

## TITLE 7

### PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.06 Fine to Defray Expense of Incarceration
- 7.08 Emergency Curfew
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### CHAPTER 7.04

#### STATE CRIMINAL STATUTES AND PENALTIES

Sections:

- 7.04.01 State criminal statutes adopted
- 7.04.02 State penalties adopted

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

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

**CHAPTER 7.06**

**FINE TO DEFRAY EXPENSE OF INCARCERATION**

Sections:

- 7.06.01 Authority and Purpose
- 7.06.02 Applicability
- 7.06.03 Special Fund

7.06.01 Authority and Purpose Under the authority of Act 209 of 2009, the City shall collect an additional fine in the amount of Twenty Dollars (\$20.00) per conviction, plea of guilt or nolo contendere, or bond forfeiture, from a defendant, to help defray the expense of incarcerating prisoners in the City Jail. The additional fine shall be levied on each charge, count, violation, or offense, including each misdemeanor or violation. (Ord. No. 594, Sec. 1)

7.06.02 Applicability The additional fine levied in Section 1 shall apply to all applicable cases brought before the District Court and departments thereof that now exist and that are in operation, or may hereafter be created and placed into operation, within the City of Lonoke. (Ord. No. 594, Sec. 2)

7.06.03 Special Fund All additional fines levied and collected under the provisions of this ordinance shall be deposited into a special fund within the City Treasury to be used for the maintenance, operation and capital expenditures of the City Jail or as otherwise specifically permitted under the provisions of Act. 209 of 2009. (Ord. No. 594, Sec. 3)

**CHAPTER 7.08****EMERGENCY CURFEW**Sections:

- 7.08.01 Declared emergency
- 7.08.02 Curfew areas
- 7.08.03 Fine

7.08.01 Declared emergency The Mayor any time a condition which in his judgment a civil disturbance, riot, insurrection or time of local disaster has arisen or is imminent, said Mayor 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. 169, Sec. 1.)

7.08.02 Curfew areas No person or persons 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. 169, Sec. 2.)

7.08.03 Fine Any person, firm or corporation violating any provision of this ordinance shall upon conviction thereof be punished by a fine not to exceed Five Hundred Dollars (\$500.00), or more than one (1) year imprisonment, or by both fine and imprisonment. (Ord. No. 169, Sec. 3.)

## CHAPTER 7.12

### JUVENILE CURFEW

#### Sections:

7.12.01	Need for juvenile curfew
7.12.02	Need for new ordinance
7.12.03	Need to preserve family environment
7.12.04	Definitions
7.12.05	Provisions
7.12.06	Exceptions
7.12.07	Parental responsibility
7.12.08	Enforcement procedure
7.12.09	Penalties
7.12.10	Extension

7.12.01 Need for juvenile curfew The City Council of the city of Lonoke hereby finds there has been a significant breakdown in the supervision normally provided by certain parents and guidance for juveniles under eighteen (18) years of age resulting in juveniles being involved in a wide range of unacceptable behavior including vandalism, noisy and rowdy behavior, breaking and entering, public drinking and littering, harassment of residents, and more serious violent crimes. (Ord. No. 412, Sec. 1.)

7.12.02 Need for new ordinance The City Council further finds that offensive activities of juveniles are not easily controlled by existing laws and ordinances because the activities are concealed whenever police officers are present and that the establishment of reasonable curfew regulations will enable the community to better control the free and unobstructed access to streets and public places by the majority of residents and will enable the police to act reasonably and fairly to prevent the violation of the laws and ordinances by juveniles. (Ord. No. 412, Sec. 1.)

7.12.03 Need to preserve family environment The City Council further finds and has determined that a curfew meets a very real local need and that curfew ordinances in other communities have been a factor in minimizing juvenile delinquency. A curfew in Lonoke is particularly appropriate in view of the basic residential nature of the community and the sense of the community that there is a proper time for the cessation of outdoor activities of juveniles. This attitude of the community is reflected in the curfew hours declared by this ordinance which takes into consideration the danger hours for nocturnal crime and crime committed during normal school hours.

Lonoke is basically a family community. Parental responsibility for the whereabouts of children is the accepted norm by a substantial majority of the community. Legal sanctions to enforce such responsibility have had demonstrated effectiveness in many communities over the years. The City Council has determined that as parental control increases there is a likelihood that juvenile delinquency decreases and that there is a need for nocturnal curfew and curfew during normal school hours for juveniles in Lonoke and that the establishment of a curfew applicable to juveniles will reinforce the primary authority and responsibility of parents and guardians over juveniles in their care and custody. (Ord. No. 412, Sec. 1.)

7.12.04 Definitions For the purposes of this article, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

**Juvenile or minor** is any person under the age of eighteen (18) or, in equivalent phrasing often herein employed, any person seventeen (17) years of age or less.

**Parent** is any person having custody of a juvenile (i) as a natural or adoptive parent, (ii) as a legal guardian, (iii) as a person who stands *in loco parentis*, (iv) as a person to whom legal custody has been given by order of a court of competent jurisdiction.

**Remain** means to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling three (3) or more persons in which any juvenile involved would not be using the streets for ordinary or serious purposes such as mere passage or going home. To implement that, the thought with additional precision and precaution, numerous exceptions are expressly defined in this ordinance so that this is not a mere prohibition of presence of juveniles. More and more exceptions become available with increasing years and advancing maturity as appropriate in the interest of reasonable regulations.

**Street** is a way or place, of whatever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term **street** includes the legal right-of-way, including but not limited to, traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term **street** applies irrespective of what it is called or formally named, whether alley, avenue, court, road or otherwise. The term **street** also includes shopping centers, parking lots, parks, playgrounds, public buildings, the common areas of public housing developments and similar areas that are open to the use of the public.

**Time of night** referred to herein is based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Savings Time, generally observed at that hour by the public in the city, prima facie the time then observed in the city police station.

**Years of age** continues from one birthday, such as the seventeenth to (but not including the day of) the next, such as the eighteenth birthday, making it clear that seventeen (17) or less years of age be treated as equivalent to the phrase "under eighteen years of age." (Ord. No. 345, Sec. 2.)

7.12.05 Provisions

- A. It shall be unlawful for any person seventeen (17) or less years of age (under eighteen [18] )to be or remain in or upon the streets within the city of Lonoke at night during the period ending at 5:00 a.m. and beginning at 12:00 midnight on Friday and Saturday nights, and at 10:00 p.m. on all other nights.
- B. It shall be unlawful for any person seventeen (17) or less years of age (under eighteen [18]) to be on or upon the streets within the city of Lonoke, Arkansas, during the day between the hours of 9:00 a.m. and 2:30 p.m. on Monday, Tuesday, Wednesday, Thursday, or Friday. (Ord. No.412, Sec. 2.)

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

- A. When accompanied by a parent of such minor;
- B. When accompanied by an adult, at least twenty-one (21) years of age, who is not the parent and who is authorized by a parent of such a minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area;
- C. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of such exercise by first delivering to the person designated by the Chief of Police to receive such information, at the Police Department on 203 West Front Street, a written communication, signed by the juvenile and countersigned by a parent of the juvenile with their home address and telephone number, specifying when, where and in what manner the juvenile will be on the streets at night (during hours when the Curfew Ordinance is otherwise applicable to said minor) in the exercise of First Amendment rights.
- D. In case of reasonable necessity for a juvenile remaining on the streets, but only after the juvenile's parent has communicated to the person designated by the Chief of Police to receive such notifications, the facts establishing the reasonable necessity relating to specified streets at a designated time for a described purpose including points of origin and destination. A copy of the communication, or of the police record thereof, duly certified by the Chief of Police to be correct, with

an appropriate notation of the time it was received and of the names and addresses of the parent and juvenile, shall be admissible evidence.

- E. When returning home from and within (1) hour after the termination of a school or city sponsored activity, or an activity of a religious or other voluntary association, of which prior notice, indicating the place and probable time of termination, has been given in writing, to and duly filed for immediate reference by the person designated by the Chief of Police on duty at the police station, this encouraging, as in other exceptional part of juveniles involved in such activities and striking a fair balance for any conflicting interests.
- F. When engaging in the duties of bona fide employment or traveling directly, without undue delay or detour from home to the place of employment, or from the place of employment to the home.
- G. When the minor is in a motor vehicle for the purpose of interstate travel, either through, beginning or ending in Lonoke. (Ord. No. 345, Sec. 4.)
- H. With respect to the daytime hours between 9:00 a.m. and 2:30 p.m. on Monday, Tuesday, Wednesday, Thursday or Friday only, it is a defense that the public or private school which the minor attends was not in session, that the minor is being home schooled in accordance with Arkansas law and a recess has been declared by the home school teacher, that the minor is a high school graduate or has an equivalent certification, or that the minor is on an excused absence from his or her place of schooling, provided that a disciplinary suspension or expulsion is not deemed an excused absence for the purposes of this ordinance. (Ord. No. 412, Sec. 4.)

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

- A. Police procedures shall be refined in light of experience and may provide that the police officer may deliver to a parent or guardian thereof a juvenile under appropriate circumstances.
- B. When a parent or guardian has come to take charge of the juvenile, and the appropriate information has been recorded, the juvenile shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the juvenile, then the juvenile shall be released in accordance with Arkansas and federal law;

- C. In the case of a first violation by a juvenile, the Police Department shall by certified mail or direct service, send and/or deliver to a parent written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance, including enforcement of parental responsibility and of applicable penalties. (Ord. No. 345, Sec. 5.)

#### 7.12.08 Enforcement procedure

- A. If a police officer reasonably believes that juvenile is on the streets in violation of the curfew ordinance, the officer shall notify the juvenile that he or she is in violation of the ordinance and shall require the juvenile to provide his or her name, address and telephone number and how to contact his or her parents or guardian.
- B. In determining the age of the juvenile and in the absence of convincing evidence, a police officer shall use his or her best judgment in determining age. (Ord. No. 345, Sec. 6.)

#### 7.12.09 Penalties

- A. If, after the warning notice pursuant to 7.12.07 of a first violation by a juvenile, a parent violates 7.12.08 (in connection with a second violation by the juvenile), this shall be treated as a first offense by the parent. For parental offenses, a parent may be fined not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00).
- B. Any juvenile who shall violate any of the provisions of the curfew ordinance more than three (3) times shall be reported by the Chief of Police to the juvenile authorities as a juvenile in need of supervision and the Chief of Police shall refer the matter to Lonoke County Prosecuting Attorney and/or Arkansas Department of Human Services and/or other appropriate authorities.
- C. It shall be unlawful for any minor to operate, or be in actual physical control, of a motor vehicle upon the streets, public places, or private drives, within the city of Lonoke between the hours of 10:00 p.m. and 5:00 a.m. Sunday through Thursday, or 12:00 a.m. and 5:00 a.m. Friday and Saturday. Pursuant to this provision no minor shall be permitted to operate a motor vehicle in violation of the provisions of this ordinance. In addition to any other criminal or traffic penalties that may be imposed or any other actions available under 7.12.09 of this ordinance, unless a minor has a defense available to it under 7.12.06 of this ordinance, a law enforcement officer with sufficient reason to believe that a minor has violated the provisions of this ordinance shall attempt to contact the registered owner of the motor vehicle operated by the minor for purposes of having the registered owner retrieve the vehicle. If no contact can be made, or if the registered owner refuses

to immediately come and retrieve the vehicle, the officer may take any necessary action to protect the vehicle including having the vehicle impounded at a facility selected by the city of Lonoke. Any such impoundment shall be at the sole expense of the registered owner.

- D. It shall be unlawful for any parent to permit a minor to operate a motor vehicle in violation of the provisions of this ordinance. In addition to any other criminal or traffic penalties that may be imposed, unless a minor has a defense available to it under 7.12.06 of this ordinance, a law enforcement officer with sufficient reason to believe that a minor has violated the provisions of this ordinance may take any action set forth in 7.12.09 (C) of this ordinance. The fact that a minor is in violation of the provisions of subsection (C), without a defense as set forth in 7.1206 of this ordinance shall create a rebuttal presumption that the parent is in violation of this subsection. (Ord. No. 380, Sec. 1.)

7.12.10 Extension Said ordinance shall continue in full force and effect until such time as said ordinance is specifically repealed by the City Council, which may be repealed at any time. (Ord. No. 355, Sec. 1.)

**CHAPTER 7.16**

**LITTERING**

Sections:

- 7.16.01 Littering
- 7.16.02 Fine
- 7.16.03 Tree trimmings
- 7.16.04 Fine

7.16.01 Littering Upon and after the passage and publication of this ordinance, it shall be unlawful for any person to throw, deposit or dispose of any bottles, cans, boxes or rubbish by depositing in any manner the same upon the streets, in the ditches or on the sidewalks of the city of Lonoke. (Ord. No. 186, Sec. 1.)

7.16.02 Fine It is further ordained that any person who violates any portion of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00). (Ord. No. 186, Sec. 2.)

7.16.02 Tree trimmings It shall be unlawful for any person or firm or employee or employer thereof to deposit tree trimmings and/or related residue along and within the city street rights-of-way or alleys provided said person, firm, or employee or employer thereof received compensation for services rendered in connection with the trimming of said tree or trees from owner or tenant of the property upon which said tree is situated. (Ord. No. 353, Sec. 1.)

7.16.03 Fine Any individual, partnership, corporation, or other entity found by the Lonoke District Court or other court of competent jurisdiction to be in violation of this ordinance shall be guilty of a misdemeanor and fined not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), for each day that the violation occurs, with each day being a separate offense. (Ord. No. 353, Sec. 2.)

## **CHAPTER 7.20**

### **PROHIBITED WEAPONS**

Sections:

- 7.20.01 Weapons
- 7.20.02 Fine

7.20.01 Weapons It shall be unlawful to use and/or discharge bean shooters, sling shots, air guns, cross bows and bows and arrows, within the limits of the city of Lonoke, Arkansas, and the same is hereby prohibited. (Ord. No. 357, Sec. 1.)

7.20.02 Fine Any person violating this ordinance shall be liable, upon conviction to a fine of not less than Ten Dollars (\$10.00), nor more than Twenty-Five Dollars (\$25.00), and the appropriate District Court cost. (Ord. No. 315, Sec. 1.)

**CHAPTER 7.28**

**CITY TREE BOARD**

**Sections:**

7.28.01	Board
7.28.02	Meetings
7.28.03	Officers
7.28.04	Powers

7.28.01 Board A City Tree Board will be established and will consist of an elected board to serve for a one (1) year term: President, Vice-President, Secretary, Treasurer, Publicity. These officers will be approved by the Mayor and City Council and shall serve without compensation. One member of the Zoning Board of Appeals shall also be a member of the City Tree Board. Vacancies caused by death, resignation, or otherwise shall be filled for the unexpired term by the City Tree Board and approved by the Mayor and Council. Staff support to the City Tree Board shall be appointed by the Mayor from employees of the Department of Public Works or Department of Parks and Recreation. (Ord. No. 548, Sec. 1.)

7.28.02 Meetings The City Tree Board shall hold regular meetings and may call special meetings if necessary to carry out its duties. (Ord. No. 548, Sec. 1.)

7.28.03 Officers The City Tree Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings and file them with the City Clerk. (Ord. No. 548, Sec. 1.)

7.28.04 Powers

- A. The City Tree Board shall have the responsibility to study, investigate, consult, develop, update annually, and administer a written plan for the care, preservation, pruning, planting or removal of trees and shrubs in parks, along streets and in other public areas. This plan shall be recommended to the Mayor and Council and upon their acceptance and approval shall be implemented as the City Tree Master Plan.
- B. The City Tree Board shall recommend to the city the genus and species of trees to be planted on public lands and upon request, to advise owners of private land about the trees to be planted on private land, and further, where authorized by this ordinance or other ordinance, review and comment on the landscaping and buffering plans of private developments.
- C. The City Tree Board will investigate available grants, loans, or contributions from other governmental agencies, public or private corporations or individuals. This board will recommend expenditure of said monies to the Mayor and Council.
- D. The City Tree Board will encourage and foster the planting of trees and other vegetation for the beautification of the city, and disseminate information to the public concerning proper selection and care of the trees. (Ord. No. 548, Sec. 1.)

## CHAPTER 7.32

### FEES FOR FIRE PROTECTION

#### Sections:

7.32.01	Fees
7.32.02	Penalty
7.32.03	Water bill
7.32.04	Delinquent bill
7.32.05	Separate fund

7.32.01 Fees There are hereby levied for the services and benefits to be received by the citizens of the city of Lonoke for fire protection the following fees:

- A. For each housing unit or family dwelling actually occupied as a residence, a fee of One Dollar (\$1.00) per month, payable by the principal occupant or head of household of each residence;
- B. For each storage, garage, filling station, restaurant, theater, mill, shop, factory, professional business office or other business or commercial establishment, a fee of Two Dollars and Fifty Cents (\$2.50) per month, payable by the owner or manager of such establishment. (Ord. No. 558, Sec. 1.)

7.32.02 Penalty All such fees shall be payable on or before the 10<sup>th</sup> day of each month and a 10% penalty shall be charged on any fee that is more than thirty (30) days delinquent. (Ord. No. 558, Sec. 2.)

7.32.03 Water bill The fees provided for in the preceding section shall be collected in behalf of the Lonoke Fire Department by the Municipal Water Works and shall be added to the monthly water bills. (Ord. No. 558, Sec. 3.)

7.32.04 Delinquent bill When any fee levied hereby is delinquent by more than sixty (60) days, the city is hereby authorized to institute civil suit for the recovery for said fee with any penalties which may have attached thereto and court costs. (Ord. No. 558, Sec. 4.)

7.32.05 Separate fund Fees collected under authority of the preceding section shall be used only in paying the expenses associated with fire protection services, shall be segregated into a separate fund for fire protection services, and to be paid out only for equipment, labor, maintenance, or any other necessary costs directly connected with fire protection services. (Ord. No. 558, Sec. 5.)

## CHAPTER 7.36

### OUTSIDE FIRE SERVICE

#### Sections:

7.36.01	Outside service
7.36.02	No guarantee
7.36.03	Requests
7.36.04	Maximum use
7.36.05	Boundaries
7.36.06	Fees
7.36.07	Notification of charges
7.36.08	Distribution of revenues
7.36.09	Fee structure

7.36.01 Outside service The Lonoke Fire Department is hereby authorized to respond to and to utilize city equipment and personnel in rendering aid to citizens and property outside the corporate limits of the city of Lonoke as provided by in A.C.A. 14-53-102, as amended. (Ord. No. 498, Sec. 1.)

7.36.02 No guarantee The City Council of the city of Lonoke does not imply, construe or guarantee the provision of any services outside of its corporate limits. (Ord. No. 498, Sec. 2.)

7.36.03 Requests All requests and responses to requests occurring outside the city limits shall be subject to limited and available personnel. The primary responsibility of the Lonoke Fire Department to provide fire and rescue services to the city of Lonoke shall not be impeded. Any requests for services occurring outside the city limits shall be secondary in nature and subrogated to the immediate needs of the city of Lonoke. (Ord. No. 498, Sec. 3.)

7.36.04 Maximum use The Lonoke Fire Department is limited to a maximum use of one (1) platoon of three (3) firefighters and one (1) fire engine in respect to apparatus equipment and manpower when rendering routine services outside the corporate limits unless there exists a direct threat to the health, safety, and welfare to general public or the responding platoon requests additional personnel and/or equipment. In such instances requiring greater use of apparatus and/or personnel, the Fire Chief or his duly authorized representative shall be authorized to render such a decision in the best interest of the members of the Fire Department and the citizens of the city of Lonoke. Under no circumstances shall the Fire Department services be compromised to the city of Lonoke. (Ord. No. 498, Sec. 4.)

7.36.05 Boundaries Services rendered outside the city limits shall be limited to the geographical area currently served by the local 911 emergency telephone exchange. Upon passage of this ordinance, any grass fire, car fire and/or rescue call will be responded to within

the service area of the 911 emergency telephone exchange of the city of Lonoke. Fires occurring outside of this specified area would only be fought if it were a life-threatening situation or if such assistance is requested by a law enforcement agency. The service area specifically for Interstate 40 will be from the Northcutt overpass to the east boundary of the city of Lonoke and to the Farmer's overpass to the west boundary, both east and west bound lanes. (Ord. No. 498, Sec. 5.)

7.36.06 Fees Fees for all services rendered outside of the corporate limits of the city of Lonoke will be Three Hundred Dollars (\$300.00) per run, plus One Hundred Fifty Dollars (\$150.00) per hour for any additional hours or parts thereof after the first hour up to a maximum of Six Hundred Dollars (\$600.00). Said fees will be assessed against the responsible owner of the property, be it real or personal property, or prorated between individual property owners in the event of multiple property involvement. Exceptional situations and circumstances may indicate an imposition of additional charges and fees in excess of those indicated. In such instance, the Fire Chief or his representative may assess reasonable charges necessary to cover the additional expense caused by the extenuating circumstances. For purposes of fee calculations, hourly charges will begin at the time the Fire Department is actively en route to the response site and fees will end when the Fire Department has returned to the Fire Department and all dispatched equipment has returned to the fire station and re-equipped for service. (Ord. No. 498, Sec. 6.)

7.36.08 Notification of charges The Fire Chief or his duly authorized representative shall notify the City Clerk, or Deputy City Clerk on the next available working day following the occurrence of services outside the city limits of the charges and recipients of said charges to which services were rendered to and all pertinent information necessary for billing purposes. The Fire Chief or his representative shall retain the right to charge, omit or otherwise adjust charges to the individual to the circumstances of the call. The Fire Chief or his authorized representative shall provide an invoice to the office of the City Clerk for collection of fees for services to the extent provided by law. (Ord. No. 498, Sec. 7.)

7.36.09 Distribution of revenues The revenue generated by the fees set forth in the ordinance shall be distributed proportionately the following manner each fiscal year of part thereof:

- A. The first One Thousand Dollars (\$1,000.00) shall be set aside for authorized Fire Department activities as agreed upon by the Mayor and the Fire Chief.
- B. The next Three Thousand Dollars (\$3,000.00) collected will be deposited into the Fire Department Volunteer Fund. Said funds will be expensed in a manner set forth by the purchasing policies of the city and applicable state laws for items deemed necessary by the Department and subject to the Mayor and/or City Council approval.

- C. All fund collected in excess of the above amounts will be deposited into an Equipment Depreciation and Reserve Account. This account shall be separate and apart from the General Fund and be an interest bearing account. The proceeds of this account shall be used for the sole purpose of acquiring, repairing and/or replacing equipment needed or inventoried at the Fire Department. Funds may be expended as determined necessary and reasonable by the Mayor and/or City Council and in conjunction with the needs of the Fire Department. (Ord. No. 498, Sec. 8.)

7.36.10 Fee structure The fee structure as created within this ordinance shall not be applicable to any other city or governmental agency that has not entered into a Mutual Aid Agreement for fire services with the city of Lonoke. (Ord. No. 498, Sec. 9.)

## **CHAPTER 7.40**

### **PAWNBROKER RECORDS**

Sections:

7.40.01	Records
7.40.02	Redemption
7.40.03	Minors
7.40.04	Penalty

7.40.01 Records Every individual, partnership or corporation engaged as pawnbrokers or in the buying and selling of secondhand good, including, but not limited to, clothing, automobile accessories, implements, hardware, guns, jewelry and the like, shall keep a well-bound book and therein record in legible handwriting a particular and detailed description of each article pawned or bought, together with its number, if any, and the name residence and drivers license number, if available, of the person pawning or selling the article, which book shall be open at all times for inspection by the Lonoke City Police. Individuals, partnerships or corporations in the business of buying and selling motor vehicles are specifically exempted from the requirements of this ordinance. (Ord. No. 303, Sec. 1.)

7.40.02 Redemption The redemption of any and all described goods, or the resale of such goods, is hereby prohibited for a period of twenty-four (24) hours after their pawning or purchase shall have been reported to the police as provided for herein. (Ord. No. 303, Sec. 2.)

7.40.03 Minors It shall be unlawful for any person to knowingly receive in pawn or buy any pawn or pledge from a minor or to receive in pawn or pledge or purchase the property of a minor. (Ord. No. 303, Sec. 3.)

7.40.04 Penalty Any person, partnership or corporation who shall deliberately make a false entry on his or its ledger or fail to make a report to the police as provided for herein, shall lose his or its license to do business in the city. Jurisdiction for determining a violation hereunder shall be in Lonoke District Court. (Ord. No. 303, Sec. 4.)

## **CHAPTER 7.44**

### **FIREWORKS**

Sections:

7.44.01	Unlawful
7.44.02	Sold
7.44.03	Discharged
7.44.04	Fine

7.44.01 Unlawful The Lonoke Municipal code is amended as follows: Except as otherwise provided herein, it shall be unlawful for any person to sell or discharge any item of fireworks within the city limits of the city of Lonoke. (Ord. No. 736, Sec. 1.)

7.44.02 Sold Fireworks may only be sold within the city limits of the city of Lonoke, Arkansas, on the following dates:

Fourth of July holiday:

- A. July 1st beginning at 10:00 am and continuing until 10:00 pm;
- B. July 2nd beginning at 10:00 am and continuing until 10:00 pm;
- C. July 3rd beginning at 10:00 am and continuing until 10:00 pm;
- D. July 4th beginning at 10:00 am and continuing until 10:00 pm.  
(Ord. No. 736, Sec. 2)

7.44.03 Discharged Fireworks may only be discharged within the city limits of the city of Lonoke, Arkansas, on the following dates:

Fourth of July holiday:

- A. July 1st beginning at 10:00 am and continuing until 10:00 pm;
- B. July 2nd beginning at 10:00 am and continuing until 10:00 pm;

- C. July 3rd beginning at 10:00 am and continuing until 11:00 pm;
- D. July 4th beginning at 10:00 am and continuing until 12:00 am.

\* Any such other time as may be established by the Mayor for City of Lonoke, Arkansas, by proclamation which is to be published in the local newspaper at least one (1) week prior to the proposed discharge dates or by the Council of the City of Lonoke, Arkansas, by a duly authorized resolution enacted at least one (1) month prior to the proposed discharge dates. (Ord. No. 736, Sec. 3)

7.44.04 Fine Any person who violates any section of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00). Each and every violation of this ordinance shall constitute a separate offense. (Ord. No. 736, Sec. 4.)

## **CHAPTER 7.48**

### **NEPOTISM**

Sections:

- 7.48.01 Hiring
- 7.48.02 Reassigned duties
- 7.48.03 Marriage
- 7.48.04 City Council

7.48.01 Hiring No elected or appointed official including but not limited to city department heads for the city of Lonoke, Arkansas, may hire or otherwise have in his/her employ a member of his/her family in a position directly or indirectly responsible to such official. For the purpose of this section, member of family shall be defined as mother, father, son, daughter, husband, wife, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, uncle aunt, nephew, niece, first cousin, grandfather, grandmother, grandson, granddaughter, step-children and step-parents. In addition, no person may be employed by the city in a position in which a member of his/her family has supervisory authority over the employee. (Ord. No. 578, Sec. 1.)

7.48.02 Reassigned duties Elected or appointed city officials with a member of family (as defined in 7.48.01) employed by the city on the date of the passage of this ordinance, may allow the employee to remain as an employee of the city only in the event that the employee can be reassigned duties as necessary to ensure that the employee family member is not being directly or indirectly supervised by his/her family member that is an elected or appointed official. If there are no duties that can be reassigned, the employee will be required to resign. (Ord. No. 578, Sec. 2.)

7.48.03 Marriage In the event of a marriage of city employee, one of the employees will be required to transfer to another department within thirty (30) calendar days after the marriage. If there is no position available for a transfer, then the employees shall agree which one will resign. If the employees cannot agree, then the employee with the lowest classification will be required to resign. In no event shall a spouse be a supervisor. (Ord. No. 578, Sec. 3.)

7.48.04 City Council Any City Council member's relative who wishes to be employed by the city of Lonoke must be recommended by the Mayor and receive unanimous support of the City Council prior to employment or appointment with the City Council family member abstaining from the vote. In no case may an interim family appointment be made pending action of the Council. In no event shall more than one person be appointed or employed by the city of Lonoke who is a family member (as defined in 7.48.01) of a particular City Council member. (Ord. No. 578, Sec. 4.)

## **CHAPTER 7.52**

### **LONOKE CEMETERY ASSOCIATION**

#### **Sections:**

#### 7.52.01 Rights

7.52.01 Rights The city of Lonoke does hereby by this instrument convey unto the Lonoke Cemetery Association all of its right, title, interest, and equity in and to the Lonoke Cemetery, located in the west half of the northwest quarter of Section 19, Township 2 North, Range 8 West and being in the said city of Lonoke. (Ord. No. 264, Sec. 1.)

## **CHAPTER 7.56**

### **NOISE**

**Sections:**

7.56.01	Noise
7.56.02	Fine

**7.56.01 Noise** It shall be unlawful for any person within or upon any vehicle within the city limits to make, continue or cause to be made or continued any loud and raucous noise, which terms shall mean any sound, which, because of its volume level, duration or character, annoys, disturbs, injures or endangers the comfort, health, peace, or safety of reasonable persons or ordinary sensibilities. (Ord. No. 424, Sec. 1.)

**7.56.02 Fine** Anyone violating any provisions of 7.60.01 of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred Dollars (\$100.00) for the first offense, not less than Three Hundred Dollars (\$300.00) for the second offense, and not less than Five Hundred Dollars (\$500.00) for the third or any subsequent offenses. (Ord. No. 579, Sec. 1.)

## **CHAPTER 7.58**

### **PRIVATE CLUB**

**Sections:**

7.58.01	Approved
7.58.02	Authorization

**7.58.01 Approved** The Lonoke Municipal Code is amended by adding the following: The request of GRUMPY RABBIT, INC. for approval of a private club license in conjunction with a restaurant at 105 W. Front Street, Lonoke, Arkansas, be, and it hereby is, approved by the City Council of the City of Lonoke. (Ord. No 760, Sec.1.)

**7.58.02 Authorization** Pursuant to Act 1112 of 2017, GRUMPY RABBIT, INC. is hereby authorized to file a private club application with the Department of Finance and Administration, Alcoholic Beverage Control Division for the location at 105 W. Front Street, Lonoke, Lonoke County, Arkansas. A copy of this Ordinance shall be provided to the Alcoholic Beverage Control Division, Department of Finance and Administration as evidence of the City Council approval. (Ord. No. 760, Sec.2.)