

## **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
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#### **CHAPTER 7.04**

### **STATE CRIMINAL STATUTES AND PENALTIES**

#### **Sections:**

- 7.04.01 State criminal statutes adopted
- 7.04.02 State penalties adopted

7.04.01 State criminal statutes adopted All criminal statutes of the state relating to misdemeanors and violations and the laws of criminal procedure in connection therewith, three (3) copies of which are on file in the City Clerk's office, are hereby enacted by the City Council to form a part of the laws of the city and any person, firm or corporation being found guilty of the violation of any such laws shall be deemed guilty of the violation of the ordinances of the city, and shall be fined or imprisoned or both in the manner set out under the state statutes. STATE LAW REFERENCE - See A.C.A. 14-55-501, 14-55-502

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, 14-55-503

## **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	Purpose
7.08.05	Definitions
7.08.06	Provisions
7.08.07	Exceptions
7.08.08	Parental responsibility
7.08.09	Enforcement
7.08.10	Penalties

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

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

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

7.08.04 Purpose The Wynne City Council finds there has been a significant breakdown in parental supervision and guidance for juveniles under the age of eighteen (18). This

breakdown has resulted in juveniles being involved in a wide range of unacceptable behavior such as vandalism, noisy/rowdy behavior, breaking and entering, public drinking, littering, and harassment of Wynne residents.

The Wynne City Council further finds that offensive juvenile activities are not easily controlled by existing laws due to the concealed nature of the offenses. The establishment of reasonable curfew regulations will enable the community to better control the free and unobstructed access to the public streets and places by the majority of residents. This will further enable the police to act in a reasonable and fair manner to prevent the violation of the laws and ordinances by juveniles.

The Wynne City Council has determined that a curfew meets a very real local need and recognizes that curfew ordinances in other communities have led to the decrease in unacceptable juvenile behavior. A curfew in the city of Wynne is particularly appropriate given the residential nature of the community and the community belief that there is a proper time for the cessation of juvenile outdoor activities. This community belief is reflected in the curfew hours declared by this ordinance which takes into consideration the danger hours for nocturnal crime.

Wynne is a family community and as such parental responsibility for the whereabouts of children is the accepted norm by a majority of the community. Legal sanctions in other communities to reinforce these parental responsibilities have resulted in decreased juvenile offenses. The Wynne City Council has recognized the results from these communities, the need for a juvenile curfew has determined that as parental control increases, then the frequency of juvenile offenses should decrease. The establishment of a curfew will reinforce the primary authority and responsibility of parents and guardians over juveniles in their care and custody. (Ord. No. 753, Sec. 1.)

7.08.05 Definitions The following words, terms and phrases, when used in this division, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

**Juvenile or minor** - any person under eighteen (18) years of age, or any un-emancipated or unmarried person under the age of eighteen (18) years of age.

**Emancipated minor** – a minor who no longer has a parent/child relationship as a result of marriage, or as a result of being recognized as an adult by an order of a court of competent jurisdiction.

**Parent** - any person having custody of a juvenile

- A. As a natural or adoptive parent,
- B. As a legal guardian,

- C. As a person who stands in loco parentis,
- D. As a person to whom legal custody has been given by order of a court of competent jurisdiction.

**Street** - a way or place, of whatever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term **street** includes the legal right-of-way, including but not limited to, traffic lanes, the curb, the sidewalk whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term **street** applies irrespective of what it is called or formally named, whether alley, avenue, court, road or otherwise. The term **street** also includes shopping centers, parking lots, parks, playgrounds, public buildings, the common areas of public housing developments and similar areas that are open to the use of the public. (Ord. No. 753, Sec. 2.)

7.08.06 Provisions It shall be unlawful for any person seventeen (17) or less years of age (under eighteen [18] )to be or remain in or upon the streets within the city at night during the period at 5:00 a.m. and beginning:

- A. At twelve midnight Friday and Saturday nights; and
- B. 10:00 p.m. on all other nights.

It shall be unlawful for any minor to be upon the streets, sidewalks, parks, playgrounds or other public places during normal school hours. The fact that a minor is in a public place between the hours of 8:30 a.m. and 3:00 p.m. Monday, Tuesday, Wednesday, Thursday or Friday shall create a rebuttable presumption that the minor is in violation of this section. (Ord. No. 753, Sec. 3.)

7.08.07 Exceptions In the following exceptional cases, a minor on a city street during the hours prescribed for minors shall not however, be considered in violation of the curfew:

- A. When accompanied by a parent of such minor;
- B. When accompanied by an adult, at least twenty-one (21) years of age, who is not the parent and who is authorized by the parent of such a minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area;
- C. When engaging in bona fide employment or traveling directly, without undue delay or detour from home to the place of employment, or from the place of employment to the home.

- D. With respect to the hours between 8:30 a.m. and 3:00 p.m. on Monday, Tuesday, Wednesday, Thursday or Friday only, it is a defense that the public or private school which the minor attends was not in session, that the minor is being home-schooled in accordance with Arkansas law and recess has been declared by the home-school teacher, that the minor is a high school graduate or has an equivalent certification, or that the minor is on an excused absence from his or her place of schooling, provided that a disciplinary suspension or expulsion is not deemed an excused absence for the purposes of this ordinance.
- E. When the minor is in a motor vehicle for the purpose of interstate travel, either through, beginning or ending in Wynne. (Ord. No. 753, Sec. 4.)

7.08.08 Parental responsibilities It shall be unlawful for a parent of a juvenile to permit or allow the juvenile to be or remain upon any city street under circumstances not constituting an exception to, or otherwise beyond the scope of, this chapter. This chapter is intended to hold neglectful or careless parents to a reasonable community standard of parental responsibility through an objective test. It shall be no defense that a parent was indifferent to the activities or conduct or whereabouts of such juvenile. (Ord. No.753, Sec. 5.)

7.08.09 Enforcement It shall be the duty of the city of Wynne to require identification from any person who is in a public place during the prescribed hours and whose actions, appearance, demeanor, or other act within the knowledge of the police officer give rise to a reasonable belief that the person stopped is a minor.

Should the person stopped and questioned not be a minor, such person shall be allowed to proceed freely with no record made of the inquiry. If any enforcement officer has reasonable cause to believe any minor is in a public place within the city of Wynne, in violation of this ordinance the officer shall

- A. Notify the minor and the minor's parent that eh minor is in violation of this ordinance;
- B. Require the minor provide the officer with the minor's correct name, home address, home or cell phone number, an explanation of how to contact the minor's parent, and an explanation of the minor's presence upon the property prohibited at the time of the violation.

The minor shall be released to immediately return home, law enforcement officer shall transport the minor to the minor's parent, or take into custody and deliver the minor to an appropriate juvenile authority to be held until a parent can be located to take custody of the minor. (Ord. No. 753, Sec. 6.)

7.08.10 Penalties The penalties as set forth below shall apply to any violation of this ordinance:

- A. The parent of the minor in violation will be issued a warning on the first offense and subsequent violation will result in a citation being issued for the parent to appear in Wynne District Court.
- B. A parent found to be in violation of this ordinance may be fined not less than Fifty Dollars (\$50.00) and nor more than Five Hundred Dollars (\$500.00). (Ord. No. 753, 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 the premises of another without apparent reason and under circumstances that warrant alarm or concern for the safety of person or property in the vicinity, and upon inquiry by a law enforcement officer, refuses to identify himself and give a reasonably credible account of his presence and purpose; or
2. lingers, remains, or prowls in or near a school building, not having any reason or relationship involving custody of or responsibility for a student, and not having written permission from anyone authorized to grant the same; or
3. lingers or remains in a public place or on the premise of another for the purpose of begging; or
4. lingers or remains in a public place for the purpose of unlawfully gambling; or
5. lingers or remains in a public place for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual activity; or
6. lingers or remains in a public place for the purpose of unlawfully buying, distributing, or using a controlled substance; or
7. lingers or remains on or about the premises of another for the purpose of spying upon or invading the privacy of another.

B. Among the circumstances that may be considered in determining whether a person is loitering are that the person:

1. takes flight upon the appearance of a law enforcement officer; or
2. refuses to identify himself; or
3. manifestly endeavors to conceal himself or any object.

C. Unless flight by the actor or other circumstances make it impracticable, a law enforcement officer shall, prior to an arrest for an offense under subsection l(a) 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 l(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. A.C.A. 5-71-213

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 to carry, exchange

7.16.01 Unlawful to carry, exchange It shall be unlawful for any person to carry any knife, the blade of which is over three (3) inches in length, or to carry any instrument commonly called a crabapple switch, dirk, dagger, pick or any other dangerous or deadly weapon within the city, and it shall further be unlawful for any firm or corporation to sell, barter, exchange or otherwise dispose of such knives, crabapples switches, dirks, daggers or picks, or instruments to be used for a weapon within the corporate limits of the city.

## **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. (A.C.A. 27-19-213) et seq. 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 City Clerk 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 7.24STORAGE AND HANDLING  
OF VOLATILE COMBUSTIBLESSections:

7.24.01	Applicability
7.24.02	Approval of operation
7.24.03	Definitions
7.24.04	Permit required
7.24.05	Insurance
7.24.06	Fees
7.24.07	Display of permit number
7.24.08	Vehicle maintenance
7.24.09	Vehicle inspection
7.24.10	Additional rules and regulations
7.24.11	Denial, suspension and/or revocation of permit - grounds
7.24.12	Same - appeal
7.24.13	Violations; penalty
7.24.14	Responsibilities of generator
7.24.15	Responsibilities of transporter
7.24.16	Responsibilities of disposer
7.24.17	Corporation or association responsible for conduct of agents
7.24.18	Manifest system
7.24.19	Discharge into municipal collection system

7.24.01 Applicability Any person engaged in the transportation or disposal of liquid waste materials in the city shall have a permit as required by this article.(Ord. No. 587, Div. 1.)

7.24.02 Approval of operation The disposal site and method must be approved by the city and any acceptable log of operation shall be maintained by the transporter and made available for inspection by the city at any reasonable time. (Ord. No. 586, Div. 1.)

7.24.03 Definitions Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows.

**Approved** means accepted as satisfactory under the terms of this article and given formal and official sanction by the approving authority.

**Approving Authority** means the general manager of the city water utilities or his designated representative.

**ADH** means Arkansas Department of Health.

**ADPCE** means Arkansas Department of Pollution Control and Ecology.

**Disposal** means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or semisolid grease trap waste, grit trap waste, municipal or commercially produced sludge, and/or septage into or on any land or water so that such waste or constituent thereof may enter the environment or be emitted into the air or discharged into any water, including groundwaters.

**Disposal site** means a permitted site at which grease trap waste, grit trap waste, any commercial or industrial liquid waste, or septage is processed, treated, and/or intentionally placed into or any land and at which said waste will remain after closure.

**Disposer** means a person who receives, stores, retains, processes or disposes of liquid waste.

**Generator** means a person who causes, creates, generates, or otherwise produces liquid waste.

**Grease trap** means a watertight receptacle designed and constructed to intercept and prevent the passage of greasy, fatty liquid, semiliquid and/or solid wastes generated from commercial operations into the sanitary system to which the receptacle is directly or indirectly connected.

**Grease trap waste** means greasy, fatty liquid, semiliquid and/or solid waste removed from commercial operations by a grease trap.

**Grit trap** means a watertight receptacle designed and constructed to intercept and prevent the passage of petroleum based oil, grease wastes and solids into the sanitary sewer system to which the receptacle is directly or indirectly connected.

**Grit trap waste** means petroleum based oil, grease wastes, and solids from commercial automotive or heavy machinery repair and/or washing facilities.

**Hazardous waste** means any liquid, semiliquid or solid waste (or combination of wastes) which because of its quantity, concentration, physical, chemical or infectious characteristics may:

- A. Have any of the following characteristics: toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, explosive or otherwise capable of causing substantial personnel injury or illness; and

- B. Pose a substantial hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise improperly managed, and is identified or listed as a hazardous waste as defined by the U.S. Environmental Protection Agency (EPA) pursuant to the Federal Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 and as may be amended in the future.

**Liquid waste** means waterborne solids, liquids and gaseous substances derived from a grease trap, grit trap, chemical/portable toilet and/or septic tank, and described as a grease trap waste, grit trap waste, septage or municipal, industrial, or commercial sludges.

**Manager** means the person conducting, supervising, managing or representing the activities of the generator, transporter or disposer.

**Manifest system** means a system consisting of a multipart trip ticket used to document the generation, transportation, and disposal of liquid waste.

**Owner** means the person who owns a facility or part of a facility.

**Permit** means the formal written document issued by the approving authority authorizing a person to drain, flush or clean out any tank containing liquid waste, septic tank waste or any type of sewage disposal waste and transport such waste over city streets or rights-of-way.

**Permittee** means a person granted a permit under this article.

**Person** means an individual, corporation (including a government corporation), organization, government, government subdivision or agency, federal agency, state, political subdivision of a state, interstate agency or body, business or business trust, partnership, association, firm, company, joint stock company, commission or any other legal entity.

**POTW** means publicly owned treatment works.

**Prohibited discharges** means any waste having the following characteristics:

- A. Pollutants that will create a fire or explosive hazard.
- B. Pollutants that will cause corrosive structural damage and/or have a pH lower than 5.0.
- C. Solid or viscous pollutants in amounts that will cause obstruction to flow.
- D. Oxygen-demanding pollutants discharged at a concentration or volume that will cause interference.

- E. Any other type of waste that may be untreated by the POTW or will interfere with the operation of the POTW.

**Sanitary sewer** means a sewer which carries sewage and to which storm, surface, and groundwaters are not admitted.

**Septage** means human waste removed from a portable toilet, chemical toilet or septic tank and small pet waste, excluding feed lot waste and the cleaning of trucks or trailers used in the transportation of stock animals, except as permitted.

**Shall** is a mandatory term; "may" is a discretionary term.

**Sludge** means any liquid or semiliquid waste generated from industrial, commercial or municipal processes.

**Special wastes** means any solid waste or combination of solid wastes that, because of its quantity, concentration, physical or chemical characteristics or biological properties, requires special handling and disposal to protect the human health or the environment.

**Spill** means the accidental or intentional loss of unauthorized discharge of grease trap waste, grit trap waste and septage.

**Tank** means a device designed to contain an accumulation of grease trap waste, grit trap waste and septage which is constructed primarily of nonearthen materials to provide structural support for the containment.

**Toxic Waste** means any liquid, semiliquid, or solid waste material which has the ability to chemically produce injury once it reaches a susceptible site in or on the body.

**Transporter** means a person who operates a vehicle for the purpose of transporting liquid waste.

**Trip ticket** means the prepaid shipping document originated and signed by the transporter which contains the information required by the approving authority.

**Vehicle** means a mobile device in which or by which liquid waste may be transported upon a public street or highway. (Ord. No. 587, Div. 1.)

7.24.04 Permit required

- A. It shall be unlawful for any person to operate or cause to be operated a vehicle for the purpose of transporting liquid waste without a permit issued by the approving authority. The permit shall designate the liquid waste authorized for transportation in each vehicle. A separate permit shall be issued for each vehicle.
- B. A person who desires a permit must make application on a form provided by the approving authority.
- C. A person who desires a permit must submit with his application a photocopy of the manager's drivers license. A permittee shall notify the approving authority of manager employment changes during the permit period and shall provide the approving authority a copy of the new manager's drivers license.
- D. The approving authority shall not issue a permit unless the applicant submits for inspection by the approving authority the vehicle the applicant proposed to use to transport liquid waste and the vehicle is found by the approving authority to be constructed and equipped in accordance with the provisions of this article.
- E. A permit is not transferable.
- F. A permit issued by the city excludes the hauling of materials that are hazardous in nature.
- G. Transporters transporting hazardous wastes must have the applicable state department of health and U.S. Environmental Protection Agency (EPA) registration number and use the appropriate EPA manifest system.
- H. Each applicant must specify the disposal site or sites to be used for the authorized disposal of hazardous wastes. The approving authority shall be immediately notified of additional disposal sites used during the permit period. (Ord. No. 587, Div 2.)

7.24.05 Insurance As a prerequisite to the issuance of any permit required by this article, the permittee shall file with the city clerk and shall thereafter keep in full force and effect at all times:

- A. A policy of comprehensive general liability insurance with a company authorized to do business in the state in minimum amounts of one hundred thousand dollars (\$100,000.00) per person for bodily injury, three hundred thousand dollars (\$300,000.00) per occurrence for bodily injury, and fifty thousand dollars (\$50,000.00) per occurrence for property damage;

- A. A policy of automobile liability insurance covering the operation of each vehicle used in such business, in the minimum amounts of one hundred thousand dollars (\$100,000.00) per person for bodily injury, three hundred thousand dollars (\$300,000.00) per occurrence for bodily injury, and fifty thousand dollars (\$50,000.00) per occurrence for property damage. The city shall be named as an additional insured in all insurance policies required by this article. Each insurance policy shall require notice from the insured and/or insurer to the city clerk at least thirty (30) days prior to cancellation by the insurer or the insured.

7.24.06 Fees

- A. Each applicant shall pay a fee of ten dollars (\$10.00) for each permitted vehicle. Each permit must be renewed annually.
- B. Each permitted transporter shall pay a fee specified by the city water utilities for each discharge to the city-approved disposal site.

7.24.07 Display of permit number

- A. Each permitted vehicle shall display the following:  

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The blank spaces shall contain the city permit number.
- A. Each permittee shall display the permit number using a standardized lettering kit obtained from the city administration.
- A. The permit number shall be centered and six (6) to twelve (12) inches from the bottom of each vehicle door.
- A. The permit holder shall place the vehicle permit number on each vehicle before the vehicle is operated.
- A. The permit holder shall keep the permit receipt or a copy in the vehicle at all times.

7.24.08 Vehicle maintenance A liquid waste transporter shall:

- A. Maintain tanks, pumps, valves, hoses, racks, cylinders, diaphragms, pipes, connections, and other appurtenances on a vehicle in good repair and free from leaks;

- B. Provide a safety plug or cap for each vehicle of a tank; and
- C. Cause a vehicle exterior to be clean and the vehicle odor free at the beginning of each work day.(Ord. No. 587, Div. 2.)

7.24.09 Vehicle inspection

- A. A liquid waste transporter's vehicle shall be inspected by the approving authority prior to the issuance of a vehicle permit. To qualify for a permit, a vehicle must comply with the following requirements:
  - 1. The sample tank shall be an integral part of a vehicle to transport liquid waste; portable tanks or other containers temporarily installed in vehicles are prohibited,
  - 2. Piping, valves and connectors shall be permanently attached to tank and/or vehicle;
  - 3. Tank to be liquid tight;
  - 4. Tanks to be constructed so that every interior and exterior portion can be easily cleaned;
  - 5. Piping, valves and connections shall be accessible and easy to clean;
  - 6. Opening of tank to be constructed so that collected waste will not spill during filling, transfer or transport;
  - 7. Outlet connections to be constructed so that no liquid waste will leak, run or spill out from the vehicle;
  - 8. Outlets to be of a design and type suitable for the liquid waste handled and capable of controlling flow or discharge without spillage and undue spray on or flooding of immediate surroundings while in use; and
  - 9. Pumps, valves, cylinders, diaphragms and other appurtenances to be of a design and type suitable for the type of waste handled, capable of operation without spillage, spray or leakage, and capable of being easily disassembled for cleaning. (Ord. No. 857, Div. 2.)

7.24.10 Additional rules and regulations The approving authority may promulgate rules and regulations necessary to carry out the provisions of this article and to protect the public from health and safety hazards. The approving authority may amend any permit issued hereunder to ensure compliance with applicable laws and regulations. (Ord. No. 587, Div. 2.)

7.24.011 Denial, suspension and/or revocation fo permit-grounds

- B. The approving authority may deny a permit if it is determined that an applicant is not qualified under sections Permit Required through Vehicle Inspection of this article and may suspend or revoke a permit if it is determined that permittee:
1. Is not qualified under sections Permit Required through Vehicle Inspection of this article;
  2. Has violated a provision of this article;
  3. Has failed to pay a required fee;
  4. Has failed to comply with maintenance or inspection requirements; or
  1. Has failed to deliver trip tickets to the approving authority.
- B. After suspension under this section, a permittee may file a request for reinstatement of the permit. When the approving authority determines that the permittee is again qualified, ail violations have been corrected, precautions have been taken to prevent future violations and all required fees have been paid, he shall reinstate the permit.
- A. The approving authority may revoke for a period of one year or less all permits held by a liquid waste transporter if the transporter or any employee of the transporter violates any of the provisions of this article, rule or regulation promulgated by the approving authority, or applicable provisions of the city code or state law.
- A. A permittee whose permit is suspended or revoked shah not collect, transport or dispose of any waste materials within the jurisdiction of the approving authority.  
(Ord. 587, Div. 2.)

7.24.12 Same-appeal If the approving authority denies the issuance of a permit, or revokes a permit, he shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the action and the right to an appeal. The applicant or permit holder may appeal the decision of the approving authority in writing to the city water and sewer commission.



7.24.13 Violations; penalty

- A. A person commits an offense if he allows liquid waste that emits noxious or offensive odors or is unsanitary or injurious to public health to accumulate upon property under his control.
- B. A person commits an offense if he unloads or offers for sale or exchange liquid waste anywhere except at a place permitted by the city, the state or the federal government.
- C. A person commits an offense if he deposits or discharges liquid waste onto a street or into a storm or sanitary sewer or an area that drains into the storm sewer system.
- D. Any person, operator, or owner who violates any provision of this article or who fails to comply with any provision hereof shall be subject to a fine of not more than one thousand dollars (\$1,000.00) or imprisonment of not more than thirty (30) days, or both, for each offense. Each violation and each day a violation continues shall constitute a separate offense. Any person, operator or owner who repeatedly violates any provision of this article shall, upon conviction, be guilty of a misdemeanor.
- E. Any person found guilty of violating any provision of this article shall become liable to the city for any expense, loss, or damage occasioned by the city for proper cleanup and proper disposal of said waste material.(Ord. No. 587, Div. 2.)

7.24.14 Responsibilities of generator

- A. A generator of liquid waste within the city shall have all liquid waste material picked up from his premises by a liquid waste transporter who holds a valid permit from the city and the liquid waste shall be transported to an approved site for disposal.
- A. A generator of liquid wastes shall not have liquid waste in combination with hazardous waste removed from the premises by a liquid waste transporter operating under a city permit.
- A. A generator shall:
  - 1. Install or provide collection device of size and type specified by the approving authority;
  - 2. Maintain collection device in continuous proper operation;

3. Supervise proper cleaning of collection device;
4. Report spills and accidents involving a collection device to the approving authority within twenty-four (24) hours; and
5. Clean up spills and accidents immediately and have all waste material properly disposed of by permitted transporter.(Ord. No. 587, Div. 3.)

7.24.15 Responsibilities of transporter

- B. Before accepting a load of liquid waste for transportation, a liquid waste transporter shall:
  1. Determine the nature of the material to be transported; and
  2. Ensure that the equipment is sufficient to properly handle the job without spillage, leaks or release of toxic or harmful gases, fumes, liquids or other substances.
- C. Upon delivery of the waste to the disposer, the transporter shall inform the disposer of the nature of the waste.
- D. A transporter with a city liquid waste transporter permit shall not transport hazardous materials in vehicles permitted by the city for transporting liquid waste.
- E. A transporter holding a city permit must use a disposal site approved by the city, the state, or the federal government.
- F. A transporter with a city liquid waste transporter permit must satisfy liquid waste transport manifest system requirements. (Ord. No. 587, Div. 3.)

7.24.16 Responsibilities of disposer

- A. A liquid waste disposer shall not allow accumulation of liquid waste on his premises so that rainfall could carry the material to storm sewers or create a noxious odor or health hazard
- A. A liquid waste disposer shall:
  1. Obtain and maintain compliance with all licenses and/or permits required by local, state or federal law;
  2. Accept waste only from permitted transporters;

3. Maintain trip ticket copies for a period of three (3) years;
4. Accept only those classes of waste authorized by license or permit; and
5. Make available all records required to be kept for inspection by the approving authority during normal business hours.  
(Ord. No. 587, Div. 3.)

7.24.17 Corporation or association responsible for conduct of agents In addition to prohibiting conduct by natural persons, it is the intent of this article to hold a corporation or association legally responsible for prohibited conduct performed by an agent acting in behalf of a corporation or association and within the scope of the office or employment.(Ord. No. 587, Div. 3.)

7.24.18 Manifest system

- B. A manifest system consisting of a multipart trip ticket shall be used. to document the generation, transportation and disposal of all applicable liquid waste generated in the city.
- C. Requirements for satisfying the manifest system are:
  1. Trip tickets shall be obtained prior to collection by the transporter from the city water utilities,
  2. A transporter shall complete one trip ticket for each location serviced;
  3. A copy of the trip ticket shall be signed by the transporter at the time of waste collection and a copy thereof shall be maintained by the generator;
  4. A copy of the trip ticket shall be signed by the disposer at the time of disposal and a copy maintained by the disposer;
  5. A copy of the trip ticket shall be maintained by the transporter for a period of three years;
  6. A copy of the completed trip tickets shall be delivered by the tenth of the month to the city water utilities by the transporter, and
  7. A copy of all trip tickets shall be maintained by the approving authority for a period of three (3) years.

7.24.19 Discharge into municipal collection system

- A. Only residential septic tank waste originating within the city water service area, portable toilet septage located temporarily within the territorial jurisdiction of the city, and nonindustrial waste originating from recreational facilities operated by the Corps of Engineers may be discharged into the city municipal collection system, at a location and time specified by the approving authority.
- A. Discharges into the mains, trunks, interceptors, laterals, manholes, cleanouts or other units of the municipal wastewater collection system are not permitted.
- A. A permitted liquid waste transporter shall not discharge any prohibited wastes into the municipal collection system.
- A. Residential septic waste originating within Cross County only.

## 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 are authorized, in their discretion, to aid in the extinguishing of fires in another city, (or town), public institutions, corporation or other properties within a reasonable distance from the city 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. 14-53-101 et seq; Hdbk. 2-4.7. For statute relating to fire services outside corporate limits, 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 ends. The payments herein stipulated shall be made to the City Treasurer within fifteen (15) days after demand.

7.28.04 Mutual aid agreement. The Mayor and Fire 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 ends, 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 Section 7.28.03 of this chapter shall be paid to the general fund of the city.

Chapter 7.32NOISESections:

- 7.32.01 Noise outside vehicle
- 7.32.02 Fine

7.32.01 Noise outside vehicle It shall be unlawful for any person within or upon any vehicle in the City limits to make, continue, or cause to be made or continued any loud and raucous noise, or loud or vulgar lyrics audible outside the vehicle, defined to mean any sound which, because of its volume level, duration, or character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of any persons or ordinary sensibilities. (Ord. No. 544, Sec. 1.)

7.32.02 Fine Any person, firm, or corporation, upon conviction of this offense, shall be fined any sum not to exceed \$500.00 for the first offense, repetition of such offense within three years of the preceding offense shall be provided by fine of not less than \$500.00 nor more than \$1,000.00. (Ord. No. 544, Sec. 4.)

Chapter 7.36ITINERANT VENDORSSections:

- 7.36.01 Itinerant vendors
- 7.36.02 Application for temporary permit; information required; investigation
- 7.36.03 Fee
- 7.36.04 Investigation of applicant; approval of disapproval of application
- 7.36.05 Duty of police to enforce article
- 7.36.06 Farm products excluded

7.36.01 Itinerant vendors That every person engaged upon a temporary basis or transient basis in the business of selling any kind of goods, wares or merchandise within the city other than from a regularly established place of business maintained within the city shall be required to obtain a permit therefor in compliance with the provisions of this article. (Ord. No. 562, Sec. 1.)

7.36.02 Application for temporary permit; information required; investigation Applicants for a temporary permit to vend under this article must file with the City Clerk a sworn application in writing on a form to be furnished by the City Clerk, which shall give the following information:

- A. Name and description of the applicant;
  - B. Permanent home address and full local address of the applicant;
  - C. A brief description of the nature of the business and the goods to be sold;
  - D. If employed, the name and address of the employer, together with credentials establishing the exact relationship.
  - E. The length of time for which the right to do business without an established local base is desired;
  - F. The location where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time said application is filed, and the purposed method of delivery.
  - G. A photograph of the applicant, taken within sixty (60) days immediately prior to the date of filing of the application; which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
  - H. An affidavit by applicant disclosing his complete criminal record, if any.
  - I. The fingerprints of the applicant and the names of at least two reliable property owners of the county of Cross, State of Arkansas, who will certify as to the applicant's financial responsibility, or in lieu of the names of references, such other available evidence as to the financial responsibility.
  - J. A statement by a reputable physician of the City of Wynne, dated not more than ten (10) days prior to submission of the application, certifying the applicant to be free from contagious, infectious or communicable disease.
- (Ord. No. 562, Sec. 2.)

7.36.03 Fee. At the time of filing the application, a fee of fifty (\$50.00) shall be paid to the clerk-treasurer to partially cover the cost of investigation of the facts stated within said application. (Ord. No. 562, Sec. 3. )

7.36.04 Investigation of Applicant; Approval, Disapproval of Application

- A. Upon receipt of such application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's financial responsibility and criminal record, if any, to be made as deemed necessary for protection of the consuming public and for protection of the public from fraud or deceit.
- B. If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such



application his disapproval and his reasons for the same, and return the said application to the City Clerk, who shall notify the applicant that his application is disapproved, and that he may appeal such finding of the Chief of Police to the Mayor and Council at its next regular meeting, with public hearing thereof.

C. The Council shall upon appeal by said application set a hearing thereon, at which hearing the application shall have the right to have his own counsel and present evidence as he may desire. The Council shall then vote whether to issue said temporary permit, and upon finding that the proposed action by said applicant presents a clear and present danger of fraud or deception of the consuming public, the Council may deny said permit; whereupon said applicant shall have the further right to appeal said action of the Council to the Circuit Court of Cross county, Arkansas, in order that applicant may have plenary due process of law.

7.36.05 Duty of police to enforce article It shall be the duty of any police officer of the City of Wynne to require any itinerant vendor selling goods, wares or merchandise other than from an established base within the city to produce his itinerant vendor's permit, and to enforce the provisions of this article, and any person found in willful violation hereof shall, upon conviction thereof, be punished by a fine not to exceed five hundred dollars (\$500.00) or by confinement in the county jail for a period not to exceed sixty (60) days or by both such fine and imprisonment. (Ord. No. 562, Sec. 5 )

7.36.06 Farm products excluded This ordinance shall not apply to be construed to include any vegetables, grain, fruit or other farm products or livestock of any description. (Ord. No. 562, Sec. 6.)

#### Chapter 7.40

### DISCHARGE OF FIREARMS

#### Sections:

7.40.01	Discharge is prohibited
7.40.02	Fine
7.40.03	Separate violations
7.40.04	Definition
7.40.05	Exclusions
7.40.06	Lawful police authority

7.40.01 Discharge is prohibited The discharge of a firearm within the corporate city limits of the City of Wynne is hereby prohibited. (Ord. No. 575, Sec. 1.)

7.40.02 Fine Any person in violation of this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$500.00. (Ord. No. 575, Sec. 2.)

7.40.03 Separate violations Each occurrence of discharge of a firearm within the corporate city limits of the city of Wynne shall be deemed a separate violation of this ordinance. (Ord. No. 575, Sec. 3.)

7.40.04 Definition For the purposes of this ordinance, a firearm shall be defined as a handgun, shotgun, rifle, automatic or semi-automatic weapon, or any other apparatus designed, manufactured or sold as a firearm. (Ord. No. 575, Sec. 4.)

7.40.05 Exclusions This ordinance shall not be employed as a technical violation against anyone discharging a firearm in defense of their life, the life of another person, or their property, if having been found to have acted justifiably by the appropriate investigating authority. (Ord. No. 575, Sec. 5.)

7.40.06 Lawful police authority This ordinance shall not be interpreted to interfere with the lawful use of firearms by the Wynne Police Department or any other lawful police authority. (Ord. No. 575, Sec. 6.)

## **CHAPTER 7.44**

### **TREE BOARD**

#### **Sections:**

7.44.01	Creation
7.44.02	Terms
7.44.03	Compensation
7.44.04	Meetings
7.44.05	Responsibility of Board
7.44.06	Planting and beautification

7.44.01 Creation There is hereby created and established a Wynne City Tree Board which shall consist of seven (7) members, who shall be appointed by the Mayor with one member of the Wynne City Council serving as one of the seven (7) members. (Ord. No. 683, Sec. 1.)

7.44.02 Terms The term of the persons to be appointed by the Mayor shall be three (3) years except that the terms of two (2) of the members appointed to the first Board shall be for only one year and the terms of two of the members shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. (Ord. No. 683, Sec. 2.)

7.44.03 Compensation Members of the Board shall serve without compensation. (Ord. No. 683, Sec. 3.)

7.44.04 Meetings The Board shall hold regular meetings and may call special meetings if necessary to carry out its duties. (Ord. No. 683, Sec. 4.)

7.44.05 Responsibility of Board The responsibility of the Board shall be to study, investigate, consult, develop, update annually, and administer a written plan of the care, preservation, pruning or removal of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive tree management plan. (Ord. No. 683, Sec. 5.)

7.44.06 Planting and beautification The Board will encourage and foster the planting of trees and other vegetation for the beautification of the city of Wynne and disseminate information to the public concerning proper care and selection of trees. (Ord. No. 683, Sec. 6.)

## **CHAPTER 7.48**

### **JAKE BRAKING**

#### Sections:

- |         |             |
|---------|-------------|
| 7.48.01 | Unlawful    |
| 7.48.02 | Fine        |
| 7.48.03 | Enforcement |

7.48.01 Unlawful It shall be unlawful for the driver of any large truck to use or operate or cause to be used or operated within the city of Wynne, Arkansas, any mechanical exhaust device, or motor brake, designed to aid in the braking or deceleration of any large truck which results in the excessive, loud, unusual or explosive noise from such vehicle, or otherwise engage in what is known as "jake-braking." However, it is an affirmative defense to a violation of this ordinance that motor-braking was used on an emergency basis to avoid damage to property, or a personal injury. (Ord. No. 681, Sec. 1.)

7.48.02 Fine Any person, firm or corporation violating this ordinance shall be guilty of a misdemeanor and upon conviction hereof shall pay a fine not exceeding Two Hundred Dollars (\$200.00) for each offense. (Ord. No. 681, Sec. 2.)

7.48.03 Enforcement Enforcement of this ordinance shall be delayed until signs have been posted on all state highways entering the city of Wynne. Said signs shall be posted on or near said highways stating in language similar to:

## **NO JAKE-BRAKING BY ORDER**

### **OF ORDINANCE 681**

(Ord. No. 681, Sec. 3.)

## **CHAPTER 7.52**

### **ALCOHOL INVOLVING MINORS**

#### **Sections:**

7.52.01	Definitions
7.52.02	Unlawful
7.52.03	Person having control
7.52.04	Parents or guardians
7.52.05	Family activity
7.52.06	Religious practice
7.52.07	Licensed
7.52.08	Criminal penalties and civil remedies

7.52.01 Definitions For the purposes of this section, the following definitions shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Alcohol** means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source, or by whatever process produced.

**Alcoholic beverages** include alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one (1) percent or more alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances. This term includes intoxicating beverages and low point beer as defined herein.

**Code** means the compilation of ordinances as amended and provided in the code of the city of Wynne, Arkansas.

**Gathering** is a party, gathering or event, where a group of three (3) or more minors have assembled or are assembling for a social occasion or social activity.

**Intoxicating beverage** including beverages containing more than three and two-tenths percent (3.2%) alcohol by weight.

**Legal guardian** means

- A. A person who, by court order, is the guardian of the person of a minor; or
- B. A public or private agency with whom a minor has been placed by the court.

**Low point beer** means and includes beverages containing more than one-half of one percent ( $\frac{1}{2}$  of 1%) alcohol by volume, and not more than three and two thirds percent (3.2%) alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

**Minor** means any person under twenty-one (21) years of age.

**Juvenile** means any person under 18 years of age except where otherwise specified under the section. The term **Juvenile** is synonymous with the term **minor** as provided in the section.

**Parent** means a person who is a natural parent, adoptive parent, foster parent, or step-parent of another person.

**Premises** means any residence or other private property, place, or premises, including any commercial or business premises.

**Response costs** are the cost associated with responses by law enforcement, fire and other emergency response providers to a gathering, including but not limited to:

- A. Salaries and benefits of law enforcement, code enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at or otherwise dealing with a gathering and the administrative costs attributable to such response(s);
- B. The cost of any medical treatment for any law enforcement, code enforcement, fire or other emergency response personnel injured responding to, remaining at or leaving the scene of a gathering;

- C. The cost of repairing any city equipment or property damaged and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and
- D. Any other allowable costs related to the enforcement of this section.

**Year of age** continues from one birthday, such as the 17<sup>th</sup>, to but not including the day of the next, such as the 18<sup>th</sup> or the 21<sup>st</sup> birthday. (Ord. No. 726, Sec. 1.)

7.52.02 Unlawful Except as permitted by state law, it is unlawful for any minor to:

- A. Consume at any public place or any place open to the public alcoholic beverage, or
- B. Consume at any place not open to the public any alcoholic beverage unless in connection with consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian.
- C. Hosting, permitting or allowing a party, gathering, or event where minors consuming alcoholic beverages prohibited. (Ord. No. 726, Sec. 2.)

7.52.03 Person having control

- A. It is the duty of any person having control of any premises, who knowingly hosts, permits or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting driver's licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the gathering; and supervising the activities of minors at the gathering.
- B. It is unlawful for any person having control of any premises to knowingly host, permit or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage, whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage or reasonable should have known that a minor consumed an alcoholic beverage had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection (A) of this section. (Ord. No. 726, Sec. 3.)

7.52.04 Parents or guardians This section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian. (Ord. No. 726, Sec. 4.)

7.52.05 Family activity Nothing in this section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members within the supervision of parents and guardians. However, if a minor leaves such family gathering intoxicated and is found in public, then said providers of alcohol will be held responsible in the same manner as a non-family gathering. (Ord. No. 726, Sec. 5.)

7.52.06 Religious practice Nothing in this section should be interpreted to any religious practice which includes the use of alcohol. However, if a minor leaves such a religious gathering intoxicated and is found to be in public, then said providers of alcohol will be held responsible in the same manner as a non-religious gathering. (Ord. No. 726, Sec. 6.)

7.52.07 Licensed This section shall not apply to any premises licensed by the state of Arkansas to dispense alcoholic beverages. (Ord. No. 726, Sec. 7.)

7.52.08 Criminal penalties and civil remedies

- A. Any person who shall violate the provisions of this section shall be deemed guilty of an offense against the city and upon conviction thereof shall be punished for violation of a Class A misdemeanor offense, with a fine of Five Hundred Dollars (\$500.00) for the first offense with the fine doubling for each subsequent offense, or by imprisonment, plus all court costs and statutory penalties, as set forth in this ordinance.
- B. Any juvenile who shall violate the provision of this section shall be deemed guilty of an offense against the city and upon conviction thereof shall be punished for violation according to the code of the Cross County Juvenile Court.
- C. Violations of this section may be prosecuted by the city of Wynne criminally, civilly and/or administratively as provided by the Municipal Code. The city may seek administrative fees and response costs associated with enforcement of this section through all remedies or procedure provided by statute, ordinance or law. This section shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of the conduct regulated by this section, nor shall they limit the city's ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of this section. (Ord. No. 726, Sec. 8.)