specified in the BOMA International as well as any applicable laws of the city of Hazen.

Failure to make necessary repairs or changes within a reasonable period of time shall constitute a violation of the provisions of this ordinance. And the Building Inspector or his authorized assistant shall be empowered to institute legal action to seek immediate cessation of the particular construction project until full compliance with the Southern Building Code or the local regulations.

Any person found to be in willful violation of the terms and provisions of the ADA Compliance Guidebook (BOMA), the Southern Building Code or the Hazen Building Code, who fails and refuses to make requested changes within a reasonable period of time, shall be guilty of a violation of this ordinance and shall be assessed a fine not to exceed Fifty Dollars (\$50.00) for each day such non-compliance continues.

- B. **Electrical Inspector:** The Electrical Inspector shall be knowledgeable about the field as related to wiring installation within a residence or small business. It shall be the duty of the Chief Electrical Inspector, or his authorized assistants, to inspect all wiring, apparatus, equipment and installations of electrical light, heat or power of circuits in residences and any appurtenant structures, and in any commercial structures. It shall be the duty of the Electrical Inspector to enforce all the laws, rules and regulations of the city, state or National Electrical Codes. The Electrical Inspector will issue a certificate of approval on wiring installations provided that they comply with the city, state or national codes.

The Electrical Inspector or his assistants are hereby empowered to inspect or re-inspect any wiring, equipment, or apparatus conducting or using electric current for light, heat or power in the city of Hazen. If the wiring, equipment or apparatus is found to be unsafe or illegally installed, the Inspector shall notify a

responsible entity and give notice to correct the problem within 48 hours or such time as the Inspector specifies. Failure to correct violations within such time as the Inspector specified shall constitute a violation of this ordinance and, unless otherwise provided by existing ordinances or codes, shall be punishable by a fine not to exceed Fifty Dollars (\$50.00). Each day that a violation exists shall constitute a separate offense. The Electrical Inspector or his assistants are hereby given the power to inspect, or to have disconnected, all wiring deemed by the Inspector to be hazardous to life and property.

- C. **Plumbing Inspector:** The Plumbing Inspector shall maintain a Plumbing Inspector's certificate issued by the Arkansas Department of Health. The Plumbing Inspector shall be responsible for inspection of all water, wastewater, and gas piping installed within the city limits to determine such installations meet all city and state codes. If plumbing is found to be unsafe or illegally installed, the inspector shall notify a responsible entity and give notice to correct the problem within 48 hours or such time as the inspector specifies. Failure to correct violations within such time as the inspector specified shall constitute a violation of this ordinance and, unless otherwise provided by existing ordinances or codes, shall be punishable by a fine not to exceed Fifty Dollars (\$50.00). Each day that a violation exists shall constitute a separate offense.
- D. **General Provisions:**
1. **Right of Entry** all Inspectors are hereby granted the authority to enter all buildings in the city in the performance of their duties between the hours of 8:00 a.m. and 5:00 p.m. daily.
  2. **Electrical License:** Anyone performing electrical installation or maintenance within the city limits must possess either a state of Arkansas electrician's license or a city of Hazen electrical license with the exception of persons doing electrical work on farm structures or persons who do electrical work on the home they own and reside in. The City Electrical Inspector will have the authority to issue city electrical licenses to those that demonstrate adequate proficiency to install and do maintenance to electrical wiring. All that possess a city electrical license must abide by all National Electrical Codes, State Codes and City Codes.
  3. **Inspection Fees:** current inspection fees are listed in 11.04.01, 11.08.04, 11.12.04 and 11.16.04.
  4. **Accountability and Removal of Inspectors:** All Inspectors appointed pursuant to this ordinance shall be directly accountable to the Mayor for all actions and may be discharged for failure or refusal to comply with, or to enforce, any of the provisions of any ordinance, code or regulation

within the jurisdiction of such Inspector, for dereliction of duty, for incompetence or inefficiency. The discharge of any Inspector shall be subject to review by the City Council for the city of Hazen.

- 5. **Repealed:** All ordinances and parts of ordinances, which conflict or are inconsistent with the provisions of this ordinance are, as of the effective date of this ordinance, repealed and shall have no force or effect. All code, regulations, salaries, license and inspection fees presently in force shall remain in full force and effect until such time as they may be amended by the City Council.
- 6. **Abolishment of the Board of Inspection and Review:** As of the effective date of this ordinance, the existing Board of Inspection and Review shall be abolished. Anyone having a dispute with the actions of any of the City Inspectors shall have the recourse of addressing their grievances with the Mayor or the City Council.

**CHAPTER 11.40**

**STREET NAMING AND PROPERTY NUMBERING**

Sections:

- 11.40.01 Address map
- 11.40.02 Numbering system
- 11.40.03 Owners to purchase numbers
- 11.40.04 Numbers for future buildings
- 11.40.05 Unlawful to deface number
- 11.40.06 Street names
- 11.40.07 Street signs
- 11.40.08 Penalty
- 11.40.09 Street names on 9-1-1 map

11.40.01 Address map The property numbering map entitled "City of Hazen Addressing System Boundary Map," dated October 16, 2002, is hereby adopted as the official property map for the city of Hazen. All property numbers assigned shall be assigned in accordance with this address map. No other property numbers shall be used or displayed in the city of Hazen, except numbers assigned in accordance with the official address map. The property-numbering map shall be kept on file in the Hazen City Hall. (Ord. No. 361, Sec. 1.)

11.40.02 Numbering system On the property-numbering map, United States Highway 70 is hereby designated as the North/South axis, and Hazen Avenue is hereby designated as the East/West Axis. All avenues, streets, and alleys running generally north and south shall be numbered from the East/West axis consecutively to the corporate limits of the extremity of such avenue, street, or alley. Avenues, streets, or alleys running generally east and west shall be numbered from the North/South axis in the same manner.

One whole number shall be assigned for every 25 ft. of ground, whether improved property or vacant lot, on every street within the corporate limits. Odd numbers shall be assigned to the east side of the street on all North/South streets, and even numbers on the west side. On east/west streets, odd numbers shall be assigned to the south side of the street, and even numbers to the north side. (Ord. No. 361, Sec. 2.)

11.40.03 Owners to purchase numbers Every property owner of improved property shall, on or before the 31<sup>st</sup> day of December 2004, purchase and display in a conspicuous place on said property the number assigned. The number herein required shall not be less than three (3) inches in height and shall be of durable reflective material to enhance visibility. The number(s) shall be conspicuously placed on each building so that the number is visible from and oriented toward the street on which the number is based. Whenever any building is situated so it is not clearly visible from the street, the number(s) assigned shall be placed near the driveway or common entrance to such building. Numbers painted or stenciled on shall not be a substitute for the display of address numbers prescribed. (Ord. No. 361, Sec. 3.)

11.40.04 Numbers for future buildings The owner or agent proposing to erect, repair or alter any house, building or structure for occupancy which will need an address shall apply to the Prairie County E9-1-1 Agency Coordinator for the assignment of the correct number or numbers.

The owner, occupant or agency of a new affected house or building shall purchase and display such number(s) as provided in 11.40.03 of this ordinance within fifteen (15) days after building completion or erection.

If the proper number is not placed on an existing building within fifteen (15) days, it shall be the duty of the city of Hazen to install the proper numbers on said premises as hereinafter set forth, and to make a charge for each number so installed, which said charge shall be added to the owner's water bill. (Ord. No. 361, Sec. 4.)

11.40.05 Unlawful to deface number It shall be unlawful for any person to alter, deface or take down any number placed on property in accordance with this ordinance, except for repair or replacement of such number. (Ord. No. 361, Sec. 5.)

11.40.06 Street names All street names shall have a descriptive suffix. "Road, Street, Lane, Drive and Avenue" shall mean all public roadways open for general public travel, which constitute the basic interconnecting city surface transportation system. Access drives to apartment and commercial complexes shall not be considered as streets and shall not be named as such.

Streets which are also state and federal highways may be identified by their state or federal designation.

Cul-de-sacs or dead-end streets, which have only one entrance/exit, shall have a suffix name such as "Place, Court, or Way" to indicate their dead-end nature.

Loop roads are circular or rectangular streets which begin at one point and end at another point along a common street and do not connect to any other streets. The street name suffix on these streets shall be "Loop, Circle, or other names indicating a closed road.

Street names shall not be duplicated and there shall not exist sound-alike road names (i.e., Beach or Beech, Cherry or Cheery).

An exception to the duplication rules may be permitted to allow a dead-end, circle or loop road to have the same name as the street from which it originates. The suffix, "Place, Loops, Circle, etc." will be used to differentiate between the street of origin, which will have the suffix "Road, Street, Lane, Drive, Avenue, etc."

A directional prefix to a named street shall be used to indicate the side of the base line the street is on. When the street continues across the base line or in instances of an extended street in many directions, a prefix may be added to address properly.

The continuation of an existing street shall have the same name.

Developers of property are encouraged to propose street names on plats containing new streets. All such names are subject to review by the Prairie County E9-1-1 Agency Coordinator and the city of Hazen. (Ord. No. 361, Sec. 6.)

11.40.07 Street signs Street name signs shall be erected at all intersections, regardless of other route markings that may be present, i.e., state and county route markers.

Developers of property shall, at the developer's expense, erect street name signs at the intersection of any new streets and at the intersection of new streets with existing streets.

All street name signs shall be in conformance with the specifications as administered by the city of Hazen. (Ord. No. 361, Sec. 7.)

11.40.08 Penalty Any other person failing to comply with the provisions of this ordinance shall, upon conviction thereof, be fined not less than Twenty-Five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00), plus prosecution costs for each offense. Each day said offense continues shall be considered a separate offense. (Ord. No. 361, Sec. 8.)

11.40.09 Street names on 9-1-1 map The street names as amended on the 9-1-1 addressing system map be adopted as the official street names of the city for the 9-1-1 addressing system only. (Ord. No. 368, Sec. 1.)

## CHAPTER 11.44

### 9-1-1-NUMBERING

#### Sections:

11.44.01	Numbering required
11.44.02	Posting
11.44.03	Time for posting
11.44.04	Penalty
11.44.05	Street address map
11.44.06	Centerlines
11.44.07	Street names
11.44.08	Address numbers
11.44.09	Final plats

11.44.01 Numbering required Each property containing a principal building, structure or residence within the corporate limits of the city of Hazen, Arkansas, shall bear numerals indicating the street number for each said principal building, structure or residence visible from the street upon which the property fronts. Said numerals shall be posted in such a manner as to be readily legible from a distance of up to one hundred (100) feet. (Ord. No. 373, Sec. 1.)

11.44.02 Posting In the event any principal building, structure or residence within the corporate limits of the city of Hazen, Arkansas, shall be located more than One Hundred (100) feet from a street or highway, it shall be the duty of the owner or occupant of each such principal building, structure or residence to post numerals indicating the street number either on a mailbox or other structure which is readily visible from the street. (Ord. No. 373, Sec. 2.)

11.44.03 Time for posting It shall be the duty of the owner or occupant of each principal building, structure or residence to post numerals indicating the street number on the property within three (3) months from and after the passage of this ordinance. (Ord. No. 373, Sec. 3.)

11.44.04 Penalty Any property owner or occupant who shall fail and refuse to post numerals indicating the street numbers, as aforesaid, within the time and in the manner prescribed by this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than Twenty-Five Dollars (\$25.00), and each day of violation shall constitute a separate offense. (Ord. No. 373, Sec. 4.)

#### 11.44.05 Street address map

- A. The Street Address Map is a part of this ordinance and shall contain the ordinance numbers and certifications which appear upon this document. The map shall identify all named streets and addresses.

- B. The official Street Address Map shall be automatically updated upon final plat approval of any plat or large-scale development. (Ord. No. 373, Sec. 5.)

11.44.06 Centerlines The address grid centroid is the intersection of Hazen Avenue and Front Street. The address numbers increase proceeding north, south, east and west. The north and south address centerline is a line extending east and west from the grid centroid to the city limits. The east and west address centerline is a line extending north and south from the grid centroid to the city limits and our addressing boundary. (Ord. No. 373, Sec. 6.)

11.44.07 Street names

- A. For the purpose of this ordinance, the word "street" shall mean all roadways, public and private, open for general public travel. Access drives to apartment and commercial complexes shall not be considered as private streets.
- B. Cul-de-sac streets, which have only one entrance/exit shall have a suffix name such as "cove," "lane," "place," or "terrace" to indicate their dead end nature.
- C. Loop streets are circular or rectangular plan streets that begin at one point, end at another point along a common street, and do not connect to any other streets. The street name suffixes on these streets must not be "road" or "avenue" but shall be "loop," "circle," "court" or other name indicating a closed street layout.
- D. Street names shall not be duplicated and names with a similar pronunciation such as Perry/Prairie shall be avoided. (Ord. No. 373, Sec. 7.)

11.44.08 Address numbers

- A. Address numbers shall be even on the north and west sides of the street and odd on the south and east sides of the street. One Hundred (100) numbers shall be assigned to each identified grid block with the lowest number beginning at the point nearest the grid centerline.
- B. On loops streets, address numbering shall begin at the entrance nearest the grid centerline. Address numbers shall increase or decrease relative to their initial movement from the grid centerline and continue to the opposite end as if the street were in a straight line. Block number change will be made every 330 feet with odd and even numbers remaining on the same side of the street as they began or as applicable to intersecting streets.
- C. Apartment buildings on public streets will be assigned individual addresses. Apartments clustered about a central parking area immediately facing a public street shall also be assigned separate street addresses.

- D. Apartment buildings not located on public streets will be assigned a private street designator. These apartment buildings shall be assigned individual addresses.
- E. Each apartment building must be identified on the exterior by block grid number. The numbers shall be in sequence increasing from the centerline. Apartment buildings shall have the block number as part of each apartment number, i.e., 1702 Street Name, Apt. #1. When units are on multiple floors, ground floor numbers shall be 1 followed by apartment number, i.e., 11, 12, 13; second floor shall be 2 followed by the apartment number, i.e., 21, 22, 23. If a common hallway is used, each apartment shall contain a list of the apartments served. When addressing townhouses and other building containing units separately owned, each address shall be placed upon the principal external entry to the unit.
- F. The official address for each apartment on a public street shall be the building address followed by the apartment number, such as 320 S. Prairie, Apt. 1. Addresses for units in apartment building not on a public street shall include the block number, private street designator, and apartment number, such as 320 Cedar Manor Dr., Apt. #1.
- G. Suite numbers (odd or even) shall be determined by its parent building's number and will increase in an odd or even manner according to the layout location from the centroid, i.e., a building with the odd number 201 shall start with suite 1, 3, 5, etc. Buildings with as even number shall have even suite numbers.
- H. Structures on corner lots shall not be given dual addresses. The structure on a corner lot shall be addressed off of the street where the front entrance is located. If the structure appears to have more than one front entrance, then the structure shall be addressed off of the street with the shortest frontage. (Ord. No. 373, Sec. 8.)

11.44.09 Final plats All final plats shall be pre-addressed. (Ord. No. 373, Sec. 9.)

**CHAPTER 11.48**

**ENERGY CODE**

Sections:

11.48.01 Adoption

11.48.01 Adopted There is hereby adopted by the City Council of Hazen, Arkansas, for the purpose of establishing rules and regulations for energy efficient standards for new building construction, this Code known as the 2014 Arkansas Energy Code, being particularly the 2014 Arkansas Energy Code edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended, of which not less than three (3) copies of this ordinance, as well as, three (3) copies of the 2014 Arkansas Energy Code, have been and now are filed in the office of the Clerk or Recorder of the City of , Arkansas, and the same ordinance is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the City of Hazen, Arkansas. (Ord. No. 487, Sec. 1.)

**TITLE 12**

**PARKS AND RECREATION**

Chapters:

12.04 Mammoth Pond Park

**CHAPTER 12.04**

**MAMMOTH POND PARK**

Sections:

- 12.04.01 Hours of operation
- 12.04.02 Littering
- 12.04.03 Restrictions
- 12.04.04 Fishing regulations
- 12.04.05 Park closing
- 12.04.06 Defacing public property
- 12.04.07 Fines

12.04.01 Hours of operation All city parks will be open from dawn until dusk each day. (Ord. No. 434, Sec. 1.)

12.04.02 Littering All persons visiting the park are responsible for cleaning up all trash, emptying containers, wrappings and food residue and placing those items in a trash receptacle. (Ord. No. 434, Sec. 2.)

12.04.03 Restrictions There will be no fire arms or archery equipment allowed in the park, to include B.B. guns and pellet guns. Alcohol and fireworks are prohibited from any park. There will be no swimming, boating or camping allowed in Mammoth Pond Park. There will be no motorized vehicles on any of the city's walking trails. (Ord. No. 434, Sec. 3.)

12.04.04 Fishing regulations A fishing license is required for all persons sixteen years old and above fishing at Mammoth Pond Park. Only pole fishing will be permitted. No trot-line, yo-yo or jug fishing allowed. There is a limit of five (5) fish per each licensed person per day at Mammoth Pond Park. (Ord. No. 434, Sec. 4.)

12.04.05 Park closing Mammoth Pond Park may be closed by the Arkansas Game and Fish Commission or the Hazen City Council for health and safety reasons. In addition, the Hazen City Council reserves the right to close all other city parks at their discretion for public health and safety reasons. Arkansas Game and Fish established a NO HUNTING BUFFER ZONE around Mammoth Pond Park and there will be no hunting within this boundary. (Ord. No. 434, Sec. 5.)

12.04.06 Defacing public property It is unlawful to paint, carve, draw or mutilate public property of any form. Cutting, trimming or marking trees is prohibited except by Arkansas Game & Fish Commission at Mammoth Pond Park except in designated places. (Ord. No. 434, Sec. 6.)

12.04.07 Fines Fines for violation of this ordinance are from \$100.00 to \$1,000.00 as decided by the District Court Judge. All offenders will be prosecuted. (Ord. No. 434, Sec. 7.)

## **TITLE 13**

### **PLANNING**

#### **Chapters:**

13.04 Planning Commission

#### **CHAPTER 13.04**

#### **PLANNING COMMISSION**

#### **Sections:**

13.04.01 Commission created  
13.04.02 Authority  
13.04.03 Rules

13.04.01 Commission created. There is hereby created a City Planning Commission consisting of six (6) members who shall serve without compensation. The members shall be citizens of the city of Hazen holding no other municipal office or appointment and qualified by knowledge or experience to act upon matters pertaining to the physical, social and economical development of the city. The members shall be nominated by the Mayor and approved by the City Council. In the first instance, three members shall be appointed for a period of four years and three members for a period of two years. Thereafter, all appointments or reappointments shall be made for a term of four years each. Appointment to fill vacancies shall be for the unexpired terms only. Any member may be removed by the Mayor and Council at any time for cause shown. Upon adoption of a planning area boundary, if such planning area boundary extends beyond the city limits of Hazen, the Mayor and Council may, if they choose, appoint two additional members from the area outside the city limits but within the planning area boundary. If such optional appointments are made, in the first instance one shall be for a term of two years and one for a term of four years. Thereafter they shall serve under the same conditions as the other members. (Ord. No. 323, Sec. 1.)

13.04.02 Authority The City Planning Commission, once constituted, shall have the authority to perform all the duties and functions enjoined upon it by ACT 186 of 1957 as amended or that may hereinafter be conferred upon it by law. (Ord. No. 323, Sec. 2.)

13.04.03 Rules The City Planning Commission, once constituted, may from time to time adopt such rules and regulations, not inconsistent with existing state laws and incorporating specific requirements of existing state law, for its organization and procedures. (Ord. No. 323, Sec. 3.)

## **TITLE 14**

### **ZONING**

#### **Chapters:**

- 14.04 Zoning Ordinance
- 14.12 Flood Damage Prevention Ordinance
- 14.16 Annexing, Vacating and Rezoning

#### **CHAPTER 14.04**

### **ZONING ORDINANCE**

#### **Sections:**

- 14.04.01 Definitions
- 14.04.02 Establishment of districts
- 14.04.03 Boundaries of districts
- 14.04.04 Single Family Residential Use District(R-1)
- 14.04.05 Residential Use District (R-2) and (R-2 AH)
- 14.04.06 Residential Use District (R-3)
- 14.04.07 Manufactured Home Use District (R-4)
- 14.04.08 Central Business Use District (C-1)
- 14.04.09 General Commercial Use District (C-2)
- 14.04.10 Industrial Use District (I-1)
- 14.04.11 Lot, yard, and height regulations
- 14.04.12 Zoning of annexed property
- 14.04.13 Temporary non-conforming use permits
- 14.04.14 Completion of existing construction
- 14.04.15 Application of regulation to the uses of more restrictive districts
- 14.04.16 Relief from requirements for lot area or width in residential zone
- 14.04.17 Areas not to be diminished
- 14.04.18 Group housing projects
- 14.04.19 Off-street automobile and vehicle parking and loading
- 14.04.20 Signs
- 14.04.21 Non-conforming building or structure
- 14.04.22 Non-conforming uses of land
- 14.04.23 Conditional uses
- 14.04.24 Board of Zoning Adjustment
- 14.04.25 Amendments

14.04.26	Change in classification
14.04.27	Enforcement Officer; building permit
14.04.28	Notice of zoning compliance
14.04.29	Penalty
14.04.30	Fees

14.04.01 Definitions Certain words and phrases shall for the purpose of this ordinance have the following meaning:

**Accessory Structure** A subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominant use of the building or premises.

**Accessory Use** A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

**Advertising Sign of Structure** Any cloth, card, paper, metal, glass, wooden, plastic, plaster, stone or other sign, device, or structure of any character whatsoever, including a statuary placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, or structure. The term “plate” shall include erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest cross section of the structure. Neither directional, warning, nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be constructed as advertising signs for the purpose of this ordinance.

**Alley** A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting the street, and which may be used for public utility purposes.

**Apartment House** See dwelling, multiple family.

**Area** The amount of land surface in a lot or parcel of land.

**Building** Any structure intended for shelter, housing, or enclosure for persons or animals. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate building.

**Building Height** The vertical distance from the average line of the highest to lowest point of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

**Child Care Center** Any place, home, or institution which receives three or more children under the age of 16 years, and not of common parentage, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated, or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial parent person, or to churches or other religious or public institutions caring for children within the institutional buildings while their parents or legal guardians are attending services or meetings or classes or other church activities.

**Coverage** The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

**Dwelling** Any building or portion thereof, which is designed or used as living quarters for one or more families.

**Dwelling, Single-family** A detached dwelling designed to be occupied by one family.

**Dwelling, Two-family** A detached dwelling designed to be occupied by 2 families living independently of each other.

**Dwelling, Multiple** A detached dwelling designed to be occupied by three or more families living independently of each other, exclusive of hotels or motels.

**Family** One or more persons related by blood, marriage, or adoption, or a group of not to exceed five persons not all related by blood or marriage, occupying a boarding or lodging house, hotel, club, or a similar dwelling for group use.

**Garage Apartment** A dwelling unit for one family erected above a private garage.

**Gasoline Service or Filling Station** Any area of land, including structures thereon, that is used for the retail sales of gasoline or oil fuel, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair, or automatic automobile washing or the sale of butane or propane fuels.

**Home Occupation** Any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or advertising signs other than one non-illuminated name plate not more than two square feet in area attached to the main or accessory building. Home occupations shall include repair and service facilities where no noise, glare, smoke, or fumes are produced which would interfere with the quiet use of nearby residential properties.

**Hotel** A building or group of buildings under one ownership containing six or more sleeping rooms occupied or intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including trailer court or camp, sanatorium, hospital, asylum, orphanage, or buildings where persons are housed under restraint.

**Kennel** Any lot or premises on which are kept three or more dogs, more than six months.

**Lot** Any foot of land occupied or intended to be occupied by one main building, or a group of main buildings, and accessory buildings and uses, including such open spaces as are required by this ordinance and other laws or ordinances, and having its principal frontage on a street.

**Manufactured Home** A residential dwelling built in accordance with the Federal Manufactured Home Construction and Safety Standards. Manufactured homes are further classified as either (1) single section, or (2) multi-section.

### **Medical Facility**

- A. **Convalescent, Rest, or Nursing Home** A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
- B. **Dental Clinic or Medical Clinic** A facility for the examination and treatment of ill and afflicted human out-patients, provided that patients are not kept overnight except under emergency conditions.
- C. **Offices for Dentists, Doctors, Oculists, Optometrists, Osteopaths, and Chiropractors** The same as dental or medical clinic.
- D. **Hospital** An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient department, training facilities, central service facilities, and staff offices which are an integral part of the facility.
- E. **Public Health Center** A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics, and administrative offices operating in connection therewith.
- F. **Sanatorium** An institution providing health facilities for in-patient medical treatment or treatment and recuperation, making use of natural therapeutic agents.

**Modular Home** A residential dwelling, constructed in a factory to a residential construction code other than the Federal Manufactured Home Construction Safety Standards.

**Mobile Home** A residential dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, built prior to enactment of the Federal Manufactured Home Construction and Safety Standards, and consistent with any state definitions.

**Motels** An area containing one or more buildings designed or intended to be used as temporary sleeping facilities of one or more transient persons or families and intended primarily for automobile transients.

**Non-conforming Structure** A lawfully constructed building or structure which does not conform to the regulations of the district in which it is located.

**Non-conforming Use** A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is located.

**Open Space** Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structure or portions of structures whatever.

**Parking Space** An area a minimum of 250 square feet of usable and accessible space which is designated for storage of an automotive vehicle.

**Place of Public Assembly** A meeting place for more than thirty-five persons to which the public or membership groups are assembled regularly or occasionally, included but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.

**Principal Use** The chief or main recognized use of a structure or of land.

**Property Line** The line bounding a lot as defined herein.

**Story** That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there being no floor above it, than the space between the floor and the ceiling next above it.

**Story, Half** A space under a sloping roof which has a line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than 2/3 of the floor area is finished off for use. A half story containing independent apartments of living quarters shall be counted as a full story.

**Street** Any public or private thoroughfare which affords the principal means of access to abutting property.

**Street, Intersection** Any street which joins another street at an angle, whether or not it crosses the other.

**Structure** Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground.

**Structural Alteration** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

**Yard** An open space at grade between a building and the adjoining lot line, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this ordinance that the building or structure may be located in a portion of a yard required for main buildings. In measuring a yard for the purpose of determining the width of the side yard, the depth of the front yard, or the depth of the rear yard, the shortest horizontal distance between the lot line and the main building shall be used. (Ord. No. 331, Chapter 1.)

#### 14.04.02 Establishment of districts

**Classification of Districts** For the purpose of promoting the public health, safety, morals, and general welfare of the community, the city of Hazen, Arkansas, is hereby divided into the following types of districts:

R-1	Single Family Residential
R-2	Single Family Residential
R-3	Residential Use District
R-4	Manufactured Home Subdivision
C-1	Central Business District
C-2	General Commercial
I-1	Industrial

(Ord. No. 331, Art 2-1.)

#### 14.04.03 Boundaries of districts

- A. The boundaries of the zoning districts are hereby established as shown on the map entitled Zoning District Map of Hazen, Arkansas, which is a part of this ordinance and which is on file at City Hall.
- B. **Interpretation of District Boundaries**
  - 1. Where district boundaries are indicated as approximately following the center lines of streets or highways, said street lines shall be construed to be such.
  - 2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately following alleys shall be construed as following alleys.
6. When the street or property layout existing on the ground is at variance with that shown on the Zoning District Map or with other requirements of this ordinance, the Board of Adjustment shall interpret the boundaries.
7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Zoning Adjustment.  
(Ord. No. 331, Art. 2-2.)

14.04.04 Single Family Residential Use District (R-1) This district is intended to include the quiet residential neighborhoods characterized by single-family homes on large lots, plus certain areas where similar residential development is likely to occur. This is the most restrictive residential district. The principal use of land is for detached single-family dwellings and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area.

A. Permitted Uses

1. Single family dwelling, detached.
2. Public parks, playgrounds, and other municipal recreational uses.
3. Public schools and private schools offering general education courses.
4. Parking lots used to service uses permitted in the district.
5. Municipal water supply.
6. Customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted for gain. Any accessory building shall be on the same lot with the principal building.

B. Uses Permitted for Review of the Planning Commission

1. Buildings associated with farming operations. (Ord. No. 331, Art. 3-1.)
2. Replacement of an existing mobile home on an individual lot with a newly constructed manufactured home, where such replacement would, in the opinion of the Planning Commission, be in the best interests of the health, safety and welfare of the citizens of Hazen. (Ord. No. 335, Sec. 1.)

14.04.05 Residential Use District (R-2) and (R-2 AH) This is a residential district to provide for medium density dwellings. Recreational, religious, and educational uses normally located to service residential areas are also permitted to provide the basic elements of convenient, balanced and attractive living areas.

A. Permitted Uses

1. One family dwellings.
2. Public or private schools offering a general education course.
3. Public parks and playgrounds and other municipal recreational uses.
4. Kindergartens (public or private).
5. Public utilities such as water storage, power substations, and sewer lift stations.
6. Accessory structures and uses pertinent to the principal structure and use.

B. Conditional Uses Conditional Uses may be allowed upon review by the Planning Commission. Applications for conditional uses shall be made in accordance to the provisions of Chapter V, Art. 5-3.

1. Manufactured housing dwelling units may be placed in an R-2 or R-2(AH) zone subject to additional requirements as hereinafter set forth.
  - a. Dwellings shall be multi-sectional in R-2 Districts and may be single section or multi-section in R-2(AH) Districts.
  - b. Dwellings shall be oriented in a manner so as to be consistent with the prevalent orientation in the immediate area.
  - c. Roofs on manufactured housing units placed in an R-2 or R-2(AH) zoning district shall be sloped with shingles, standing seam metal roofs, or other roofing material approved by the Mayor. (Ord. No. 456, Sec. 1.)
  - d. Units shall be set up and anchored in accordance with regulations set forth by the Arkansas Manufactured Home Commission.

- e. Units shall have a continuous underpinning with a material approved by the city.
- f. The manufactured home will be the principal structure on the lot.

2. Day Care Centers

C. Uses Permitted for Review of the Planning Commission

- 1. Buildings associated with farming operations.  
(Ord. No. 331, Art. 3-2.)

14.04.06 Residential Use District (R-3) This is a residential district to provide for medium to high density dwellings and includes a wide variety of housing types. These types may include single family dwellings, two family dwellings, townhouses, apartments and manufactured home parks. Recreational, religious and educational uses normally located to serve residential area are also permitted to provide the basic elements of convenient balance in attractive living areas.

A. Permitted Uses

- 1. One Family Dwellings
- 2. Two Family Dwellings
- 3. Multi-family Dwellings
- 4. Manufactured Home Parks Parks shall have necessary public utilities, community facilities and other public services in order to provide a healthful living environment with the normal amenities associated with residential districts of the city. In addition, all manufactured home parks located in the planning area boundary of the city of Hazen shall conform to the following design standards:
  - a. The park shall be located on a well-drained site properly graded to insure rapid drainage or freedom from stagnant pools of water.
  - b. Manufactured home spaces shall be provided consisting of a minimum of 5,000 square feet for each space which shall be at least 50 feet wide and clearly defined.
  - c. The minimum front yard setback shall be 20 feet to the front lot line of the manufactured home park. Additionally, each manufactured home unit shall be set back at least 20 feet from all internal drives and access routes through the manufactured home park.

- d. The park shall be designed to accommodate a minimum of five manufactured homes.
- e. Manufactured homes shall be so harbored on each space that there shall be at least a 20 foot clearance between the manufactured homes.
- f. (Repealed Ord. No. 493).
- g. Internal streets and drives shall be designed for safe and convenient access to all manufactured home spaces. All such internal drives shall be privately owned, built, and maintained. such roadways shall be at least 20 feet in width and shall be constructed with a bituminous or concrete surface.
- h. Each manufactured home space shall be provided with two off-street parking spaces each 9' x 20' in dimension.
- i. Manufactured home parks must set aside open space as required by the Health Department of the state of Arkansas.  
(Ord. No. 331, Art. 3-3.)

Manufactured housing dwelling units may be placed in an R-3 zone subject to the additional requirements as hereinafter set forth.

- a. Dwellings may be single-section or multi-section.
- b. Dwellings shall be oriented in a manner so as to be consistent with the prevalent orientation in the immediate area.
- c. Roofs on manufactured housing units placed in an R-3 zoning district shall be sloped with shingles, standing seam metal roofs, or other roofing material approved by the Mayor. Asphalt-based rolled roofing will be allowed. (Ord. No. 456, Sec. 2.)
- d. Units shall be set up and anchored in accordance with regulations set forth by the Arkansas Manufactured Home Commission.
- e. Units shall have a continuous underpinning with a material approved by the city.
- f. The manufactured home will be the principal structure on the lot.  
(Ord. No. 374, Sec. 2.)

14.04.07 Manufactured Home Use District (R-4) This district is intended to provide districts specifically designed for manufactured homes. The district will be similar to other residential districts in all aspects except that maximum lot sizes may be reduced.

A. Permitted Uses

1. One manufactured home per lot
2. Public utilities such as water storage, power substations, and sewer lift stations.
3. Accessory structures and uses pertinent to the principal structure and use.

B. Permitted Uses upon Review of the Planning Commission

1. Churches (Ord. No. 331, Art. 3-4.)

14.04.08 Central Business Use District (C-1)

A. General Description The Central Business District is the area of town commonly referred to as “Downtown.” It differs from other commercial districts in that there are no off-street parking requirements and no front or side setback requirements. Common wall construction must meet the requirements of the city’s fire code and be approved by the Hazen Fire Chief.

B. Permitted Uses Property and buildings in the C-1 Central Business District shall be used for the following types of businesses:

1. Retail establishments providing goods and services such as grocery, drug, hardware, variety stores, and similar uses in hotels, motor hotels, and restaurants.
2. Office and bank building and uses.
3. Processing and manufacturing that by reason of operation do not constitute a nuisance to adjacent uses in respect to noise, odor, dust, vibration, etc.
4. Wholesaling and warehousing that by reason of operation do not constitute a nuisance to adjacent uses in respect to noise, odor, dust, vibration, etc.
5. Bulk storage of non-combustible material.
6. Automotive service, repair, and short-term and long-term impound/storage lots as defined in 8.12.04 and salvage yards. (Ord. No. 400, Sec. 7.)

7. Public and institutional uses and buildings. (Ord. No. 422, Sec. 1)
  8. Multi-family dwellings including townhouses and apartments will no longer be a Permitted Use in the Central Business Use District (C-1). (Ord. No. 519, Sec. 2)
- C. Height When the maximum height of a structure exceeds three stories, it shall be approved by the Board of Zoning Adjustment.
- D. Rear Yard Minimum – 20 feet from property line or center of alley, where one exists.
- E. Loading and Unloading Loading and unloading facilities shall be provided so as not to block any public way.
- F. Fire Limits Land in the Central Business District shall be included within the fire limits of the city of Hazen, Arkansas. (Ord. No. 331, Art. 3-5.)

#### 14.04.09 General Commercial Use District (C-2)

- A. General Description This district is designed to accommodate establishments offering accommodations, supplies, or services, and for certain specialized uses such as retail outlets, extensive commercial amusements, and service establishments which may serve the entire community, but are not suitable for location in the Central Business District.
- B. Permitted Uses Property and buildings in the C-2 Commercial District shall be used for the following types of businesses:
1. Any use permitted in the C-1 District.
  2. Amusement enterprises.
  3. New and used automobile sales and services, new and used machinery sales and services, and public garages.
  4. Advertising signs or structures.
  5. Ambulance service, office or garage.
  6. Automobile service stations.
  7. Bakery.
  8. Boat sales.
  9. Bowling alley.
  10. Bus terminal.
  11. Clothing store.
  12. Department store.
  13. Drive-in theater or restaurant.
  14. Electric transmission station.
  15. Feed and fuel store.
  16. Food store.
  17. Frozen food locker.
  18. Furniture repair and upholstery.
  19. Funeral parlor.

20. Garden stores.
21. Golf course, miniature or practice range.
22. heating and plumbing sales and service.
23. Veterinary hospital.
24. Interior decorating store.
25. Ice plant.
26. Key shop.
27. Kennel.
28. Laundry.
29. Motel.
30. Music, radio, and television shop and repair.
31. Novelty shop.
32. Offices
33. Pet shop.
34. Printing shop or plant.
35. Public uses.
36. Recreation center.
37. Research laboratories.
38. Roller skating rink.
39. Sign painting shop.
40. Sporting goods store.
41. Theater.
42. Wholesale distributing center
43. Buildings, structures, and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.
44. Any other store or shop for retail trade or for rendering personal, professional, or business service which does not produce more noise, odor, dust, vibration, or traffic than those uses listed above.
45. The bulk storage of liquefied petroleum gases.

C. Area Regulations There shall be a minimum distance of 25 feet from all street property lines, except that islands for gasoline and diesel fuel pumps when situated on a state or federal highway, may be set to within fifteen feet from street property lines, as provided for and in conformance with Arkansas state law.

D. Height Regulations Any structure that is designed to have a maximum of height of greater than three stories of 35 feet shall be approved by the Board of Zoning Adjustment.

E. Off-street Parking See Chapter 4. In all cases the forwardmost 25 feet of the front yard shall be maintained as unobstructed open space, and shall not be used for parking unless property control is provided through curb lines, entrances and

exits; and in no case will parking be permitted in a manner so as to result in automobiles backing into any street or otherwise interfering with moving traffic.

- F. Loading and unloading Loading and unloading facilities shall be provided so as to prevent obstruction of any public way.
- G. Screening Requirements Where property zoned C-2 abuts a residential district, a planting screen or other visual barrier to be approved by the Board of Zoning Adjustment shall be constructed by the property owner or potential users of the property prior to the use of such property for other than residential purposes in a manner that it provides a continual visual buffer between the two districts a minimum of eight feet in height; except that such buffer shall not be placed within 15 feet of the paved surface of a street or highway.
- H. Structure Coverage No requirement except as may be necessary to provide off-street parking. (Ord. No. 331, Art. 3-6.)

14.04.10 Industrial Use District (I-1) The Industrial District is intended to provide for industrial uses and other uses not otherwise provided for in the districts established by this ordinance. The intensity of uses permitted in this district makes it most desirable that they be located downwind and separated from residential and commercial uses.

- A. Permitted Uses Property and buildings in an Industrial District shall be used only for the following purposes:
  - 1. The manufacturing, compounding, processing, packaging, or assembling of such products as prohibited in the commercial use districts when it is found that the specific location and the safeguards provided will so reduce the noise, safety, odor, or vibration so as not to be detrimental or dangerous to the health, safety, or general welfare or persons lawfully occupying adjacent properties or the citizens of Hazen.
  - 2. Storage of bulk materials is permitted when adequate safeguards are provided to reduce the danger of fire or explosion so as not to be dangerous to the health, safety, or general welfare of persons lawfully occupying adjacent properties or the citizens of Hazen.
  - 3. Long-term impound/storage lots as defined in 8.12.04 and salvage yards. (Ord. No. 400, Sec. 8.)
- B. Limitations
  - 1. Every use shall be so operated that it does not emit an obnoxious or dangerous amount of noise, vibration, heat, glare, radiation, or fumes beyond any boundary line of the lot on which the use is located.

2. No highly flammable or explosive liquids, solids, or gases, except Liquefied Petroleum Gas, shall be stored in bulk above ground. Tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances located on the same lot as tanks or drums of fuel are excluded from this provision.
  3. All outdoor storage facilities for fuel, raw materials, and products shall be enclosed by a solid fence or wall adequate to conceal such facilities, fuel, raw materials, and products from adjacent properties; provided, however, that such fence or wall need not exceed 10 feet in height.
  4. No materials or waste shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes.
  5. All materials or waste which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.
- E. On-lot Loading and Unloading Facilities Each structure or use shall provide on-lot loading and unloading facilities which will allow such activities to be carried on without blocking a street, alley, or public way. (Ord. No. 331, Art. 3-7.)

14.04.11 Lot, yard and height regulations No lot or yard shall be established or reduced in dimension or area in any district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in the following table.

Table One: Lot, Yard and Height Regulations (See Ord. No. 331, Sec. 3-8.)

14.04.12 Zoning of annexed property

- A. Territory annexed to the city of Hazen after adoption of this ordinance shall be given zone designations within 120 days after the effective date of annexation in accordance with the amendment procedures of this ordinance.
- B. Before official zone designation is made after annexation, all requests for Notice of Zoning Compliance shall be referred to the City Planning Commission or a committee thereof. The Planning Commission or its designated committee may recommend issuance of the notice if said use conforms to the land use plan. (Ord. No. 331, Art. 4-1.)

14.04.13 Temporary non-conforming use permits Upon application to the Board of Adjustment, permits may be issued for temporary uses such as: the sale of produce in season; bazaars and carnivals; and offices, signs or other uses necessary for the sale or construction of property or buildings. Permits so issued shall be subject to such limitations as the Board of Adjustment may impose to protect the character of the district or districts affected. (Ord. No. 331, Art. 4-2.)

14.04.14 Completion of existing construction

- A. Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction at the time of the adoption of this ordinance.
- B. Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been issued within 30 days prior to the adoption of this ordinance, provided construction is started on said building within 120 days after adoption of this ordinance. (Ord. No. 331, Art. 4-3.)

14.04.15 Application of regulation to the use of more restrictive districts

- A. Whenever the specific district regulations pertaining to one district permit the uses of a more restrictive district, such uses shall be subject to conditions set forth in the regulations of the more restrictive district unless otherwise specified.
- B. It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for non-residential purposes. (Ord. No. 331, Art. 4-4.)

14.04.16 Relief from requirements for lot area or width in residential zone On any lot separately owned in a residential zone at the time of passage of this ordinance and retained in continuous separate ownership, a single-family structure may be erected even though the lot be of less width and/or area than required by the regulations of the residential zone in which the lot is located, provided all other requirements are met. Any lot existing and provided for rental of manufactured homes or mobile homes, in which the lot does not meet the minimum design standards for manufactured home parks contained in Art. 3-3 shall not be re-occupied as they become vacant. (Ord. No. 331, Art. 4-5.)

14.04.17 Areas not to be diminished The lot or yard areas required by this ordinance for a particular building or use at the time of passage of this ordinance or later constructed or established shall not be diminished and shall not be included as a part of the required lot, open space, or yard area of any other building or use. If the lot, open space, or yard areas required by this ordinance for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in this ordinance. (Ord. No. 331, Art. 4-6.)

14.04.18 Group housing projects In the case of a housing project consisting of a group of two or more buildings to be constructed on a plot of ground of at least two acres not subdivided into the customary streets and lots, and which will not be so subdivided, where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to individual buildings in such housing project, the application of such requirements to such housing projects may be changed by the Board of Adjustment, in a manner that will be in harmony with the character of the neighborhood, will insure a density of land use no higher than the standard of open space at least as high as required by this ordinance in the district in which the proposed project is to be located. In no case shall a use or building height or density of population be permitted which is less than the requirement of the district in which the housing project is to be located. (Ord. No. 331, Art. 4-7.)

14.04.19 Off-street automobile and vehicle parking and loading

- A. General intent and application It is the intent of these requirements that adequate parking and loading facilities be provided off the street easement for each use of land within the city of Hazen. The requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.
- B. Location The off-street parking lot shall be located within 200 feet, exclusive of street and alley widths, of the principal use, and shall have direct access to a street or alley.
- C. Joint parking facilities Whenever two or more uses are located together in a common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing a permanent parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements.
- D. Size of off-Street parking space The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than 9' x 20' plus adequate area for ingress and egress.
- E. Amount of off-street parking and loading required Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:
  - 1. **Dwelling, single-family, or duplex:** 2 parking spaces for each separate dwelling unit within the structure.
  - 2. **Dwelling, multiple-family:** The number of spaces provided shall not be less than one and one-half times the number of units in the dwelling.

3. **Boarding or rooming houses or hotel:** One parking space for each 2 guests provided overnight accommodations.
4. **Hospitals:** One space for each 4 patient beds, exclusive of bassinets, plus one space for each 3 employees including nurses, plus adequate area for the parking of emergency vehicles.
5. **Medical or dental clinics or offices:** 6 spaces per doctor plus one space for each 2 employees.
6. **Sanatoriums, convalescent or nursing homes:** One space for each 6 patient beds plus one space for each staff or visiting doctor plus one space for each 2 employees including nurses.
7. **Community center, theater, auditorium, church sanctuary:** One parking space for each 3 seats, based on maximum seating capacity.
8. **Convention hall, lodge, club, library, museum, place of amusement or recreation:** One parking space for each 50 square feet of floor area used for assembly or recreation in the building.
9. **Office building:** One parking space for each 300 square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building services.
10. **Commercial establishments not otherwise classified:** One parking space for each 150 square feet of floor space used for retail trade in the building and including all areas used by the public.
11. **Industrial establishments:** Adequate area to park all employees and customers' vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment.

For all uses not covered in 1 through 11 above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

- F. Paved surface Required All parking spaces shall be paved with a sealed surface pavement and maintained in such a manner that no dust will result from the continued use. (Ord. No. 331, Art. 4-8.)

14.04.20 Signs All signs hereafter erected on any lot in any district, except official, traffic and street signs, shall conform to the provisions of this article, unless otherwise provided. Other signs that are excluded are: property identification signs, real estate signs, political signs, and construction signs. (Ord. No. 331, Art. 4-9.)

See: Art. 8-4, SIGN PERMIT; also Art. 5-1 B OUTDOOR ADVERTISING SIGNS & STRUCTURES.

**Section I. General Restrictions** Unless otherwise provided in this ordinance, the following regulations shall apply to signs in all districts:

- A. Portable non-flashing signs, whether lighted or unlighted, may be placed on a 90 day non-renewable temporary permit in any commercial or industrial zone, upon permit issued by the City Clerk upon a fee of \$5.00, on showing that such sign observe minimum 10 foot setback from any curb or edge of pavement, but in any event not closer than the property line, upon the express condition that any such sign remaining after 90 days comply with the Zoning Ordinance of the city of Hazen, any signs non-conforming after said date to be subject to removal by the city.
- B. No sign shall be erected as to prevent free ingress and egress from any door, window, or fire escape, and no sign of any kind shall be attached to a standpipe or fire escape.
- C. No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of position it may interfere with or obstruct the view of traffic sign lines or traffic control devices. If located within direct line of vision of a traffic control device, no flashing or intermittent red, green or amber illumination shall be used.
- D. Any sign affixed flat against the wall of a building and not more than 15 inches in thickness shall not be deemed a projecting sign. Projecting signs may extend not more than 48 inches beyond the building line, or over public property, in no event closer than two feet to the curb line, and shall be at least 10 feet above the finished grade of the sidewalk. Wall signs shall not extend more than 15 inches over public property; however, lighting devices may extend not more than six feet over public property provided the lowest part of such device is at least 15 feet above the finished grade.
- E. Business and advertising signs are required to observe the same setback, side-yard and height limitations as provided for other buildings or structures in the zoned district, provided that where drive-in service or parking facilities are provided, one business sign not exceeding 45 square feet in area may be erected in any required set-back area if it is not located nearer to the street or highway right-of-way line more than one-half the required setback.
- F. The illumination of any sign within 50 feet of and facing a residential zone lot line shall be diffused or indirect and designated to prevent direct rays of light from shining into adjoining residential districts; and in no event shall flashing or intermittent illumination be permitted where the sign faces directly into and is nearer than 300 feet to dwellings in a residential district.
- G. Directional or informational signs of a public or quasi-public nature not exceeding 6 square feet in area may be permitted in any district on approval of the City Inspector. Any illumination shall be non-flashing, uncolored and confined to the

face of the sign. No advertising matter whatsoever shall be permitted on signs of this type.

- H. Temporary signs indicating an event of public interest such as a state or local fair, local or general election, cattle or horse show, etc., may be erected on a 30 day non-renewable permit in any zone on approval of the City Inspector.
- I. Whenever a sign becomes structurally unsafe or endangers the safety of a building or premises, or endangers the public safety, the City Inspector shall give written notice to the owner of the sign or the owner of the premises on which the sign is located that such sign be made safe or removed within 10 days.
- J. Any business or outdoor advertising sign legally existing prior to the adoption of this ordinance and which does not conform to these provisions shall not be altered, or changed in over-all dimensions, except to conform to the provisions of this ordinance. If damaged to an extent in excess of one-half of its current replacement value, it shall not be rebuilt, provided that nothing contained herein shall be construed to prevent normal maintenance and repairs repainting or posting of such signs or structures.
- K. To provide reasonable flexibility in these regulations, the Board of Zoning Adjustment may approve an application for a business sign or advertising structure which may not conform with the provisions of the district in which it is to be located, where the location, sign, or addition would not be inconsistent with the character of the area or neighborhood in which such sign or structure is to be located.

**Section II. Signs in “R” Residential Districts** In Residential Districts no sign shall be permitted except the following:

- A. A sign, not exceeding two square feet in area giving the name and/or address only of the land of buildings on which displayed, or the owner or owners or lessee thereof.
- B. A sign pertaining to the lease or sale of a building or property, provided such sign shall not exceed 12 square feet in surface area and is not illuminated.
- C. Temporary signs, for one year, advertising a new subdivision of 5 lots or more, provided such signs do not exceed 60 square feet in surface area, are no more than 15 feet nor less than 2 feet above ground, advertise only the development in which they are located, and are erected only at dedicated street entrances.
- D. One unilluminated sign identifying an engineer, architect or contractor engaged in the construction of a building, provided such sign shall not exceed 12 square feet

in surface area, is no more than 15 feet or less than 2 feet above ground and is removed within 30 days following occupancy of the building.

- E. One identification sign, not to exceed 30 square feet in area, for the following uses: church, school, hospital, library, farm, park, clinic, or similar uses. Such sign shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated but not flashing.
- F. Directional signs not to exceed 2 square feet in surface area for the following uses: church, school, hospital, library, sanitarium, clinic or similar use provided each shall be limited to one such sign per major thoroughfare approach. No sign shall be permitted on minor residential streets.
- G. One name plate sign for a dwelling group of 4 or more units not exceeding 5 square feet in surface area. Such signs may indicate the names and addresses of the buildings or it may be a directory for occupants.

**Section III. Signs in Commercial District** In this district signs are permitted subject to the following regulations:

- A. All signs permitted in the “R” Districts.
- B. The total surface area of a business sign or signs on a lot shall not exceed 150 square feet for each 100 feet of lot frontage.
- C. Advertising sign structures shall be limited to not more than one structure for a lot of 50 foot frontage or less, and to one additional structure for each 50 feet of additional lot frontage. Such structure may contain not more than 2 signs per facing not exceeding 55 feet length. No advertising sign may be erected within 50 feet of an adjoining Residential District if designed to face into such a district.
- D. Coordinated Shopping Center. Each coordinated shopping center may have one incidental or freestanding identification sign for each street frontage, set back at least 20 feet from the front property line and announcing only the name of the shopping center and the hours of business. (Ord. No. 331, Art. 4-9.)

**14.04.21 Non-conforming building or structure** A non-conforming building or structure existing at the time of adoption of this ordinance may be continued, maintained, and repaired, except as otherwise provided in this section.

- A. **Alteration or Enlargement of Buildings and Structures** A non-conforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located or unless approved by the Planning Commission. If a building or structure is conforming as to use, but non-

conforming as to yards or height, or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with yard and height and off-street parking requirements of the district in which said building or structure is located. No non-conforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located or unless approved by the Planning Commission.

- B. Outdoor Advertising Signs and Structures Any advertising sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time this ordinance became effective, which does not conform to the provisions hereof, shall not be structurally altered. All such non-conforming advertising signs, billboards, commercial advertising structures, and statuaries, and their supporting members, shall be completely removed from the premises not later than three years from the effective date of this ordinance.
- C. Building Vacancy A building or structure or portion thereof, which is non-conforming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

When a building becomes vacant, it may be used again for any use allowed in the zone in which it is located. The Planning Commission shall review the proposed use before the building is occupied in order to determine that the use is allowable in the zone.

- D. Change in Use A non-conforming use of a conforming building or structure shall not be expanded or extended into any other portion of such conforming building or structure, or changed except to a conforming use. If such a non-conforming use, or portion thereof, is discontinued or changed to a conforming use, any future use of such buildings, structure, or portion thereof, shall be in conformity with regulations of the district in which such building or structure is located. A vacant or partially vacant non-conforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one year after the effective date of this ordinance. Otherwise, it shall be used in conformity with the regulations of the district in which it is located.

The use of a non-conforming building or structure may be changed to a use of the same or a more restrictive district's classification; but where the use of non-conforming buildings or structures is changed to a use of more restrictive district's classification, it thereafter shall not be changed to a use of a less restricted district's classifications. (Ord. No. 331, Art. 5-1.)

14.04.22 Non-conforming uses of land

- A. A non-conforming use of land where the aggregate value of all permanent buildings or structures is less than \$1,000.00, existing at the time of the adoption of this ordinance, may be continued for a period of not more than three years therefrom, provided that:
1. Said non-conforming use may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of this ordinance.
  2. If said non-conforming use or any portion thereof is discontinued for a period of six months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which said land is located.
- B. Lots of record that are platted and existing at the time of the adoption of this ordinance shall be deemed to be in compliance with all size and area restrictions of the zone in which they are located. (Ord. No. 331, Art. 5-2.)

14.04.23 Conditional uses Several uses not normally permitted in a given zone may be permitted upon review and approval of the Planning Commission. Such uses have been specified where applicable. The petitioner must submit plot plans showing the proposed layout of such use, its effect on adjacent property, and the nature of activity contemplated. Proof shall also be provided at least seven days prior to the Planning Commission meeting that each property owner within 200 feet of the property has been notified of the pending use. Signed receipts of letters will be acceptable proof of notification. The commission must approve the use by a majority vote with a quorum present.

- A. Certain uses are considered Conditional Uses in all residential zoning districts:
1. Child Care facilities of all types administered by the Department of Human Services
  2. Church complexes involving multiple buildings
- (Ord. No. 501, Sec. 1)

Allowing conditional uses in a given zone is necessary in providing services that are essential to the community. Therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage. (Ord. No. 501, Sec. 2)

#### 14.04.24 Board of Zoning Adjustment

##### **Organization**

- A. A Board of Zoning Adjustment, hereinafter referred to as the Board, is hereby established to consist of three members to be nominated by the Planning Commission and confirmed by the City Council. One member of the first Board shall be for one year, one for two years, one for three years, and thereafter, all members shall be appointed for terms of three years each. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant in the same manner as the original appointments.
- B. Upon appointment and annually thereafter, the Board shall meet, organize, and elect its own chairman who shall serve for one year or until his successor duly qualifies. The chairman may appoint a secretary who is not a member of the Board and who shall hold office until relieved by the Board and who shall receive such compensation from the city of Hazen as may be affixed from time to time by the City Council. (Ord. No. 331, Art. 6-1.)

##### **Meetings**

- A. Meetings of the Board shall be held at such time and at such place within the city of Hazen as the Board may designate and may meet at any time on call of the chairman.
- B. The board shall keep minutes of its proceedings which shall contain as a minimum:
1. Time, date, and place of meeting.
  2. Names of members present.
  3. Citation, by number, and description of appeal or application.
  4. Pertinent facts of the case.
  5. Names of persons appearing and their interest in the case.
  6. Record of vote by name.
  7. Authority for decision (cite ordinance or statute) and reason for conditions imposed.

The minutes of the meeting shall be filed by the secretary of the Board in the offices of the City Clerk and shall be public record.

- C. Any member of the Board who fails to be in attendance at two consecutive scheduled meetings shall have his appointment declared vacated, and a new member shall be selected as provided in Art. 6-1A. (Ord. No. 331, Art. 6-2.)

**Appeals from Decision of Enforcement Officer** The Board shall hear appeals from an administrative decision of the enforcement official, who shall be designated by the City Council, concerning interpretation of the zoning ordinance and shall decide whether such interpretation was in error or not. (Ord. No. 331, Art. 6-3.)

**Variance**

- A. The Board shall hear requests for variance from the literal provisions of the zoning ordinance in instances where strict compliance to the provisions of the ordinance would cause undue hardship due to the circumstances unique to the individual property under consideration.
- B. The Board may grant variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning ordinance.
- C. The Board shall not permit as a variance any use in a zone that is not permitted under this ordinance.

- D. The Board may impose conditions in the granting of the variance to insure compliance and to protect adjacent property. (Ord. No. 331, Art. 6-4.)

**Other Functions of the Board** The Board may hear applications and take such action as permitted on matters specifically referred to it under this ordinance. (Ord. No. 331, Art. 6-5.)

**Appeals from Decisions of the Board** Appeal from the decision of the Board shall be to a court of record within 30 days from the decision of the Board. (Ord. No. 331, Art. 6-6.)

### **Notices and Fees**

- A. Whenever an appeal or application for a variance 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 days preceding the date of such hearing in an official paper or a paper of general circulation in Hazen, 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. As an alternative, the Board may allow the applicant to circulate the same information by personal notification to the property owners within 200 feet of the property for which the variance is requested and present proof to the Board that such information was circulated. 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.
- B. The appellant or applicant shall be required to pay to the City Clerk, a filing fee of \$25.00 to cover such other costs as may be incurred in connection with such appeal or application. (Ord. No. 331, Art. 6-7.)

**14.04.25 Amendments** The City Council may suggest that the Planning Commission amend the text of this ordinance or the Planning Commission itself may desire to initiate an amendment. Should the Planning Commission, after study, request a change in the text, it shall conduct a public hearing on the proposed amendment. Following the public hearing, such recommendations shall be submitted to the City Council for adoption. (Ord. No. 331, Art. 71-.)

### **14.04.26 Change in classification**

- A. A petition giving the legal description of the property involved and the zoning classification requested for the property, 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 why the proposed changes will not conflict with surrounding land uses. (Ord. No. 447, Sec. 1.)

- B. Upon receipt of the petition for an amendment, 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 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 for adoption by the City Council, with reasons for such recommendation stated in writing.
  3. If the Planning Commission disapproves a proposed amendment, the reasons for such disapproval shall be given in writing to the petitioner within 30 days from the date of the hearing.
  4. The City Council, by majority vote, may by ordinance adopt the recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation.  
  
If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, the City Council may, by a majority vote, amend this ordinance by granting the request for amendment 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 state specifically in writing to the City Clerk why he considers the Planning Commission's findings and decision are in error. Such appeal shall be filed with the City Clerk within 15 days of the date the petitioner receives reasons for disapproval from the Planning Commission.
- C. No application for a zoning amendment will be considered by the Planning Commission within 12 months from date of final disapproval of a proposed amendment 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 regulations or district boundaries shall deposit with the City Clerk the sum of \$50.00 to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the City Council. (Ord. No. 331, Art. 7-2.)

14.04.27 Enforcement Officer; building permit The provisions of this part of the ordinance shall be administered by an Enforcement Official designated by the city of Hazen. (Ord. No. 331, Art. 8-1.)

14.04.28 Notice of zoning compliance A Notice of Zoning Compliance will be issued when the application has been approved by the Enforcement Official as meeting requirements of this part of the ordinance. Such Notice of Zoning Compliance must be obtained prior to any alterations to property that would be affected by any provision of this ordinance. A Notice of Zoning Compliance will be required for any property to have water, sewer, or 911 service provided. All property in use at the time of the adoption of this ordinance shall be deemed to be in zoning compliance and no action will be required on the part of either the property owner or property user. Thereafter, new construction, additions, or alterations shall require a Notice of Zoning Compliance. Applications for such notice shall be submitted to the Enforcement Official on forms provided by the city of Hazen.

The Enforcement Official shall have the authority to grant compliance or may, at his discretion, refer applications to the Planning Commission for review and approval. (Ord. No. 331, Art. 8-2.)

14.04.29 Penalty Any person, firm, or corporation who shall violate any of the provisions of this ordinance or who shall fail to comply with any provisions hereof within the corporate limits of the city shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed \$200.00. Each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. (Ord. No. 331, Art. 8-3.)

14.04.30 Fees

Building Permit – Residential	\$35.00
Building Permit – Commercial	\$50.00
Building Permit – Industrial	\$50.00
Sign Permit – Under \$5,000 value	\$15.00
Sign Permit - \$5,000 or more	\$35.00

(Ord. No. 331, Art. 8-4.)

## **CHAPTER 14.12**

### **FLOOD DAMAGE PREVENTION ORDINANCE**

#### **Sections:**

14.12.01 Code adopted

14.12.01 Code adopted There is hereby adopted by reference a Flood Damage Prevention Regulatory Code for Hazen, Arkansas, such Flood Damage Prevention Regulatory Code having been designed by the legislature of the State of Arkansas and set forth in Arkansas Statutes Sections 21-1901 through 21-1904 (Act 629 of 1969). A copy of the referenced regulatory code shall be filed in the office of the City Clerk and shall be available for inspection and copying by any person during normal office hours. The code shall include the following articles:

- ARTICLE 1. Statutory authorization, findings of fact, purpose and methods
- ARTICLE 2. Definitions
- ARTICLE 3. General provisions
- ARTICLE 4. Administration
- ARTICLE 5. Provisions for flood hazard reduction  
(Ord. No. 226)

## **CHAPTER 14.16**

### **ANNEXING, VACATING AND REZONING**

#### **Sections:**

- 14.16.01 Division of city
- 14.16.02 Annexing
- 14.16.03 Vacating
- 14.16.04 Rezoning

#### **14.16.01 Division of city**

- A. The following territory shall be known as residential zone, and only single or multiple family dwellings shall be built within the following residential zone:

Beginning at the corner of Jackson and Livermore streets proceed south along Livermore Street to the south corporate city limits, thence west along said south corporate city boundary to the SW corner of the city of Hazen, thence north along

the west corporate city boundary line to Jackson Street, thence last along said Jackson Street to the point of beginning at the corner of Jackson and Livermore Streets. (Ord. No. 215, Sec. 1.)

- B. No person shall construct any building in said residential zone without first applying to the City Recorder and securing a building permit for such construction. (Ord. No. 215, Sec. 2.)
- C. This residential zone has been a part of the city of Hazen for more than 50 years. (Ord. No. 215, Sec. 3.)

#### 14.16.02 Annexing

Ord. No. 143	SE 1/4 NE 1/4 in Sec 19, T2N, T5W, Southern District
Ord. No. 250	Part of SW 1/4 of SW 1/4 of Sec 5, T2N, R5W, Southern District
Ord. No. 252	Intersection of Sec 6, T2N, R5W, S Line of Right-of-way of I-40
Ord. No. 275	Recognizes dedicated streets in Hazen
Ord. No. 280	Part of S 1/2 of SW 1/4, Sec 20, T2N, R5W, Southern District
Ord. No. 334	I-40 right-of-way to limits of Hazen, Southern District
Ord. No. 481	Part of NE 1/4, Sec. 7, Twp 2N, Range 5W

#### 14.16.03 Vacating

Ord. No. 148	Livermore St., Lot 7 ,Block 68, Hudspeth's Addition
Ord. No. 224	Alley of Block 28, North to South
Ord. No. 261	Alley of block 22, East to West Boundaries
Ord. No. 299	N/S Alley of Block 44 of Hurt's Addition
Ord. No. 321	Alley Between S. Livermore St. and S. Prairie St. in Block 96
Ord. No. 342	Alley in N. 1/2 of Block 90, Hudspeth's Addition
Ord. No. 452	Parts of North Leslie St., N. Charles St. & N. Orlicek St.
Ord. No. 503	Portion of E. Cleveland St. lying btw N. Grove St & N. Woodlawn Ave.

#### 14.16.04 Rezoning

Ord. No. 295	From R-1 to C	NE 1/4 of SE 1/4 of Sec 19, T2N
Ord. No. 322	To R	Descriptions by reference
Ord. No. 331	From R-1 to R-2AH	Lot 1, Block 51 of Hudspeth Addition
Ord. No. 350	From R-1 & R-2 to R-3	Change in Yopp Addition
Ord. No. 351	From R-1 to R-2	Property south of Jackson St.
Ord. No. 356	From R-1 to R-2AH	NE 1/4 of Sec. 20, Twp 2 N, Range 5 West
Ord. No. 362	From R-1 to R-3	Lots 1,2,3,4,9,10,11 & 12 of Block 27
Ord. No. 375	From R-1 to R-2AH	SW 1/4 of Sec. 5, Twp 2 N, Range 5 West
Ord. No. 380	From R-1 to R-2AH	SW 1/4 of Sec. 5, Twp 2 N, Range 5 West

Ord. No. 390	From R-1 to C-2	NW ½ of Sec. 10, Twp 2 N, Range 5 West
Ord. No. 407	From C-2 to R-3	NW ¼ of Sec. 19, Twp 2 N, Range 5 West
Ord. No. 448	From R-1 to R-3	Lot 1 & S ½ of Lot 2, Block 95, Shock's Addition
Ord. No. 465	From R-1 to C-2	NE ¼ of Sec. 19, Twp 2 N, Range 5 West
Ord. No. 467	From R-1 to R-3	Lots 5, 6, 7, and 8, Block 27 Sec. 19, Twp 2 N, Range 5 West
Ord. No. 382	From R-1 to C-2	Two acre block South of U.S. Hwy 70
Ord. No. 385	From R-1 to R2-AH	Lot 1, Block 51 Hudspeth Add.
Ord. No. 482	Annex. to C-2	Part of NE¼, Sec. 7, Twp 2N, Range 5W
Ord. No. 488	From R-2 to R-3	Lot A Sims First Addition
Ord. No. 513	From C-2 to R-1	Lots, 10, 11, and 12 Block 3; Lots 1, 2, and 3 Block 4; Lots 1, 2, 3, 10, 11, and 12 Block 7; Lots 4, 5, 6, 7, 8, and 9 Block 8 all in the Original Town Addition
Ord. No. 517	From R-1 to R-3	NE ¼ of the NW ¼ of the SE ¼ of Sec. 19 Twp 2 N, Range 5 West
Ord. No. 523	From R-2 to R-3	708 S. Chester Street

**TITLE 15**

**SUBDIVISION REGULATIONS**

(Reserved)

# INDEX

	<u>Section</u>	<u>Page</u>
A		
ADOPTION OF STATE LAWS	8.04	95
AIRPORT	4.24	66.1
AMBULANCE FRANCHISE	4.16	63
ANIMALS AND FOWL	TITLE 6	73
ANIMALS AND FOWL, OTHER	6.12	80
ANNEXING, VACATING AND REZONING	14.16	173
B		
BUILDING CODE	11.28	132
BUILDING PERMIT	11.04	120
BUILDINGS AND CONSTRUCTION	TITLE 11	120
BUSINESS LICENSES AND REGULATIONS	TITLE 4	51
C		
CABLE TELEVISION FRANCHISE	4.12	57
CITY AND WARD BOUNDARIES	2.08	8
CITY ATTORNEY	2.32	13
CITY CLASSIFICATION	2.04	7
CITY COUNCIL	2.20	10
CITY COURT	2.46	26.1
CITY MARSHAL	2.40	17
CIVIL DEFENSE	7.32	90
CLAIMS AGAINST CITY	7.20	88
CLASSIFICATION, ADMINISTRATION AND PERSONNEL	TITLE 2	7
COMPETITIVE BIDDING	3.16	50.1
CONDEMNED STRUCTURES	11.24	127
CONFLICT OF INTEREST	2.56	29
CORONAVIRUS PUBLIC HEALTH EMERGENCY	5.06	68.1
CREDIT CARD USE	3.32	50.4
CRIMINAL JUSTICE FUND	2.48	27
CROSS CONNECTION PROGRAM	10.16	113
CURFEW	7.08	84

## D

DISORDERLY BEHAVIOR OF A MINOR	7.40	94.1
DISTRICT COURT	2.44	19
DISTURBING OF THE PEACE	7.28	89
DOGS	6.08	73

## E

ELECTRIC FRANCHISE	4.04	51
ELECTRICAL CODE	11.12	124
EMERGENCY VEHICLES	8.08	95
ENERGY CODE	11.48	141.4
EXCAVATIONS AND ALTERATIONS	9.08	100

## F

FIRE DEPARTMENT	2.36	14
FIRE PREVENTION CODE	11.16	125.1
FIRE RELIEF & PENSION FUND	2.50	27.1
FIREARMS, DISCHARGING	7.16	87
FIREWORKS	7.36	94.1
FISCAL AFFAIRS	TITLE 3	48
FIXED ASSETS	3.36	50.6
FLOOD DAMAGE PREVENTION PROGRAM	14.12	173
FOSTER DOG PROGRAM	6.08.19	79.3

## G

GARBAGE COLLECTION	5.20	71
GAS RATES	10.20	117
GENERAL PROVISIONS	TITLE 1	1

## H

HEALTH AND SANITATION	TITLE 5	67
HOTEL/MOTEL TAX	3.20	50.3
HOUSING CODE	11.20	127

## I

INDEPENDENT CANDIDATES	2.60	31
INSECT CONTROL	5.16	70

L

LITTERING	5.12	69
LOITERING	7.12	86

M

MAINTENANCE OF PROPERTY	5.04	67
MAMMOTH POND PARK	12.04	142
MAYOR	2.24	11
MECHANICAL CODE	11.32	134

N

911 NUMBERING	11.44	141.1
NON-OPERATING VEHICLES	8.12	97

O

OCCUPATIONAL LICENSES	4.20	64
OFFICIALS DOING BUSINESS WITH CITY	3.28	50.3.1
ONE CALL CENTER	10.12	113

P

PARKS AND RECREATION	TITLE 12	142
PERSONNEL POLICIES	2.52	28
PIT BULLS AND VICIOUS DOGS	6.16	81
PLANNING	TITLE 13	144
PLANNING COMMISSION	13.04	144
PLUMBING CODE	11.08	122
PUBLIC PEACE, SAFETY AND MORALS	TITLE 7	83
PURCHASES	3.04	48

R

RABIES VACCINATIONS	6.04	73
RECORDER/TREASURER	2.28	12
REFERENDUM PETITIONS	1.36	6
REZONING	14.16	173

S

SALES AND USE TAX	3.24	50.3
SEPTIC TANKS	5.08	69
SEWER REGULATIONS	10.04	101

SHIELDED STREET LIGHTING	9.12	100
SHORT TERM FINANCING	3.12	50.1
SINGLE TRANSACTION	3.08	50
SOCIAL SECURITY COVERAGE	2.12	9
SOUTHERN BUILDING CODE	11.36	136
SPEED LIMITS	8.16	98.2
STATE CRIMINAL STATUTES & PENALTIES	7.04	83
STORAGE & HANDLING OF VOLATILE COMBUSTIBLES	7.24	88.1
STREET NAMING & PROPERTY NUMBERING	11.40	139
STREETS AND SIDEWALKS	TITLE 9	99
STREETS, ALLEYS, GUTTERS OR DITCHES	9.04	99
SUBDIVISION REGULATIONS	TITLE 15	175
T		
TELEPHONE FRANCHISE	4.08	54
U		
UNCLAIMED PROPERTY	2.16	9
UTILITIES	TITLE 10	101
V		
VACATING AND ACCEPTING STREETS	9.16	100.1
VEHICLES AND TRAFFIC	TITLE 8	95
VOLATILE COMBUSTIBLES	7.24	88.1
W		
WATER AND SEWER RATES	10.08	111
WEAPONS	7.16	87
Z		
ZONING	TITLE 14	146

**SUPPLEMENT NO. 1**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

Enacting Ord.

7

27

30 - 34

36

42

44

67

68

Title 6

97

98

Title 9

118

120

121

155

174

Index

**Insert New Page**

Enacting Ord.

7

27

30 – 34

36

42

44

44.1

47.1

67

68

68.1

Title 6

97

98 – 98.2

Title 9

118

120

121

138 – 141.2

154.1

155

174

Index

**SUPPLEMENT NO. 2**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

**Insert New Page**

33	33
34	34
47	47
48	48
50.1	50.1
	50.2
67	67
69	69
70	70
71	71
72	72
98.1	98.1
98.2	98.2
99	99
100.1	100.1
111	111
156	156
159	159
174	174
Index	Index

January 2008

**SUPPLEMENT NO. 3**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

7  
17 – 24  
29  
31  
33  
Index – 2 pages

**Insert New Page**

7  
17 – 19  
29  
31  
31.1  
33  
Index – 2 pages

**SUPPLEMENT NO. 4**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

**Insert New Page**

19  
25  
26  
27  
111  
118  
157

19  
25  
26  
27  
111  
118  
157

**SUPPLEMENT NO. 5**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

**Insert New Page**

17	17
18	18
19	19
31.1	31.1
32	32
39	39
46	46
	46.1
47	47
48	48
	48.1
50.2	50.2
	50.3
83	83
	94.1
	94.2
95	95
98.2	98.2
134 - 136	134 - 136
Title 12	Title 12
Index	Index

March 2011

**SUPPLEMENT NO. 6**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

112  
119  
134  
136

**Insert New Page**

112  
119  
134  
136

**SUPPLEMENT NO. 7**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

7  
40  
47.3  
120  
170  
171  
174  
Index – 1 page

**Insert New Page**

7  
40  
40.1  
47.3  
120  
141.4  
170  
171  
174  
Index – 1 page

**SUPPLEMENT NO. 8**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

31  
31.1  
153  
155

**Insert New Page**

31  
31.1  
153  
155

March 2014

**SUPPLEMENT NO. 9**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

16  
19  
27  
124

**Insert New Page**

16  
19  
27  
124

**SUPPLEMENT NO. 10**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

**Insert New Page**

30.1  
73  
81  
82  
82.1  
82.2  
111  
174

30.1  
73  
81  
82  
82.1  
82.2  
111  
174

**SUPPLEMENT NO. 11**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

**Insert New Page**

80	50.4
81	80
118	81
119	118
	119

**SUPPLEMENT NO. 12**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

50.4  
124  
174

**Insert New Page**

50.4  
50.5  
124  
174  
174.1

March 2018

**SUPPLEMENT NO. 13**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

**Insert New Page**

19	19
25	25
26	26
27	27
50.2	50.2
67	67
141.4	141.4
155	155
174.1	174.1

**SUPPLEMENT NO. 14**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

**Insert New Page**

48	48
48.1	48.1
49	49
50	50
50.1	50.1
67-68	67-68
	68.1
87	87
88	88
	88.1
89	89

**SUPPLEMENT NO. 15**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

**Insert New Page**

7	7
28	27.1
46.1-46.3	28
50.2-50.3	46.1-46.3
	50.2-50.3
	50.3.1
125	125
	125.1
126	126
168	168
	168.1
169	169
174	174
INDEX	INDEX

**SUPPLEMENT NO. 16**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

27  
50.2 – 50.3  
50.4 – 50.5  
66.1  
74  
  
80  
Title 9  
119  
174.1  
Index

**Insert New Page**

26.1  
27  
50.2 – 50.3  
50.4 – 50.5  
66.1  
74  
79.1 – 79.2  
80  
Title 9  
119  
174.1  
Index

**SUPPLEMENT NO. 17**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

50.4 – 50.5

66.1

**Insert New Page**

50.4 – 50.5

50.6

66.1

**SUPPLEMENT NO. 18**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

48  
50.2  
50.3  
50.3.1  
50.6  
118  
157  
174.1  
INDEX

**Insert New Page**

48  
50.2  
50.3  
50.3.1  
50.6  
118  
157  
174.1  
INDEX

**SUPPLEMENT NO. 19**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

50.3  
50.6  
74  
  
111  
174.1  
INDEX

**Insert New Page**

50.2.1  
50.3  
50.6  
74  
79.3 – 79.6  
111  
174.1  
INDEX

**SUPPLEMENT NO. 20**  
**CODE OF ORDINANCES**  
**CITY OF**  
**HAZEN, ARKANSAS**

**Remove Old Page**

27.1  
28 – 47.3  
48  
48.1  
50.6  
111  
118  
119  
INDEX

**Insert New Page**

27.1  
28 – 31  
48  
48.1  
50.6  
111  
118  
119  
INDEX