

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Vandalism
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CHAPTER 7.04

STATE CRIMINAL STATUTES AND PENALTIES

Sections:

- 7.04.01 Misdemeanors
- 7.04.02 Criminal laws
- 7.04.03 Fine

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

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

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

CHAPTER 7.08

CURFEW

Sections:

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

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

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

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

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

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

CHAPTER 7.12

VANDALISM

Sections:

- 7.12.01 Damaging property
- 7.12.02 Trespassing
- 7.12.03 Fine

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

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

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

CHAPTER 7.16

DISCHARGE OF FIREARMS

Sections:

7.16.01	City limits
7.16.02	Definition
7.16.03	Fine

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

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

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

CHAPTER 7.20

NUISANCE

Sections:

7.20.01	Definition
7.20.02	Animals
7.20.03	Fine

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

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

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

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

CHAPTER 7.24

OUTSIDE FIRE SERVICE

Sections:

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

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

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

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

CHAPTER 7.28

GARAGE SALES

Sections:

7.28.01	Permit
7.28.02	End of sale
7.28.03	Signs
7.28.04	Penalty

7.28.01 Permit

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

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

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

7.28.04 Penalty

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

CHAPTER 7.32**FIREWORKS**Sections:

7.32.01	Dates
7.32.02	Manufacturing
7.32.03	Responsibility
7.32.04	Fine

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

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

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

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

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

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

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

CHAPTER 7.36

CIVIL DEFENSE

Sections:

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

7.36.01 Policy and purpose

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

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

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

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

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

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

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

7.36.07 Duties

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

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

7.36.08 Mutual aid arrangements

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

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

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

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

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

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

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

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

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

CHAPTER 7.40

PURCHASING ALCOHOL

Sections:

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

7.40.01 Minors

- A. It shall be unlawful for any person under the age of 21 years to attempt to purchase or otherwise obtain any alcoholic beverage from a retail dealer who sells such beverages for off-premises consumption or from a public tavern, restaurant, private club, or other establishment which sells such beverages for on-premises consumption.
- B. Any person convicted of violating this ordinance shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00). (Ord. No. 95-11, Sec. 1.)

7.40.02 Probable cause A police officer may arrest without a warrant upon probable cause for believing the suspect has committed the offense of attempting to purchase or otherwise obtain an alcoholic beverage. Sufficient probable cause may be established by the written affidavit of the owner, operator or employee of a public establishment or private club where alcoholic beverages are sold or dispensed for off-premise or on-premise consumption to the police officer that the affiant has observed the person accused committing the offense of attempting to purchase or otherwise obtain an alcoholic beverage.(Ord. No. 95-11, Sec. 2.)

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

NOTICE TO PERSONS UNDER 21 YEARS OF AGE

You are subject to a maximum \$500.00 fine for:

1. Misrepresenting your age for the purpose of obtaining liquor, beer, or alcoholic beverages.
2. Purchasing or otherwise obtaining liquor, beer or alcoholic beverages.

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

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

CHAPTER 7.44

OPEN BURNING

Sections:

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

7.44.01 Definitions

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

Open burning shall mean the incineration or combustion of yard waste materials as a method of disposal without any means to control the fuel/air ratio.

Yard waste shall mean grass clippings, leaves, and shrubbery clippings collected from the residential property. (Ord. No. 2011-3, Sec. 1.)

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

7.44.03 Persistent offense

- A. No person, firm or corporation shall kindle or maintain any open burning that is a persistent offense to neighbors, a fire hazard to surrounding property, or creates a health or safety hazard.
- B. It shall be unlawful for any resident to make a false report against another resident regarding the burning of outside yard waste.
- C. It shall be unlawful for any resident to import onto their property and burn, yard waste from any other location. (Ord. No. 2011-3, Sec. 3.)

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

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

7.44.05 Safety standards for land clearing burning

- A. An inspection of the burn site by a fire official shall precede the open burning.
- B. Open burning shall be during daylight hours only, unless approved by a fire official.
- C. A method of fire extinguishments, approved by the fire official, shall be on site at all times and readily available during burning.
- D. Open burning shall not be less than one hundred (100) feet from any structure.
- E. Open burning shall be supervised by a competent person of at least sixteen (16) years of age.
- F. No open burning will be allowed during a burn ban by fire officials, or the Mayor, due to weather conditions, which would make burning hazardous. (Ord. No. 2011-3, Sec. 5.)

7.44.06 Fine

- A. Any person, firm or corporation who shall violate the provisions of this ordinance shall be deemed guilty of misdemeanor and upon conviction shall be fined the sum of not less than Two Hundred and Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) for each offense.
- B. Any person, firm or corporation who has been deemed in violation of the open burning ordinance by police or fire officials, must be issued a written warning notice on the first offense, and the notice must contain a copy of the "Open Burning Ordinance." Subsequent violations of the ordinance by the same party, shall allow the police or fire officials to issue a citation for appearance in Baxter County District Court, Cotter Division. (Ord. No. 2011-3, Sec. 6.)

CHAPTER 7.48

CEMETERY

Sections:

7.48.01 Fees for grave spaces

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

1. Each single burial space, deed dimension 5 ft x 12 ft: Three Hundred dollars (\$300.00)
2. Each four (4) space plot, deed dimension 20 ft x 12 ft: One Thousand Two Hundred dollars (\$1,200.00)
3. Each four (4) space plot purchased and paid for at one time: Nine Hundred dollars (\$900.00)

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

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

The fees for grave opening and closing in Cotter’s Walnut Hill Cemetery shall be \$1,000.00 during the week, weekend, and holidays. If rock removal and/or blasting is required, the cost of will be added to the cost of opening and closing burial space. (Ord. No. 2021-03, Sec. 1)

Cremation burial Monday through Friday shall be \$100.00; and Cremation burial on Weekend and Holidays shall be \$150.00. No charge if we do not dig for Cremations. (Ord. No. 2020-03, Sec. 3)

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

- A. No enclosure of any kind, such as, by way of illustration but not by way of limitation, fences, coping, hedge, or ditch shall be permitted around any grave or grave lot.
- B. All planting of trees and shrubs, grading and landscaping, shall be done at the direction of the Public Works Director.

- C. The size, material and design of any receptacles, including Cotter receptacles, must be approved by the cemetery superintendent, none of which shall be placed in the cemetery in such a manner as to create an obstacle during the mowing season (spring into fall).
- D. The City shall cause seasonal flowers to be removed at the end of their season, artificial flowers to be disposed of when they began to deteriorate and floral pieces, baskets, vases, frames and other material to which floral pieces are attached, to be removed, all as it shall deem best for the proper maintenance of the cemetery.
- E. The City of Cotter shall have the sole authority to cut weeds and grass and to plant, maintain or remove flowers, trees and grass.
- F. Nothing shall be allowed in said cemetery or on any grave or grave lot which will prevent the proper maintenance and care of said cemetery; the removal of any obstacle, of whatsoever kind and nature, for such proper maintenance by the City, the cemetery superintendent and its or his agents or employees, shall be without liability for so doing and shall be final and binding. (Ord. No. 2020-03, Sec. 4)

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

CHAPTER 7.52

CITY SPEED LIMITS

Sections:

7.52.01 City Speed Limits

7.52.01 City Speed Limits

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

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

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

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

Denton Ferry Road from City Limits to Hwy 62/412 – The speed limit shall be changed from 35 m.p.h. to be set at a maximum speed of 25 m.p.h. (Ord. No. 2020-04, Sec. 5)

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

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

CHAPTER 7.56

POSTING OF ORDINANCES

Sections:

- | | |
|---------|--------------------|
| 7.56.01 | Designated places |
| 7.56.02 | Notice of adoption |

7.56.01 Designated places The following places, which are hereby found to be of the most public places in the City, are hereby designated for the posting of notice of the adoption of ordinances of the City:

1. Post Office
2. Cotter City Hall Bulletin Board and City of Cotter Website-
www.cityofcotter.org
3. North Arkansas Youth Center
4. Cotter Fire Station
5. Big Springs Park- Pavilion Bulletin Board

(Ord. No. 2021-02, Sec. 1)

7.56.02 Notice of adoption Notice of the adoption of ordinances of the City shall be effected by the posting of ordinances at the locations set forth in Section 1 hereof. (Ord. No. 2021-02, Sec. 2)