

## TITLE 7

### PUBLIC PEACE, SAFETY AND MORALS

#### Chapters:

- 7.04 Yard Sales
- 7.08 Noise
- 7.12 Curfew
- 7.16 Posting of Ordinances
- 7.20 Fireworks
- 7.24 Signs
- 7.28 Open Burning
- 7.32 Firearms
- 7.36 Outside Fire Service

#### CHAPTER 7.04

#### YARD SALES

#### Sections:

- 7.04.01 Definition
- 7.04.02 Conditions
- 7.04.03 Fine

#### 7.04.01 Definition

**Yard sale** Any event that includes the offering for sale any item from a garage or yard.  
(Ord. No. 2004-207, Sec. 2.)

7.04.02 Conditions It is hereby ordained that yard sales shall be permitted in the city of Lake City under the following conditions:

- A. No more than two (2) per year, each of two days duration per location.
- B. If the sale is held at a location bordered by Arkansas Highway 18, adequate parking must be provided by the party holding the sale, and they shall not permit parking in areas within the right-of-way of Highway 18.

- C. Each party must register with City Hall within not less than three (3) days of the sale their intention to hold said sale.
- D. All signs advertising the sale must be removed within 24 hours of the time the sale ends.
- E. Sales must be conducted only in daylight hours between sunrise and sunset. (Ord. No. 2004-207, Sec. 3.)

7.04.03 Fine Any violation of this ordinance shall be deemed a misdemeanor and upon conviction shall be punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00) and each day such violation occurs shall be considered a separate offense. (Ord. No. 2004-207, Sec. 4.)

## **CHAPTER 7.08**

### **NOISE**

Sections:

- 7.08.01 Noise prohibited
- 7.08.02 Exclusion by written permission
- 7.08.03 Specific violations

7.08.01 Noise prohibited The creating of any unreasonably loud, disturbing and unnecessary noise within the limits of the city, including noise of such character, intensity or duration as to be detrimental to the life, health or safety of any individual or in disturbance of the public peace and welfare is prohibited. (Ord. No. 90-126, Sec. 1.)

7.08.02 Exclusion by written permission The creation of any excessive noise on any street and/or thoroughfare adjacent to or on any property in close proximity to any school, institution of learning, church or court while the same is in session, or adjacent to any hospital or nursing home, which unreasonably interferes with the working or session thereof is prohibited. The provisions of this section shall not apply to any person or corporation who has obtained written permission from the Mayor or the Chief of Police to engage in necessary work, construction or other activity of a legitimate and proper nature or in the cases of an emergency when the public health, safety or general welfare is in danger. (Ord. No. 90-126, Sec. 2.)

7.08.03 Specific violations The following acts, among others, are declared to be in violation of this ordinance, but this enumeration shall not be deemed to be exclusive, namely:

- A. The sounding of any horn or signal device on any automobile, motorcycle, bus, taxicab, 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 unreasonable loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- B. The playing of any radio, "juke box" or similar device, phonograph or any other kind of musical instrument or loudspeaker device in such a manner or with such volume, as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital, nursing home or in any dwelling, hotel or other type of residence or of any persons in the vicinity.
- C. Yelling, shouting, hooting, whistling or singing on the public streets at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in any hospital, nursing home, dwelling, hotel or any other type of residence or of any person in the vicinity.
- D. The use of any automobile, truck motorcycle, motor-bicycle, bus, tractor, motor propelled vehicle of whatsoever kind, design or name or any other vehicle so out of repair, so loaded or in such manner as to cause loud and unnecessary grating, grinding, rattling or other noise.
- E. To discharge into the open air of the exhaust of any stationary steam engine, stationary internal combustion engine automobile, truck, motorcycle, motor-bicycle, bus, taxicab, tractor, motor propelled vehicle of whatsoever kind, design or name or any other vehicle or motorboat engine, including outboard motors, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- F. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, nursing home, or court while the same are in session or which unreasonably interferes with the workings of sessions thereof.

Provided, that none of the terms or prohibitions hereof shall be enforced against any vehicle of the city while engaged upon necessary public business or any police patrol unit, fire truck, firemen in P.O.V. (private owned vehicle) or any ambulance while being operated in cases of emergency. (A.C.A. 14-54-103)

- G. Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each offense. (Ord. No. 90-126, Sec. 3.)

## CHAPTER 7.12

### CURFEW

#### Sections:

7.12.01	Definitions
7.12.02	Curfew for juveniles
7.12.03	Exceptions
7.12.04	Parental responsibility
7.12.05	Enforcement procedure
7.12.06	Penalties
7.12.07	Emergency curfew

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

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

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

- A. as a natural or adoptive parent,
- B. as a legal guardian,
- C. as a person who stands in *loca parentis*,
- D. as a person to whom legal custody has been given by order of a court of competent jurisdiction.

**Remain** means to stay being, 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 purpose such as passage or going home.

**Street** is a way or place of whatever nature open to the use of the public as a matter of right for purposes of vehicular travel, or in the case of a sidewalk thereof for pedestrian travel. The term street includes that 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 terms street applies irrespective of what it is called or formally 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** referred to herein is based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Savings Time, generally observed at that hours by the public in the city, *prima facie* the time than observed in the city police station.

**Years of age** continues from one birthday, such as the seventeenth to (but not including the day of) the next, such as the eighteenth birthday, making it clear that seventeen or less years of age be treated as equivalent to the phrase "under eighteen years of age." (Ord. No. 2004-208, Sec. 1.)

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

- A. at 1:00 a.m. on Friday and Saturday nights; and
- B. at 11:00 p.m. on all other nights.  
(Ord. No. 2004-208, Sec. 2.)

7.12.03 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 the Curfew Ordinance:

- A. When accompanied by a parent of such minor;
- B. Then accompanied by an adult at least twenty-one (21) years of age who is not the parent and who is authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area;
- C. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of such exercise by first delivering to the person designated by the Chief of Police to receive such information at the Police Department, 406 Court Street, Lake City, Arkansas, a written communication signed by the juvenile and countersigned by a parent of the juvenile with their home address and telephone number specifying when, where, and in what manner the juvenile will be on the streets at night (during hours when the Curfew Ordinance is otherwise applicable to said minor) in the exercise of 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 or 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 (1) hour after the termination of a school or city-sponsored activity, or an activity of a religious or other voluntary association of which prior notice indicating the place and probably time of termination has been given in writing to and duly filed for immediate reference by the person designated by the Chief of Police;
- 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 or intrastate travel, either through, beginning, or ending in Lake City, Arkansas. (Ord. No. 2004-208, Sec. 3.)

7.12.04 Parental responsibility 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 other wise beyond the scope of the Curfew Ordinance. This ordinance is intended to hold neglectful or careless parents to a reasonable community standard of parental responsibility through an objective test. It shall be no defense that a parent was indifferent to the activities or conduct or whereabouts of such juvenile.

- A. Police procedures shall be refined in light of experience and may provide that the police officer may deliver to apparent or guardian thereof a juvenile under appropriate circumstances.
- B. When a parent or guardian has come to take charge of the juvenile, and the appropriate information has been recorded, the juvenile shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the juvenile, then the juvenile shall be released in accordance with Arkansas and federal law.
- C. In the case of a first violation by a juvenile, the Police Department shall by certified mail or direct service, send and/or deliver to a parent written notice of the violation with a warning that any subsequent violation will result in full enforcement of the Curfew Ordinance, including enforcement of parental responsibility and/or applicable penalties. (Ord. No. 2004-208, Sec. 4.)

7.12.05 Enforcement procedure If a police officer reasonably believes that a juvenile is on the streets in violation of the Curfew Ordinance, the officer shall notify the juvenile that he or she is in violation of the ordinance and shall require the juvenile to provide his or name, address, and telephone number and how to contact his or her parent or guardian.

In determining the age of the juvenile and in the absence of convincing evidence, a police officer shall use his or her best judgment in determining age. (Ord. No. 2004-208, Sec. 5.)

7.12.06 Penalties

- A. If after the warning notice pursuant to 7.12.05 of a first violation by a juvenile, a parent violates 7.12.06 (in connection with a second violation by the juvenile), this shall be treated as a first offense by the parent. For parental offenses, a parent may be fined not less than Fifty Dollars (\$50.00), nor more than Five Hundred Dollars (\$500.00), plus court costs.
- B. Any juvenile who shall violate any of the provisions of the Curfew Ordinance more than three (3) times shall be reported by the Chief of Police to the juvenile authorities as a juvenile in need of supervision and the Chief of Police shall refer the matter to the Craighead County Prosecuting Attorney and/or the Arkansas Department of Human Services and/or other appropriate authorities. (Ord. No. 2004-208, Sec. 6.)

7.12.07 Emergency curfew

- A. Any time a condition which in his judgment a civil disturbance, riot, insurrection or time of local disaster has arisen or is imminent, the Mayor may declare a state of emergency and impose a curfew for such time and for such areas as he deems necessary to meet such emergency. Provided, however, such curfew shall not extend for over a period of forty-eight (48) hours unless extended by a majority vote of the members of the governing body.
- B. No person or persons shall congregate, operate any businesses or be upon the streets or other public ways, unless on official business for the city or state, in any area or area designated by the Mayor as curfew areas in the city during the time of any declared emergency.
- C. Any person, firm or corporation violating any provision of this ordinance shall upon conviction thereof be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or more than one (1) year imprisonment, or by both fine and imprisonment. (Ord. No. 1967-51, Sec. 1-3.)

## **CHAPTER 7.16**

### **POSTING OF ORDINANCES**

#### **Sections:**

- 7.16.01 Places
- 7.16.02 Notice of adoption

7.16.01 Places The following places, which are hereby found to be five of the most public places in the municipality, are hereby designated for the posting of notice of the adoption of ordinances of the municipality:

Post Office  
City Hall  
Farmers' Market  
Bowman Brothers  
Don's Dairy Freeze  
(Ord. No. 93-151, Sec. 1.)

7.16.02 Notice of adoption Notice of the adoption of ordinances of the municipality shall be effected by the posting of ordinances at the locations set forth in 7.16.01 hereof. (Ord. No. 93-151, Sec. 2.)

## **CHAPTER 7.20**

### **FIREWORKS**

#### **Sections:**

- 7.20.01 Unlawful

7.20.01 Unlawful It has come to the attention of Lake City that the use and sale of fireworks is becoming a problem in that they are being used for extended periods of time in and around certain holidays. The city has no restrictions at this time on the use of fireworks. It is therefore ordained as follows:

- A. It shall be unlawful to discharge fireworks in the city of Lake City at any time except from 12:00 p.m. until 11:00 p.m. on the 4<sup>th</sup> of July each year.
- B. It shall be unlawful to sell fireworks inside the city of Lake City at any time.
- C. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.
- D. Any person violating any of the provisions of this ordinance shall, for each such offense, be punished by a fine of not less than One Hundred Dollars (\$100.00). (Ord. No. 2005-210, Sec. 1.)

## **CHAPTER 7.24**

### **SIGNS**

**Sections:**

- 7.24.01 Election signs
- 7.24.02 Referendum initiative
- 7.24.03 Violation
- 7.24.04 Fine
- 7.24.05 Definition
- 7.24.06 Destruction of signs

7.24.01 Election signs No candidate for public office may display more than one political advertisement per street address on property belonging to the city of Lake City. (Ord. No. 2006-220, Sec. 1.)

7.24.02 Referendum initiative No person or organization may display more than one political advertisement concerning any referendum initiative, or proposal to be voted on at election at each street address of property belonging to the city of Lake City. (Ord. No. 2006-220, Sec. 2.)

7.24.03 Violation In the event of violation of this ordinance the Lake City Police Department shall notify the candidate whose signs violate this ordinance and the signs must be removed within twenty-four (24) hours of notice. In the event of a second offense in the same election period, the signs may be removed by the city of Lake City. (Ord. No. 2006-220, Sec. 3.)

7.24.04 Fine In the event of a third violation in one election period, the candidate is subject to a fine of not more than Fifty Dollars (\$50.00). (Ord. No. 2006-220, Sec. 4.)

7.24.05 Definition

**Election period** is defined as either a primary, a run-off from a primary, the general election or a run-off from a general election. (Ord. No. 2006-220, Sec. 5.)

7.24.06 Destruction of signs

- A. It shall be and is hereby declared to be unlawful for any person to destroy, remove, damage or in any way alter the position of any street sign, traffic sign or marker inside the corporate city limits of Lake City, Arkansas.
- B. Any person found guilty of violating the provision of this ordinance shall be subjected to a fine of not more than Five Hundred Dollars (\$500.00), and not less than Fifty Dollars (\$50.00). (Ord. No. 1979-89, Secs. 1-2.)

**CHAPTER 7.28**

**OPEN BURNING**

Sections:

- 7.28.01 Definitions
- 7.28.02 Unlawful to commence
- 7.28.03 Exceptions
- 7.28.04 Fines

7.28.01 Definitions

**Fire** An open blaze outside of a structure. Does not include fires started inside of a structure for the purpose of heating or cooking.

**Sunset** That time of the day when the National Weather Service recognizes as sunset.

**Unattended fire** A fire intentionally started by a person and that is not constantly observed by that person or someone appointed by him. (Ord. No. 91-132, Sec. 1.)

#### 7.28.02 Unlawful to commence

- A. No person shall purposefully commence a fire within the confines of the Lake City city limits or permit a fire they have commenced to burn after sunset.
- B. No person shall purposefully commence a fire other than to burn tree leaves, grass clippings or dead branches from bushes, trees or shrubs.
- C. No person shall commence or permit an unattended fire upon his or her property.
- D. No person shall purposefully commence a fire that results in the Lake City Fire Department being called to extinguish said fire whether said fire constitutes a threat to the safety of their own or to other's property. (Ord. No. 91-132, Secs. 1-4.)

#### 7.28.03 Exceptions

- A. The U.S. Postal Department and Craighead County Courthouse employees shall be permitted to openly burn paper during their regular business hours only in their normal course of business, and provided said fire is not left unattended.
- B. Any person may apply to the City Fire Department for a permit to burn any structural building. A Fire Department designated representative shall inspect the premises to be burned and if he determines the structure may be burned safely without harm to adjoining property and upon payment of One Hundred Dollars (\$100.00), a permit shall be issued which shall specify the date and time said structure may be burned. (Ord. No. 91-132, Sec. 5.)

7.28.04 Fines Any person found guilty of violating the provisions of said ordinance shall be fined not more than Fifty Dollars (\$50.00), for the first offense and not more than One Hundred Dollars (\$100.00), for each successive offense. (Ord. No. 91-132, Sec. 6.)

## **CHAPTER 7.32**

### **FIREARMS**

#### **Sections:**

- 7.32.01 Discharging
- 7.32.02 Fine

7.32.01 Discharging It shall hereafter be unlawful to discharge any firearms, air guns or air rifles, including those instruments commonly known as B-B guns within the city of Lake City. (Ord. No. 1968-56, Sec. 1.)

7.32.02 Fine Any person, firm or corporation violating the provisions of this ordinance shall be subject to a fine of not less than Five Dollars (\$5.00), nor more than Ten Dollars (\$10.00) for each such offense. (Ord. No. 1968-56, Sec. 2.)

## **CHAPTER 7.36**

### **OUTSIDE FIRE SERVICE**

#### **Sections:**

- 7.36.01 Fire services
- 7.36.02 Outside fire services
- 7.36.03 Non-members of rural fire protection

7.36.01 Fire services The Lake City Fire Department is charged with the responsibility of providing fire protection for the residents located inside the corporate city limits of Lake City, Arkansas. However, it has been determined that residences and rural businesses outside of the corporate confines are also in need of fire protection services and further that it is within reason for the city of Lake City's Fire Department to provide services outside of the city limits provided a fee is paid for the services. (Ord. No. 1982-98, Sec. 1.)

7.36.02 Outside fire services Upon publication of this ordinance, the city of Lake City Fire Department shall have the authority to provide fire protection services to certain persons located outside of the city limits of Lake City. The Fire Department shall have the right to solicit membership in a rural fire protection association on an annual basis. For those persons who pay

the annual fee the Fire Department shall respond to any and all calls made to that person's home or place of business during the one year period of time in which they are members of the association. For those persons who are not a member of the rural fire protection association, fire protection services may be provided upon call. Provided that the Lake City Fire Department shall have the authority to charge a reasonable fee for any trips made by a Fire Department to the non-resident business or residence. The amount of the fee for the services rendered shall be set on an annual basis by the Chief of the Lake City Fire Department. (Ord. No. 1982,-98, Sec. 2.)

7.36.03 Non-members of rural fire protection In the event the Fire Department upon request goes to a fire outside of the city limits and the location of the fire is not a business or residence who is a member of the rural fire protection association, then upon notice of the amount owed to the Fire Department a person shall promptly pay same. If after thirty (30) days the account is not paid in full, then the Lake City Fire Department by and through the city of Lake City, Arkansas, shall have the right to proceed through legal means for collection of the amount owed including court costs. (Ord. No. 1982-98, Sec. 3.)