

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Loitering
- 7.16 Prohibited Weapons
- 7.20 Claims against City
- 7.24 Storage and Handling of Volatile Combustibles
- 7.28 Outside Fire Service
- 7.32 Open Burning
- 7.36 Yard Sales
- 7.40 Senior Citizens Center
- 7.44 Curtailment of Water Use
- 7.48 Signs
- 7.52 Historical Court Square
- 7.56 Skateboards, Roller Blades and Roller Skates
- 7.60 Historic Preservation Commission
- 7.64 Noise
- 7.68 Solicitation
- 7.72 Alcohol Sales

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's office, are hereby enacted by the City Council to form a part of the laws of the city and any person, firm or corporation being found guilty of the violation of any such laws shall be deemed guilty of the violation of the ordinances of the city, and shall be fined or imprisoned or both in the manner set out under the state statutes.

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

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

CHAPTER 7.08

CURFEW

Sections:

- 7.08.01 Hours
- 7.08.02 Duty of police officers
- 7.08.03 Penalty

7.08.01 Hours From and after the passage, approval and publication of this ordinance, it shall be unlawful for any person who has not attained the age of 17 years to appear upon the streets, alleys, sidewalks or any restaurant or other public place within the city of Pocahontas, Arkansas, between the hours of 11:00 p.m. in the afternoon and 6:00 in the forenoon of Central Standard Time or Central Daylight Time as the case may be, unattended by a parent, guardian or person having legal custody of said person. Provided, however, that this provision shall not apply in cases of emergency or where the person is upon a mission for his/her parent, guardian or legal custodian. (Ord. No. 320, Sec. 1.)

7.08.02 Duty of police officers It shall be the duty of the police officers of the city of Pocahontas, Arkansas, to apprehend and take into custody any and all persons under the age of 17 years whom they may find in any public place within the city between the hours set forth in 7.08.01 and ascertain if the said person is acting in case of an emergency as set forth in 7.08.01

If it be determined that the person apprehended is violating the provisions of 7.08.01 of this ordinance, it shall be the duty of the officer to issue a Summons summoning the person to appear in the Municipal Court on a certain day and further to deliver the person apprehended to the custody of the Randolph County Juvenile Probation Officer for return to his/her parent, guardian or legal custodian.(Ord. No. 320, Sec. 2.)

7.08.03 Penalty Any person found guilty of a violation of this ordinance shall be deemed guilty of a misdemeanor and fined in any sum not to exceed One Hundred Dollars (\$100.00). (Ord. No. 320, Sec. 3.)

CHAPTER 7.12

LOITERING

Sections:

7.12.01	Illegal
7.12.02	Definitions
7.12.03	Penalty

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

7.12.02 Definitions

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

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

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

CHAPTER 7.16

PROHIBITED WEAPONS

Sections:

- 7.16.01 Unlawful shooting
- 7.16.02 Carrying a weapon
- 7.16.03 Fine
- 7.16.04 Firing range

7.16.01 Unlawful shooting It shall be and is hereby declared to be, unlawful for any person to shoot any pellet gun, air gun, B-B gun, twenty-two rifle or any other fire arm within the corporate limits of the city of Pocahontas not designated as agriculture area by the Planning Commission of said city. (Ord. No. 250, Sec. 1.)

7.16.02 Carrying a weapon The carrying of any pellet gun, air gun, B-B gun, twenty-two rifle or other fire arm either on the person or in an automobile or other vehicle on the public street or streets of said city of Pocahontas shall be presumptive evidence that such person was shooting or had shot said gun or firearm within said city in violation of this ordinance. (Ord. No. 250, Sec. 2.)

7.16.03 Fine Any person convicted of violation of this ordinance shall be guilty of a misdemeanor and fined in any amount not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). (Ord. No. 250, Sec. 3.)

7.16.04 Firing range Provided that nothing in this ordinance shall prohibit the establishment within the corporate limits of a firing range designed for training of law enforcement personnel and officials. (Ord. No. 409, Sec. 2.)

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 Mayor. The Mayor shall present them to the Council. The Council may grant a hearing for the claimant and may authorize a settlement.

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

CHAPTER 7.24

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

OUTSIDE FIRE SERVICE

Sections:

7.28.01	Authority to dispatch
7.28.02	Restrictions
7.28.03	Cost of aid without mutual aid agreement
7.28.04	Mutual aid agreement
7.28.05	Payment of money collected

7.28.01 Authority to dispatch No Fire Department apparatus shall be taken beyond the corporate limits of the city to assist at any fire or for any other purpose, except by order of the Mayor or Fire Chief or such other person as they may designate, and subject to the restrictions and conditions hereinafter set forth.

7.28.02 Restrictions The Mayor or Fire Chief or such other person as they may designate, is authorized, in his discretion, to aid in the extinguishing of fires in another city, (or town), public institutions, corporation or other properties within a reasonable distance from the city or on property immediately adjacent to the city in which there is a possibility of fire spreading within the corporate limits, under the following conditions:

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

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

7.28.03 Cost of aid without mutual aid agreement Unless there exists a mutual aid agreement, every municipality, institution, corporation or individual requesting and receiving services of the Fire Department of the city, shall pay for such services and the use of apparatus as follows:

Pumper - \$50.00 within 2 miles of station; \$5.00 additional for each mile or fraction thereof.

Each person, city, firm or corporation receiving services of the Fire Department, unless there exists a mutual aid agreement, shall pay to the city for each fire driver a sum representing Three Dollars (\$3.00) per hour or part thereof from the time the apparatus leaves the fire house until it returns thereto, and as to each fireman helping at the fire, a sum representing Three Dollars (\$3.00) per hour or part thereof, from the time he reports until the time his services end. The payments herein stipulated shall be made to the _____ within fifteen (15) days after demand.

7.28.04 Mutual aid agreement The Mayor and Chief of the Fire Department are hereby authorized to enter into mutual aid agreements with other municipalities, firms, corporations or individuals for the rendering of fire services, subject to the following conditions:

- A. That the parties with whom such mutual aid agreements are entered into shall agree to indemnify the city against any or all loss, cost and damage which it may suffer or sustain by reason of damage to any apparatus arising from any cause whatsoever while such apparatus is going to or from the scene of the fire or while at the scene of the fire. The duty to indemnify shall be performed within fifteen (15) days after demand.
- B. As to each fire driver injured while driving to or from the fire, or while at the scene of the fire, and as to each fireman helping at the fire, injured between the time he reports to the foreman of his company and the time his services end, the person entering into such mutual aid agreements shall pay within fifteen (15) days after demand to the city a sum sufficient to cover the medical and hospital expenses by such injured driver or fireman.

7.28.05 Payment of money collected Money collected under the terms of Sections 7.28.03 and 7.28.04 of this chapter shall be paid to the general fund of the city.

CHAPTER 7.32

OPEN BURNING

Sections:

7.32.01	Permit required
7.32.02	Exceptions
7.32.03	Attendance at fire
7.32.04	Hazardous conditions
7.32.05	Penalty

7.32.01 Permit required No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without first obtaining a permit from the Pocahontas Fire Department. During construction or demolition of buildings or structures no waste or materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having first obtained a permit from the Fire Department of the city of Pocahontas. (Ord. No. 473, Sec. 1.)

7.32.02 Exceptions No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land unless:

- A. The location is not less than fifty (50) feet from any structure and adequate provision is made to prevent fire from spreading within fifty (50) feet of any structure;
- B. The fire is contained in a approved waste burner located safely not less than fifteen (15) feet from any structure. (Ord. No. 473, Sec. 2.)

7.32.03 Attendance at fire Bonfire and rubbish fires shall be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use. (Ord. No. 473, Sec. 3.)

7.32.04 Hazardous conditions The fire official may prohibit any or all bonfire and outdoor burning when atmospheric conditions or local circumstances make such fires hazardous. (Ord. No. 473, Sec. 4.)

7.32.05 Penalty Any person found violating any provision of this ordinance shall be fined not less than Twenty-Five Dollars (\$25.00) and no more than One Hundred Dollars (\$100.00). (Ord. No. 473, Sec. 5.)

CHAPTER 7.36

YARD SALES

Sections:

7.36.01	Yard sales
7.36.02	Permits
7.36.03	Signs
7.36.04	Location of signs
7.36.05	Time limit for advertising

7.36.01 Yard sales Every residence shall be able to conduct one (1) yard sale per year without the assessment of privilege tax provided that the party holding the sale notifies the City Clerk twenty-four (24) hours prior to the date of the sale of their intentions to hold a yard/carport sale. Any residence conducting more than one (1) yard sale in any one (1) calendar year shall be assessed a privilege tax in the amount of Twenty-Five Dollars (\$25.00) per additional yard sale. No residence shall be allowed to have more than one (1) yard sale per month and no more than a total of three (3) per year. Further, no yard/carport sale shall be extended by any residence at any location in excess of three (3) days. Any violations of this section will result in a fine of Fifty Dollars (\$50.00) for the first offense and One Hundred Dollars (\$100.00) for each subsequent offense. (Ord. No. 2013-8, Sec. 1.)

7.36.02 Permits Every person, firm, corporation, association or household conducting a yard/carport sale, shall obtain a permit from the City Clerk twenty-four (24) hours prior to the date of the sale. Said permit must be on display at all times and clearly visible from the road. All merchandise must be removed out of yard, carport, etc., to be out of public view within twelve (12) hours after said yard/carport sale has ended. A violation of this section will result in a fine of Twenty-Five Dollars (\$25.00) for the first violation and Fifty Dollars (\$50.00) for each subsequent offense. (Ord. No. 2013-8, Sec. 2.)

7.36.03 Signs All signs advertising said yard/carport sale shall be no larger than six (6) square feet, placed on a single or double stake or other freestanding manner. The name and address of the person who obtained the permit shall be located on the sign. A violation of this section will result in a fine of Twenty-Five Dollars (\$25.00) for the first violation and Fifty Dollars (\$50.00) for each subsequent offense. (Ord. No. 2013-8, Sec. 3.)

7.36.04 Location of signs The location of signs advertising said yard/carport shall be as follows:

- A. One (1) sign at the location of the sale for each street frontage on that property.
- B. On (1) pointer sign per sale may be placed in any intersection under the following conditions:

1. No yard/carport sale sign shall be placed, tied, affixed, stapled, glued, taped to any utility pole, street sign, tree, stop sign, fence, etc.
2. No yard/carport sale sign shall be placed in any public right-of-way.

A violation of this section will result in a fine of Twenty-Five Dollars (\$25.00) for the first violation and Fifty Dollars (\$50.00) for each subsequent offense. (Ord. No. 2013-8, Sec. 4.)

7.36.05 Time limit for advertising No yard/carport sale signs shall be placed on public property any earlier than 12:01 p.m. the day before the sale and must be picked up by 10.00 a.m. the day after the sale is over. A violation of this section will result in a fine of Twenty-Five Dollars (\$25.00) for the first violation and Fifty Dollars (\$50.00) for each subsequent offense. (Ord. No. 2013-8, Sec. 5.)

CHAPTER 7.40

SENIOR CITIZENS CENTER

Sections:

- 7.40.01 Construction
- 7.40.02 Benefiting Senior Citizens

7.40.01 Construction The city of Pocahontas is applying for Arkansas Community and Economic Development Program funding through the AIDC in order to facilitate the construction and operation of a Senior Citizens Center. (Ord. No. 513, Sec. 1.)

7.40.02 Benefiting Senior Citizens The proposed facility is hereby dedicated exclusively to services and programs benefiting Senior Citizens. (Ord. No. 513, Sec. 2.)

CHAPTER 7.44

CURTAILMENT OF WATER USE

Sections:

7.44.01	Peak water usage
7.44.02	Determination by Mayor
7.44.03	Guidelines
7.44.04	Emergency

7.44.01 Peak water usage The City Council of the city of Pocahontas, Arkansas finds that the public water system may be inadequate to supply the total demand for water users connected to the system during the times of peak water usage and that the demand may be such that at times the water reserve is exhausted and that the pressure in the water mains is not sufficient to provide adequate fire protection, in the event of fires and in order to provide adequate fire protection adopts this ordinance as a curtailment of water use by users connected to the water system. (Ord. No. 321, Sec. 1.)

7.44.02 Determination by Mayor The Mayor of the city of Pocahontas, Arkansas is authorized to determine when an inadequate supply of water exists and to declare the same by proclamation which shall be published in local newspaper and radio stations and other public media. (Ord. No. 321, Sec. 2.)

7.44.03 Guidelines When an emergency exist water use will be curtailed and prohibited in the following order:

- A. It shall be unlawful during an emergency for any firm, person or corporation to use water for the purpose of watering lawns, shrubs, gardens, trees, [private washing of trucks and automobiles or similar things. It being intended by this section to curtail the non-essential use of water during an emergency and the foregoing is by way of illustration and not by limitation.
- B. The second level of curtailment shall be the industrial uses of water including uses of manufacturing and commercial enterprises other than drinking water and toilet facilities. (Ord. No. 321, Sec. 3.)

7.44.04 Emergency An emergency shall be deemed to exist at any time when the reserve of water in the water system or water pressure is insufficient to provide adequate fire protection.

Once an emergency has been proclaimed and published designating the water use to be curtailed, it shall be unlawful for any person, firm or corporation to use city water for the uses prohibited in Section One or Two of Section Three stated in the proclamation of an emergency.

Any the proclamation shall designate each level of use curtailment or both depending on the extent of the emergency.

Any persons violating the provisions of this ordinance during a proclaimed emergency shall be subject to a fine not to exceed One Hundred Dollars (\$100.00) for each violation. And in addition thereto the persons violating the proclamation may be disconnected from the water service during the period of the emergency. (Ord. No. 321, Sec. 4.)

CHAPTER 7.48

SIGNS

Sections:

- 7.48.01 Requirements for certain businesses
- 7.48.02 Handbills, etc.
- 7.48.03 Off-premises outdoor advertising
- 7.48.04 Political signs

7.48.01 Requirements for certain businesses

- A. It shall be unlawful for any circus, carnival, amusement company or other persons to place advertising, posters, banners or other signs upon the buildings, fences, walls or other structures in the city without first obtaining a permit from the City Clerk.
- B. The City Clerk shall not issue any permit to any circus, carnival, amusement company or other persons until the circus, carnival, amusement company or other persons applying for a permit to post bills, as aforesaid, shall file with the City Clerk a surety bond for the sum of One Hundred Dollars (\$100.00) to guarantee the removal of the signs posted within five (5) days after the performance advertised in the posters, bills or signs permitted.
- C. The penalty for violation of this ordinance, shall, upon conviction in the Randolph County District Court, or any other court of competent jurisdiction, be One Hundred Dollars (\$100.00) for each violation. (Ord. No. 2013-9, Sec. 1.)

7.48.02 Handbills, etc. Posting of any bills, cards, notices, signs or advertisements of any kind whatsoever upon any telegraph, telephone, street sign or electric light pole or post or any sidewalks, public right-of-ways within the corporate limits of the city is hereby prohibited. The penalty for violation of this ordinance, shall, upon conviction in the Randolph County District Court, or any other court of competent jurisdiction, shall be Twenty-Five Dollars (\$25.00) for each violation for the first offense and One Hundred Dollars (\$100.00) for each violation for each subsequent offense. (Ord. No. 2013-9, Sec. 2.)

7.48.03 Off-premises outdoor advertising Off-premises outdoor advertising is not allowed in R-1 or R-1 zones. An off-premises outdoor advertising sign means a sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually located on the premises and/or property upon which the sign is located. The following shall not be considered an off-premises sign for the purposes of this section:

- A. Directional or official signs authorized by law;
- B. Real estate signs;
- C. On-premises signs as allowed by zoning ordinances; and
- D. Yard sale signs.
(Ord. No. 2013-9, Sec. 3.)

7.48.04 Political signs

- A. **Political sign** means and refers to any sign which supports any political candidate or issue.
- B. Prohibited Political signs may not be placed on public property, including without limitation, public rights-of-way, streets, alleys and sidewalks, government buildings and property, and public utility poles and other facilities, provided, however, if any government building is utilized as an official polling place by the Randolph County Election Commission, electioneering, including the display of political signs, may be permitted on such government property, on the day of the election only, provided such electioneering is conducted in accordance with A.C.A. 7-1-103(s)(9).
- C. Conditions for placement Political signs may be placed upon private property within any zoning classification, subject to the following conditions:
 - 1. No political signs may be placed upon private property without permission of the owner;

2. Political signs shall not be placed in the city of Pocahontas no sooner than forty-five (45) days before the election in which the candidate's name and/or issue appears on the ballot;
3. Political signs must be removed within ten (10) calendar days after the election to which the candidate's name and/or issue appears on the ballot; and
4. Contact information about the candidate and/or the person sponsoring the candidate or issue must be located on the sign. (Ord. No. 2014-7, Sec. 1.)

- D. Authority of city If a political sign is placed improperly or is not removed as required herein, the city is authorized to enter upon private property and to remove the sign.
- E. Responsibility The candidate for whom a political sign is placed and the person who places a political sign are responsible for the placement and removal thereof according to the provisions of this section and, upon failure to do so, shall be subject to the penalties provided herein.
- F. Copies of section Copies of this section shall be provided by the city of Pocahontas to all candidates for municipal offices, and copies hereof shall be provided to the Secretary of State and to the Randolph County Clerk for distribution to candidates filing in those offices.
- G. Penalty The penalty for violation of this ordinance shall, upon conviction in the Randolph County District Court, or any other court of competent jurisdiction, be Twenty-Five Dollars (\$25.00) for each violation for the first offense, and One Hundred Dollars (\$100.00) for each violation for each subsequent offense. (Ord. No. 2013-9, Sec. 4.)

CHAPTER 7.52

HISTORICAL COURT SQUARE

Sections:

7.52.01	Beautification
7.52.02	Rules
7.52.03	Sidewalk sales
7.52.04	Fine
7.52.05	Removal of trash cans
7.52.06	Fine

7.52.01 Beautification The City Council of the city of Pocahontas, Arkansas, feels it is in the best interest of the city of Pocahontas that certain rules and regulations concerning the beautification of the downtown Historical Courthouse Square area be abided. (Ord. No. 499, Sec. 1.)

7.52.02 Rules The following rules and regulations are immediately placed into effect:

- A. There is to be no roller skating, roller blading, skateboarding or bicycling on the sidewalks of the downtown Historical Courthouse Square area;
- B. There are to be no banners or other advertising of the same or similar nature placed on the railings or brickwork of the downtown Historical Courthouse Square area;
- C. There are to be no vending machines of any kind on the sidewalks of the downtown Historical Court house Square area. (Ord. No. 499, Sec. 2.)

7.52.03 Sidewalk sales The merchants are permitted to hold and organize sidewalk sales at their discretion so long as said sidewalk sales are not an ongoing or continuous event. (Ord. No. 499, Sec. 3.)

7.52.04 Fine Any violation of the above described provisions shall constitute a violation and be punishable at a fine of Fifty Dollars (\$50.00). (Ord. No. 499, Sec. 4.)

7.52.05 Removal of trash cans There are to be no refuse or trash cans, containers, or receptacles of any kind left or remaining on the streets, sidewalks, or curbs of the city of Pocahontas beyond the date that the trash or garbage is collected and removed by the Sanitation Department. (Ord. No. 509, Sec. 2.)

7.52.06 Fine Any violation of the above described provision shall constitute a violation and be punishable at a fine of Fifty Dollars (\$50.00). (Ord. No. 509, Sec. 3.)

CHAPTER 7.56

SKATEBOARDS, ROLLER BLADES AND ROLLER SKATES

Sections:

- 7.56.01 Prohibited
- 7.56.02 Fine

7.56.01 Prohibited The use of skateboards, roller blades and roller skates is hereby prohibited on the sidewalks, curbs, streets and alleys of the city of Pocahontas. (Ord. No. 2002-2, Sec. 1.)

7.56.02 Fine Any person violating this ordinance shall be fined Fifty Dollars (\$50.00) for each violation. (Ord. No. 2002-2, Sec. 2.)

CHAPTER 7.60

HISTORIC PRESERVATION COMMISSION

Sections:

- 7.60.01 Affirmation
- 7.60.02 Duties of owners of historic properties
- 7.60.03 Duties of the Mayor
- 7.60.04 Duties of the Pocahontas Historic Preservation Commission
- 7.60.05 Commission makeup

7.60.01 Affirmation The City Council recognizes the need to preserve the historic integrity of properties in the city that have been certified as national or state historic register properties or have been certified as being included in a National Historic District. Therefore, the Council hereby creates the Pocahontas Historic Preservation Commission. (Ord. No. 2008-15, Sec. 1.)

7.60.02 Duties of owners of historic properties Owners of historic properties in Pocahontas, as defined in 7.60.01 must submit to the office of the Mayor of Pocahontas, an outline of their construction plans and the materials to be used, at least fifteen (15) days previous to beginning of construction what would alter the appearance or construction materials of the façade of that historic property. A rough sketch of how the altered façade will appear after the construction project is completed should accompany the outline, as well as the planned dates of construction for the project. (Ord. No. 2008-15, Sec. 2.)

7.60.03 Duties of the Mayor of Pocahontas The Mayor of Pocahontas shall forward the plans and sketch, defined in 7.60.03 to the president of the Pocahontas Historic Preservation Commission in a timely manner so that the Commission may meet and offer advice to the property owner at least five (5) days before construction is to begin. (Ord. No. 2008-15, Sec. 3.)

7.60.04 Duties of the Pocahontas Historic Preservation Commission

- A. Knowledge required Members of the Pocahontas Historic Preservation Commission shall familiarize themselves with current standards and requirements published by the Arkansas Historic Preservation Program and the U.S. Secretary of the Interior pertaining to historic structures. Members shall ensure their knowledge of such standards is current through contact with the Arkansas Historic Preservation Program. The Commission shall maintain frequent contact and excellent relations with the staff of the Arkansas Historic Preservation Program.
- B. Review duties Upon receipt of construction plans of the owners of historic properties from the Mayor of Pocahontas, the Commission shall meet along with the property owner in a timely manner to review those plans and to return them along with the Commission's comments to the property owner no less than five (5) days before the owner plans to begin construction.
- C. Elements of the Commission's review The Pocahontas Historic Preservation Commission shall review the property owner's plans in regard to:
 - 1. Conformity to state and federal preservations standards The Commission shall review the owner's plans to ensure that they do not violate the state or federal standards for preservation of historic structures in a significant

manner that could result in the structure losing its certification as a state or national register property or as a contributing structure to a national historic district. This shall include a review of the construction materials to be used in the planned construction.

2. Advice to the owner regarding alternative construction or materials The Commission shall advise the property owner of alternative construction or materials that would not result in loss of certification if substituted for prohibited elements of the owner's construction plan. The Commission shall consult with the staff of the Arkansas Historic Preservation Program as necessary in order to give the owner appropriate advice on these matters.
3. Advice to the owner regarding potential financial assistance The Commission shall advise the owner of potential state or federal financial assistance that may be available in the form of grants, loans or income tax credits in connection with the planned construction. The Commission shall offer the owner assistance in obtaining potential financial assistance for the construction project.
4. Other goals of the Commission Other goals of the Commission include, but are not limited to: encouraging historic preservation; providing technical assistance to citizens; promoting partnerships of local, state and federal governments; administering appropriate state and local legislation for the designation and protection of historic properties; approving applications for Certificates of Appropriateness (COAs) in designated historic districts; maintaining a survey and inventory of local historic properties; and participating in nominating properties to the National Register of Historic Places. (Ord. No. 2008-15, Sec. 4.)

7.60.05 Commission makeup The Pocahontas Historic Preservation Commission shall consist of six (6) members appointed to terms of three (3) years by the Mayor of Pocahontas. Of the initial members of the Commission, two shall serve for a term of one (1) years, two shall serve for a term of two (2) years and two shall serve for a term of three (3) years. The term of each replacement members shall be for three (3) years. In order to be eligible for membership on the Commission, five (5) members shall be a qualified elector of the city of Pocahontas and one member shall be a qualified elector of Randolph County with at least one of the members being actively involved in the construction business. The Mayor shall make reappointments or appointments to fill vacancies as needed. (Ord. No. 2008-15, Sec. 5.)

CHAPTER 7.64

NOISE

Sections:

7.64.01	Prohibited
7.64.02	List of noises
7.64.03	Exception
7.64.04	Fine

7.64.01 Prohibited The creating of any unreasonably loud, disturbing and unnecessary noise within the limits of the city, including noise of such character, intensity or duration as to be detrimental to the life, health or safety of any individual or in disturbance of the public peace and welfare is prohibited. (Ord. No. 2005-8, Sec. 1.)

7.64.02 List of noises The following acts, among others, are declared to be noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

- A. The sounding of any horn or signal device on any automobile, motorcycle, bus, taxicab, or other vehicle while not in motion except as a danger signal if another vehicle is approaching apparently out of control or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended, the creation by means of any such signal device of any unreasonable loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- B. The sounding of any air brakes also known as “jake brakes” on any automobile, motorcycle, bus, taxicab, tractor trailer or other vehicle for the purpose of creating an unnecessary, disturbing or unreasonably loud noise except when used for emergency purposes.
- C. The playing of any radio, “juke box” or similar device, phonograph or any other kind of musical instrument or loudspeaker device in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any dwelling hotel or other type of residence or of any persons in the vicinity.
- D. Yelling, shouting, hooting, whistling or singing on the public streets at any time, or place so as to annoy or disturb the quiet comfort or repose of any persons in any hospital, dwelling, hotel or any other type of residence or of any person in the vicinity.

- E. The use of any automobile, truck motorcycle, motor bicycle, bus, tractor, motor propelled vehicle of whatsoever kind, design or name or any other vehicle so out of repair, so loaded or in such manner as to cause loud and unnecessary grating, grinding, rattling or other noise.
- F. To discharge into the open air of the exhaust of any stationary steam engine, stationary internal combustion engine automobile, truck, motorcycle, motor bicycle, bus, tractor, motor propelled vehicle of whatsoever kind, design or name or any other vehicle or motorboat engine, including outboard motors, except through a muffler or other device which will effectively prevent loud or explosive noises there from.
- G. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in session or adjacent to any hospital which unreasonably interferes with the workings of sessions thereof. (Ord. No. 2005-8, Sec. 2.)

7.64.03 Exception Provided that none of the terms or prohibitions hereof shall apply to or be enforced against any vehicle of the city while engaged upon necessary public business or any ambulance while being operated in cases of emergency. (Ord. No. 2005-8, Sec. 3.)

7.64.04 Fine Any person violating this ordinance shall be fined One Hundred Fifty Dollars (\$150.00) for each violation. (Ord. No. 2005-8, Sec. 4.)

CHAPTER 7.68

SOLICITATION

Sections:

- 7.68.01 Permit
- 7.68.02 Charitable organizations
- 7.68.03 Days and hours
- 7.68.04 Regulations
- 7.68.05 Sign
- 7.68.06 Fine

7.68.01 Permit No person shall stand in a public roadway or upon a public sidewalk for the purpose of soliciting a monetary contribution from any occupant of a motor vehicle, unless a permit has first been obtained from the Police Department. Said application shall include the name, address, phone number of the organization and location where the solicitation will be conducted as well as the name, address, phone number and position of the person submitting the application. (Ord. No. 2008-13, Sec. 1.)

7.68.02 Charitable organizations A permit shall be issued to solicit contributions in the public roadway or sidewalk to any charitable organization that is a valid 501(c)(3) charitable organization under the Internal Revenue Code and such proof of the valid 501(c)(3) status shall be provided to the Police Department. (Ord. No. 2008-13, Sec. 2.)

7.68.03 Days and hours Permits issued shall only be issued for the days of Friday and Saturday, and for no hours other than those between the hours of 8:00 a.m. and one hour before sunset. Permits shall be issued to no organization more than twice per calendar year. (Ord. No. 2008-13, Sec. 3.)

7.68.04 Regulations Any person who is soliciting contributions from a motor vehicle while in the roadway, under this chapter, must be sixteen (16) years of age or older and must wear a vest or shirt which identifies the organization. Any person(s) under the age of eighteen (18) shall be supervised by an adult. No solicitor shall impeded traffic or make physical contact with any motor vehicle (such as beating on the window or door). (Ord. No. 2008-13, Sec. 4.)

7.68.05 Sign The organization obtaining a permit shall provide a sign at least 50 feet, but no more than 200 feet from the point of solicitation, which states the name of the organization which is soliciting contributions. The sign shall be on both sides of the street and placed so that it does not impede traffic. (Ord. No. 2008-13, Sec. 5.)

7.68.06 Fine Any person violating this ordinance shall be fined up to One Hundred Fifty Dollars (\$150.00) for each violation. (Ord. No. 2008-13, Sec. 6.)

CHAPTER 7.72

ALCOHOL SALES

Sections:

7.72.01	Alcohol Sales
7.72.02	Definitions
7.72.03	Hotel, Motel, or Restaurant On-premises Consumption
7.72.04	Private Club
7.72.05	Off-Premise Caterer's permit
7.72.06	Festival Permit
7.72.07	Rights of city to inspect records
7.72.08	Fund Use
7.72.09	Penalty
7.72.10	Issuance of Permits; Renewal
7.72.11	Suspension or revocation of permit

7.72 Alcohol Sales The sale of alcohol beverages for on-premises consumption as provided for in Arkansas Code Annotated § 3-9-203(d) is hereby authorized in the City of Pocahontas at those locations licensed for such sales by the Alcoholic Beverage Control Division of the State of Arkansas. (Ord. No. 2019-04, Sec. 1)

7.72.02 Definitions

“Alcoholic beverages” means all intoxicating liquors of any sort, including beer, intoxicating liquor, and wine.

“City” means the City of Pocahontas, Arkansas.

“Controlled beverages” means all beverages of any kind subject to regulation under any alcoholic beverage control law of the State of Arkansas and this ordinance.

“Hotel” means every building or other structure commonly referred to as a hotel, motel, motor lodge, or by similar name, which is kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers or guests, whether transient, permanent, or residential, where meals are regularly served to such guests, such sleeping accommodations and dining room which are being conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation.

“On-premises consumption” means the sale or dispensing of alcoholic beverages by the drink or in broken or unsealed containers for consumption on the premises where sold or dispensed.

“Off-Premise Caterer” means an individual or business entity in which sixty percent (60%) or more of whose gross sales are derived from food sales, and which for a fee, prepares food and beverages to be consumed at private parties or other private functions, and which transports the food and beverages from the permitted premises to the premises where the private function is being held.

"Off-Premise Caterer's permit" means a license which authorizes the holder thereof to purchase alcoholic beverages from a permitted retail outlet, to transport the alcoholic beverages to a private function which is being catered by the permit holder, and to serve alcoholic beverages to attendees of a private function in conjunction with catered food.

"Permit" means any authorization issued by the Alcoholic Beverage Control Division of the State of Arkansas and/or by the city pursuant to any Arkansas Alcoholic Beverage Control Division regulation and/or this ordinance whether described as a permit, license or otherwise.

"Restaurant" means any a place of business that is regularly engaged in the business of serving a meal for consumption on the premises to a guest and has a suitable kitchen facility to serve the entire menu approved by the Alcoholic Beverage Control Division.

"Supplemental privilege permit fee" means a fee established by the City of Pocahontas for the privilege of operating a private club within the city. (Ord. No. 2019-08, Sec. 1)

7.72.03 Hotel, Motel, or Restaurant On-premises Consumption

1. Permit Required. It shall be unlawful for any person or entity to engage in the business of selling or dispensing controlled beverages, including beer, light wine, or intoxicating liquor, for on-premises consumption without first obtaining a permit from the city of Pocahontas.
 - a. Application for a permit required by these regulations shall be in writing on a form prescribed by the city and shall be accompanied by the required fee and a copy of the applicant's state permit. No city permit will be issued until an applicant has received a state permit.
 - b. It shall be unlawful for any person to make any false statement or representation in any application required by these regulations or to give any false answer to any question contained therein.
 - c. The city will not issue or renew any permits pursuant to these regulations until all outstanding hotel, motel, and restaurant taxes and/or supplemental beverage taxes, if applicable, are paid.
 - d. All permits issued by the city pursuant to this chapter shall be prominently displayed on the permitted premises by the permittee in the same manner as required by the state for state permits.

- e. When any state permit is revoked by the state or required to be returned to the state for any reason, the city permit shall be returned to the city. The city will restore the permit upon proof that the state permit has been restored to the applicant, provided that no reclaimed permit will be restored to an applicant until all outstanding hotel, motel, and restaurant taxes and/or supplemental beverages taxes, if applicable, are paid.
 - f. All fees, taxes, and penalties received by the city pursuant to these regulations shall be deposited to the credit of general fund revenues or in a manner as prescribed by further ordinance.
 - g. Permits shall not be transferable or assignable except as provided by A.C.A. § 3-4-103(a) (Fiduciaries-Continuation of permitted business).
- 2. Permit fee. For the privilege of selling controlled beverages for on-premises consumption by hotels, motels or restaurants, in accordance with A.C.A § 3-9-201 *et seq.*, there is hereby levied annual permit fees in the following amounts:
 - a. Hotels or motels, one-hundred dollars (\$100.00).
 - b. Restaurants, one-hundred dollars (\$100.00)
 - 3. Supplemental beverage tax. In addition to the annual permit fees for the sale of controlled beverages for on-premises consumption by hotels, motels, or restaurants, there is hereby imposed and levied, in accordance with the provisions of A.C.A. § 3-9-214, a city supplemental tax of five percent (5% upon the annual gross proceeds or gross receipts from the sale of alcoholic beverages pursuant to this subsection.
 - a. The city's supplemental beverage tax is in addition to the state supplemental tax and shall be due monthly at the same time that the state supplemental tax is due, and payment shall be accompanied by one copy of the state supplemental tax return for the same period. If any permittee shall fail to remit the supplemental tax within the time period the state tax is due, a penalty of ten percent (10%) of the tax due shall be due and payable in addition to the tax.
 - b. The city's supplemental beverage tax shall be made payable to the City of Pocahontas, care of City Clerk/Treasurer, 410 N. Marr Street, Pocahontas, Arkansas 72455.
- (Ord. No. 2019-08, Sec. 2)

7.72.04 Private Club

1. Permit Required. It shall be unlawful for any person or entity designated by the director of the state alcoholic beverage control board as a private club distributor to engage in the business of selling or dispensing controlled beverages, including beer, light wine, or intoxicating liquor and mixed drinks, for consumption on the premises of the private club to members and guests of the private club without first obtaining a permit from the city of Pocahontas.
2. Permit fee. For the privilege of operating a private club within the city, there is hereby levied an annual Supplemental Privilege Permit Fee of one-hundred dollars (\$100.00).
3. Supplemental beverage tax. In addition to the Supplemental Privilege Permit Fee, there is hereby imposed and levied a city supplemental tax of five percent (5%) upon the annual gross receipts which are derived by such private club from charges to members and their guests for the preparation and serving of mixed drinks and for the cooling and serving of beer, light wine, and wine.
 - a. The city's supplemental beverage tax is in addition to the state supplemental tax and shall be due monthly at the same time that the state supplemental tax is due, and payment shall be accompanied by one copy of the state supplemental tax return for the same period. If any permittee shall fail to remit the supplemental tax within the time period the state tax is due, a penalty of ten percent (10%) of the tax due shall be due and payable in addition to the tax.
 - b. The city's supplemental beverage tax shall be made payable to the City of Pocahontas, care of City Clerk/Treasurer, 410 N. Marr Street, Pocahontas, Arkansas 72455. (Ord. No. 2019-08, Sec. 3)

7.72.05 Off-Premise Caterer's permit

1. Permit Required. There is hereby created an Off-Premises Caterer's permit issued by the City which authorizes the purchase of alcoholic beverages from a retailer to transport to a private function which is being catered by a off premises caterer to serve alcohol beverages to attendees of a private function in conjunction with catered food.
2. Permit Fee. The annual permit fee for an Off-Premises Caterer's permit shall be fifty dollars (\$50.00) and it shall be renewed on an annual basis. The Off-Premises Caterer's permit shall be posted conspicuously at the caterer's place of business.

4. Supplemental beverage tax. In addition to the annual permit fees for the sale of controlled beverages by an Off-Premise Caterer, a city supplemental tax of five percent (5%) upon the annual gross proceeds or gross receipts from the sale of alcoholic beverages pursuant to this subsection.
 - a. The city's supplemental beverage tax is in addition to the state supplemental tax and shall be due monthly at the same time that the state supplemental tax is due, and payment shall be accompanied by one copy of the state supplemental tax return for the same period. If any permittee shall fail to remit the supplemental tax within the time period the state tax is due, a penalty of ten (10) percent of the tax due shall be due and payable in addition to the tax.
 - b. The city's supplemental beverage tax shall be made payable to the City of Pocahontas, care of City Clerk/Treasurer, 410 N. Marr Street, Pocahontas, Arkansas 72455. (Ord. No. 2019-08, Sec. 4)

7.72.06 Festival Permit There is hereby created a Festival Permit for the retail sale of beer or wine at special events, rallies, or similar events to be sponsored by a not-for-profit entity that holds a state permit.

- a. Permit Fee. There is hereby levied a permit fee of twenty dollars (\$20) per event.
- b. Supplemental Beverage Tax. In addition to the permit fee a city supplemental beverage tax of five percent (5%) of the gross sales is hereby levied. This supplemental tax shall be reported and paid within 30 days after the event.
- c. Dates and Hours. Applications must be made for specific events with a maximum duration of three (3) consecutive days. Sales shall only be permitted between the hours of 12:00 noon to 11 :59 pm. No Sunday sales are permitted.
- d. Applications. The permittee must provide and pay for security as required and approved by the City Police Chief. Sales shall be confined to secured area as designated by the Mayor. Permittee must be responsible for clean-up and repairs to any public property. Permittee is subject to all requirements imposed by the Mayor. (Ord. No. 2019-08, Sec. 5)

7.72.07 Rights of city to inspect records The city shall have the right to inspect and examine the records of any permittee subject to any tax or permit fee based on gross sales or receipts. (Ord. No. 2019-08, Sec. 6)

7.72.08 Fund Use The supplemental beverage tax shall be used for city purposes as authorized by law or in any lawful manner as prescribed by further ordinance. (Ord. No. 2019-08, Sec. 7)

7.72.0 Penalty Any person violating the provisions of this ordinance, or any person who makes a false affidavit or statement regarding gross sales receipts, or who fails to report gross proceeds in a timely manner as part of the procedures of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction and be fined in an amount not to exceed five hundred dollars (\$500.00). If a violation is found to be continuing in nature, then the fine shall be not more than one hundred dollars (\$100.00) for each day the violation is found to have occurred.

Any person who sells, serves, barters, exchanges, or gives away controlled beverages for on-premises consumption at any Hotel, Motel, Restaurant, or Private Club, or for off-premises consumption by a caterer, or without having a valid city permit as provided by these regulations shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00). If a violation is found to be continuing in nature, then the fine shall be not more than one hundred dollars (\$100.00) for each day the violation is found to have occurred. (Ord. No. 2019-08, Sec. 8)

7.72.10 Issuance of Permits; Renewal Permits required by these regulations shall be issued in such a manner that they will run for such length of time as the state permit. Annual permit renewal fees shall be due and payable on June 30 of each year for the succeeding year beginning July 1. In case of the revocation or surrender of such Permit before the expiration of such period, the holder thereof shall not be entitled to receive any refund whatsoever. (Ord. No. 2019-08, Sec. 9)

7.72.11 Suspension or revocation of permit

- a. The city council may suspend for a period not to exceed six months or revoke the license of any licensee violating these regulations after due notice to the licensee and an opportunity for the licensee to be heard.
- b. Whenever the State shall revoke any Alcohol Beverage Permit, the city permit to deal in such products shall thereupon be automatically revoked without any action by the city or any municipal officer. The city will restore the permit upon proof that the state permit has been restored to the applicant, provided that no reclaimed permit will be restored to an applicant until all outstanding advertising and promotion taxes and/or supplemental beverages taxes, if applicable, are paid. (Ord. No. 2019-08, Sec. 10)