

**NORTH LITTLE ROCK, ARKANSAS
MUNICIPAL CODE**

Chapter 12

PUBLIC SAFETY

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ARTICLE ONE

POLICE DEPARTMENT

Section 1

GENERAL

1.1.1 Authority.

The City of North Little Rock, Arkansas (“City”) is authorized by Act No. 1 of 1875, and subsequent acts of the Arkansas Legislature, to regulate and restrict behavior that harms or threatens to harm the health, safety, and welfare of the public. The City further relies on the common law authority of the State of Arkansas, including the often-quoted principle stated by the Arkansas Supreme Court, “The police power is as old as the civilized governments which exercise it ... the very existence of government depends on it, as well as the security of social order, the life and health of the citizen, the enjoyment of private and social life, and the beneficial use of property.”

1.1.2 Police Department Established.

A Police Department for the City of North Little Rock is hereby established.

The City hereby adopts the criminal laws and amendments thereto constituting misdemeanors of the state and those portions of the Arkansas Criminal Code (A.C.A. § 5-1-101 et seq.), as said criminal code was enacted or may hereafter be amended, setting forth offenses which constitute misdemeanors or violations and which prescribe penalties for such offenses as part of this Code and the laws and/or ordinances of the City as if set out fully herein; provided, no fine in excess of that authorized by A.C.A. §§ 14-55-502 and 14-55-504 shall be imposed.

State law reference — Acts 1874, No. 1, § 6. Power of city council to establish a city police department, A.C.A. § 14-52-101. A.C.A. § 5-1-101 et seq., violations defined; A.C.A. 14-55-502, authority to adopt regulations includes the state criminal code, A.C.A. § 14-55-207(b).

Reference – Ord. 24 adopted 4-13-1904.

1.1.3 Chief, powers and duties.

- (A) The Chief of Police, or his appointed designee, shall attend all council meetings, shall devote his entire time to the duties of his office and shall not engage in any other business which will require any time from his official duties. He shall be subject to call at all hours.
- (B) All officers and members of the Police Department shall be under the control and direct supervision of the Chief of Police, who shall designate their duties. The Chief of Police shall be responsible to the Mayor and the City Council for the proper enforcement of the city ordinances and state laws by the members of the Police Department.
- (C) In addition to the daily statement and report required to be filed with the City Clerk, the Chief of Police shall, on or before the fifth day of each

month, make and file in the Office of the City Clerk a complete statement for the preceding month, showing all arrests made by the Police Department, the disposition of each case, and the amount of fines, forfeitures, fees and costs collected.

1.1.4 Police Officers.

It shall be the duty of North Little Rock Police Officers to:

- (A) Suppress all riots, disturbances and breaches of the peace;
- (B) Pursue and arrest any person fleeing from justice in any part of the State or City;
- (C) Apprehend any and all persons in the act of committing any offenses against the laws of the State of Arkansas or the ordinances of the City of North Little Rock and forthwith bring the persons before the proper authority for trial or examination; and
- (D) Diligently and faithfully enforce at all times all such laws, ordinances and regulations for the preservation of good order and the public welfare as the City Council may ordain.

State law reference – A.C.A. § 14-52-203.

**Section 2
STATEMENT OF RIGHTS**

1.2.1 Law Enforcement Officers' Bill of Rights.

The "Law Enforcement Officers Bill of Rights for All Sworn Law Enforcement Officers of the City of North Little Rock" is hereby adopted by reference, as though set out in this article, to clarify and protect the individual rights of members of the City's Police Department.

1.2.2 Definitions.

As used herein, the following terms shall have the meanings indicated:

Complainant means the person or persons providing the information constituting the basis for official departmental charges alleging improper conduct.

Formal proceeding means a proceeding heard before any officer, committee, or other body of city government with the authority to take disciplinary action against a law enforcement officer.

Law enforcement officer means any public servant vested by law with a duty to maintain order or to make arrests for offenses.

Official departmental charges means a written document from the Chief of Police, or other lawful authority, notifying the accused law enforcement officer that charges of misconduct have been made and setting forth the specifics of the alleged misconduct.

Note: Amended 9-25-06 (Ord. No. 7861, § 1 Ex. A)

1.2.3 Officer under investigation.

Whenever a law enforcement officer is under investigation for alleged improper conduct with a possible result of termination, demotion, or other disciplinary action causing loss of pay or status, the following minimum standards may apply:

- (A) No adverse inference shall be drawn and no punitive action taken from a refusal of the law enforcement officer being investigated to participate in such investigation or be interrogated other than when such law enforcement officer is on duty, or is otherwise fully compensated for such time spent in accordance with city and departmental overtime policy and state and federal law.
- (B) Any interrogation of a law enforcement officer shall take place at the office of those conducting the investigation, the place where such law enforcement officer reports for duty, or such other reasonable place as the investigator may determine.
- (C) The law enforcement officer being investigated shall be informed, at the commencement of his or her interrogation, of:
 - (1) The nature of the investigation;
 - (2) The identity and authority of the person or persons conducting the investigation; and
 - (3) The identity of all persons present during the interrogation.
- (D) During the interrogation of the law enforcement officer, questions will be posed by or through only one interrogator at a time.
- (E) Any interrogation of a law enforcement officer in connection with an investigation shall be for a reasonable period of time and shall allow for reasonable periods for the rest and personal necessities of such law enforcement officer.
- (F) No threat, harassment, promise, or reward shall be made to any law enforcement officer in connection with an investigation in order to induce the answering of any questions that the law enforcement officer has a legal right to refrain from answering, but immunity from prosecution may be offered to induce such response.
- (G) All interrogations of a law enforcement officer in connection with an investigation against him or her shall be recorded in full. The law

enforcement officer shall be allowed to make his or her own independent recording of his or her interrogation and have one witness of his or her choosing present. The witness must be an attorney or a member of the police department that is in no way related to the matter under investigation.

- (H) No formal proceeding which has the authority to administer disciplinary action against a law enforcement officer may be held except upon official departmental charges.
- (I) Official departmental charges shall contain the specific conduct that is alleged to be improper, the date and the time of the alleged misconduct, the witnesses whose information provided the basis for the charges, and the specific rules, regulations, orders, or laws alleged to have been violated.
- (J) Any law enforcement officer under official departmental charges shall be entitled to a pre-disciplinary hearing before the chief of police if the disciplinary action is being considered. At such hearing, the law enforcement officer shall have the opportunity to have a person of his or her choosing present.
- (K) No formal proceeding which has authority to penalize a law enforcement officer may be brought except upon charges signed by the person making those charges.

1.2.4 Disclosure of property, income, etc. prohibited for promotion or assignment.

No law enforcement officer shall be required to disclose for the purposes of promotion or assignment, any item of his property, income, assets, debts, or expenditures, or those of any member of such officer's household.

1.2.5 Written notification of loss of pay or benefits.

Whenever a personnel action which may result in any loss of pay or benefits or status, such law enforcement officer shall be notified of such pending action by written official departmental charges a reasonable time before such action is taken except where exigent circumstances otherwise require.

1.2.6 Penalty.

There shall be no penalty or threat of any penalty for the exercise by a law enforcement officer of his rights under this statement of rights.

1.2.7 Other legal remedy.

Nothing in this statement of rights shall disparage or impair any other legal remedy any law enforcement officer shall have with respect to any rights under this statement of rights.

1.2.8 Inquiries regarding performance or conduct.

The provisions found in section 1.3.2 shall neither be applied nor construed to limit inquiries by supervisors regarding the performance or conduct of a law enforcement officer.

Note: Amended 9-25-06 (Ord. No. 7861, § 1 Ex. A)

**Section 3
ADMINISTRATION**

1.3.1 Accident reports to police department.

The driver of any vehicle involved in an accident resulting in injury or death to any person or total property damage to an apparent extent of \$1,000.00 or more shall, within 48 hours after such accident, file with the police department, upon forms to be supplied by such department, a written report of such accident; provided, that if such report is given to any authorized officer at the scene of such accident, it shall not be necessary to make any additional written report thereof. In any case, such report shall be signed by the person making the report and shall be retained in a file kept for that purpose by the police department. Such report shall be for the confidential use of the police department, except that such department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the police department shall furnish upon demand of any person who has, or claims to have, made such report, or upon demand of any court, a certificate showing that a specific report has or has not been made solely to prove a compliance or failure to comply with the requirements of this section.

State law reference — Power of city to require accident report, A.C.A. § 27-53-205.

1.3.2 Notices or tickets to violators.

- (A) Notices given by police officers for the purpose of ordering any person to answer charges for violation of any traffic laws of the city shall be executed by the officer giving such notice in triplicate, the original of which shall be retained and kept in a file for the purpose by the police department, a copy delivered to the person so summoned or affixed to the vehicle and a copy filed in the office of the clerk of the municipal court.

- (B) The copy of the notice of violation delivered to the office of the clerk of the municipal court shall have indicated thereon by the officer handling such violation whether such violator deposited bail for appearance in court or whether hearing was waived and the fine and costs paid to the police department.

State law reference — Traffic citations, A.C.A. § 27-50-501 et seq.

1.3.3 Summonses; failure to appear.

- (A) It shall constitute a lawful summons of any person violating any provision of this chapter requiring such person to appear in the municipal court at the

time stated upon such notice, for any authorized officer to affix such notice to a motor vehicle offending against any provisions of this chapter in the absence of the operator, or to deliver such notice to the operator of such vehicle in person.

- (B) Any person who willfully fails or neglects to appear in response to a notice affixed to such person's motor vehicle by an officer as provided in this section, or who fails to appear in response to such notice delivered to him in person, shall be guilty of a misdemeanor, regardless of the disposition of the charge for which such notice was originally issued.

State law reference — Traffic citations, A.C.A. § 27-50-501 et seq.; arrest and release of violators, A.C.A. § 27-50-601 et seq.

1.3.4 Waiver of trial; exceptions.

- (A) Any person who has received any notice to appear in the municipal court in answer to a traffic charge under the ordinances of this city (except charges of driving drunk, reckless driving, hazardous driving, speeding or failing to stop after an accident) may, within the time specified in such notice, pay a prescribed fine and costs and, in writing, plead guilty to the charge or charges set forth therein, thereby waiving a hearing in court and giving power of attorney to such police officer to make such plea for him in court and to pay such fine and costs into the office of the city collector. Acceptance of the fine and costs and the power of attorney by the officer of the police department shall be deemed complete satisfaction for the violation and the violator shall be given a receipt which so states.
- (B) Any person who has been guilty of three or more violations of provisions of the traffic ordinances of this city within the preceding 12 months shall not be permitted to pay a fine at the office of the police officer designated for that purpose, but will be required to give bail for his appearance in court at the time required for any other offense.

1.3.5 Bonds and Forfeitures.

The Chief of Police, patrolmen and all persons connected with the Police Department are hereby prohibited from accepting any forfeiture or bond from any person without first bringing such person to the Police Headquarters and having the desk sergeant docket the case; no forfeit or bond shall be taken except by the Chief of Police or desk sergeant. All forfeitures and bonds shall be, at the time taken, entered on the docket or record.

1.3.6 Minimum fine or bond acceptable.

The Chief of Police and the desk sergeant shall not accept any forfeiture from persons arrested by the Police Department for less than the minimum fine fixed by ordinance for the offense charged, or bond for less than the maximum fine fixed by ordinance for the offense charged.

Section 4 ABANDONED PROPERTY

1.4.1 Defined.

“Abandoned Property”, for purposes in this section, means all personal property, except motor vehicles, found on or in streets or property owned by the city and in the possession of the Police Department. Also included is any other personal property, *except* motor vehicles, rightfully coming into the possession of the Police Department, which has not been claimed and retaken by any person claiming to be the owner, within a period of thirty (30) days after coming into the possession of the Police Department.

1.4.2 Items placed for sale at on-line auction.

The Police Department, under the direction of its chief, is hereby authorized to dispose of all abandoned property rightfully coming into the hands of such department utilizing an approved web site auction. Abandoned property will be retained by the Police Department *no less than* thirty (30) days so that persons providing satisfactory proof of ownership may have such property restored.

The Police Department utilizes the website of PropertyRoom.Com, an auction site utilized by law enforcement and other municipal entities to dispose of unclaimed property. The PropertyRoom.Com website posts, and regularly updates, auction items. Its site may be accessed at www.propertyroom.com.

ARTICLE TWO OFFENSES

Section 1 GENERAL OFFENSES

2.1.1 Entering the Arkansas River from the banks for the purpose of swimming.

- (A) Entering the Arkansas River from the bank of such river within the boundaries of the city for the purpose of swimming is hereby prohibited.

- (B) As used in this section, "swimming" shall include all recreational activities such as walking, standing, wading, floating, or any other recreational movement which requires the use of arms and legs to stay afloat.

Reference - Ord. No. 7148 adopted 7-13-98.

2.1.2 Disturbing grass areas of municipally owned property.

No person shall dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness, of any area of municipally owned property.

State law reference — Malicious mischief, A.C.A. §§ 5-38-203, 5-38-204.

2.1.3 Injuring trees or plants on municipal property; attaching ropes.

It shall be unlawful for any person to damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seed of any plant located on municipally-owned property. No person shall attach any rope, wire or other contrivance to any tree or plant located on municipally owned property.

State law reference — Malicious mischief, A.C.A. §§ 5-38-203, 5-38-204; destruction of native growth, A.C.A. § 5-38-212.

2.1.4 Certain signs prohibited.

Every sign, signal or marking prohibited by A.C.A. § 27-52-109 is hereby declared to be a public nuisance and the Chief of Police is hereby empowered to remove the same or cause it to be removed without notice.

2.1.5 Discharging firearms.

Except as authorized by law, it shall be unlawful for any person to discharge any firearm within the city.

2.1.6 Discharging air guns, bows and crossbows.

- (A) It shall be unlawful for any person to discharge an air gun, bow or crossbow of any kind within the city, or for parents or guardians of minor children to permit such. An air gun, bow or crossbow used in the willful destruction of property may be confiscated by the police.

- (B) An exception is created for persons discharging bows or crossbows at stationary targets on their own property beyond the firing range of neighboring property.
- (C) An exception is created for persons discharging bows or crossbows as part of an archery program administered by the City or Parks and Recreation Commission, or through a school archery program.
- (D) An exception is created for certified law enforcement officers discharging bows or crossbows as directed by the Mayor to preserve the peace, health, safety and welfare of the City.

Section 2
MANDATORY RECORD KEEPING

2.2.1 Electronic Record Keeping by Pharmacies.

Any pharmacy or business which includes a pharmacy in the City of North Little Rock shall participate in the North Little Rock Police Department’s program to establish an electronic record keeping system of transactions involving the distribution of ephedrine, pseudoephedrine, and phenylpropanolamine products by pharmacists and registered pharmacy technicians that must be recorded and maintained pursuant to Act 256 of 2005. Any such business that fails to participate in said program shall be in violation of this section and may be punished as provided for in General Provisions of North Little Rock Municipal Code.

Reference – Ordinance No. 7801 adopted 3/16/06; Ordinance No. 7847 adopted 8/14/06.
State Law Reference – Act 256 of 2005; Ark. Code Ann. §§ 5-64-1104; 5-64-1005; 5-64-1113

2.2.2 Electronic Inventory Tracking by Owners or Operators of Pawn Shops.

Each and every owner or operator of a pawn shop or pawnbroker doing business in the City of North Little Rock, Arkansas shall maintain an electronic inventory tracking system which is capable of delivery and transmission of all statutorily-required information via computer to the entity designated by the North Little Rock Police Department.

- (A) The owner or operator of a pawn shop or pawnbroker will be required to upload the information to the entity designated by the North Little Rock Police Department within two (2) business days of receipt of the goods purchased (pawned).
- (B) Failure on the part of any owner or operator of a pawn shop or pawnbroker to comply with the provisions of this Section shall be deemed a misdemeanor. Upon conviction, the offender shall be punished by a fine of not more than One Thousand & 00/100 Dollars (\$1,000.00) for each separate offense. Each day of noncompliance with this section shall be deemed a separate offense.

Reference – Ordinance No. 7653 adopted 8/9/04.

2.2.3 Electronic Records filed by Scrap Metal Recyclers.

The purpose of this section is to clarify customs of the trade within the corporate limits of the City of North Little Rock for scrap metal recyclers to create and maintain records of scrap metal purchases within the City. For purposes of this section, scrap metal recycler means any purchaser of scrap metal.

- (A) Effective December 1, 2008, all scrap metal recyclers that are located and do business within the corporate limits of the City of North Little Rock, Arkansas shall file daily electronic records of scrap metal purchases made that day by the end of the business day and into a database maintained by LEADS Online (Law Enforcement Automated Database Search), or similar database as designated by the Chief of Police.
- (B) The purchase of catalytic converters as scrap metal, or by scrap metal recyclers is prohibited, provided that this prohibition shall not apply:
 - (1) To situations in which the scrap metal recycler has purchased an entire motor vehicle that contains a catalytic converter; or,
 - (2) The seller makes an affirmative statement, in writing, that the automobile, or the catalytic converter, is seller's private property, or is a catalytic converter previously purchased by the seller.
 - (3) For purposes of this subsection, an entire motor vehicle shall be consider one in which the engine compartment, chassis, and a substantial portion of the frame or cab of the motor vehicle is still intact at the time of the purchase.
- (C) The record shall contain at a minimum:
 - (1) The name, address, gender, birth date, and identifying number from the seller's driver's license, military identification card, passport, or other form of government-issued photo identification taken at the time of the sale and kept on record;
 - (2) The digital fingerprints of the seller taken at the time of sale and kept on record;
 - (3) The type of scrap metals and materials so purchased;
 - (4) The weights of the materials;
 - (5) Digital photograph of purchased materials;
 - (6) The license plate number of the vehicle used in transporting the materials to the place of business;
 - (7) If, and only if, the metals sold are air conditioning parts:
 - (a) The contractor's, plumbing, electrician, or HVAC license of the seller, with a copy of the license number kept on record; or,
 - (b) An affirmative statement by the seller, in writing, that the metals are the sellers private property from a property owned by the seller, or are metals purchased by the seller; and

- (8) If, and only if, metal painted purple is offered for sale:
 - (a) The contractor's, plumbing, electrician, or HVAC license of the seller, with a copy of the license number kept on record; or
 - (b) An affirmative statement, in writing, by the seller that the metals are the seller's private property from a property owned by the seller, or are metals purchased by the seller.

(D) These records shall:

- (1) Be kept for a period of one (1) year by the scrap metal recycler;
- (2) Be made available to any law enforcement officer of the state or of any municipality; and
- (3) Be made available for use in any legal proceeding should such become necessary.

(E) This section shall not apply to:

- (1) Sales in a series of scrap metal purchase transactions made pursuant to a contract;
- (2) Transactions in which a scrap metal recycler purchases, transfers, or otherwise conveys scrap metal to another scrap metal recycler if the purchaser or transferee obtained a bill of sale or similar document at the time of transfer;
- (3) Purchases involving only beverage containers; or
- (4) Ferrous metals.

(F) Failure on the part of any owner or operator of a scrap metal recycler to comply with the provisions of this Section shall be deemed a misdemeanor. Upon conviction, the offender shall be punished by a fine of not more than One Thousand & 00/100 Dollars (\$1,000.00) for each separate offense. Each day of noncompliance with this section shall be deemed a separate offense.

Reference – Ordinance No. 8099 adopted 09/08/08.

State Law Reference – Act 749 of 2007, codified as Ark. Code Ann. §§ 17-44-101 thru 106.

2.2.4 Hotel, motel, inn and rooming house guest registers.

- (A) All persons who let or rent out rooms for rent by day, night or week shall keep a record showing the signature of the person so renting, occupants of such room written in ink with the home address of each and every person temporarily residing in the building in which they may rent rooms, and a valid photo identification.
- (B) Erasures and alterations on this list shall not be permitted to be made for any purpose and the names and addresses shall be retained for a period of not less than one year.

- (C) Such register or list shall be open for police inspection by any proper officer at any time, and all persons renting rooms shall report to the police any suspicious individual who may apply for rooms and shall report all suspicious acts of any person to whom rooms may have been rented.
- (D) Failure on the part of any hotel, motel, inn or rooming house to comply with the provisions of this section shall be deemed a misdemeanor. Upon conviction, the offender shall be punished by a fine of not more than One Thousand & 00/100 Dollars (\$1,000.00) for each separate offense. Each day of noncompliance with this section shall be deemed a separate offense.

Note – Ord. No. 7149, §§ 1—3, adopted 7-13-98.

Section 3 **JUVENILE CURFEW**

2.3.1 Definitions.

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

Juvenile or minor means any person under the age of 18 or, in equivalent phrasing often employed in this division, any person 17 years of age or less.

Parent means any person having custody of a juvenile:

- (1) As a natural or adoptive parent;
- (2) As a legal guardian;
- (3) As a person who stands in loco parentis;
- (4) 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 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 this definition with additional precision and precaution, numerous exceptions are expressly defined in this division 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 means 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 formerly named, whether alley, avenue, court, road, or otherwise. The term "street" shall also include 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 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 17th, to (but not including the day of) the next, such as the 18th birthday, making it clear that 17 or less years of age be treated as equivalent to the phrase "under 18 years of age."

2.3.2 Finding and purpose.

- (A) The city council hereby finds there has been a significant breakdown in the supervision normally provided by certain parents and guidance for juveniles under 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 including battery and murder.
- (B) The city council further finds that the 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 the streets and public places by the majority of residents and will enable the police to act reasonably and fairly to prevent the violation of laws and ordinances by juveniles.
- (C) 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 this city 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 division, which takes into consideration the danger hours for nocturnal crime.
- (D) North Little Rock 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 for juveniles in the city 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.

2.3.3 Curfew hours established.

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

- (1) At 12:00 midnight on Friday and Saturday nights; and
- (2) At 10:00 p.m. on all other nights.

2.3.4 Exceptions.

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

- (A) When accompanied by a parent of such minor.
- (B) When accompanied by an adult at least 21 years of age who is not the parent and who is authorized by a parent of such minor to take such parent's place in accompanying such 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 North Little Rock Police Department headquarters, 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 this division is otherwise applicable to such minor) in the exercise of a First Amendment right.
- (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 one 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, thus encouraging, as in other exceptional situations, responsible conduct on the 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 the city.

2.3.5 Parental responsibility; police procedures.

- (A) It shall be unlawful for a parent of a juvenile to permit or allow the juvenile to be or remain upon any city street under circumstances not constituting an exception to, or otherwise beyond the scope of, this division. This division 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.
- (B) 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.
- (C) 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 state and federal law.
- (D) In the case of a first violation of this division 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 this division, including enforcement of parental responsibility and of applicable penalties.

2.3.6 Enforcement procedure.

- (A) If a police officer reasonably believes that a juvenile is on the streets in violation of this division, the officer shall notify the juvenile that he is in violation of this division and shall require the juvenile to provide his name, address and telephone number and how to contact his parent or guardian.
- (B) In determining the age of the juvenile believed to be in violation of this division, and in the absence of convincing evidence, a police officer shall use his best judgment in determining age.

2.3.7 Penalties for division violations.

- (A) If, after the warning notice pursuant to Section 2.3.5(D) of a first violation by a juvenile, a parent violates Section 2.3.6 (in connection with a second violation by the juvenile), this shall be treated as an offense by the parent.
- (B) Any juvenile who shall violate any of the provisions of this division more than three 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 the county prosecuting attorney and/or the state department of human services and/or other appropriate authorities.

State Law reference — Weapons, A.C.A. § 5-73-101 et seq.

**Section 4
ALCOHOLIC BEVERAGES**

2.4.1 Possession in public of containers with broken seals.

- (A) It shall be unlawful for any person to possess in any public place any package or container containing liquor on which the seal has been broken or the container opened.
- (B) Any person convicted of violating this section shall be punished by a fine of not less than \$100.00 and not more than \$500.00.

2.4.2 Attempt to purchase by persons under 21 years.

- (A) It shall be unlawful for any person under the age of 21 years to misrepresent his age for the purpose of obtaining liquor, beer or alcoholic beverages.
- (B) 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, or other establishment which sells such beverages for on-premises consumption.
- (C) It shall be unlawful for any person under the age of 21 years to attempt to purchase or otherwise obtain any alcoholic beverage at a private club.
- (D) Any person convicted of violating this section shall be punished by a fine of not less than \$100.00 and not more than \$500.00.

Reference – Ord. No. 6826, adopted 7-11-94.

2.4.3 Notice to persons under 21 years posted in establishments.

- (A) The manager of any public establishment which sells alcoholic beverages for on-premises or off-premises consumption, and the manager of any private club which serves alcoholic beverages for on-premises

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 \$500.00 fine for:

- (1) Misrepresenting your age for the purpose of obtaining liquor, beer, or alcoholic beverage.
 - (2) Attempting to purchase or otherwise obtain liquor, beer, or alcoholic beverage.
- (B) The size of the notice shall not be less than 8½ inches by 11 inches. The lettering on the notice shall be clearly legible.
- (C) Any establishment which sells alcoholic beverages at a drive-in window shall post a separate notice at each drive-in window.

Reference – Ord. No. 6826, adopted 7-11-94.

2.4.4 Prohibited sales of mixed drinks, beer, wine or alcoholic beverages in private clubs.

It shall be unlawful for the owner, operator, employee or any agent of a private club, as defined and permitted by the laws and regulations of the state, to serve, sell, or permit the serving, sale or consumption of mixed drinks, beer, wine or any alcoholic beverages of any type or nature on the premises of such private club between the hours of 2:00 a.m. and 10:00 a.m. on any day. Violations of this section shall be punishable by the standard punishments contained within this Code, together with all other remedies available under state and federal law.

Reference – Ord. No. 7139, adopted 6-8-98.

**Section 5
NOISE CONTROL**

2.5.1 Policy Statement.

The generation of sound which crosses property boundaries necessarily occurs in society. Such sounds should not unreasonably interfere with the use and enjoyment of property *or* the daily affairs of citizens and visitors of the City of North Little Rock. The City of North Little Rock desires to limit sound in a manner that will permit the normal operation of society without unreasonably interfering with people and their property. This is accomplished by establishing measurable standards to limit sound based upon the source, the use of property, and the time of day.

2.5.2 Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Decibel (dB). A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

Emergency. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work. Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Gross vehicle weight rating (GVWR). The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR) which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

Motor carrier vehicle engaged in interstate commerce. Any vehicle for which regulations apply pursuant to Section 18 of the Federal Noise Control Act of 1972 (PL92-574), as amended, pertaining to motor carriers engaged in interstate commerce.

Noise. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance. Any sound which:

- (1) Endangers or injures the safety or health of humans or animals;
- (2) Annoys or disturbs a reasonable person of normal sensitivities; or
- (3) Endangers or injures personal or real property.

Plainly audible. Plainly audible means clearly capable of being heard by a person of normal sensitivities using unaided auditory senses, at a volume level above that of a normal conversation. Plainly audible shall not include sounds which are just barely audible, but shall include without limitation or exclusion, with regard to music, detection of a rhythmic bass reverberating-type sound, beat or cadence. Words or phrases need not be discernible.

Public right-of-way. Any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a government entity.

Public space. Any real property or structures thereon which are owned or controlled by a governmental entity.

Sound level. The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network, such as A, B, or C as specified in the American National Standards Institute's specifications for sound level meters. If the frequency weighing employed is not indicated, the A-weighing shall apply.

Sound level meter. An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, or output meter, and weighing network used to measure sound pressure levels.

Sound pressure level. Twenty times the logarithm to the base ten of the ratio of the RMS sound pressure to reference pressure of 20 micropascals ($20 \times 10^{-6} \text{ N/m}^2$).

Transient sound source. Noise, the source of which is lawn equipment, an implement of husbandry, a domestic power tool, or the repairing, rebuilding, modifying or testing of any motor vehicle or motorcycle.

2.5.3 Unreasonable or Excessive Noise Prohibited; Exceptions.

(A) Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful for any person to make, or continue or cause or permit to be made or continued, any noise disturbance, including (but not limited to) the following:

- (1) The maintenance and operation of an outside loudspeaker or public address system transmitting music, advertising or speaking, *except* upon a permit issued by the City and notwithstanding any restrictions designated in said permit.
- (2) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such devices for an unnecessary and unreasonable period of time.
- (3) The playing of any radio, phonograph, musical instrument or any coin-operated music machine in such manner or in such volume between the hours of 11:00 p.m. and 7:00 a.m. as to annoy or disturb the quiet, comfort or repose of persons in any office or hospital or in any dwelling, hotel or motel or other type residence, or any person in the vicinity.
- (4) Yelling, shouting, hooting, whistling or singing, or unnecessary screeching of tires, or unnecessary use of a noisemaking device on the public streets between the hours of 11:00 p.m. and 7:00 a.m. at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling house, hotel, motel or other type of residence, or of any person in the vicinity.
- (5) The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in

session, or adjacent to any hospital which unreasonably interferes with the workings or sessions thereof; provided, however, that in case of emergencies when the public health, safety or general welfare is in danger, necessary work may be done immediately and followed by the issuance of a permit. Where underground repair or construction work is necessary adjacent to or in the vicinity of a school, an institution of learning, a church, a court or a hospital, a permit may be issued for the work with said work to be done at reasonable hours as designated on the permit.

- (6) Building construction or repair. The erection including excavating, demolition, alteration or repair of any building so as to create a loud and raucous noise other than between the hours of 7:00 a.m. and 9:00 p.m., except in case of urgent necessity in the interest of public health and safety and then only with a permit from the North Little Rock Planning Department (“Planning Department”), which permit may be granted for a period not to exceed three (3) working days or less while the emergency continues and which permit may be renewed for successive periods of three days or less while the emergency continues. If the Planning Department should determine that the public health and safety necessitates the issuance of such a period and will not be impaired by the erection, demolition, alteration or repair of any building or the excavation or repair of any building or the excavation of streets and highways within the hours of 9:00 p.m. and 7:00 a.m., they may grant permission for such work to be done within such hours or within a shorter time period during such hours, upon application being made at the time the permit for the work is issued or during the progress of the work.
- (7) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by the creation of noise, to any performance, show, sale or display of merchandise, shall be only by permit, and at no time shall the noise thereby created be in such manner and such volume as to annoy or disturb the comfort or repose of persons in any office, hospital, dwelling house, hotel, motel or other type of residence, or any person in the vicinity.
- (8) At any hour of the day or night, the use, operation, or playing of any radio, stereo system, compact disc player, cassette tape player, or any other device capable of sound amplification on:
 - (a) Any motor vehicle located in any public right-of-way, public street or public property, at such a volume as to be plainly audible from a distance of 30 feet or more from said motor vehicle; or

- (b) Any private property, at such a volume as to be plainly audible from a distance of 30 feet or more from said property's boundary line.

(B) The provisions of this chapter shall *not* apply to:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency;
- (2) The emission of sound in the performance of emergency work;
- (3) The movement of aircraft which is in all respects conducted in accordance with, or pursuant to applicable federal laws or regulations;
- (4) The use of bells or chimes in conjunction with places of religious worship;
- (5) The intentional sounding or permitting the sounding of any fire, burglar or civil defense alarm, siren, whistle or similar stationary or emergency signaling device, for emergency purposes or for testing, provided such testing uses only the minimum cycle test time;
- (6) Sounds celebrating the start of a new year occurring after 11:00 p.m. on New Year's Eve and before 12:30 a.m. on New Year's Day; and
- (7) Professional, amateur, or school-related athletic or sporting events.

(C) For the purpose of this section, the use of an amplification device, radio, television, compact disc player, phonograph, drum, musical instrument or similar device which produces, reproduces, or amplifies sound shall be deemed annoying or disturbing to a person, reasonably calculated to disturb the peace and unreasonably offensive and injurious to the public if the sound is produced between the hours of 11:00 p.m. and 7:00 a.m., and is plainly audible a distance of 30 feet or more from the source of the sound.

2.5.4 Measurements.

Sound level measurements shall be made with a sound level meter Type II or better using the A-weighted scale in conformance with the standards promulgated by the American National Standards Institution.

2.5.5 Limitations by Land Use.

- (A) No person shall operate or cause to be operated, or permit, contract or allow to be operated on premises on public or private property any identifiable source of sound in such a manner as to create a sound level within the use districts in Table 1 below which exceeds the maximum

noise levels as set forth in Table 1. A complaint under this section must be brought by a property owner or leaseholder affected by excessive noise on their property.

Table 1

Use Districts	Time	Maximum Noise Levels
All residential zones	7:00 a.m. to 11:00 p.m.	70 dB(A)
All residential zones	11:00 p.m. to 7:00 a.m.	60 dB(A)
All commercial zones	7:00 a.m. to 11:00 p.m.	80 dB(A)
All commercial zones	11:00 p.m. to 7:00 a.m.	70 dB(A)

All measurements shall be made at the source of the complaint and taken with a sound level meter in its fast or peak level setting. If taken outside, the sound shall be measured thirty (30) feet within the property boundary of the complainant.

- (B) *District boundaries.* When a noise source can be identified and its noise measured in more than one use district or a planned-unit development, the noise level limits of the most restrictive use district shall apply.
- (C) *Commercial source.* Notwithstanding the zoning classification of the underlying parcel, restaurants, night clubs, private clubs, auditoriums, dance halls, and rehearsal studios are defined as commercial sound sources existing in commercial zones for the purposes of this chapter.
- (D) *Transient source.* For a transient sound emanating in any land use category, the peak noise level shall not exceed 30 decibels above the limit set in Table 1 above for the time period of 7:00 a.m. until 11:00 p.m. Transient source sounds are prohibited between the hours of 11:00 p.m. and 7:00 a.m., except in the case of emergency.
- (E) *Construction.* Construction projects shall be subject to the limitations specified for industrial zones for the period of time, and the hours, allowed by the building permit.

2.5.6 Motor Vehicle and Motorcycle Sound limit.

- (A) No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right-of-way or private property at any time and in such a manner that the sound level emitted by the motor vehicle or motorcycle exceeds the level set forth in Table 2 below.

Table 2

Motor Vehicle and Motorcycle Sound Limit

(Measured at 30 Feet from the Near Side of the Nearest Lane Monitored)

Vehicle Class	Speed Limit 35 mph or less	Speed Limit Over 35 mph
Motor vehicle carrier engaged in interstate		

commerce of CVWR or GCWR of 10,000 lbs. or more	88 dB	90 dB
Any other motor vehicle or any combination of vehicles towed by any such motor vehicles	78 dB	78 dB
Motorcycles	88 dB	88 dB

- (B) No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device in good working order and in constant operation.
- (C) Operating or causing to operate any sound amplification device from within a vehicle so that the sound is plainly audible at a distance of 30 feet or more from the vehicle whether in a street, a highway, an alley, parking lot or driveway, whether public or private property, is prohibited and declared to be a noise disturbance in violation of this article.

2.5.7 Radios and Loudspeakers Used for Certain Purposes Prohibited.

It shall be unlawful for any person to use, operate or permit to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets from a point or origin located on private property, for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

2.5.8 Permit for Variance.

(A) *Application; issuance.*

- (1) The North Little Rock Community Planning Department (“Planning Department”) shall have the authority to issue a permit, upon a showing of undue hardship, for a variance from the provisions of this chapter upon a showing by the applicant that:
 - (i) Additional time is necessary for the applicant to alter or modify his/her activity or operations to comply with this chapter;
 - OR**
 - (ii) The activity, operation or noise source will be of a temporary duration and cannot be done in a manner that would comply with this chapter;
 - AND**

No reasonable alternative is available to the applicant.
- (2) An application for a variance permit shall be in writing on a form prescribed by the Planning Department. In issuing a variance permit, the Planning Department may impose reasonable conditions or

requirements necessary to minimize adverse effects upon the surrounding neighborhood. For events to be attended by the public, the written application for a variance shall be filed with the Planning Department a *minimum* of 14 days prior to the date on which a variance is requested.

- (B) *Denial; appeal.* An applicant who is denied a variance may appeal to the North Little Rock Building and Housing Board of Adjustment (“Board of Adjustment”) by filing written notice of appeal with the Board of Adjustments within ten (10) business days from the date of the Planning Department’s decision. The notice of appeal shall specifically state the reasons why the applicant considers the Planning Department’s findings and decision to be in error.

2.5.9 Order In Lieu of Notice of Violation.

- (A) In lieu of issuing a notice of violation, an officer responsible for enforcement of any provision of this section may issue an order requiring abatement of any source of sound alleged to be in violation of this section within a reasonable time period. An abatement order shall not be issued when the officer has reason to believe that there will not be compliance with said order.
- (B) A violation of any provision of this section shall be cause for a notice of violation to be issued by the officer responsible for enforcement.

2.5.10 Penalty.

The violation of any provision of this section shall be punishable by a fine of not more than \$500.00 or double the sum for each repetition of such violation. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed \$250.00 for each day that the same is unlawfully continued.

Reference – Noise Control Ordinance No. 7965 adopted 7-23-07.

**Section 6
TRAFFIC**

2.6.1 State traffic laws adopted.

There is hereby adopted by reference all laws of the state regulating traffic on the highways, except as modified in this chapter. It shall be unlawful for any person to violate any of such laws.

State law reference — State traffic laws, A.C.A. § 27-2-101 et seq.

2.6.2 Application to publicly owned vehicles.

The provisions of this section applicable to the drivers of vehicles upon the public streets, highways and alleyways shall apply to the drivers of all vehicles owned and operated by the United States, this state or any county, or the city, subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.

State law reference — Similar provisions, A.C.A. § 27-49-108.

2.6.3 Application to persons engaged in street work.

The provisions of this section shall not apply to persons, teams, motor vehicles or other equipment while actually engaged in work upon the surface of the public streets, but shall apply to all of such vehicles and persons operating the same while traveling to or from such work.

State law reference — Similar provisions, A.C.A. § 27-49-110.

2.6.4 Application of section to bicycles and animals.

Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon a public street or roadway shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions which by their nature can have no application.

State law reference — Similar provisions, A.C.A. § 27-49-111.

2.6.5 Blocking intersections.

Any driver of a motor vehicle who enters an intersection when there is not sufficient room for his vehicle to continue through the intersection, notwithstanding the fact that traffic signals at such intersection indicated "go," or who enters any intersection not controlled by a traffic signal when there is not sufficient room for his vehicle to continue through the intersection, shall be guilty of a misdemeanor.

State Law reference — Authority to regulate traffic by means of traffic control signals, A.C.A. § 27-49-106(b)(2); traffic control devices generally, A.C.A. § 25-52-101 et seq.

2.6.6 Hazardous driving.

Any person who shall drive or operate any vehicle within the city in such a manner as to constitute a hazard or menace to the safety of other persons or traffic under the conditions and circumstances existing at the time thereof (notwithstanding such person may not have been driving in excess of the lawful speed limitation or that a collision or accident may not have ensued) shall be guilty of a misdemeanor.

State law reference — Reckless driving, A.C.A. § 27-50-308.

2.6.7 Unsafe driving.

It shall be unlawful for any person to drive or operate any vehicle in such a manner as to evidence a failure to keep proper lookout for other traffic, vehicular or otherwise, or in such a manner as to evidence a failure to maintain proper control of the vehicle under the circumstances then existing.

State law reference — Reckless driving, A.C.A. § 27-50-308.

2.6.8 Speed limit generally.

No person shall drive a vehicle within the city at a speed greater than 30 miles per hour, unless otherwise posted; provided, however, this limitation shall not apply to authorized emergency vehicles traveling in response to an emergency call, nor when in the pursuit of an actual or suspected violator of the law. Such speed limitation shall apply to authorized emergency vehicles at all other times.

State law reference — Speed generally, A.C.A. § 27-51-201; speed limit in urban district, A.C.A. § 27-51-201(c)(1); local alteration of speed limits, A.C.A. § 27-51-206.

2.6.9 Emerging from alley.

The driver of a vehicle about to enter or emerge from an alley shall yield the right-of-way to all vehicles approaching on the street or highway.

2.6.10 U-turns.

- (A) The driver of any vehicle shall not turn such vehicle so as to proceed in an opposite direction upon any street where such turning is not prohibited unless such movement can be made in safety and without obstructing or interfering with other traffic.
- (B) No person operating a vehicle shall execute a U-turn at or within any intersection or upon any street between intersections within the business district of the city.

State law reference — Turning movements generally, A.C.A. § 27-51-401 et seq.

2.6.11 Backing.

The driver of a vehicle shall not back the vehicle into an intersection or over a crosswalk at any time and shall in no event or at any place back a vehicle unless such movement can be made in safety.

2.6.12 Loading zones.

Whenever, by appropriate markers or other indications, zones have been established for the loading or discharge of passengers of motor vehicle carriers, no person shall drive a vehicle in or through such zone at any time when persons are within the area thereof or when a carrier vehicle has stopped or is about to stop in such zone for the purpose of loading or discharging passengers.

2.6.13 Truck routes.

- (A) All through trucks or any vehicle hauling natural resources shall be prohibited from residential streets, except where it is necessary to use such streets enroute to a truck terminal. Trucks going to and from terminals shall use the most direct route from the state or federal highways. Any truck using a residential street in a manner not prescribed in this section shall be in violation of this chapter. Trucks making local deliveries or with places of business in the above designated areas are hereby excluded from the requirements of this section.
- (B) Trucks in excess of three-quarters ton are hereby prohibited from traveling on Edmonds Street and East 19th Street, except for the purposes of local pickup and/or delivery or when such vehicle is owned by a resident of the subdivision and is temporarily garaged or parked at the owner's residence.
- (C) Trucks proceeding east on Washington Avenue, with a destination outside the city limits, shall turn north on Vine Street to Third Street and then east on Third Street to the intersection of Highways 30 and 67-70. All trucks proceeding west from Rose City shall use East Third Street to Vine Street,

turning south on Vine to Washington Avenue, then west on Washington Avenue to the Main Street Bridge.

- (D) The following routes shall be utilized by all trucks servicing the port facilities on the north bank of the Arkansas River:
 - (1) Beginning at the port facility, trucks shall travel west on Gribble Street to Clover Street, then north on Clover Street to East Washington Avenue, then west on East Washington Avenue to Palm Street, then north on Palm Street to East Broadway.
 - (2) The presently existing truck route utilized by Jeffrey Sand and Gravel (Lincoln Avenue to Buckeye Street to Broadway Avenue) shall not be affected by this section.
- (E) Truck traffic shall not be permitted on Main Street or Washington Avenue bordered on the north by Eighth Street and on the west by Cypress Street, except for local deliveries.
- (F) Heavily loaded trucks in excess of three-quarters ton are hereby prohibited from traveling on Lynch Drive between the intersections of East Broadway and Rose Lane, except for the purposes of local residential or business pickups and/or delivery, or when such vehicle is owned by a resident of Rose City and is temporarily engaged or parked at the owner's residence.

2.6.14 Motor vehicles on city sidewalks.

- (A) The term "motor vehicle" for purposes of this section shall include cars, trucks, motorcycles, off-road vehicles (ATV's and ORV's), and any similar vehicles (including trailers) that are self-propelled by electricity, gas or other similar form of fuel.
- (B) It is unlawful to park or operate a motor vehicle upon any city sidewalk. Any person found guilty of parking or operating a motor vehicle in violation of this section shall be fined not more than \$500.00.
- (C) The police department and the code enforcement department shall have authority to issue citations for violations of this section.

Note: Ord. No. 7450, adopted 5-13-02

State Law reference — Rules of the road, A.C.A. § 27-51-101 et seq.

2.6.15 Protection from spilling loads.

- (A) **Required.** Any vehicle moving upon a public street, alley or thoroughfare within the city, containing, carrying or transporting any paper, trash, rubbish or rubble susceptible to spilling, falling or dislodgement from the vehicle, or dissemination or dispersion into the atmosphere, shall be equipped with a container and cover adequately constructed, attached and secured to prevent the spilling, falling, dislodgement, dissemination or dispersion of such substance or material or any part thereof.

- (B) **Transportation of dirt, gravel, etc.** No person shall transport dirt, sand, gravel, chat, sawdust, ready-mix concrete or other loose substance over the streets of the city in trucks or other vehicles in such a manner as to allow the spilling of such loose materials or permit such materials or any portion thereof to fall, drop, be tracked, or otherwise placed, left or deposited upon any street, alley or sidewalk of the city. It shall be the duty and the responsibility of the person driving such vehicle to see that such vehicle is loaded in such a manner that no such loose materials can spill or be tracked upon the streets.
- (C) **Equipment to prevent spillage.** Any vehicle moving upon a public street, alley or thoroughfare within the corporate limits of the city, containing, carrying or transporting any substance or material susceptible to spilling, falling or dislodgement from the vehicle, shall be equipped with sideboards and end gates at least three inches higher than the sides of the load. This sideboard requirement shall not apply to vehicles hauling such materials when the load has been struck level with the sideboards and is not crowned or peaked in any portion of the load.
- (D) **Violations.** In prosecution for violations of this section it shall not be incumbent upon the city to prove that any material or substance actually spilled, fell, tracked or dislodged from the vehicle or was disseminated or disbursed therefrom.

2.6.16 Driving on closed streets.

No person shall drive a vehicle through or across any barrier or against any proper signal indicating any street or portion thereof closed for the purpose of construction or repairs thereupon.

2.6.17 Driving through funeral and other processions.

No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles can be identified as parts of such procession. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

2.6.18 Riding on portions of vehicles not intended for passengers.

No person shall ride in or upon any vehicle upon any portion thereof not designed or intended for the use of passengers, nor upon the fenders or running boards thereof. This provision shall not apply to any employee engaged in the necessary discharge of a duty, or to persons riding within bodies of trucks in space intended for merchandise.

2.6.19 Roller skates, skateboards or toy vehicles.

No person upon roller skates, skateboards or riding in or by means of any coaster, wagon or toy vehicle shall be upon any street except while crossing a street at a regular crosswalk, except upon portions of streets that may be designated for the time as "play streets."

2.6.20 Bicycles, roller skates, skateboards or toy vehicles attaching to moving vehicles.

No person riding upon any bicycle, motorcycle, coaster, wagon, roller skates, skateboards or any toy vehicle shall cling to or attach the same or himself to any moving vehicle upon the street.

2.6.21 Riding or driving on sidewalks.

No person shall push, draw or back a horse, wagon, cart or other vehicle over any sidewalk, or use, ride or drive any horse or wagon thereon unless it be in crossing the sidewalk to go into a yard or lot where no other crossing or means of access is provided.

2.6.22 Driving through private property.

No person shall drive any vehicle through any driveway or other private property for the purpose of avoiding the negotiation of an intersection or any other traffic regulation.

2.6.23 Off Road Vehicles.

- (A) **Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Go-Kart (Go-Cart) means a small motorized vehicle, used especially for racing, with a lightweight or skeleton body *NOT* eligible for registration and prohibited from both roads and sidewalks.

Off-road vehicle (ORV) or all-terrain vehicle (ATV) means a motor-driven off-road recreational vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. Such term includes, but is not limited to, a multi-track or multi-wheel device or low-pressure-tire vehicle, a motorcycle or related two-wheel or three-wheel vehicle, an amphibious machine, a motor-driven cycle, or other means of transportation deriving motor power from a source other than muscle or wind.

Owner, as such term relates to ORV's, ATV's, motorcycles or similar vehicles, means any of the following:

- (1) A vendee or licensee of an ORV, ATV, motorcycle or similar vehicle which is the subject of an agreement for the conditional sale or lease thereof, with the right or purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or licensee.
- (2) The person renting an ORV, ATV, motorcycle or similar vehicle, or having exclusive use of such vehicle for more than 30 days.
- (3) The person who holds legal ownership of such vehicle.

- (B) **Operation of ORVs and ATVs.** It shall be unlawful for any person to operate, permit to be operated or to be in actual physical control of any ORV or ATV or motorcycle or similar vehicle upon private property or upon public property which is not held open to the public for vehicular use. It shall be a defense to a prosecution under this section that the operator of such vehicle had the express written consent of the owner or lessee of the private property upon which such vehicle was being operated at the time of the commission of the offense.

- (C) **Identification of owner and/or operator.** The license number, registration number or identification number of an ORV or ATV shall constitute prima facie evidence that the owner of the vehicle was the person operating such vehicle at the time of the offense, unless the owner of such vehicle identifies the operator to the appropriate law enforcement agency.

- (D) **Enforcement of provisions.**
 - (1) The Police Department and Code Enforcement officers shall have concurrent authority to enforce the provisions of this article.
 - (2) The City Council directs the Police Department and Code Enforcement officers to enforce the provisions of this article with diligence in order to protect the peace, quiet and enjoyment of the citizens of the city.



CROSS-REFERENCES:

- NLRMC Chapter 2 – Animal Control (Ord. 8280 as amended.)
- NLRMC Chapter 8 – Nuisance Abatement and Property Maintenance (Ord. 8001 as amended.)
- NLRMC Chapter 9 – Parking Regulations (Ord. 8128 as amended.)
- NLRMC Chapter 10 – Parks and Recreation (Ord. 8420)

ARTICLE THREE FIRE DEPARTMENT

Section 1 GENERAL

3.1.1 Authority; Fire Department Established.

Pursuant to state law, the City of North Little Rock, Arkansas ("City") shall establish a fire department and provide it with the proper engines and such other equipment as shall be necessary to extinguish fires and preserve the property of the City and its inhabitants from conflagration.

There is hereby created a Fire Department for the City of North Little Rock, Arkansas.

State law reference — Fire department required, A.C.A. § 14-53-101; safeguard property from fire, A.C.A. §14-52-101.

Reference – Ord. 23 adopted 04-13-1904.

3.1.2 Composition.

The Fire Department shall consist of one chief who shall be known and designated as the "Chief of the Fire Department of the City," and as many subordinate officers and employees as the City Council may direct.

3.1.3 Chief, powers and duties.

- (A) The Chief of the Fire Department shall devote his entire time to the duties of his office, and shall not engage in any other business which will require any part of his time from his official duties, and he shall be subject to call at all hours. Any Chief of the Fire Department who shall violate any of the provisions of this article shall be subject to removal for neglect of duty.
- (B) The Chief of the Fire Department shall have charge of all the matters pertaining to the Fire Department and shall have control and supervision over all officers and men belonging to such department; he shall have absolute control and direction of the entire department in case of fire and shall place and direct the duties of different employees of the department.
- (C) The Chief shall be the fire warden for the city.
- (D) The Chief shall as frequently as possible have drills of the men and apparatus, and shall, at frequent intervals, inspect the quarters of each company and see that the quarters and apparatus are kept in the best possible condition.

3.1.4 Inspections; right of entry; interfering with inspectors.

The Chief of the Fire Department or any member of the Fire Department appointed by him shall have the right and may enter any building, dwelling, erection, structure or

place for the purpose of inspecting the same or in the performance of any duty pertaining to the Fire Department, at any proper time and in a proper manner. It shall be unlawful for any person to obstruct, hinder and retard the Chief of the Fire Department or any fireman in any manner in the performance of his duties or to refuse to observe any lawful directions given to him.

3.1.5 Firefighters.

Typical duties of North Little Rock Firefighters include:

- (A) Responding immediately and safely to emergency calls and requests for assistance.
- (B) Attending emergency incidents including fires, road accidents, floods, bomb incidents, spillages of dangerous substances, and rail and air crashes.
- (C) Rescuing trapped people and animals.
- (D) Minimizing public distress and suffering, including giving first aid prior to arrival by ambulance crews.
- (E) Safeguarding personal safety of the public.
- (F) Responding quickly to unforeseen circumstances.
- (G) Inspecting and maintaining all fire engines and equipment.
- (H) Assisting in the testing of fire hydrants and checking emergency water supplies.
- (I) Participating in drills, train on techniques, use of equipment and related matters.
- (J) Participating in physical training to maintain the level of physical fitness necessary to carry out all the duties of a firefighter.
- (K) Maintaining links with the local community to educate and inform the public of importance of fire safety.

Reference – Ord. 6951 adopted 1-22-96.

Section 2 STATE FIRE PREVENTION CODE

3.2.1 Arkansas Fire Prevention Code Adopted.

There is hereby adopted by reference for the purpose of governing conduct and conditions conducive to the creation of fire and explosion hazards, that standard known as the Arkansas Fire Prevention Code, 2012 Edition, (consisting of three volumes, i.e.

Vol. I, Fire Code; Vol. II, Building Code and Vol. III, Residential Code) three copies of the three-volume set which are on file in the office of the City Clerk.

Reference – Ord. No. 8802, adopted 6-23-08; Ord. No. 8617 adopted 3-10-14.

State law reference — Adoption of technical code by reference authorized, A.C.A. § 14-55-207.

3.2.2 Arkansas Fire Prevention Code Amendments.

Amendments to the Arkansas State Fire Prevention Code shall, upon enumeration of, presentation by ordinance to, and approval by City Council, be included in the most recent edition of the Arkansas Fire Prevention Code. The Fire Marshal shall insure that all copies of the Fire Prevention Code utilized in the City are kept up-to-date with the approved amendments.

3.2.3 Definitions related to the Arkansas Fire Prevention Code.

- (A) Wherever the word "municipality" is used in the Fire Prevention Code adopted in this article, it shall be held to mean the city.
- (B) Wherever the term "corporation counsel" is used in the Fire Prevention Code adopted in this article, it shall be held to mean the City Attorney.
- (C) Wherever the words "Chief of the Bureau of Fire Prevention" are used in the Fire Prevention Code adopted in this article, they shall be held to mean the Fire Marshal.

3.2.4 Imposition of restrictions greater than those in the Arkansas Fire Prevention Code. In its desire to minimize dangers posed to public safety, the City elects, from time to time, to impose restrictions that are in addition to or greater than those found in the Arkansas Fire Prevention Code.

Reference – Ord. 8082 adopted 6-23-08.

(A) Fireworks.

- (1) Except as hereinafter provided, it shall be unlawful for any person to possess, store, manufacture, offer for sale, sell at retail, set off, ignite or otherwise explode any firecrackers or other fireworks by whatever name called within the city limits; provided that the use of fireworks for public display shall be allowed upon the approval of the Fire Marshal after all of the provisions of NfiPa 1123 are met and all necessary permits have been issued. Every such use or display shall be of such character and so located, discharged or fired so as not to be hazardous to property or endanger any person.
- (2) No parent or guardian of a minor shall furnish money or a thing of value to a minor for the purchase of fireworks or encourage, act in conjunction with or in any manner instigate or aid a minor in the commission of having, keeping, storing, selling, offering for sale, giving away, using, transporting or manufacturing fireworks within the corporate limits of the City. The violation of this section shall be

an offense regardless of whether or not the minor shall be charged or found guilty of the offense. The commission of the offense by the minor on the property under the control or owned by the parent or guardian shall be prima facie proof that the parent or guardian aided the minor.

Exceptions:

- (a) Storage and handling of fireworks as permitted in Section 3304.
 - (b) Manufacture, assembly and testing of fireworks as permitted in Section 3305.
 - (c) The use of fireworks for display as permitted in Section 3308.
- (3) The fine or penalty for violating this provision, upon conviction in District Court, shall be not less than Twenty-five and 00/100 Dollars (\$25.00), nor more than Five Hundred and 00/100 Dollars (\$500.00).

Reference – Ord. 7327 adopted 12-11-00; Ord. 7385 adopted 8-13-01; Ord. 7968 adopted 8-13-07.

(B) Novelty Lighters.

- (1) *Prohibitions, inapplicability.* The retail, offer or retail sale, gift or distribution of any novelty lighter within the territorial jurisdiction of the City of North Little Rock is prohibited. This prohibition is inapplicable to:
- (a) Novelty lighters which are only being actively transported through the City; or
 - (b) Novelty lighters located in a warehouse closed to the public for purposes of retail sales.
- (2) *Definition.* “Novelty lighter” means a lighter that has entertaining audio or visual effects, or that depicts (logos, decals, art work, etc.) or resembles in physical form or function articles commonly recognized as appealing to or intended for use by children ten years of age or younger. This includes, but is not limited to, lighters that depict or resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages, or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel.
- (3) *Exceptions.* The term “novelty lighter” excludes:
- (a) Any lighter manufactured prior to 1980; and
 - (b) Any lighter which lacks fuel or a device necessary to produce combustion or a flame.

- (4) *Enforcement.* The provisions of this section shall be enforced by the Fire Marshal, any police officer, any code enforcement officer, and any other City official authorized to enforce any provision of the North Little Rock Municipal Code.
- (5) *Violation; Penalty.* Any person or entity violating any provision of this section is guilty of an infraction, and upon conviction therefor, shall be subject to a fine or penalty of not less than \$25.00, nor more than \$500.00.

Reference – Ord. 7968, adopted 8-13-07.

3.2.5 Enforcement of Arkansas Fire Prevention Code.

- (A) The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the city, which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department. The Police Department shall have concurrent enforcement jurisdiction with the Fire Marshal over violations of chapter 20 of the Fire Prevention Code adopted in this article.
- (B) The Fire Marshal shall be in charge of the Bureau of Fire Prevention and his position shall be considered a job assignment to be filled by appointment by the Chief of the Fire Department. Appointment to this position shall in no way affect an individual's civil service rating or his rate of pay.
- (C) The Chief of the Fire Department may detail such members of the Fire Department as Assistant Fire Marshal and Deputy Fire Marshal of Fire Prevention as shall from time to time be necessary, and said individuals are hereby authorized to carry a weapon and make arrests for violation of laws relating to arson and other unlawful burning provided that such individuals are qualified to do so pursuant to A.C.A. § 14-53-112. These positions will also be considered job assignments and shall in no way affect the individual's civil service rating or rate of pay.
- (D) A report of the Bureau of Fire Prevention shall be made annually and transmitted to the Mayor. It shall contain all proceedings under this code, with such statistics as the Chief of the Fire Department may wish to include therein. The Chief of the Fire Department shall also recommend any amendments to the code which, in his judgment, shall be desirable.

Reference - Ord. No. 6962, adopted 3-25-96

3.2.6 New materials, processes or occupancies which require permits.

The Mayor, the Chief of the Fire Department and the Fire Marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in the fire prevention code. The Fire Marshal shall

post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

3.2.7 Modification of code by Fire Marshal.

The Fire Marshal shall have power to grant relief from the strict interpretation of any provisions of the Fire Prevention Code upon application, in writing, by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, *provided that* the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such relief when granted or allowed and the decision of the fire marshal thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

3.2.8 Appeals.

Whenever the Fire Marshal shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Fire Prevention Code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire marshal to the building and housing board of adjustments and appeals within 30 days from the date of the decision appealed.

3.2.9 Penalty for violations.

- (A) Any person who shall violate any of the provisions of the code adopted in this article, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the housing board of adjustment and appeals or by a court of competent jurisdiction, within the time fixed therein, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- (B) The application of the penalty in this section shall not be held to prevent the enforced removal of prohibited conditions.

Cross reference — Fire extinguishers required at North Little Rock Municipal Airport; *see also* Buildings and Building Regulations.

ARTICLE FOUR EMERGENCY SERVICES

Section 1 GENERAL

4.1.1 Service Charge for 911 Emergency Telephone System.

- (A) A service charge of five percent shall be levied on the basic tariff rate approved by the state public service commission on all telephone access lines of any telephone system within the corporate limits of the city for proper funding of a 911 public safety communications center.
- (B) The service charge levied in this section shall be collected by any telephone service supplier who provides telephone access service within the corporate limits of the city at such times as all service suppliers establish appropriate billing and collection procedures.
- (C) Amounts collected from the service charge levied in this section shall be remitted to the finance director of the city no later than 60 days after the close of each calendar quarter.
- (D) The service suppliers shall be entitled to retain as an administrative fee, an amount equal to one per cent of the service charge levied in this section.
- (E) All 911 revenue remitted to the city shall be accounted for separately from other city revenues and any increase accrued by deposit or investment shall be credited to the 911 account.
- (F) 911 revenues may be expended for only such expenditures as are allowed by the Arkansas Public Safety Communications Act of 1985 (A.C.A. § 12-10-301 et seq.). These expenditures shall be recommended and budgeted by the office of emergency services and approved by the city council in accordance with normal finance procedures and the city's budgetary process. The 911 account shall reimburse the general fund of the city for those approved expenditures.

Cross reference — See NLRMC on Taxation.

State law reference — Authority for service charge, A.C.A. § 12-10-318.

Section 2 ALARM SYSTEMS

4.2.1 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm system means any mechanical or electrical device that is arranged, designed or used to signal the occurrence in the city of a burglary, robbery or other criminal offense, fire emergency or medical emergency requiring urgent attention, and to which police, fire or emergency medical personnel are expected to respond. Alarm systems include those through which public safety personnel are notified indirectly by way of third persons who monitor the alarm systems and who report such signals to the fire or police department and those designed to register a signal which is so audible, visible, or in other ways perceptible outside a protected building, structure or facility as to notify persons in the neighborhood beyond the zoning lot where the signal is located who in turn may notify the police or fire department of the signal. "Alarm systems" does not include those alarms affixed to automobiles; furthermore, such term does not include auxiliary devices installed by telephone companies to protect telephone equipment or systems which might be damaged or disrupted by the use of an alarm system. Alarms in separate structures are to be counted as separate systems even though owned by the same person or entity.

False alarm means an alarm signal eliciting a response by the police or fire department when a situation requiring a response by the police or fire department does not in fact exist. "False alarm" does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. Alarms resulting from the following conditions are not considered false alarms:

- (1) Criminal activity or unauthorized entry;
- (2) Telephone line malfunction verified in writing to the city by at least a first-line telephone company supervisor;
- (3) Electrical service interruption, verified in writing to the city by local power company;
- (4) Communication to the police or fire department before a unit is dispatched to investigate clearly indicating that the alarm resulted from authorized entry, authorized system test, or other noncriminal cause; or
- (5) An alarm caused on the reasonable but mistaken belief that a burglary, robbery or other criminal offense, fire emergency, or medical emergency is in progress.
- (6) Activation of a lighting or audible device not connected by telephone or other means to alert law enforcement personnel or third parties contracted to notify law enforcement personnel. However, should the repeated or habitual activation of such a device unreasonably and consistently falsely deploy and thereby annoy neighboring property owners, the Chief of Police may, in writing to the property owner,

declare such a device to be a false alarm for the purposes of this section.

Subscriber means any person or entity who or which purchases, leases, contracts for, or obtains an alarm system.

Reference – Ord. No. 7051, adopted 6-9-97.

4.2.2 Response to alarms; inspection of alarm system.

- (A) Whenever an alarm is activated in the city thereby requiring an emergency response to the location by the police or fire department and the police or fire department does respond, the police or fire department personnel on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm signal was a false alarm.
- (B) If the police or fire department personnel at the scene of the activated alarm system determine the alarm to be false, the officers shall make a report of the false alarm.
- (C) The chief of police or fire department or his designee shall have the right to inspect any alarm system on the premises to which a response has been made, and he may cause an inspection of such system to be made at any reasonable time thereafter.

4.2.3 Excessive false alarms; fine assessment.

- (A) In the first instance that an alarm system produces three false alarms in any calendar month, the chief of the involved department shall provide written notice of the fact, which shall be given by certified mail or delivery to the subscriber, asking the subscriber to take corrective action in regard to false alarms and informing the subscriber of the false alarm fine schedule provided in this section. On subsequent instances of more than three false alarms within a single calendar month, the chief of the affected department shall bill the subscriber by certified mail or delivery in accordance with the fine schedule in this section.
- (B) Subscribers installing a new system or making substantial modifications to an existing system shall be entitled to a grace period during which alarms generated by such system shall be deemed non-false alarms. The grace period shall cease 30 days after installation of or modification to an alarm system.
- (C) Upon any alarm system producing a fourth, fifth or sixth false alarm in a calendar month, a fine of \$25.00 per false alarm shall be charged to the subscriber. The following fine schedule shall be used for each additional false alarm.

- (1) Seventh, eighth and ninth false alarms in a calendar month, a fine of \$50.00 per false alarm shall be assessed.
 - (2) Ten or more false alarms in a calendar month, a fine of \$100.00 per false alarm shall be assessed.
- (D) Refusal or failure of any subscriber to pay any fine assessment as provided for in this section shall be punished as follows:

Except as provided hereinabove, double such sum for each repetition thereof, or if in its nature, the violation is continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed \$250.00 for each day that the violation is unlawfully continued.

If the subscriber is a firm, corporation, partnership or other entity, the principal or employee directly responsible for the operation of the enterprise at the location from which the false alarm was initiated shall be responsible for the payment of any fine assessments levied in accordance with this article.

4.2.4 Decisions final.

All decisions made pursuant to this article are final.

Section 3 AMBULANCE SERVICES

4.3.1 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advanced life support (ALS) means a level of emergency service provided by an emergency medical technician-paramedic (EMT-P) trained at the level of advance life support, including resuscitation techniques such as intubation, intravenous access, and cardiac monitoring.

Ambulance means any motor vehicle equipped with facilities to convey infirm or injured persons in a reclining position.

Ambulance contractor or contractor means the public or private ambulance company, if any, that contracts with the city to provide ambulance services to the city operating alone or pursuant to any interlocal agreements approved by the city council with other municipalities and counties.

Ambulance control center means the facility designated by the city and the contractor from which all ambulances are dispatched and controlled.

Ambulance district means any of the geographic subdivisions of the city and other contracted areas established for ambulance service planning and evaluation purposes by the contractor.

Ambulance service area means that area which is contained within the boundaries of the municipal limits of the City of North Little Rock (“the City” or “NLR”) and the area of those jurisdictions participating by interlocal agreement in the contractor's system.

Ambulance patient means any person who is ill, infirm, injured or otherwise incapacitated, bedridden or helpless and requires or requests ambulance service or helicopter rescue service to or from a hospital, physician's office, nursing home or other health care facility.

Ambulance personnel means paramedics and emergency medical technicians.

Ambulance run means a patient transport by ambulance on a for-hire fee for service or prepaid capitation basis.

Ambulance service means any business or service established to transport patients from one place to another within the city or other contracted areas by an ambulance.

Arkansas Emergency Physicians' Foundation or AEPF, Inc. means the nonprofit professional and charitable organization composed of licensed physicians, a majority of whom are regularly engaged in the full-time professional practice of emergency medicine. This term may apply to this organization, or any similar organization, or a separate board created by the city.

Base station physician means a physician licensed under the Arkansas Medical Practices Act (A.C.A. § 17-93-201 et seq.), and certified by the AEPF, Inc., or the American College of Emergency Physicians, or operating under the supervision of such a physician.

Basic life support (BLS) means a level of emergency service provided by an emergency medical technician (EMT) that includes basic techniques such as bleeding control, simple airway maneuvers, and administration of oxygen.

Dispatcher means any person who works in the ambulance control center and dispatches ambulances.

Driver means any person who is certified by the license officer to drive ambulances in the city.

Emergency medical technician or EMT means any person certified by the state as an emergency medical technician.

Exclusive franchise means the exclusive right to engage in all emergency and non-emergency intra-city patient transports and intercity and intra-county patient transports originating from within the City or the contractor's operating area as established by interlocal agreement.

First responder means any person capable of providing qualified first responder emergency care as required by the AEPF, Inc.

Inter-city patient transport means an ambulance run which transports a patient from a point within the City of NLR to another city or from another city to a point inside the City of NLR.

Intra-city patient transport means an ambulance run which transports a patient from one point to another within the City of NLR.

Life-threatening emergency means any situation posing immediate threat to human life as determined in accordance with AEPF, Inc. protocols.

Medical audit means an official inquiry into the circumstances involving an ambulance run or request for service.

Medical control means medical direction given ambulance personnel by a base station physician through direct voice contact.

Medical protocol means any diagnosis-specific or problem-oriented written statement or standard procedure, or algorithm, approved by the AEPF, Inc. as the normal standard used to determine level of response, pre-arrival instruction, and of pre-hospital care for that given clinical condition.

Non-life threatening emergency means an emergency situation which does not pose an immediate threat to human life as determined in accordance with AEPF, Inc. protocols.

Paramedic means a person certified by the state as a paramedic.

Response time means the actual elapsed time between receipt of notification at the EMS control center that an ambulance is needed at an identifiable location and the arrival of an ambulance at that location.

Run code 1-presumptive designation means any ALS ambulance service request designated as a time critical, life-threatening emergency situation by a dispatcher as designated in accordance with AEPF, Inc. telephone and dispatch protocols.

Run code 2-presumptive designation means any ALS ambulance service request designated by the dispatcher as an emergency medical condition for which prompt response is appropriate for medical and humanitarian reasons, but which apparently

involves no immediate threat to human life of a time-critical nature as designated in accordance with AEPF, Inc. telephone and dispatch protocols.

Other run codes-presumptive designation means any ambulance service request for ambulance transportation of a person whose apparent condition cannot appropriately be designated as either code 1 or 2 as designated in accordance with AEPF, Inc. telephone and dispatch protocols. This includes routine non-emergency transports. The response to this ambulance service request may be either ALS or BLS, as designated in accordance with AEPF, Inc. telephone and dispatch protocols.

Senior paramedic in charge means that individual among the certified personnel on board an ambulance unit who is not the driver and who is a paramedic currently certified under state law, and who is designated by his employer or immediate supervisor as the individual in command of the ambulance and its operation.

Special use permit means a permit issued by the license officer to hospitals serving the public for the provision of specialized mobile intensive care services to clinically defined patient populations (such as neonatal transport), and permits issued pursuant to Section 4.3.9.

System status management means the formal and orderly process of continuously locating ambulance units available for dispatch among post locations throughout the geographic area being served to maintain the best possible readiness configuration at all times.

Reference – Ord. No. 7001, adopted 8-26-96; Ord. No. 7788, adopted 2-27-06.

4.3.2 Penalty.

Any person convicted of a violation of any of the provisions of this article shall be punished by a fine not exceeding \$500.00, or double such sum for each repetition thereof. Each day that any violation of, or failure to comply with, this article is committed or permitted to continue shall constitute a separate and distinct offense under this section and shall be punishable as such hereunder. Each ambulance run unlawfully performed shall be considered a separate offense. Each hour of illegally rendered standby services shall be considered a separate offense. Each incident of willful falsification of data by a licensee shall be considered a separate offense. Each ambulance run for which records are willfully omitted shall be considered a separate offense. Each instance of willful participation in the committing of an offense by an individual working as a paramedic, EMT, or dispatcher shall also be considered a separate offense.

(Ord. No. 7001, § 2, 8-26-96)

4.3.3 Purpose and general intent.

- (A) ***Purpose.*** It is the purpose of this article to outline standards of production and performance and to enter into an agreement to establish a regulated ambulance service system that can provide each ambulance patient with

the best possible chance of survival without disability or preventable complication.

(B) *General intent.* It is the intent of the city council that:

- (1) Exclusively is mandatory because it is neither fair nor financially feasible to require a high level of emergency performance from one ambulance company while simultaneously allowing other ambulance companies to select certain preferred nonemergency business.
- (2) Substantive regulation requiring clinical excellence and citywide lifesaving response time performance cannot reasonably be imposed on an unsubsidized ambulance company without simultaneously granting that ambulance company an exclusive contract to furnish all ambulance service, both emergency and nonemergency, to residents of the city.

Reference – Ord. No. 7001, adopted 8-26-96.

4.3.4 Operation on fee or for-hire basis.

Except as provided in Section 4.3.3 and Section 4.3.5, no person, or entity, public or private, shall operate an ambulance to transport the sick, injured or infirm on a fee or for-hire basis, regardless of whether an emergency or routine nonemergency patient transport, upon any street within the city or other contracted areas.

Reference – Ord. No. 7001, adopted 8-26-96.

4.3.5 Exemptions.

- (A) This article does not apply to any intercity patient transport in which the ambulance run does not originate in the city by an ambulance from the destination city.
- (B) An ambulance service license shall not be required for ambulance services which are:
 - (1) Owned and operated by an agency of the United States government.
 - (2) Rendering requested assistance to ambulance currently licensed in cases of disaster or major emergency too great for local resources, or in response to provisions of a written mutual aid agreement approved by the ambulance authority.
 - (3) Engaged in inter-county or intercity patient transport to or from facilities within the city and its franchise area extended by interlocal agreement but originating anywhere outside the city and its franchise area.
 - (4) Rendering ambulance services under contract with the authority.

- (5) Private companies which use an ambulance solely for the transportation of their employees for illness or injury sustained while performing their work.
- (6) Operating a privately owned ambulance designed especially for the transportation of the infirm or physically handicapped where the ambulance is used solely for the benefit of the owner and not for hire on a fee for service or prepaid basis.
- (7) Ambulances owned and operated by a licensed hospital and used exclusively for specialized mobile intensive care or for institutional transfers of their own admitted patients, or residents, provided such hospital shall apply for and receive a special use mobile intensive care license or be eligible for grandfather licensing, as provided for under Section 4.3.9. Such special use permit is nontransferable by the hospital.

Reference – Ord. No. 7001, adopted 8-26-96.

4.3.6 Intra-city ambulance service.

It shall be unlawful for any person, or entity, public or private, to operate an intra-city ambulance service which provides emergency or nonemergency pre-hospital care or patient transports except as specifically allowed pursuant to the provisions of this article.

Reference – Ord. No. 7001, adopted 8-26-96.

4.3.7 Control by board of directors.

The contractor is authorized to operate the city ambulance service system under the supervision and control of the contractor's board of directors. Contractor shall allow the mayor to appoint two representatives to the board to represent the city on the board.

Reference – Ord. No. 7001, adopted 8-26-96.

4.3.8 Standards of production and performance.

The contractor shall follow the following as minimum standards:

- (A) *Equipment and management capability.* Each and every ambulance and all on-board equipment utilized by the contractor in performing services which are the subject of this article shall comply with applicable standards required for licensure. The provider shall maintain the equipment and shall employ sufficient backup equipment to ensure that a safe level of reserve equipment capacity is available to provide peak period ambulance coverage even at times when unusual occurrences of equipment breakdown and routine equipment maintenance coincide.

- (B) *Personnel.* The contractor shall ensure: a. That two (2) persons certified under state law are on board each ambulance on ALS (code 1 or 2) ambulance runs or available for dispatch, at least one (1) of which is certified as a paramedic, and the other of which is certified as a paramedic or emergency medical technician (EMT). b. If only one (1) person on board is a certified paramedic, that person shall not function as the driver while the patient is on board. Every BLS ambulance subject to regulation under this article is required to have on board two (2) EMT's, one to drive and the other to attend. The contractor shall establish and maintain sufficient management capability to ensure that equipment and personnel utilized are managed in an efficient and effective manner to produce the desired clinical performance and response time performance on a routine basis.
- (C) *Clinical performance.* The clinical performance of the contractor and its personnel shall be consistent with and shall conform to the operating procedures and medical protocols adopted by the AEPF, Inc. Where clinical performance deficiencies are discovered, the contractor shall demonstrate an aggressive and effective effort to correct the deficiencies in a timely manner.
- (D) *Response time performance.* Response time performance standards are as follows:
- (1) *Code 1 calls. (life threatening emergencies)*
 - (a) The fire department shall furnish a diligent good faith effort to manage all available resources to achieve a four-minute maximum response time for a trained first responder to a Code 1.
 - (b) The contractor shall furnish a diligent good faith effort to maintain an eight-minute (8:59) maximum response time for an advanced life support paramedic ambulance. The contractor shall employ enough personnel, acquire enough equipment and manage its resources in the manner necessary to meet the eight-minute response time standard on not less than 90 percent of all presumptively designated Code 1 calls originating each month from within the city limits.
 - (c) Where an ambulance unit is dispatched from a non-transporting first-response-only status its response time may be counted as the contractor ambulance response time even though the patient was transported by a different ambulance. In addition, the response time of a neighboring ambulance service responding by mutual aid request may also be counted as the contractor's ambulance response time, provided the level of life support capability furnished by the neighboring ambulance service is comparable to

that required under this article, as determined by the AEPF, Inc., and provided that reliance upon neighboring ambulance service operators is only an occasional event and not a routine method of operation of the contractor.

- (2) *Code 2 calls (non-life threatening emergencies).* The contractor shall establish a 12-minute (12.59) advanced life support paramedic ambulance response time standard for Code 2 calls on not less than 90 percent of all presumptively designated Code 2 calls originating each month from within the city limits.
- (3) *Other run codes (non-life threatening).* The contractor's response to other run codes shall be reasonable, but in every case where a conflicting demand for resources occurs, response to Code 1 and Code 2 calls shall take precedence over requests for service requests. Furthermore, the contractor shall display sound judgment in developing its system status management plans to preserve a safe level of emergency response capability at all times by delaying response to requests for non-emergency service until additional ambulance units become available whenever the number of remaining ambulance units available for dispatch falls below a reasonably established safe level of emergency reserve capacity, as determined by historical demand analyses.
- (4) *Retrospective designation.* For purposes of this subsection, the designation of a run as Code 1, Code 2, or other shall be made by the contractor's system status management personnel at the point of dispatch on a presumptive basis and no retrospective alteration of such designation shall be allowed. However, runs originally designated as Code 2, or other may be retrospectively re-designated upward by the executive director, if the executive director disputes the original designation, and the contractor's board requests a determination from the AEPF who then reviews and determines that the original designation was improper, given the information available to the EMS control center personnel at the time of the presumptive designation of the run code type.
- (5) *Exempt calls.* Certain types of calls may be excluded as specified by the medical director and the executive director on a standard form signed by both. Such records are maintained in the office of the operations manager.
- (6) *Community response time.* In addition to the response time performance standard required under this section for run code 1 and run code 2 calls, the contractor shall furnish and manage its resources in the manner necessary to provide reliable emergency and nonemergency ambulance service throughout the entire city and shall

perform its system status management and system status planning operations so as to minimize the differences in the respective average emergency-response-time performances among the various ambulance districts of the city to the greatest practical extent. In addition, the contractor shall take such steps as necessary to reduce or eliminate any continuing pattern of apparent discrimination in the average response time performance to any given ambulance district or portion thereof.

- (E) *Continuous physician medical control required.* The contractor shall be responsible for ensuring that its field personnel at all times have access to qualified medical control and direction concerning the care of patients in the field by a base station physician or nurse. All medical control and direction shall be available by reliable radio communications, according to the communications standards and applicable standards of medical control.
- (F) *Refusal to render emergency care prohibited.* It is a violation of this article to fail to respond to a call to provide emergency ambulance service, to render first-aid treatment as is necessary, or to otherwise refuse to provide any emergency ambulance services within the scope of the ambulance operations, provided that these services are not required if the patient refuses to consent to treatment.

Reference – Ord. No. 7001, adopted 8-26-96; Ord. No. 7788, adopted 2-27-06.

4.3.9 Vehicle permits.

It shall be unlawful for any person subject to regulation by this article to operate an ambulance or helicopter service unless a currently valid state vehicle permit has been issued.

Reference – Ord. No. 7001, adopted 8-26-96.

4.3.10 Patient management and management of scene.

Authority for patient management in a medical emergency shall be invested in the senior paramedic designated by the contractor. Authority for the management of the scene of a medical emergency shall be vested in the senior paramedic until appropriate public safety officials arrive on the scene and take control. The scene of a medical emergency shall be managed in a manner described to minimize the risk of death or health impairment to the patient and to other persons who may be exposed to the risks as a result of the emergency condition, and priorities shall be placed upon the interests of those persons exposed to the more serious risks to life and health. Public safety officials shall ordinarily consult the senior paramedic in charge at the scene in the determination of relevant risk factors. In the event a licensed physician appears on the scene and desires to assume direction and control of patient care, the licensed physician may do so if the base station physician releases the paramedic from responsibility for directing patient care and the physician who is on scene continues care in the ambulance to the hospital.

Reference – Ord. No. 7001, adopted 8-26-96.

Section 4
EMERGENCY CURFEWS AND SIMILAR MEASURES

4.4.1 Violations.

- (A) It shall be the duty of officers of the police department, and members of any agency of government acting in aid of the local police during an emergency, to arrest any person violating a curfew order promulgated pursuant to this article and detain such person in confinement until expiration of the curfew period. Such person shall then be charged with violation of this Code and shall be permitted to make bail (or be released upon his recognizance if the court so directs) to appear in the municipal court to answer to such charge.

- (B) It shall be the duty of officers of the police department, and members of any agency of government acting in aid of the local police during an emergency, to arrest any person acting in violation of the provisions of Section 4.2.5 of this article, and to detain such person in confinement until the time of expiration of the order prohibiting the sale or other disposition of items therein mentioned. Such person shall then be charged with violation of this Code and shall be permitted to make bond (or be released upon his recognizance if the court so directs) to appear in the municipal court to answer such charge.

4.4.2 Curfew – Authorized; duration.

- (A) When a condition within the city which constitutes a civil disturbance, riot, insurrection, public disorder or disaster arises or is imminent, the mayor is hereby authorized to declare, by proclamation, a state of public emergency, and to order a curfew for such time applicable to the city or such areas thereof as he may deem warranted by such emergency.

- (B) The curfew order authorized by this section may exempt from its application any person whose presence or services the mayor considers necessary for the public peace, welfare and safety. Any such persons shall be specified in the order.

- (C) The curfew order shall not extend more than 48 hours from the time it becomes effective, except that the mayor, with the approval of a majority of the members of the council, may extend such curfew order for successive intervals of 48 hours duration (or less) as continuance of the emergency may warrant.

4.4.3 Publication; Notice to Public.

Publication of the proclamation and order of curfew shall be made by posting a copy thereof at the main entrance of the city hall building, and by causing information concerning the issuance of the proclamation and order to be made available to local

news media including the press, radio and television broadcasters. However, posting of the copy of the proclamation and order at the city hall entrance as provided in this section shall be deemed notice to all persons affected by the curfew.

4.4.4 Compliance required.

Except for officers and employees of the United States, the state, county, and city (or of any other subdivision of government) engaged in the performance of their official duties, it shall be unlawful for any person to be upon or about public ways, buildings or places within the area and during the time to which the curfew order is applicable. Such curfew order may exclude, from its application, any person or persons therein specified whose presence or services the mayor may consider necessary to the public peace, welfare and safety.

4.4.5 Authorize of mayor to prohibit certain businesses.

- (A) The mayor is hereby authorized, in conjunction with any curfew order (or independently of a curfew order, under proclamation of a state of public emergency), to make an order prohibiting all persons from selling, dispensing or making available, by barter, trade or otherwise, firearms and ammunition of every kind and character, explosives of every kind and description, gasoline, naphtha, kerosene and other like flammable substances, any and all types of alcoholic beverages including spirituous liquors, wine and beer, within the city or the area or areas thereof to which such order is made applicable. The time during which such order may be effective may be of the same duration as that established for a curfew or any extension of a curfew, in like manner as provided in section 4.2.2 of this article.

- (B) It shall be unlawful for any person to do or perform any act prohibited by an order made pursuant to the provisions of this section.

State Law reference — Local disaster emergencies, A.C.A. § 12-75-108.