

## **TITLE 7**

### **PUBLIC PEACE, SAFETY AND MORALS**

#### **Chapters:**

- 7.04 State Criminal Statutes and City Ordinances
- 7.08 Burial of Human Bodies
- 7.12 Explosives
- 7.16 Nuisance Abatement and Property Maintenance
- 7.36 Discharge of Firearms
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**CHAPTER 7.04**

**STATE CRIMINAL STATUTES AND CITY ORDINANCES**

Sections:

- 7.04.01 State criminal statutes adopted
- 7.04.02 State penalties adopted
- 7.04.03 Fine for city ordinances

7.04.01 State criminal statutes adopted All criminal statutes of the state relating to misdemeanors and violation of 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-A.C.A. 14-55-501 through 14-55-502.

7.04.02 State penalties adopted The same minimum and maximum penalties for violations and misdemeanors 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 through 503.

7.04.03 Fine for city ordinances The maximum fine for all violation of Stuttgart city ordinances is hereby increased to One Thousand Dollars (\$1,000.00) and to Five Hundred Dollars (\$500.00) for continuous violations. (Ord. No. 1837, Sec. 1.)

**CHAPTER 7.08**

**BURIAL OF HUMAN BODY**

Sections:

- 7.08.01 Illegal
- 7.08.02 Penalty

7.08.01 Illegal It shall be unlawful for any person to bury or cause to be buried within the city the dead body of any person. (Ord. No. 9)

7.08.02 Penalty Any person violating Section 7.08.01 shall upon conviction be fined not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00). Such action may be taken as allowed in A.C.A. 14-54-803. (Ord. No. 9)

STATE LAW REFERENCE-See A.C.A. 14-54-803.

## **CHAPTER 7.12**

### **EXPLOSIVES**

Sections:

- 7.12.01 Keeping prohibited
- 7.12.02 Penalty

7.12.01 Keeping prohibited It shall be unlawful for any person to keep within the city limits or within a distance of one (1) mile from the city limits, any of the following:

Gun powder in quantities more than fifty (50) pounds.

Any powder magazine or any other storehouse for gun powder.

Any dynamite, blasting powder, nitro glycerine or other explosives of like nature.

7.12.02 Penalty Any person violating Section 7.12.01 upon conviction, shall be fined not less than Ten Dollars (\$10.00) nor more than Twenty-Five Dollars (\$25.00) , and each day's violation is to be considered a separate offense. (Ord. No. 15)

**CHAPTER 7.16**

**NUISANCE ABATEMENT AND PROPERTY MAINTENANCE**

Sections:

- 7.16.01 Adopted by reference
- 7.16.02 Amendments

7.16.01 Adopted by reference The Nuisance Abatement and Property Maintenance Chapter attached hereto as Exhibit ‘A’ and incorporated herein by reference, is hereby adopted in its entirety. (Ord. No. 1836, Sec. 1.)

7.16.02 Amendments

**Ord. No. 1845** Paragraph 4.3.3 is hereby amended to delete the last sentence in that paragraph.

**Ord. No. 1932** Paragraph 3.2.4 of Section 2 shall be amended to read as follows: Grass or weeds shall not exceed eight inches in height on any property within the city limits of the City of Stuttgart except that the restrictions noted above will not apply to areas specifically designated or recognized by the city, the state or the United States as agricultural, wetlands, open spaces, natural or wild flower areas, or other designated preservation areas. This applies to all property until it reaches the street. Exception: Undeveloped land that has been continuously maintained in a natural vegetative state.

**CHAPTER 7.36**

**DISCHARGE OF FIREARMS**

**Sections:**

- 7.36.01 Unlawful to discharge
- 7.36.02 Exceptions
- 7.36.03 Future amendments

7.36.01 Unlawful to discharge It shall be unlawful for any person to fire or discharge any firearm, air rifle, air gun, air pistol, spring pistol, or any similar weapon capable of firing any projectile, "BB" pellets or any similar pellets of any caliber within the city limits. (Ord. No. 1777, Sec. 1.)

7.36.02 Exceptions It shall not be a violation of this ordinance if

- A. Said firearm is discharged by a Law Enforcement Officer acting in the performance of his duties; or
- B. Fired at any public or private rifle or pistol range approved for such use in writing by the Mayor or the Chief of Police; or
- C. A firing range already existing when it is annexed into the city.  
(Ord. No. 1777, Sec. 2.)

7.36.03 Future amendments In order to amend 804.02 with respect to a firing range already in existence when said property is annexed into the city, an initiation referendum shall be required to modify said section. (Ord. No. 1777, Sec. 3.)

7.36.02 Penalty Any person found guilty of discharging a firearm in the corporate limits of the city except as provided, shall be a default conviction by a fine not exceeding the sum of One Hundred Dollars (\$100.00). (Ord. No. 1777, Sec. 4.)

## **CHAPTER 7.37**

### **FIRING RANGE**

Sections:

- 7.37.01 Unlawful activities
- 7.37.02 Penalty

7.37.01 Unlawful activities It shall hereafter be unlawful for any person to either use, or be in the immediate vicinity of the firing range owned and operated by the city of Stuttgart, Arkansas, and located on East Second Street in the city of Stuttgart, unless a Firing Range Officer duly appointed by the Chief of Police is present and has given permission for such person or persons to use, or be in the immediate vicinity of the firing range. (Ord. No. 1118, Sec. I)

7.37.02 Penalty Any person found to be in violation of this ordinance shall be assessed a fine of not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), plus any applicable court costs. (Ord. No. 1118, Sec. II)

## CHAPTER 7.38

### FIREWORKS

#### Sections:

7.38.01	Definitions
7.38.02	Sale and discharge
7.38.03	Permit
7.38.04	Application
7.38.05	Responsibility
7.38.06	Exceptions
7.38.07	Penalty

7.38.01 Definitions For the purpose of this section, the term "**fireworks**" shall mean anything manufactured, processed or packaged for exploding, emitting sparks or combustion, which does not have another common use, but does not include any of the following:

- A. Firearm cartridges.
- B. A flare used, possessed, or sold for the use as a signal in an emergency.
- C. Match, cigarette lighter, stove/furnace, candle, lantern or space heater.
- D. Toy cap pistols.

(Ord. No. 1440, Sec. I)

7.38.02 Sale and discharge Except as provided in section 7.38.03 below, no person may sell, possess with intent to sell, own, use or discharge any fireworks within the city limits of the city of Stuttgart, Arkansas. (Ord. No. 1440, Sec. II)

7.38.03 Permit Except as otherwise provided herein, no person, firm or corporation may sell, possess or use fireworks in the city of Stuttgart, other than those identified in section 7.38.03 (c) below without a users permit. Such permit shall be issued by the Fire Chief only in conjunction with public aerial displays of fireworks pursuant to the requirements here and after prescribed:

- A. Permits issued under this section may only be issued by the following: A public authority, a civic organization, a commercial organized event, or an agricultural producer for the protection of crops from predators, birds or animals.

A person issued a permit for or crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

- B. Application for a permit to operate a public, commercial, aerial display of fireworks in conformance with the terms of this ordinance shall be made, in writing, on a form provided by the Fire Chief and there is no fee for such application. The application shall set forth the following:
1. The name of the organization sponsoring the display together with the names of persons actually in charge of the firing of the display;
  2. The date and time of day at which the display is to be held;
  3. The exact location planned for the display;
  4. The approximate number and kinds of fireworks to be discharged;
  5. A diagram of the grounds on which the display is to be held showing the point at which the fireworks would be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience will be restrained, and the location of all trees, telegraph and telephone lines or other overhead obstructions.
- C. The following fireworks may be possessed or used by individuals under direct adult supervision:
1. Illuminating torches and dipped sticks (commonly known as sparklers);
  2. Smoke devices known as smoke balls or tubes which contain a pyrotechnic mixture which upon ignition produces a visible cloud of black, white or colored smoke;
  3. Non-poisonous snakes and items of similar composition;
  4. Cylindrical or cone fountains;
  5. Stationary ground displays (non-aerial);
  6. Wheels (pinwheels or similar devices) which remain affixed to the ground or to a stationary object. All allowable fireworks or devices must be of a variety which does not physically leave nor emit sparks, flammable balls, sticks, etc. which leave the premises of the user. (Ord. No. 1440, Sec. III)

7.38.04 Application Upon receipt of such application, at least fifteen (15) days in advance of the date set for the display, the Fire Chief shall make, or cause to be made, a determination with regard to the requests for the user permit. (Ord. No. 1440, Sec. IV)

7.38.05 Responsibility The Fire Chief will not cause any permit to be issued under this section to a minor and the issuance of a user permit under this section shall not relieve the firm, person or corporation applying therefor for any responsibility of liability with regard to any damage created thereby. (Ord. No. 1440, Sec. V)

7.38.06 Exceptions No person shall sell any fireworks within the city of Stuttgart except those as set forth in Section 7.38.03 (c) above. (Ord. No. 1440, Sec. VI)

7.38.07 Penalty Any violation of any of the provisions of this section shall subject the violator to a fine of not less than Two Hundred Dollars (\$200.00) and no more than One Thousand Dollars (\$1,000.00) for each offense. A person who violates a provision of this section is guilty of a separate offense for each separate package of fireworks; if the fireworks are packaged separately or each day of part of a day during which the violation is committed, continued or allowed. (Ord. No. 1440, Sec. VII)

## **CHAPTER 7.40**

### **KILLING BIRDS**

#### Sections:

- 7.40.01 Prohibited
- 7.40.02 Penalty

7.40.01 Prohibited The shooting, killing or harming of any song bird of other type of bird within the city is prohibited; provided that those predatory birds which may be lawfully killed under State law may be trapped, but not shot.

7.40.02 Penalty Any person violating the provisions of this section shall, upon conviction, be fined not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00); provided that upon a second offense, in addition to the fine, the weapon used in the commission of such offense shall be ordered confiscated by the Police Department. (Ord. No. 14 and 409)

## **CHAPTER 7.44**

### **POSTING SIGNS ON UTILITY POLES**

Sections:

7.44.01	Prohibited
7.44.02	Penalty

7.44.01 Prohibited It shall be unlawful for any person to post, tack, placard, expose or exhibit any sign, poster or advertising matter of any form or description, upon any telegraph, telephone or electric light pole or post, or upon any street lamp or light post or pole within the limits of the City.

7.44.02 Penalty. Violation of Section 7.44.01 shall, upon conviction, be punishable by a fine of not less than Five Dollars (\$5.00) or more than Twenty-Five Dollars (\$25.00). (Ord. No. 265.)

## **CHAPTER 7.52**

### **OBSTRUCTING PUBLIC WAYS**

Sections:

7.52.01	Prohibited
7.52.02	Penalty

7.52.01 Prohibited It shall be unlawful for any person to obstruct the sidewalks, streets and alleys of the city by placing any material, object, vehicle or refuse which will in any manner impede or obstruct the use thereof, provided that such placement, when done in accordance with instructions of duly authorized city personnel, shall not be a violation.

7.52.02 Penalty Violation of Section 7.52.01 shall be punishable upon conviction by a fine of not less than Two Dollars (\$2.00) nor more than Ten Dollars (\$10.00) and each day that such obstruction continues, is to be a separate offense.

## **CHAPTER 7.56**

### **TRESPASSING ON MOVING TRAINS**

#### **Sections:**

- 7.56.01 Prohibited
- 7.56.02 Penalty

7.56.01 Prohibited It shall be unlawful for any person to climb, or to otherwise trespass on any moving train within the limits of the city. (Ord. No. 42)

7.56.02 Penalty Any persons found guilty of violating this chapter shall be fined in any sum not more than Ten Dollars (\$10.00). (Ord. No. 42)

## **CHAPTER 7.60**

### **CURFEW**

#### **Sections:**

- 7.60.01 Civil emergencies
- 7.60.02 Congregating during state of emergency
- 7.60.03 Penalty
- 7.60.04 Minors
- 7.60.05 Prime facia evidence
- 7.60.06 Penalty

7.60.01 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. (Ord. No. 655, Sec. 1)

7.60.02 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. (Ord. No. 655, Sec. 2)

7.60.03 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.(Ord. No. 655, Sec. 3)

#### 7.60.04 Minors

- A. Definitions. As used in this ordinance, the following words or terms shall have the following meanings and definitions:

**Minors**- Any human being residing within the city limits of the city of Stuttgart, Arkansas, under the age of eighteen (18) years; any human being under the age of eighteen (18) years not on a journey through the corporate limits of the city of Stuttgart regardless of the place of residence who has received a written warning prior to any subsequent curfew violation under the provisions of this ordinance advising and placing the recipient on notice of the terms and provisions of this ordinance.

**Parents**- The natural or adoptive mother or father, or both, or legal guardians of a minor who are residents within the city limits of the city of Stuttgart. Natural or adoptive parent(s) who have formally terminated the parent/child relationship under the laws of any state, natural father(s) whose paternity has not been judicially determined with regard to a subject minor and natural and adoptive mother(s) and father(s) whose child is in the formal, judicially declared custody of another are excluded from this definition as well as parent(s) who have absolved themselves of liability as provided for in this ordinance;

**Imprisonment** - The discretionary incarceration of a person by virtue of a judicial determination of guilt under the provisions of this ordinance in a facility that is in the compliance with all applicable standards imposed by the laws of the state of Arkansas, Congressional Acts and the United State Constitution which nevertheless may result in deprivation of liberty and privacy;

**Publication** - Disclosure of administrative or judicial proceedings conducted pursuant to the provisions of this ordinance;

**Public service** - The rendering of services for the benefit of the city of Stuttgart provided however, all such service shall not expose one to inclement weather, dangerous conditions or public ridicule, judicially imposed in the discretion of the Court;

**Fine** - The discretionary execution of monetary sums from a parent adjudged guilty in a judicial proceeding pursuant to this ordinance;

**Supervision** - The conduct of a mentally competent person over the age of fourteen (14) years providing for the care and control of another;

**Empowered-** The act of the Chief of Police of the city of Stuttgart granting an exemption under Section 2 of this ordinance after determining that a minor is actually and lawfully employed in the performance of labor or services for the benefit of any lawful business or for the well being of said minor's family;

**Parental neglect** - The willful failure of a parent: To advise his or her minor children of the provisions of this ordinance applicable to minors. (Ord. No. 1366, Sec. 1)

B.

1. All minors within the city shall observe a curfew; henceforth, no minor shall be permitted to walk, run, loiter, stand or motor upon any public streets, alleys, thoroughfares, parking lots, railroad right-of-ways, public property, vacant premises or within businesses open to the public during the interim between 11:00 p.m. and 5:00 a.m. Sunday through Thursday and between 12:00 a.m. and 5:30 a.m. on Friday and Saturday.
2. Lawfully employed minors whose business or family duties require their services during such curfew periods may apply and receive an exemption from this section upon a proper showing to the Chief of Police who shall be empowered to grant such exemption in writing with appropriate conditions.
3. Minors on an emergency affecting life or property initially serving as cause for public presence and minors in the company of a parent or other adults over the age of twenty-one (21) with written permission from a parent are likewise exempt from this Section. Violation of this Section shall be a misdemeanor and shall subject violators to the processes of the Arkansas Juvenile Code. (Ord. No. 1366, Sec. 2)

C. The assembly of two (2) or more minors exhibiting riotous conduct by overtly displaying a purpose to break the peace is prohibited. Violation of this Section is a misdemeanor and shall subject minor offenders to the processes of the Arkansas Juvenile Code. (Ord. No. 1366, Sec. 3)

D.

1. The parent(s) of minor(s) who have received notice in writing from the Chief of Police that said minor has violated the provisions of this ordinance applicable to minors shall be deemed guilty of a misdemeanor in the event said minor commits any post-notice violation of this ordinance upon a judicial determination that post-notice parental neglect constituted a proximate cause of

said post-notice violation. In all events, written notice must be given to the parent in the presence of the subject minor(s).

2. Parent(s) may absolve themselves of liability herein by declaring upon a document to be provided by the Chief of Police stating:

(I)(We) are the parent(s) of the following minor(s):

NAME	AGE
_____	_____
_____	_____

and declare that (I) (we) (are) unable to control said minor(s) behavior and desire that (I) (we) be exempt from the provisions of Ordinance No. \_\_\_\_\_. (I) (We) realize that this declaration may result in said minor(s) being designated as a dependent, neglected, delinquent, and/or incorrigible juvenile subject to the processes incidental to such designation under the laws of the State of Arkansas.

\_\_\_\_\_  
PARENT

\_\_\_\_\_  
PARENT

Such declaration shall not be subject to publication other than to appropriate law officials or authorities in connection with any investigation or proceeding under the Arkansas Juvenile Code. (Ord. No. 1366, Sec. 4)

E.

1. Minors in violation of Section Two, Three or Four shall be considered in danger and shall be taken into protective custody and held by the police for delivery to appropriate juvenile authorities or said minor(s)'s parent(s).  
Further,

violations of said Sections shall be considered conducted pursuant to the Arkansas Juvenile Code. Publication of said minor(s)'s identity is prohibited.

2. A parent adjudged guilty of parental neglect as described in Section Five shall be punished by imposition of any combination of a fine not to exceed Five Hundred Dollars (\$500.00), imprisonment not to exceed thirty (30) days, or being required to render twenty (20) hours community service. Publication of a judicial disposition shall be discretionary with the Court. (Ord. No. 1366, Sec. 5)

7.60.05 Prima facia evidence The fact that a minor, unaccompanied by a parent, guardian or other legally responsible adult, is found upon any street, alley or upon other public place within the city of Stuttgart during the hours specified in Section 7.60.04 above shall be prima facia evidence that the minor is there unlawfully and in violation of this ordinance. (Ord. No. 1207, Sec. 2)

7.60.06 Penalty Any person under the age of eighteen (18) found to be in violation of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Twenty-Five Dollars (\$25.00) for a first offense; a fine not to exceed Fifty Dollars (\$50.00) for a second offense; or a fine not to exceed One Hundred Dollars (\$100.00) for a third or subsequent offense. (Ord. No. 1207, Sec. 3)

## **CHAPTER 7.64**

### **PROHIBITED WEAPONS**

Sections:

- |         |                    |
|---------|--------------------|
| 7.64.01 | Prohibited weapons |
| 7.64.02 | Penalty            |

7.64.01 Prohibited weapons Any person who shall wear or carry in any manner whatever, as a weapon, any dirk or sword or spear in a cane, brass or metal knuckles, razor, blackjack, billie or sap, ice pick or any pistol of any kind shall be guilty of a misdemeanor. Provided nothing in this section shall be so construed as to prohibit any person from carrying such pistols as are used in the Army or Navy of the United States when carried uncovered and in the hand, provided, officers whose duties require them to make arrests or to keep and guard prisoners, together with persons summoned by such officers to aid them in the discharge of such duties, while actually engaged in such duties, are exempt from the provisions of this section. Provided, further, nothing in this section shall be so construed as to prohibit any person from carrying any weapon when upon his premises.

7.64.02 Penalty Any person convicted of a violation of Section 7.64.01 shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) or by imprisonment in the County Jail for not less than thirty (30) days nor more than three (3) months or by both such fine and imprisonment.

## **CHAPTER 7.68**

### **FEES FOR USE OF JAIL**

#### Sections:

7.68.01	Fee established
7.68.02	Billing
7.68.03	Default

7.68.01 Fee established There is hereby established a fee to be assessed each time the Stuttgart City Jail is used for the purpose of housing a prisoner or detainee for or under the authority of, any city, county, state, federal, military or other entity or authority. A daily fee of Thirty Dollars (\$30.00) shall be assessed against the city, county or other authority for whom the city of Stuttgart shall house any prisoner or detainee in the Stuttgart City Jail. In the event that such prisoner or detainee is held for a period of less than five (5) hours, a reduced fee of Fifteen Dollars (\$15.00) shall be assessed. In no event shall a fee of less than Fifteen Dollars (\$15.00) be assessed for housing a prisoner or detainee. (Ord. No. 1354, Sec. 1)

7.68.02 Billing No less frequently than every thirty (30) days, the city of Stuttgart shall submit an invoice or billing statement to all cities, counties or other entities for whom prisoners have been housed. Payment for such services shall be due upon receipt. (Ord. No. 1250, Sec. 2)

7.68.03 Default In the event that any entity for whom the city of Stuttgart has housed prisoners should fail or refuse to make payment within thirty (30) days of the date of invoicing or billing, the city of Stuttgart may, in addition to other available remedies, refuse to house any additional prisoners or detainees for such non-paying entity. (Ord. No. 1250, Sec. 3)

## **CHAPTER 7.72**

### **CLAIMS AGAINST CITY**

#### **Sections:**

- 7.72.01 Liability insurance
- 7.72.02 Handling of liability insurance claims
- 7.72.03 Settlement of claims

7.72.01 Liability insurance The city shall carry liability insurance on all its motor vehicles in the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act. A.C.A. 27-19-203 et seq.

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

7.72.02 Handling of liability insurance claims Any accident in which a city owned vehicle is involved shall be immediately reported to the agent of the liability insurance carrier and he shall have the responsibility of handling all claims arising.

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

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

## **CHAPTER 7.76**

### **LOITERING**

#### **Sections:**

- 7.76.01 Illegal
- 7.76.02 Definitions
- 7.76.03 Penalty

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

7.76.02 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 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 1 (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 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.

STATE LAW REFERENCE-see-A.C.A. 5-71-213.

7.76.03 Penalty As set out in Ark. Stat. 41-2914, loitering is a Class C misdemeanor punishable by a maximum fine of One Hundred (\$100.00) Dollars.

## **CHAPTER 7.80**

### **DRIVING OVER FIRE HOSE**

Sections:

- 7.80.01 Prohibited
- 7.80.02 Penalty

7.80.01 Prohibited It shall be considered unlawful for anyone driving a vehicle of any kind to run over the hose while any company may be out on duty or out for practice.

7.80.02 Penalty Anyone violating Section 7.80.01, upon conviction, shall be fined in any sum not to exceed Ten Dollars (\$10.00). (Ord. No. 17)

## **CHAPTER 7.84**

### **CONTROLLED AREAS**

Sections:

- 7.84.01 Areas subject to limitations and controls
- 7.84.02 Unlawful acts
- 7.84.03 Penalty for violation
- 7.84.04 Enforcement
- 7.84.05 Power to remove vehicles
- 7.84.06 Repealer
- 7.84.07 Summary of regulated areas

7.84.01 Areas subject to limitations and controls The parking areas and other areas as described on the attachments and/or plats attached hereto, and as summarized in Section 7.84.07 below, are hereby declared to be areas subject to all of the limitations and controls regarding use as appear on such attachments/plats. The extent of and restrictions on the use of such areas shall be as indicated herein and on such plats and, in addition, on signs to be posted on such properties. The City Clerk of the city of Stuttgart shall keep and maintain for inspection by the public during normal office hours, copies of all such plats. (Ord. No. 1237, Sec. 1)

The area at 2006 South Main St. known as First Stuttgart Bank & Trust Co., South Branch shall come under the provisions of Ord. No. 1237 therein shall be amended to include First Stuttgart Bank & Trust Co., South Branch, at the corner of 2006 South Main Street, and all of the restrictions of that ordinance shall be applicable to that property. The City Clerk shall keep and maintain for inspection by the public during normal working hours, copies of the plat. (Ord. No. 1538, Sec. 1.)

7.84.02 Unlawful acts It shall be unlawful for any person to commit any of the following acts upon the parking areas and other areas described on the plats attached hereto:

- A. Damage or destroy any signs or markings for the control of vehicular traffic thereon;
- B. Fail or refuse to drive or park motor vehicles thereon in conformity with the control markings;
- C. Park thereon in such manner as to block any driveway, entrance or exit to or from said parking areas, or fire lanes;
- D. Deposit cans, bottles or other waste materials thereon;
- E. Stop or park motor vehicles thereon or therein or to loiter on such areas whether within or without a motor vehicle without authorization from the owner or lessee, provided however, that this restriction shall not apply to those persons doing business during regular business hours with the commercial enterprises imposing the limitations described herein. (Ord. No. 1237, Sec. 2)

7.84.03 Penalty for violation Any person committing any of the unlawful acts described herein shall be guilty of a misdemeanor and upon conviction therefore, shall be fined not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) for each offense. (Ord. No. 1237, Sec. 3)

7.84.04 Enforcement The Police Department of the city of Stuttgart may, but shall not be required to, patrol the areas which are controlled in the manner provided herein. However, upon being called, law enforcement officers shall come to the scene of the alleged violation and, where warranted by law or ordinance, issue citations or make arrests. (Ord. No. 1237, Sec. 4)

7.84.05 Power to remove vehicles The Police Department of the city of Stuttgart, Arkansas, shall have the same power to remove any motor vehicle remaining parked on the aforesaid parking areas that it has to remove any improperly or unlawfully parked automobile from the public streets, upon identification of the same by an officer, employee or agent or lessee or owner as an unauthorized or improperly parked vehicle. The cost of any such removal shall

be charged to the vehicle owner or operator, whichever shall have been guilty of such improper or unauthorized parking. Said vehicle shall be impounded by the Police Department and shall not be released to the owner or operator until the expenses of removal and storage, if any, have been paid. (Ord. No. 1237, Sec. 5)

7.84.06 Repealer Except as otherwise provided herein, all ordinances and parts of ordinances in conflict herewith, and all ordinances previously passed pursuant to the provisions of Act 472 of 1973 are hereby repealed. Such repealer specifically includes, but is not limited to, Ordinance numbers 798, 932, 953, 997, 1033, 1048, 1057, 1127, 1130, 1171, 1201, 1209, 1222, 1228, 1229, 1230 and 1233, PROVIDED HOWEVER, that the areas as described on the plats attached to the above referenced ordinances, copies of which are attached hereto and incorporated herein, shall be regulated by and subject to the provisions of this ordinance. (Ord. No. 1237, Sec. 6)

7.84.07 Summary of regulated areas The following list shall constitute a summary by popular or business name, of the regulated areas as more particularly described by Section 7.84.01 above and by the attached plats:

- |    |  |                           |
|----|--|---------------------------|
| A. | Farmers and Merchants Bank                                   | 708 S. Main               |
| B. | AP&L   | 1204 S. Main              |
| C. | Kroger or Southgate  | 2116 S. Main              |
| D. | Sears  | 2113 S. Main              |
| E. | Grand Prairie Savings and Loan                               | 1600 S. Main              |
| F. | Massey Ferguson  | 2001 S. Main              |
| G. | Pam Pam  | 2000 2. Main              |
| H. | Ken and Maurine's Inc. and<br>Evelyn's Young Fashions        | 2014 S. Main              |
| I. | Daily Leader   | 111 West 6th              |
| J. | Jiffy J's  | 2117 S. Main              |
| K. | Kinder-Harris, (Old Shoe Factory)<br>(Ord. No. 1257, Sec. 1) | 201 E. 22nd Street        |
| L. | Dodge Store  | 209 West 22 <sup>nd</sup> |
| M. | Family Dollar & Sherwin-Williams Co.                         | 1811 S. Main              |

N.	Mayflower	102 East 22 <sup>nd</sup>
O.	Arts Center	108 West 12 <sup>th</sup>
P.	KWIKI Car Wash	1219 S. Main
Q.	Goacher Car Wash and Laundromat	1401 S. Main
R.	Mazzio's	1623 S. Main
S.	Leo Smith Trust (Old Minute Man) (Ord. No. 1255, Sec. 1)	1919 S. Main
T.	Thomas Barber Shop	1501 S. Main
U.	Uptown Framers	1505 S. Main
V.	Freddie's Drive Inn (Ord. No. 1258, Sec. 1.)	1509 S. Main
W.	Western Auto (Ord. No. 1351, Sec. 1.)	2101 S. Main
X.	Layne - Arkansas Co. (Ord. No. 1360, Sec. 1.)	2015 S. Main
Y.	David Wright property (Ord. No. 1372, Sec. 1.)	11 <sup>th</sup> and Main
Z.	Leo L. Ludwig property	503 E. 13th Street
AA.	Stuttgart Municipal Waterworks	7th & College Sts
BB.	Mercury Trading Co., Inc. (Ord. No. 1494, Sec. 1.)	1600 S. Main Street
CC.	Old Safeway Building (Ord. No. 1496, Sec. 1.)	1812 S. Main Street
DD.	Magic Forest (Ord. No. 1808, Sec. 1.)	123 East Third
EE.	Bay Wash #2, Car Wash (Ord. No. 1803, Sec. 1.)	604 North Main Street
FF.	KGJ Knoll Brothers, LLC (Ord. No. 1827, Sec. 1)	1816 S. Park Ave.
GG.	Stuttgart Beepers and Computers, Inc. (Ord. 1828)	1912 S. Main Street
HH.	Knoll Feed and Transportation (Ord. No. 1829.)	501 E. Michigan

## CHAPTER 7.88

### SOLICITORS, PEDDLERS, VENDORS

Sections:

7.88.01	Bond
7.88.02	Surety Company
7.88.03	Records
7.88.04	Certification, registration fee
7.88.05	Renewal of bonds
7.88.06	Exceptions
7.88.07	List of customers

7.88.01 Bond Any salesman, traveling representative, hawker, peddler or any person engaged in the taking of orders for goods, wares, and merchandise or for periodicals or magazines for future delivery to any person within the city, when a deposit of any sum or amount is required and collected at the time of the taking of the order, as a matter of good faith or to bind the deal or bargain, the person must first file with the City Clerk a good and substantial bond, to be approved by the Clerk in a sum not less than Two Thousand Dollars (\$2,000.00), for the benefit of his customers. (Ord. No. 268, Sec. 1)

Such bond must be conditioned that the contract, sale or barter entered into will be faithfully carried out. In the event it is not, such deposit or deposits required and collected will be returned to the person or persons in full. (Ord. No. 268, Sec. 2)

7.88.02 Surety Company The bond must be signed by the party collecting the deposit and also be signed and executed by not less than two (2) individual sureties, who shall execute along with such bond a qualification, duly sworn to before a proper official, that they are possessed of property over and above their debts and legal homestead exemptions, which is subject to execution, of a sum not less than the amount of said bond. Such sureties must be residents of the county where the city is located. A bond executed by some reliable Surety Company may be filed instead of the individual bond provided. (Ord. No. 268, Sec. 3)

7.88.03 Records The bond must be kept and preserved by the City Clerk and be numbered and registered in a book kept for that purpose. (Ord. No. 268, Sec. 4)

7.88.04 Certification, registration fee Upon filing of the bond with the Clerk, and approval by him, he shall issue to the person filing a certificate bearing the date, the number and amount, together with the name of the person to whom issued. The certificate shall also bear the signature of the Clerk and the Seal of the City. The Clerk shall collect a registration fee of Five Dollars (\$5.00) for each bond filed from the person filing. (Ord. No. 268, Sec. 5)

7.88.05 Renewal of bond The bond shall be renewable at the expiration of twelve (12) months from the approval thereof and such renewals shall be required before such persons shall transact business. (Ord. No. 268, Sec. 6)

7.88.06 Exceptions Persons who are bona fide residents and citizens with regularly established places of business and the owners and possessors of property located in the city shall be exempt from the provisions of this chapter. (Ord. No. 268, Sec. 7)

7.88.07 List of customers Persons engaged in soliciting or taking orders for future delivery, who require and collect deposits shall each day they are so engaged in such business keep a correct list of the persons from whom they take orders and solicit deposits, and at the close of each day's business, furnish to the City Clerk the list, giving the names of the parties from whom they take orders, together with the amount of deposit collected from such person or persons, and the date. This list the Clerk shall preserve and file in order to protect the person from fraudulent claims. The list shall become a part of the records of his office, and shall be subject to inspection of all persons. Such person shall also furnish to each customer sold an exact duplicate of the order taken. (Ord. No. 268, Sec. 8)

## **CHAPTER 7.92**

### **CHARITABLE SOLICITATION**

Sections:

7.92.01	Permit
7.92.02	Application
7.92.03	Cards to solicit
7.92.04	Exceptions
7.92.05	Penalty

7.92.01 Permit It shall be unlawful for any person, organization, society, association, corporation, or any agent, member, or representative thereof, directly or indirectly, to solicit money, donations, property, or financial assistance of any kind; to sell, or offer to sell any article, tag, service emblems, publications, tickets, advertisements, or anything of value on the plea or the representation that such sale or solicitations, or the proceeds thereof, is for a charitable, religious, welfare, patriotic, or philanthropic purpose on the streets, in any office, or business by house to house canvass, or in any other private or public place by telephone, personal solicitation, by mail or in any other way in the city, unless such person, organization, society, association, or corporation shall have first obtained a permit. (Ord. No. 368, Sec. 1)

7.92.02 Application Before any person or group of persons shall be permitted to solicit, they shall submit in writing to the City Clerk an application giving the name and headquarter's

address of the organization they represent and solicit for, the names and addresses of any and all solicitors who will be upon the streets of the city and any other information that shall be requested in a written application. If the City Clerk is satisfied the application is for a bona fide purpose as set out in Section 7.92.01 she shall issue cards as specified in Section 7.92.03, which cards shall be proper evidence that permits for such solicitation has been granted. (Ord. No. 368, Secs. 2 & 3)

7.92.03 Cards to solicit If it appears to the City Clerk that it would be impracticable to issue a permit to each and every solicitor, the City Clerk may in her discretion accept the application and order a blanket permit to be issued to the applicant, authorizing and permitting him to issue individual solicitation cards. (Ord. No. 368, Sec. 4)

7.92.04 Exceptions The terms of this chapter shall not apply to any church, or local fraternal, benevolent, or social order in soliciting sales, contributions, or other assistance from its own members, nor shall it apply to the American Red Cross in emergency calls for disaster relief. (Ord. No. 368, Sec. 6)

7.92.05 Penalty Any person violating the terms and provisions hereof, upon conviction, shall be fined in any sum not less than Five Dollars (\$5.00 nor more than Fifty Dollars (\$50.00). (Ord. No. 368, Sec. 7)

## **CHAPTER 7.96**

### **HOURS OF SOLICITATION**

#### Sections:

7.96.01	Hours
7.96.02	Exceptions
7.96.03	Penalty

7.96.01 Hours No transient or temporary sales personnel working in the city shall make an uninvited visit or call to any person within the city for the purpose of soliciting, canvassing or making sales presentations except between the hours of 8:00 o'clock in the morning and 8:00 o'clock in the evening. (Ord. No. 576, Sec. 1)

7.96.02 Exceptions. The provisions of this chapter shall not apply to those persons who secure, in advance, bona fide appointments with those upon whom they are calling, even though such appointments may be for times other than those specified. (Ord. No. 576, Sec. 2)

7.96.03 Penalty. Every person convicted of violating the provisions of this chapter shall be fined the sum of Twenty-Five Dollars (\$25.00). (Ord. No. 576, Sec. 3)

## CHAPTER 7.100

### CARNIVAL

#### Sections:

7.100.01	Unlawful
7.100.02	Exceptions
7.100.03	Penalty

7.100.01 Unlawful It shall be unlawful for any person to hold a carnival, or any show, shows or performances in the nature of a carnival, regardless of business name, within the city limits. (Ord. No. 396, Sec. 1)

#### 7.100.02 Exceptions

- A. This chapter shall not apply to carnivals held solely for benevolent, religious or charitable purposes, and operated by benevolent, religious or charitable organizations, where such carnivals are duly and properly authorized by the city and have received a permit. (Ord. No. 396, Sec. 2)
  
- B. Whereas, the carnival associated with the Wings Over the Prairie Festival is important to the growth and industry of Stuttgart, Arkansas, this carnival is hereby exempt from the provisions of section 7.100.01 passed and approved on May 12, 1947, that deem it unlawful for any person, firm, partnership or corporation to hold a carnival, or any show, shows or performances in the nature of a carnival, regardless of business name within the city limits of the city of Stuttgart, Arkansas. (Ord. No. 1383, Sec. 1)

7.100.03 Penalty Any person violating the provisions of this chapter shall, upon conviction, be fined in any amount not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00). Each and every day's performance shall be termed a separate offense and punishable as such. (Ord. No. 396, Sec. 3)

## **CHAPTER 7.104**

### **WINDOW PEEPERS**

#### **Sections:**

7.104.01      Illegal, penalty

7.104.01 Illegal, penalty Any person peeping, looking or spying through the windows, doors or other openings of any residence, home or place of abode of any citizen is declared to be guilty of a violation or misdemeanor and shall be subjected to a fine of not less than Twenty-Five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00). (Ord. No. 394)

## **CHAPTER 7.108**

### **HAY BARNES**

#### **Sections:**

7.108.01      Illegal  
7.108.02      Removal  
7.108.03      Penalty

7.108.01 Illegal It shall be unlawful for any person to construct or cause to be constructed any hay barn or building intended to be used as a hay barn within the city limits or to use any building already constructed or hereafter constructed as a storehouse for hay. (Ord. No. 52, Sec. 1)

7.108.02 Removal All buildings constructed or used for storing hay contrary to this chapter are declared nuisances and shall be removed. (Ord. No. 52, Sec. 2)

7.108.03 Penalty All persons violating any part of this chapter or who shall construct or attempt to construct any building for purposes aforesaid, or who shall fail or refuse to remove any such building after notice from the Council, shall upon conviction, be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00). (Ord. No. 52, Sec. 3)

**CHAPTER 7.112****NOISE****Sections:**

7.112.01	Nuisance
7.112.02	Penalty
7.112.03	Motor vehicle noise

7.112.01 Nuisance. All unnecessary noises, vibrations or sounds which are physically annoying to persons of ordinary sensibilities, or which are so harsh or discordant, or so prolonged or unnatural or unusual in their use, time or place as to occasion physical discomfort to persons in the vicinity or to interrupt or interfere with the business or proceedings of any lawful assembly and are produced within the city limits of the city of Stuttgart, Arkansas, are hereby declared nuisances. The loud and continued noise of whistles or mechanical organs or other musical devices or the operation of automobile or motorcycle motors with mufflers open shall be deemed nuisances within the terms of this chapter. (Ord. No. 94, Secs. 1 and 4)

7.112.02 Penalty. Any person found guilty of committing or maintaining or permitting a nuisance under the provisions of this chapter, shall upon conviction, be fined in any sum not exceeding Fifteen Dollars (\$15.00). If after a conviction under this chapter, such nuisance shall continue to exist, the Mayor may direct the Police Chief to take any steps or measures necessary to effect the summary abatement. (Ord. No. 94, Sec. 3)

7.112.03 Motor vehicle noise

- A. The operation of any motor vehicle in any manner producing loud, excessive or unusual noises, whether such noises being produced by the engine, the tires, the brakes, including jake brakes, the horns, or any other such part of the motor vehicle is hereby prohibited.
- B. The playing, using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, stereo, or other machine or device for the producing or reproducing of sound in such a manner wherein the sound emanating from such device is plainly audible at a distance of twenty-five (25) feet from the source or is plainly audible inside a neighboring residential occupancy with the doors and windows closed is prohibited.

- C. The playing, using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, stereo, or other machine or device for the producing or reproducing of sound wherein the sound emanating from such device is plainly audible inside a school, church, medical clinic, or nursing home during operating or business hours with the doors and windows closed is prohibited.
  
- D. For the purposes of this section, “plainly audible” means any sound produced by a radio, tape player, or other mechanical or electronic sound making device, or instrument, from within the interior or exterior of a motor vehicle, including sound produced by a portable sound making device. The primary means of detection shall be by means of a law enforcement officer’s ordinary auditory senses, so long as the officer’s hearing is not enhanced by any mechanical device, such as a microphone or hearing aid. The officer must have a direct line of sight and hearing to the motor vehicle producing the sound so that he or she can readily identify the offending motor vehicle and the distance involved. A law enforcement officer need not determine the title of the sound, specific words, or the artist performing the song; the detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound. A “residential occupancy” includes single family dwellings, multiple family dwellings, boarding house rooms, and hotel or motel rooms.
  
- E. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and fined not less than Two Hundred Dollars (\$200.00), plus costs, for the first offense; no less than Three Hundred Dollars (\$300.00), plus costs, for the second offense; and no less than Four Hundred Dollars (\$400.00), plus costs, for the third offense; and each subsequent offense occurring within a one (1) year period. (Ord. No. 1811, Secs. 1-5.)

## CHAPTER 7.116

### STORAGE AND HANDLING OF GASOLINE, NAPHTHA,

### BENZINE AND OTHER VOLATILE COMBUSTIBLES

#### Sections:

- 7.116.01      Restriction on keeping gasoline, naphtha, benzine, and other volatile combustibles
- 7.116.02      Gasoline, naphtha, benzine and other volatile never to be allowed to pass into drainage system
- 7.116.03      Penalty

7.116.01 Restriction on keeping gasoline, naphtha, benzine, and other volatile combustibles Gasoline, naphtha, benzine, and other like volatile combustible 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.

7.116.02 Gasoline, naphtha, benzine and other volatile 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.

7.116.03 Penalty Any person, firm or corporation who shall violate or fail to comply with any provision of this chapter, or who shall violate or fail to comply with any order or regulation, shall be upon conviction 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, firms and corporations 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. (Concept from Ord. Nos. 276 and 306)

**CHAPTER 7.120****OUTSIDE FIRE/RESCUE SERVICE****Sections:**

7.120.01	Dispatch
7.120.02	Other outside fires
7.120.03	Charges
7.120.04	Precedence

7.120.01 Dispatch No Fire Department apparatus shall be taken beyond the corporate limits of the city of Stuttgart, Arkansas, as the same now or hereafter exists, to assist at any fire/rescue or for any other purpose, except by order of the Mayor and/or Fire Chief of the city of Stuttgart, Arkansas, or their designated representative, and subject to the restrictions and conditions herein set forth. (Ord. No. 1804, Sec. 2.)

7.120.02 Other outside fires The Mayor and/or fire Chief of the city of Stuttgart, Arkansas, or their designated representative, are authorized, in their discretion, to aid in the extinguishing of fires in another city or town, public institution, corporations, or other property within a reasonable distance from the city of Stuttgart, or on property immediately adjacent to the city of Stuttgart 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, City Manager, Fire Chief, or such other person as may be designated, with approval of the city of Stuttgart.
- B. Calls may be responded to only by such apparatus which in the judgment of the Mayor or Fire Chief, or their designated representative, can be safely sent without unduly impairing the fire protection within the city of Stuttgart, and when highways and weather conditions are favorable.
- C. The city, incorporated town, public institutions, firms or individual requesting assistance must pay the charge for apparatus and service hereinafter provided, unless there exists a mutual aid agreement. (Ord. No. 1804, Sec. 3.)
- D. The city of Stuttgart, by and through its Mayor and/or Fire Chief and/or its designated representative, may enter into a mutual aid agreement, with any neighboring city or community, public institution, firm or individual outside of the corporate limits of said city as same now or hereinafter exists, to render aid in extinguishing fires. (Ord. No. 1804, Sec. 4.)

- E. If there is a present need for the Fire Department of the city of Stuttgart to render assistance in the extinguishing of fire within the corporate limits of Stuttgart, or such need develops after a call for fire service outside the corporate limits of Stuttgart, then the first obligation of the said Fire Department shall be to render aid in extinguishing of fire within the corporate limits of the city. (Ord. No. 1622, Sec. 2.)

7.120.03 Charges Unless there exists a mutual aid agreement, every municipality, institution, firm or individual requesting and/or receiving such service of the Fire Department of the city of Stuttgart, Arkansas, shall pay for such services and the use of apparatus as follows:

1. Car or Light Truck Fire - \$250.00 plus any supply or chemical costs for those items utilized.
2. Trucks Over 3/4 TON - \$500.00 plus any supply or chemical costs for those items utilized.
3. Mobile Homes- \$500.00 plus any supply or chemical costs for those items utilized.
4. Structure Fire - \$1000.00 base rate plus \$500 per hour.
5. Hazmat Response - \$1000.00 base rate plus \$500.00 per hour after the first hour, plus any supply or chemical costs for those items utilized. (Ord. No. 1911, Sec. 1.)

7.120.04 Precedence The Mayor and/or Fire Chief of the Fire Department or their designated representative, are hereby authorized but not required to enter in the mutual aid agreements with other communities, firms, corporations, or individuals for the rendering of fire service. (Ord. No. 1622, Sec. 4.)

## CHAPTER 7.12

### SEXUALLY ORIENTED BUSINESSES

Sections:

- 7.121.01 Purpose and intent
- 7.121.02 Definitions
- 7.121.03 Classification
- 7.121.04 Conditional use
- 7.121.05 Penalties
- 7.121.06 Subsequent locations

7.121.01 Purpose and intent It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety and general welfare of the citizens of the city, and to establish reasonable and uniform regulation to prevent the concentration of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market, unless otherwise restricted by law. (Ord. No. 1682, Sec. 1.)

7.121.02 Definitions

**Adult Arcade** - any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled image-producing devices are maintained to show images to five or fewer viewers at one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

**Adult bookstore or Adult Video Store** - a commercial establishment which as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

Books magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproduction, slides or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas,”

**Adult Cabaret** - a nightclub, bar, restaurant or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity; or
- B. Live performances which are characterized by the exposing of “specified anatomical areas” or by “specified sexual activities,” or
- C. Films, motion pictures, videocassettes, slides or other photographic reproductions, which are characterized by the depiction of “specified sexual activities” or “specified anatomical areas.”

**Adult Motion Picture Theater** - a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown, excluding those which are rated by the Motion Picture Association of America, which emphasize “specified sexual activities.”

**Adult Theaters** - a theater, concert hall, auditorium or similar commercial establishment, which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities.”

**Nudity or State of Nudity -**

- A. The appearance of the bare human buttocks, anus, male genitals, female genitals or female breast.
- B. A state of dress that fails to opaquely cover a human buttocks, anus, male genitals, female genitals or areola of the female breast.

**Person** - an individual, proprietorship, partnership, corporation, association or other legal entity.

**Sexually Oriented Business** - an adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater or adult theater as the same are defined herein.

**Specified Sexual Activities -**

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Act of human masturbation, sexual intercourse or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

**Specified Anatomical Areas -**

- A. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the areola; and
- B. Human male genitals in a discernible turgid state even if completely and opaquely covered. (Ord. No. 1682, Sec. 2.)

7.121.03 Classification Sexually oriented businesses are classified as follows:

- A. Adult Arcade;
  - B. Adult Bookstores or Adult Video Stores;
  - C. Adult Cabarets;
  - D. Adult Motion Picture Theaters;
  - E. Adult Theaters
- (Ord. No. 1682, Sec. 3.)

7.121.04 Conditional use Sexually Oriented Businesses shall not be allowed in any zoning district except I-2 where they may be allowed subject to the following:

- A. No sexually oriented business may be operated within 500 feet of:
  - 1. A church;
  - 2. A public or private elementary, secondary or post-secondary school; pre-school or child care facility.
  - 3. A public park.
- B. No sexually oriented business may be operated:
  - 1. Within 200 feet of a boundary of a residential zone or any residential use;
  - 2. Within 400 feet of a residential zone or any residential use as measured by automobile travel distance from the exit of a sexually oriented business property to the property line of the residential zone or use.
- C. No sexually oriented business may be operated within 1,000 feet of another sexually oriented business or within 200 feet of any room, building, premises, place or establishment that sells or dispenses alcohol or beer.
- D. For the purpose of subsection (A), measurement shall be made in a straight line, without regard to intervening structures or objects, from the hearest portion of the building or structure used as part of the premises where sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district or residential lot.  
(Ord. No. 1682, Sec. 4.)

7.121.05 Penalties

- A. Any person operating or causing to be operated any sexually oriented business in violation of any part of this ordinance, upon conviction, is punishable by a fine not to exceed Five Hundred Dollars (\$500.00).
- B. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed Two Hundred Fifty Dollars (\$250.00) for each day that the same is unlawfully continued.

- C. A person who operates or causes to be operated a sexually oriented business in violation of this ordinance will be subject to a suit for injunction as well as prosecution for criminal violations.  
(Ord. No. 1682, Sec. 5.)

7.121.06 Subsequent locations A lawfully operating sexually oriented business shall not be rendered illegal by the subsequent location of a church, a public or private school, a pre-school, a child care facility, a public park, residential zoning, or residential uses. (Ord. No. 1682, Sec. 6.)

## CHAPTER 7.124

### TREE CITY USA BOARD

Sections:

- 7.124.01 Established
- 7.124.02 Terms
- 7.124.03 Compensation
- 7.124.04 Meetings
- 7.124.05 Duties

7.124.01 Established There is hereby established a Tree City USA Board for the city of Stuttgart, Arkansas, which shall consist of five (5) members who are residents of the city, who shall be appointed by the Mayor with the approval of the City Council. The Mayor shall serve as an ex-officio member of the Tree City USA Board. The tree ordinance shall be formed for the purpose to advocate the establishment of tree planting throughout the community, public education about trees, promotion of proper maintenance of trees, and to search for funding opportunities for the urban forest program, the Tree Advisory Committee shall be the Tree and Beautification Committee. (Ord. No. 1789, Sec. 1.)

7.124.02 Terms The term of the persons to be appointed by the Mayor shall be three (3) years, except that the term of two (2) of the members appointed to the first Board shall be only one (1) year and the term of two of the members shall be for two (2) years. In the event that a vacancy occurs during the term of any member, his or her successor shall be appointed for the un-expired portion of the term. (Ord. No. 1789, Sec. 2.)

7.124.03 Compensation Members of the Board shall serve without compensation. (Ord. No. 1789, Sec. 3.)

7.124.04 Meetings The Board shall hold quarterly meetings and may call special meetings if necessary to carry out its duties. Minutes of the meetings shall be kept on file in the office of the City Clerk. (Ord. No. 1789, Sec. 4.)

7.124.05 Duties

- A. The responsibility of the Board shall be to study, investigate, consult, develop, update annually, and administer a written plan of the care, preservation, pruning, planting 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.
- B. The Board will encourage and foster the planting of trees and other vegetation for the beautification of the city of Stuttgart, disseminate information to the public concerning proper care and selection of trees, and proclaim and celebrate Arbor Day. (Ord. No. 1789, Secs. 5-6.)