

# **MUNICIPAL CODE**

**A Code of the General Ordinances  
of the city of Vilonia, Arkansas**

**Date of Incorporation**

**August 23, 1938**

**Date of Codification**

**March 2008**

Prepared with  
assistance of the

**ARKANSAS MUNICIPAL LEAGUE**

P. O. Box 38  
2nd and Willow  
North Little Rock, Arkansas 72115  
Telephone: 374-3484

# **VILONIA MUNICIPAL OFFICIALS**

## **At The Time Of This Code's Preparation**

**Mayor**

**Ken Belote**

**Recorder/Treasurer**

**Doris Scroggin**

**City Judge**

**Jack Roberts**

**City Attorney**

**Danny Rasmussen**

**Police Chief**

**Brad McNew**

**Fire Chief**

**Jonathan Hillman**

**Wastewater Superintendent**

**Bill Reed**

**Aldermen**

**Jim King**

**Joe Maxwell**

**Sherry Clements**

**Barry Eason**

**James Firestone**

**Kathy French**

**ORDINANCE NO. 2014-4**

**AN ORDINANCE ADOPTING AND ENACTING A NEW MUNICIPAL CODE OF ORDINANCES OF THE CITY OF VILONIA, ARKANSAS, ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE EFFECTIVE DATE OF SUCH CODE AND A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VILONIA ARKANSAS:**

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "Vilonia Municipal Code". Such code shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the City Council on or before Oct. 21, 2014, to the extent provided in Section 2 hereof.

Section 2. That all provisions of such code shall be in full force and effect from and after the 21<sup>st</sup> day of October, 2014. All previously enacted ordinances, whether or not included in this code, shall remain in full force and effect until specifically repealed, amended, or otherwise affected by action of the governing body.

Section 3. That whenever in such code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefore, the violation of any such provision of such code shall be punishable as provided by Section 1.32.01 of such code.

Section 4. That any and all additions and amendments to such code, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such code so that reference to the Vilonia Municipal Code shall be understood and intended to include such additions and amendments.

Section 5. That in case of the amendment of any section of such code for which a penalty is not provided, the general penalty as provided in Section 1.32.01 of such code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty other

than the aforementioned general penalty is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 6. That three copies of such code shall be kept on file in the office of the Recorder/Treasurer preserved in looseleaf form or in such other form as the City Council may consider most expedient. It shall be the express duty of the Recorder/Treasurer, or someone authorized by the Recorder/Treasurer, to insert in their designated places all amendments or ordinances which indicate the intention of the City Council to make the same a part of such code when the same have been printed or reprinted in page form, and to extract from such code all provisions which may be from time to time repealed by the City Council. These copies of such code shall be available for all persons desiring to examine the same.

Section 7. That it shall be unlawful for any person to change or amend by additions or deletions any part or portion of such code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the city of Vilonia to be misinterpreted thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.

Section 8. That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 9. It is hereby found that many of the ordinances of the city of Vilonia are not easily accessible to citizens and municipal officials and thereby has rendered it difficult for many persons to determine the actual laws in effect; and that the city has made unusual efforts to have the laws of the city of Vilonia adopted and published. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

Approved and passed this 21<sup>st</sup> day of October, 2014.

James Firestone  
Mayor

ATTEST:

Doris Scroggin  
Recorder/Treasurer

## LEGAL NOTICE

Notice is hereby given that the city of Vilonia, Arkansas, is planning to adopt the Vilonia Municipal Code for the city of Vilonia, Arkansas.

Pursuant to A.C.A. 14-55-206 three copies of the Vilonia Municipal Code are on file in the office of the Mayor for the inspection and view of anyone interested in this ordinance. This ordinance will be considered at the meeting of the City Council on \_\_\_\_\_.

---

MAYOR

## *P R E F A C E*

The Vilonia Municipal Code is a codification of the general ordinances of the city of Vilonia, Arkansas.

The loose-leaf binder and numbering system have been designed to permit the code to be easily and efficiently kept up to date. We hope this will enable the municipal code to be of the greatest assistance to the citizens and municipal officials of the city of Vilonia.

**ARKANSAS MUNICIPAL LEAGUE  
CODE SERVICE**

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Send electronically to [kira.livingston@capdd.org](mailto:kira.livingston@capdd.org)

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# **TITLE 1**

## **GENERAL PROVISIONS**

### **Chapters:**

- 1.04 Code Designated and Cited
- 1.08 Rules of Construction
- 1.12 Subheadings of Sections
- 1.16 Effect of Repeal of Ordinances
- 1.20 Severability of Parts of Code
- 1.24 Amendments to Code
- 1.28 Altering Code
- 1.32 General Penalty
- 1.36 Referendum Petitions

### **CHAPTER 1.04**

#### **CODE DESIGNATED AND CITED**

### **Sections:**

- 1.04.01 Code designated and cited

1.04.01 Code designated and cited The ordinances embraced in the following chapters and sections shall constitute and be designated "Vilonia Municipal Code" and may be so cited.

STATE LAW REFERENCE-See A.C.A. 14-55-701, *et seq.*

## CHAPTER 1.08

### RULES OF CONSTRUCTION

#### Sections:

##### 1.08.01 Rules of construction

1.08.01 Rules of construction In the construction of this code and all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council.

STATE LAW REFERENCE: A.C.A. refers to the official Arkansas Code Annotated which set forth the laws passed by the General Assembly of the state of Arkansas.

**CITY.** The words "**the city**" or "**this city**" shall mean the city of Vilonia, Arkansas.

**CITY COUNCIL.** Whenever the words "**City Council**" or "**Council**" are used they shall be construed to mean the City Council of the city of Vilonia, Arkansas.

**COUNTY.** The words "**the county**" or "**this county**" shall mean the county of Faulkner, Arkansas.

**GENDER.** A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, and corporations as well as to males.

**MUNICIPALITY.** The words "**the municipality**" or "**this municipality**" shall mean the city of Vilonia, Arkansas.

**NUMBER.** Words used in the singular include the plural, and the plural includes the singular number.

**OATH.** The word "**oath**" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "**swear**" and "**sworn**" shall be equivalent to the words "**affirm**" and "**affirmed**".

**OTHER CITY OFFICIALS OR OFFICERS.** References made to officials, boards, commissions, departments, etc., by title only shall be deemed to refer to the officials, boards, commissions and departments of the city of Vilonia, Arkansas.

**PERSON.** The word "**person**" shall extend and be applied to firms, partnerships, associations, organizations and bodies politic and corporate, or any combination thereof, as well as to individuals.

**STATE.** The words "**the state**" or "**this state**" shall be construed to mean the state of Arkansas.

**STREET.** The word "**street**" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the city of Vilonia, Arkansas.

**TENSE.** Words used in the past or present tense include the future as well as the past or present tense.

## **CHAPTER 1.12**

### **SUBHEADINGS OF SECTIONS**

#### **Sections:**

1.12.01 Subheadings of sections

1.12.01 Subheadings of sections The subheadings of sections of this code, which are underlined, are intended merely to indicate the contents of the section and shall not be deemed, or taken to be titles of, such sections, nor as any part of the section.

## **CHAPTER 1.16**

### **EFFECT OF REPEAL OF ORDINANCES**

#### **Sections:**

1.16.01 Effect of repeal of ordinances

1.16.01 Effect of repeal of ordinances The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

## **CHAPTER 1.20**

### **SEVERABILITY OF PARTS OF CODE**

#### **Sections:**

##### 1.20.01 Severability of parts of code

1.20.01 Severability of parts of code It is hereby declared to be the intention of the City Council of the city of Vilonia, Arkansas, that the titles, chapters, sections, paragraphs, sentences, clauses, and phrases of this code are severable, and if any phrase, clause, sentence, paragraph, chapter, title or section of this code shall be declared unconstitutional or invalid by the judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, chapters, titles and sections of this code.

## **CHAPTER 1.24**

### **AMENDMENTS TO CODE**

#### **Sections:**

##### 1.24.02 Amendments to code

1.24.01 Amendments to code All ordinances passed subsequent to this code which amend, repeal or in any way affect this code, may be numbered in accordance with the numbering system of this code and printed for inclusion herein. In the case of repealed titles, chapters, sections or subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages affected thereby.

Amendment to any of the provisions of this code may be made by amending such provisions by specific reference to the section number of this code in the following manner, if substantially similar language is used: "That section \_\_\_\_\_ of the Vilonia Municipal Code is hereby amended to read as follows: . . ." The new provisions may then be set out in full.

In the event a new section not heretofore existing in the code is to be added, the following or substantially similar language may be used: "That the Vilonia Municipal Code is hereby amended by adding a section (or title or chapter) to be numbered \_\_\_\_\_, which said section (or title or chapter) reads as follows: . . ." The new provisions may then be set out in full.



All sections, titles, chapters or provisions desired to be repealed must be specifically repealed by section, title or chapter number, as the case may be. In the alternative, if an ordinance is repealed by reference to its ordinance number, then the code section, title, chapter or provision setting forth the words of the repealed ordinance shall be deemed to have been repealed and shall be omitted from this code.

## **CHAPTER 1.28**

### **ALTERING CODE**

#### **Sections:**

##### 1.28.01 Altering code

1.28.01 Altering code Any ordinance and any portion of this code shall be repealed or amended only by an ordinance duly passed by the governing body of the city of Vilonia, or by a vote of the qualified electors as provided in the Constitution or the laws of the state of Arkansas. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which shall cause the law of the city of Vilonia, Arkansas to be misrepresented thereby. Any person violating this section shall be punished as provided by Section 1.32.01 hereof.

## **CHAPTER 1.32**

### **GENERAL PENALTY**

#### **Sections:**

##### 1.32.01 General Penalty

1.32.01 General penalty Whenever in this Municipal Code the doing of any act or the omission to do any act or duty is declared unlawful, and further, whenever the amount of the fine shall not be fixed and no penalty declared, any person convicted for a violation of such provision of this code shall be adjudged to pay a fine of not more than Five Hundred Dollars (\$500.00) or double that sum for each repetition of such offense or violation and if the act is continuous, not more than Two Hundred and Fifty Dollars (\$250.00) for each day of continuance. Provided, for any offense committed against the code for which there is set forth by state law a similar offense the penalty therefore shall be no less nor greater than that set forth by state law. STATE LAW REFERENCE-See A.C.A. 14-55-502.

## CHAPTER 1.36

### REFERENDUM PETITIONS

Sections:

1.36.01	Filing date
1.36.02	Publication
1.36.03	Special election
1.36.02	Upon defeat of ordinance

1.36.01 Filing date All referendum petitions under Amendment No. 7 to the Constitution of the state of Arkansas must be filed with the Recorder within thirty (30) days after passage of any ordinance or resolution. (Ord. No. 2005-3, Sec. 1.)

1.36.02 Publication Upon the filing of said referendum petition, the Mayor is hereby directed to give notice by publication for one insertion in a newspaper having a general circulation in the city of Vilonia, Arkansas (the "City"), and by posting in five public places in the city of a time not less than five days after the publication of such notice at which the Council will hear all persons who wish to be heard on the question whether such petition is signed by the requisite number of petitioners. At the time named, the Council shall meet and hear all who wish to be heard on the question, and its decision shall be final unless suit is brought in the Circuit Court of Faulkner County, Arkansas, within thirty day to review its action. (Ord. No. 2005-3, Sec. 2.)

1.36.03 Special election If the council finds that such petition is signed by the requisite number of qualified petitioners, it shall order a special election to determine by a vote of the qualified electors whether the ordinance or resolution shall stand or be revoked, and fix a date which shall be not less than ten days after the date of the action of the Council calling the election. The Mayor shall give notice of the call of such election by publication in not less than one issue of a newspaper having a general circulation in the city and by posting in five public places in the city not less than five days prior to the date of the election. Such notice shall designate by its number, caption and date of passage, the ordinance which has been referred to the people for approval or rejection by their vote at such election. Otherwise, subject to the provisions of Amendment No. 7 to the Constitution of Arkansas, and other applicable laws, said election shall be conducted in the manner provided by law for the conduct of a regular municipal election. (Ord. No. 2005-3, Sec. 3.)

1.36.02 Upon defeat of ordinance If any ordinance or resolution referred to the people is defeated at the polls, the City Council shall make a note of such fact and shall expunge such ordinance or resolution from its files by erasing the same with red ink. (Ord. No. 2005-3, Sec. 4.)

STATE LAW REFERENCE - See Const., Amend. No. 7 and A.C.A. 7-9-103 through 7-9-120 and 14-55-203.

**TITLE 2**

**CLASSIFICATION, ADMINISTRATION**

**AND PERSONNEL**

Chapters:

- 2.04 City Classification
- 2.08 Ward Boundaries
- 2.12 Social Security Coverage
- 2.16 City Council
- 2.20 Code Enforcement Officer
- 2.24 City Attorney
- 2.28 Volunteer Fire Department
- 2.32 Police Department
- 2.36 City Court
- 2.40 Personnel Policies
- 2.44 Reserved

**CHAPTER 2.04**

**CITY CLASSIFICATION**

Sections:

- 2.04.01 Classification of city

2.04.01 Classification of city The city of Vilonia, Arkansas, shall operate as a city of the second class under the laws of the state of Arkansas.

STATE LAW REFERENCE - See A.C.A. 14-37-103.

## **CHAPTER 2.08**

### **WARD BOUNDARIES**

#### Sections:

2.08.01 Ward boundaries

2.08.01 Ward boundaries The following legal description correctly describes all lands which have been previously annexed to the city of Vilonia and lie within the incorporated limits of the city as of this date:

#### **In Township 5 North, Range 11 West**

Section 3 All that part of the W1/2 of the SW ¼ lying south of US Highway 64

Section 4 All that part of the SE ¼ lying south of US Highway 64; and

The S ½ of the SW ¼; and all that part of the N ½ of the SW ¼ lying west of an unnamed private road, more fully described as follows: Begin at the SW corner of the N ½ , SW ¼, thence run north to the NW corner of said N ½ , SW ¼ , thence east 1410 feet, more or less, to the west right-of-way line of said unnamed private road, thence in a southwesterly direction to the south line of the N ½ , SW ¼ , thence west to the SW corner and the point of beginning; and

That part of the NW ¼ described as follows: Beginning at the SW corner of the NW ¼, thence N00°01'37"W 1780.01 feet, thence N74°41'05"E 280.79 feet, thence N74°31'00"E 2427.94 feet, thence S00°02'00"E 2525.8 feet to SE corner of said NW ¼ , thence westerly along said south line 2611.4 feet to the SW corner of NW ¼ and the point of beginning.

Section 5 The SW ¼ ; and the SE ¼ , and

All that part of the SW ¼ of the NE ¼ lying south and east of Naylor Road; and

All that part of the E ½ of the NE ¼ described as follows: Beginning at the SE corner of E ½ , NE ¼ , thence N88°59'36"W 1278.40 feet to the SW corner of said E ½ , thence N00°36'25"W 1309.95 feet, thence N00°19'46"E 175.23 feet, to the center line of Naylor Road, thence along said center line of the road N82°03'10"E 130.19 feet, thence N71°42'50"E 322.19 feet, thence N66°13'00"E 200.00 feet, thence N83°50'15"E 676.26 feet, thence S00°01'37"E 1780.01 feet to the point of beginning.

- Section 6      The SE  $\frac{1}{4}$  , and the SW  $\frac{1}{4}$  , and
- A part of the SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  and a part of the SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  described as follows: Beginning at the SE corner of the SE  $\frac{1}{4}$  , NW  $\frac{1}{4}$  , thence west to the SW corner of said SE  $\frac{1}{4}$  , NW  $\frac{1}{4}$  , thence north 270 feet, thence east 589.5 feet, thence north 129.7 feet, thence east to the centerline of Simpson Road, thence southeasterly along said centerline 698.3 feet to the south line SW  $\frac{1}{4}$  , NE  $\frac{1}{4}$  , thence along said south line west 336 feet to the point of beginning.
- Section 7      All of Section 7, less and except the following two (2) parcels of land: The SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , and the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  .
- Section 8      All of Section 8.
- Section 9      The W  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  , and
- The SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  , and
- The E  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  .
- Section 10     The W  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  .
- Section 16     All of that part of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  lying north of Ruple Lane.
- Section 17     The NW  $\frac{1}{4}$  , and the SW  $\frac{1}{4}$  , and
- The W  $\frac{1}{2}$  of the NE  $\frac{1}{4}$ , and all of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  , less and except that part lying east of the east right-of-way of Arkansas Highway 107 and south of Ruple Lane, and
- The NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  , and
- All of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  , lying west of the east right-of-way line of Arkansas Highway 107, and
- The SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  , less and except the following: Beginning at the SE corner of said SE  $\frac{1}{4}$  , NE  $\frac{1}{4}$  , thence north 486.38 feet, thence run west to the east right-of-way line of Arkansas Highway 107, thence south along said right-of-way line to the south line of said SE  $\frac{1}{4}$  , NE  $\frac{1}{4}$  , thence run east to the SE corner of said SE  $\frac{1}{4}$  , NE  $\frac{1}{4}$  , and the point of beginning.
- Section 18     The E  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  , less and except a parcel of land described as follows: Beginning at the southeast corner of said E  $\frac{1}{2}$  , NE  $\frac{1}{4}$  , thence north 523.5 feet, thence west 973.5 feet, thence south 523.5 feet, thence east 973.5 feet to the point of beginning.

**In Township 5 North, Range 12 West**

- Section 1      The SE ¼ .
  
- Section 11     The E ½ of the NE ¼, and  
                  The E ½ of the SE ¼ .
  
- Section 12     The NW ¼ , and the NE ¼ , and  
                  The NW ¼ of the SE ¼, and  
                  The E ½ of the NE ¼ of the SE ¼ , and  
                  The W ½ of the SW ¼ , and

A part of the NE ¼ of the SW ¼ described as follows: Beginning at the NE corner of the NE ¼ , SW ¼ , thence west 420 feet, thence south 210 feet, thence east 420 feet, thence north 210 feet to the point of beginning.  
(Ord. No. 99-5, Sec. 1.)

All owners of property lying within said incorporated legal description acknowledge that their properties were annexed to the city of Vilonia at some time in the past and that they also desire the said legal description to clarify the incorporated limits of the city of Vilonia as of this date. (Ord. No. 99-5, Sec. 2.)

All property contained within the said legal description of the incorporated limits of the city of Vilonia shall henceforth be a portion and part of the city of Vilonia, Faulkner County, Arkansas. (Ord. No. 99-5, Sec. 3.)

**CHAPTER 2.12**

**SOCIAL SECURITY COVERAGE**

Sections:

- 2.12.01      Contract
- 2.12.02      Withholding taxes from wages
- 2.12.03      City to match withholding

2.12.01 Contract The Mayor and City Clerk/Recorder of the city of Vilonia, Arkansas, are hereby authorized and directed to enter into an agreement with the state of Arkansas for the purpose of obtaining insurance coverage for the employees of the city under the terms and provisions of the federal Social Security Act. (Ord. No. 76-4, Sec. 1.)

2.12.02 Withholding taxes from wages. Commencing February 26, 1976, each employee's insurance contribution shall be deducted from his salary check in accordance with the terms and provisions of the Social Security Act. (Ord. No. 76-4, Sec. 2.)

2.12.03 City to match withholding Commencing February 26, 1976, there is hereby appropriated from the general fund of the city of Vilonia, Arkansas, the sums of money necessary to pay the city's share of the insurance tax in accordance with the terms and provisions of the Social Security Act. (Ord. No. 76-4, Sec. 3.)

## **CHAPTER 2.16**

### **CITY COUNCIL**

#### Sections:

- 2.16.01 Council meetings – regular
- 2.16.02 Council meetings – special
- 2.16.03 Notice of special meeting
- 2.16.04 Council powers
- 2.16.05 Presiding officer
- 2.16.06 Conduct
- 2.16.07 Record of proceedings
- 2.16.08 Publication
- 2.16.09 Writing required
- 2.16.10 Procedure
- 2.16.11 Readings
- 2.16.12 Suspension of rules

2.16.01 Council meetings - regular The City Council of the city of Vilonia, Arkansas, hereby declares that time and date of its regular monthly meetings shall be set by a motion. Any proposed change to the regular monthly meeting time or date shall be presented at one regular meeting and voted on at the next regular meeting, with the exception when the meeting date falls on a legal holiday, the day preceding the legal holiday, or the day immediately following the legal holiday. In which case, the meeting will be scheduled for the Tuesday of the following week. (Ord. No. 2007-10, Sec. 1.)

#### 2.16.02 Council meetings – special

- A. The Mayor, or any three (3) aldermen, may call special meetings in such a manner as may be provided by ordinance. (Ord. No. 95-10, Sec. 3.)
- B. At any special meeting no other business shall be transacted except that for which the meeting was called. The Council can lawfully sit and transact any business at any time without notice when all the members of the Council are present. (Ord. No. 81-2, Sec. 4.)

2.16.03 Notice of special meeting In the event of a special meeting, the Mayor or aldermen calling the meeting shall notify the representatives of the newspapers, radio stations and television stations, if any, located in this county and which have requested to be so notified of such special meetings, of the time, place and date at least two (2) hours before such a meeting takes place in order that the public shall have representatives at the meeting. (Ord. No. 81-2, Sec. 5.)

#### 2.16.04 Council powers

- A. The City Council shall possess all the legislative powers granted by A.C.A. 14-43-502, and other corporate powers of the city, not prohibited by law or by some ordinance of the City Council.
- B. The Council shall have the management and control of finances, and of all real and personal property belonging to the corporation.
- C. The Council shall appoint, or provide by ordinance, that the qualified voters of the city, or the wards or districts, as the case may require, shall elect all such city officers as shall be necessary for the good government of the city and for the due exercise of its corporate powers, and which shall have been provided by ordinance, as to whose appointment or election provision is not made by statute and not provided by any general law of the state in reference to cities of the first class. (Ord. No. 95-10, Secs. 1-3.)

2.16.05 Presiding officer The Mayor shall preside at the meetings during the term for which he was elected, and in case his vote is needed to pass any by-law, ordinance, resolution or order or motion, the Mayor may vote. In the absence of the Mayor, the President Pro tempore or Recorder/Treasurer shall preside over the Council. (Ord. No. 81-2, Sec. 6.)

2.16.06 Conduct Any person who shall disrupt or interfere with a meeting of the Council or creates a disturbance in such meeting, may be charged with such offense, and if convicted, shall be punished in accordance with the laws of the state. (Ord. No. 81-2, Sec. 7.)



2.16.07 Record of proceedings The Recorder/Treasurer shall keep a journal of its proceedings in the manner as other legislative bodies. The yeas and nays shall be taken and entered upon the journal on any by-law, motion, ordinance or resolution. (Ord. No. 81-2, Sec. 8.)

2.16.08 Publication When any ordinance of a general or permanent nature and those imposing any fine, penalty or forfeiture shall be passed, the Recorder/Treasurer shall furnish a copy to a newspaper of general circulation in the city for publication. (Ord. No. 81-2, Sec. 9.)

2.16.09 Writing required No amendment or resolution shall be offered except in writing and the question shall be put on the last amendment offered, and in filling blanks, the question shall always be taken on the longest time, largest and highest number proposed. (Ord. No. 81-2, Sec. 10.)

2.16.10 Procedure The *Procedural Rules for Municipal Officials* booklet published by the Arkansas Municipal League, three (3) copies of which are on file in the Recorder/Treasurer's office, are hereby adopted as the rules to be followed in the conducting of meetings of the governing body. (Ord. No. 81-2, Sec. 11.)

2.16.11 Readings All resolutions must be read, seconded and stated by the chair before they shall be subject to debate. (Ord. 81-2, Sec. 12.)

2.16.12 Suspension of rules No rules contained in this ordinance or the *Procedural Rules for Municipal Officials* adopted by reference hereby shall be suspended except by unanimous consent of all the members of the Council. (Ord. No. 81-2, Sec. 13.)

**CHAPTER 2.20**

**CODE ENFORCEMENT OFFICER**

Sections:

- 2.20.01 Powers
- 2.20.02 Police officer
- 2.20.03 Duties
- 2.20.04 Responsibilities
- 2.20.05 Qualifications
- 2.20.06 Education and/or experience
- 2.20.07 Skills
- 2.20.08 Compensation
- 2.20.09 City Engineer and Building Inspector/Code Enforcement Officer

2.20.01 Powers The City Code Enforcement Officer shall be empowered to enforce all provisions of Southern Building Code and city ordinances No. 89-2, 95-6, 97-13, 98-3, 99-6 and 2001-3 and all of its amendments under the direction of the Mayor and City Council. The City Code Enforcement Officer shall also be empowered to assist the Vilonia Planning Commission in the investigation and enforcement of any ordinances within the Planning Commission's jurisdictional limits. (Ord. No. 2003-6, Sec. 1.)

2.20.02 Police officer Any Vilonia police officer shall also have the same powers of the City Code Enforcement Officer. (Ord. No. 2003-6, Sec. 2.)

2.20.03 Duties Duties and responsibilities include the following, but other duties may be assigned:

- A. Examine visually all areas to determine compliance with ordinance standards.
- B. Prepare forms and letters advising property owners and tenants of possible violations and time allowed for correcting deficiencies.
- C. Explain requirements of Zoning Ordinance for city of Vilonia, Arkansas, and Southern Building Code to property owners, building contractors, and other interested parties.
- D. Keep an accurate record of applications received, permits issued, and violations committed. (Ord. No. 2003-6.)

2.20.04 Responsibilities This is a non-supervision position. (Ord. No. 2003-6.)

2.20.05 Qualifications Individual must be able to perform each essential duty satisfactorily. The requirements listed are representative of the knowledge, skill and ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. (Ord. No. 2003-6.)

2.20.06 Education and/or experience Two year college or technical school, or six months to one year related experience and/or equivalent combination of education and experience. (Ord. No. 2003-6.)

2.20.07 Skills

- A. Ability to read and interpret safety rules, operating and maintenance instructions and procedure manuals. The ability to write reports and correspondence, and speak before groups or organizations.
- B. Ability to add, subtract, multiply and divide using whole numbers and decimals.

- C. Ability to apply common sense understanding to carry out instructions furnished in oral or written form.
- D. Must have a valid Arkansas Drivers' License.  
(Ord. No. 2003-6.)

2.20.08 Compensation Shall be considered full-time city employee and eligible for benefits as such. Salary to will be determined by Mayor and City Council according to qualifications and experience. (Ord. No. 2003-6.)

2.20.09 City Engineer and Building Inspector/Code Enforcement Officer Having found that there is no incompatibility between the offices of the City Engineer and Building Inspector/Code Enforcement Officer the City Engineer of the city of Vilonia shall be empowered to serve as Building Inspector/Code Enforcement Officer and to enforce all provisions of the city Code Enforcement Office and may perform these departmental functions if the particular employee is considered to be qualified by the governing body of the city of Vilonia. (Ord. No. 2008-4, Sec. 1.)

## **CHAPTER 2.24**

### **CITY ATTORNEY**

**Sections:**

- 2.24.01 Appointment
- 2.24.02 Oath
- 2.24.03 Criminal City Attorney
- 2.24.04 Duties
- 2.24.05 Term of office
- 2.24.06 Compensation

2.24.01 Appointment The Mayor of the city of Vilonia shall have the power to appoint the office of the City Attorney to represent the city in all actions, both civil and criminal. This appointment may be for a Civil City Attorney and a Criminal City Attorney or one appointment for both. (Ord. No. 2011-2, Sec. 1.)

2.24.02 Oath Any Municipal Attorney appointed under the provisions of this section shall subscribe to the oath of office as all other officers of this city. (Ord. No. 2011-2, Sec. 2.)

2.24.03 Criminal City Attorney The Criminal City Attorney is authorized to file information for the arrest of any person for the violation of any ordinance of the city or of the

laws of this state which are violated within the city limits of the city to include prosecutions for same. (Ord. No. 2011-2, Sec. 3.)

2.24.04 Duties The duties of the Civil and/or Criminal Municipal Attorney shall be to represent the city in all actions, respective of their civil or criminal or mutual appointment. It shall be the duty of the Municipal Attorney to:

- A. Advise with all city or town officials at any time needed;
- B. Prepare all legal papers, blank forms, etc;
- C. Prepare all legal papers, blank forms, etc;
- D. File a complete report of his or his /her work with the City or Town Council at the end of the year;
- E. If requested to do so, furnish all information in his/her possession to the state courts for the prosecution of cases in the state courts.

Nothing in this section shall prohibit the City Council from prescribing other duties, and they are authorized to prescribe such other duties as they desire which shall be done by proper ordinance by the Council. (Ord. No. 2011-2, Sec. 4.)

2.24.05 Term of office The term of office or the appointed City Civil or Criminal Attorney shall be for one (1) year commencing January 30<sup>th</sup> of the calendar year until January 30<sup>th</sup> of the following calendar year. (Ord. No. 2011-2, Sec. 5.)

2.24.06 Compensation The compensation for Civil and Criminal City Attorney will be One Hundred Twenty-Five Dollars (\$125.00) per hour. (Ord. No. 2011-2, Sec. 6.)

## **CHAPTER 2.28**

### **VOLUNTEER FIRE DEPARTMENT**

Sections:

- 2.28.01 Creation
- 2.28.02 Personnel
- 2.28.03 Fire Chief
- 2.28.04 Meetings
- 2.28.05 Records

- 2.28.06 Compensation
- 2.28.07 Beginning of term
- 2.28.08 LOPFI
- 2.28.09 Outside fire service

2.36.01 Creation There is hereby created a city Volunteer Fire Department to be known as The Vilonia Volunteer Fire Department. (May 1, 1969.)

2.28.02 Personnel The Vilonia Volunteer Fire Department shall consist of the Fire Chief, two Assistant Fire Chiefs, two Captains, Secretary/Treasurer and such number of fire fighters as the City Council may order, but not less than fifteen (15). (May 1, 1969.)

2.28.03 Fire Chief

- A. The position of Fire Chief shall be a part time position of at least 20 hours per week dedicated to the work of the Vilonia Fire Department. Any salary paid to the Fire Chief shall be the responsibility of the Fire Department and shall be paid out of the General Fund of the Fire Department. (Ord. No. 2006-3, Sec. 2.)
- B. The Fire Chief shall be hired by the Vilonia City Council and shall be directly charged with the responsibility and accountability to the city for all equipment and have control and management of the organization. The Fire Chief shall name and select, with the approval of the City Council, the Assistant Chiefs, officers, and members of the department. The Fire Chief shall direct and control all the work of the Fire Department. (Ord. No. 2006-3, Sec. 1.)

2.28.04 Meetings There shall be not less than two meetings each month of the department for the purpose of instructing and training, and all members shall attend unless excused for reasonable cause. The Vilonia Volunteer Fire Department shall adopt such rules and regulations as may be deemed necessary for the proper functioning of the department, but that all such rules and regulations shall be subject to the approval of the City Council. (May 1, 1969.)

2.28.05 Records The Fire Chief shall keep a record of the names of the members who attend the monthly meetings and who perform service at each fire and that he shall submit a full statement of the number of fires attended by each member to the City Council at its next regular session. (May 1, 1969.)

2.28.06 Compensation All members of the Vilonia Volunteer Fire Department who have been selected and approved as herein provided shall receive the sum of \$20.00 for attendance upon and for service at each and every fire or drill, where service at such being deemed to have been performed when the circumstances of such services are required or requested by the Fire Chief. (May 1, 1969.)

2.28.07 Beginning of term The Fire Chief must be appointed at the first Council meeting of every January of every year effective January 1, 1998. (Ord. No. 97-12, Sec. 3.)

2.28.08 LOPFI

- A. If accepted by LOPFI, the administration of retirement coverage for all Vilonia Fire Pension and Relief Fund participants shall be transferred to LOPFI under authority of Act 364 of 1981, as amended, provided that such retirement coverage for said Pension Fund participants shall mean the administration of that fund only and not a change in the Pension Fund's benefit program, unless a benefit increase is approved by the city of Vilonia, Arkansas.
- B. The Chief Administrative Officer is hereby authorized to enter into an agreement with LOPFI to administer the Vilonia Fire Pension and Relief Fund as state in (A) above. (Ord. No. 2008-5, Secs. 1-2.)

2.28.09 Outside fire service

- A. Pursuant to A.C.A. 14-53-102, the Vilonia Fire Department is hereby authorized to operate beyond its corporate limits to the extent of the geographical area currently served by the East Cypress Volunteer Fire Department.
- B. The East Cypress Volunteer Fire Department, by and through its board, unanimously desires to relinquish the right to provide fire protection services to the area currently served and the Vilonia Fire Department agrees to accept the responsibility to provide fire protection services.
- C. Pursuant to A.C.A. 14-53-102 and as a result of the abovementioned agencies' requests, the Vilonia City Council authorizes, in conjunction with the ability to operate beyond Vilonia's corporate limits, the Vilonia Fire Department to provide services to the unincorporated area currently protected by the East Cypress Volunteer Fire Department and to construct or alter necessary facilities in furtherance of the area's fire protection.
- D. The city of Vilonia fire fighters shall have the same coverage as they now have if they are injured while in the line of duty operating outside the city limits but within the area specified above.
- E. All members of the city of Vilonia Fire Department, when engaged in fighting fire beyond the corporate limits of Vilonia under the terms of this ordinance, shall be considered to be acting within their line of duty and in discharge thereof. No member of the department shall lose or forfeit any right or benefit in rank, pay, disability, or retirement payments and benefits on account of out-of-city. (Ord. No. 2009-3, Secs. 1-5.)

**CHAPTER 2.32****POLICE DEPARTMENT****Sections:**

2.32.01	Appointed
2.32.02	Power of City Council
2.32.03	Beginning of term
2.32.04	Existence of the Vilonia Police Department
2.32.05	Jurisdiction
2.32.06	Supervision

**2.32.01 Appointed** It is deemed to be in the best interest of the city of Vilonia, Arkansas, that the Chief of Police shall be appointed and removed by the Mayor. (Ord. No. 97-12, Sec. 1.)

**2.32.02 Power of City Council** In all cases of appointment or removal by the Mayor of Vilonia, Arkansas, the City Council shall have the power to override the Mayor's action in appointment or removal of a Chief of Police by a two-thirds majority of the total membership of the Council. (Ord. No. 97-12, Sec. 2.)

**2.32.03 Beginning of term** The Chief of Police must be appointed at the first Council meeting of every January of every year effective January 1, 1998. (Ord. No. 97-12, Sec. 3.)

**2.32.04 Existence of the Vilonia Police Department** Pursuant to A.C.A. 14-52-101, the City Council does hereby acknowledge the existence of the Vilonia Police Department, and further hereby memorializes its establishment under the City Ordinance 0-83-2 and 97-12. (Ord. No. 2015-5, Sec. 1.)

**2.32.05 Jurisdiction** The Vilonia Police Department has, and shall continue to have jurisdiction to enforce the laws of the City of Vilonia, Arkansas, and the laws of this State, within the corporate limits of the city of Vilonia, pursuant to the laws of the State of Arkansas. (Ord. No. 2015-5, Sec. 2.)

**2.32.06 Supervision** The day to day operations and management of the Vilonia Police Department shall be vested with the Chief of Police, who shall be under the general supervision of the Mayor. (Ord. No. 2015-5, Sec. 3.)

**CITY COURT**

Sections:

- 2.36.01        Established
- 2.36.02        Jurisdiction
- 2.36.03        Fines and penalties
- 2.36.04        Judge
- 2.36.05        Fees
- 2.36.06        Court costs for traffic violations
- 2.36.07        Collection of fines

2.36.01 Established A City Court of the city of Vilonia is hereby created. (Ord. No. 76-5, Sec. 1.)

2.36.02 Jurisdiction The City Court shall have, within the city limits of the city of Vilonia, all the jurisdiction and power of a Justice of the Peace in all matters, civil or criminal, arising under the laws of the state of Arkansas, to all intents and purposes whatever, and for crimes and offenses committed within the city limits of the city of Vilonia, the jurisdiction of the City Court shall be co-extensive with the county. The City Court shall have exclusive jurisdiction of all prosecutions for violation of any ordinances of the city of Vilonia. The City Court may award and issue any process or writs that may be necessary to enforce the administration of justice throughout the city of Vilonia, and for the lawful exercise of its jurisdiction according to the usages and principles of law. (Ord. No. 76-5, Sec. 2.)

2.36.03 Fines and penalties All fines and penalties assessed by the City Court shall be paid into the treasury of the city of Vilonia. (Ord. No. 76-5, Sec. 3.)

2.36.04 Judge The Judge of the City Court shall be the Mayor of the city of Vilonia. The Mayor of the city of Vilonia may designate, at such times as he shall choose to do so, any qualified elector of the city of Vilonia, or any attorney licensed in the state of Arkansas who resides in Faulkner County, Arkansas, to sit as Judge of the City Court. (Ord. No. 76-5, Sec. 4.)

2.36.05 Fees The City Council of the city of Vilonia may establish a fee schedule of fees to be paid by the city of Vilonia from the general fund to the Judge of the City Court for the trial of cases in the City Court, or the City Council may provide for the payment of a monthly allowance from the general fund as compensation to the Judge for sitting as Judge of the City Court. The fee schedule or monthly allowance shall not be based upon the conviction of any person tried in the City Court. Any person designated to sit as Judge of the City Court shall receive such remuneration as is provided by the City Council of the city of Vilonia. (Ord. No. 76-5, Sec. 5.)

2.36.06 Court costs for traffic violations

- A.        There shall be levied and collected from each defendant upon each plea of guilty, nullo contendere, forfeiture of bond, or determination of guilt for misdemeanors or traffic violations in Vilonia City Court a sum of Three Dollars (\$3.00) costs, in addition to all other costs now or as may hereafter be provided b law.



- B. The monies collected under this ordinance by the City Marshall, by the City Clerk, or any other persons receipting fine and cost money, shall be deposited in the accounts of the Vilonia City Treasurer to the credit of a fund to be known hereafter as the "Criminal Justice Fund." Such monies shall be used solely for reimbursing Faulkner County for expenses incurred in incarcerating Vilonia city prisoners in Faulkner County Jail, or in such other county or city jail facilities as may be allowed by law and may be required for the temporary housing of persons arrested for offenses committed in the city of Vilonia.
- C. The City Clerk and Treasurer shall report to the City Council the balance and status of this fund on at least an annual basis and at such other times as may be required by the Council or by law or by ordinance. (Ord. No. 83-1, Secs. 1-3.)
- D. Pursuant to Act 209 of 2009, codified as A.C.A. 16-17-129, the City Council of Vilonia hereby levies an additional fine in the amount of Twenty Dollars (\$10.00) upon each defendant's conviction, each pleas of guilty of nolo contendere, or each bond forfeiture in all cases in the first and second class accounting records as described in A.C.A. 16-17-707. (Ord. No. 2009-2, Sec. 1.)

2.36.07 Collection of fines The Faulkner County District Court, Vilonia Division Clerk is hereby designated as the person primarily responsible for the collection of fines assessed in the Faulkner County District Court, Vilonia Division for the city of Vilonia, Arkansas. (Ord. No. 2015-3, Sec. 1.)

## **CHAPTER 2.40**

### **PERSONNEL POLICIES**

Sections:

2.40.01 Employees policies and procedures

2.40.01 Employees policies and procedures

- A. Section 1 Employment policies  
 B. Section 2 General employee benefits  
 C. Section 3 Matters affecting the status of employees  
 D. Section 4 Standards of conduct  
 E. Section 5 Miscellaneous information  
 (Ord. No. 97-1, Sec. 1.)

**CHAPTER 2.44**

**RESERVED**

(Ord. No. 2018-03, Sec. 1.)

**TITLE 3**

**FISCAL AFFAIRS**

Chapters:

- 3.04 Officials Doing Business with City
- 3.08 Single Transaction
- 3.12 Sales and Use Taxes

**CHAPTER 3.04**

**OFFICIALS DOING BUSINESS WITH CITY**

Sections:

- 3.04.01 Vilonia Metal Works
- 3.04.02 Taylor Mobile Truck Service
- 3.04.03 Vilonia Medical Clinic and J & D Supply
- 3.04.04 Fowlkes Engineering
- 3.04.05 Heslep Electric

3.04.01 Vilonia Metal Works

- A. Mr. Bill Goff, a citizen of the city of Vilonia, Arkansas, is the owner of Vilonia Metal Works and is an Alderman of the city of Vilonia, Arkansas.
- B. From time to time the city of Vilonia enters into contracts with Mr. Goff and/or his company.
- C. The city of Vilonia City Council does hereby acknowledge the fact that Mr. Goff is on the City Council and that the City Council from time to time does business with Mr. Goff and the City Council does hereby authorize said dealings as the City Council may from time to time adopt and approve. (Ord. No. 94-7, Secs. 1-3.)

3.04.02 Taylor Mobile Truck Service

- A. Mr. Tim Taylor is the owner of Tim Taylor Mobile Truck Service and is a Vilonia Fire Department member of the city of Vilonia, Arkansas.
- B. From time to time the city of Vilonia or the Vilonia Fire Department uses the services of Tim Taylor Mobile Truck Service.
- C. The city of Vilonia City Council does hereby acknowledge the fact that Tim Taylor is a Vilonia Fire Department member and that the city of Vilonia Fire Department does business with him on an as-needed basis. The City Council does hereby authorize said dealings with Tim Taylor Mobile Truck Service. (Ord. No. 2003-3, Secs. 1-3.)

3.04.03 Vilonia Medical Clinic and J&D Supply The City Council does hereby acknowledge the fact that Brad McNew and Kelly Lawrence are employees of the city of Vilonia and that the city does business with both of their businesses on an as-needed basis. The City Council does hereby authorize said dealings with both the Vilonia Medical Clinic and J&D Supply. (Ord. No. 2014-2, Sec. 3.)

3.04.04 Fowlkes Engineering The City Council of Vilonia does hereby acknowledge the fact that Fred Fowlkes is an employee of the city of Vilonia and that it is in the best interest of the city to do business with Fowlkes Engineering on an as-needed basis. The City Council does hereby authorize said dealings with Fowlkes Engineering. (Ord. No. 2014-6, Sec. 3.)

3.04.05 Heslep Electric The City Council of Vilonia does hereby acknowledge the fact that Clay Heslep is a Councilmember of the city of Vilonia and that the city does business with Heslep Electric on an as-needed basis. The City Council does hereby authorize said dealings with Heslep Electric. (Ord. No. 2015-4, Sec. 2.)

**CHAPTER 3.08**

**SINGLE TRANSACTION**

**Sections:**

3.08.01 Definitions

3.08.01 Definitions “Single transaction” is defined according to the nature of the goods purchased as follows:

- A. When two or more devices in which, upon which or by which any person or property is, or may be, transported or drawn, including but not limited to, on-road vehicles, whether required to be licensed or not, off-road vehicles, farm vehicles, airplanes, water vessels, motor vehicles or non-motorized vehicles and mobile homes, are sold to a person by a seller, each individual unit, whether part of a “fleet” sale or not, shall be treated as a single transaction for the purpose of the Sales and Use Tax.
- B. The charges for utility services, which are subject to the Sales and Use Tax, and which are furnished on a continuous service basis, whether such services are paid daily, weekly, monthly or annually, for the purposes of the Sales and Use Tax, shall be computed in daily increments, and each such daily charge increment shall be considered to be a single transaction for the purposes of the Sales and Use Tax.
- C. For sales of building materials and supplies to contractors, builders or other persons, a single transaction, for the purposes of the Sales and Use Tax, shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales (or use) tax figure has been reported and remitted to the state of Arkansas.

- D. When two or more items of major household appliances, commercial appliances, major equipment and machinery are sold, each individual unit shall be treated as a single transaction for the purposes of the Sales and Use Tax.
- E. For groceries, drug items, dry goods and other tangible personal property and/or services not otherwise expressly covered in this section, a single transaction shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales tax figure has been reported and remitted to the state of Arkansas. (Ord. No. 95-13, Sec.2.)

## **CHAPTER 3.12**

### **SALES AND USE TAXES**

#### **Sections:**

3.12.01 Sales and use taxes

#### **3.12.01 Sales and use taxes**

- A. Under the authority of the authorizing legislation, there is hereby levied a one percent (1%) tax on the gross receipts from the sale at retail within the city of all items which are subject to the Arkansas Gross Receipts Tax Act of 1941, as amended (A.C.A. 26-52-101, et seq.), and the imposition of an excise or use tax on the storage, use or other consumption within the city of tangible personable property subject to the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. 26-53-101, et seq.), at a rate of one percent (1%) of the sale price of the property or, in the case of leases or rentals, of the lease or rental price (collectively, the "sales and use tax".) The sales and use tax shall be levied and collected only on the first Twenty-Five Hundred Dollars (\$2,500.00) for each single transaction. (Ord. No. 95-13, Sec. 1.)
- B. Under the authority of the authorizing legislation, there is hereby levied a one percent (1%) tax on the gross receipts from the sale at retail within the city of all items which are subject to the Arkansas Gross Receipts Tax Act of 1941, as amended (A.C.A. 26-52-101, et seq.), and the imposition of an excise or use tax on the storage, use or other consumption within the city of tangible personable property subject to the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. 26-53-101, et seq.), at a rate of one percent (1%) of the sale price of the

property or, in the case of leases or rentals, of the lease or rental price (collectively, the "sales and use tax".) The sales and use tax shall be levied and collected only on the first Twenty-Five Hundred Dollars (\$2,500.00) for each single transaction. (Ord. No. 96-6, Sec. 1.)

- C. Under the authority of the authorizing legislation, there is hereby levied a one-half percent ( $\frac{1}{2}$  %) tax on the gross receipts from the sale at retail within the city of all items which are subject to the Arkansas Gross Receipts Act of 1941 as amended (A.C.A. 26-52-101, *et seq.*), and the imposition of an excise or use tax on the storage, use, distribution or other consumption within the city of tangible personal property subject to the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. 26-53-101, *et seq.*), at a rate of one percent (1%) of the sale price of the property or, in the case of leases or rentals, of the lease or rental price (collectively, the "sales and use tax".) The sales and use tax shall be levied and collected only on the first Twenty-Five Hundred Dollars (\$2,500.00) for each single transaction. (Ord. No. 2000-7, Sec. 1.)
- D. Under the authority of the authorizing legislation, there is hereby levied a one-half percent ( $\frac{1}{2}$  %) tax on the gross receipts from the sale at retail within the city of all items which are subject to the Arkansas Gross Receipts Act of 1941 as amended (A.C.A. 26-52-101, *et seq.*), and the imposition of an excise or use tax on the storage, use, distribution or other consumption within the city of tangible personal property subject to the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. 26-53-101, *et seq.*), at a rate of one-half percent ( $\frac{1}{2}$  %) of the sale price of the property or, in the case of leases or rentals, of the lease or rental price (collectively, the "sales and use tax".) (Ord. No. 2008-2, Sec. 1.)
- E. **Bonds.** In order to provide for the payment of the principal of and interest on the Bonds and all obligations of the City in connection therewith, there is hereby levied the Replacement 0.5% Tax and the New 0.25% Tax, for a combined sale and use tax rate of 0.75%. The levy of the Sales and Use Taxes shall not become effective until the special election called in Section I above has been held and the issuance of the Bonds for one or both purposes is approved by the voters; provided, however, that no Bonds will be issued unless the issuance of the Bonds for the Refunding is approved. The effective date of the Replacement 0.5% Tax will be the day following the date the 2013 0.5% Tax is terminated. The effective date of the New 0.25% Tax shall be in accordance with the Authorizing Legislation. The Sales and Use Taxes shall be levied and collected on the gross receipts, gross proceeds or sales price in the maximum amount allowed from time to time by Arkansas law, subject to rebates and limitations as from time to time required by Arkansas statutes for certain single transactions. (Ord. No. 2019-1, Sec. 2.)

## TITLE 4

### BUSINESS LICENSES AND REGULATIONS

#### Chapters:

- 4.04 Electric Franchise
- 4.08 Gas Franchise
- 4.12 Telephone Franchise
- 4.16 Cable Television Franchise
- 4.20 Ambulance Service
- 4.24 Business, Solicitors and Vendor's Tax
- 4.28 Mobile Food Vendors

#### CHAPTER 4.04

#### ELECTRIC FRANCHISE

#### Sections:

- 4.04.01 Electric franchise granted
- 4.04.02 General rights and obligations
- 4.04.03 Standards and right-of-ways
- 4.04.04 Removal of hazards; clearing of right-of-ways
- 4.04.05 Termination procedure
- 4.04.06 Rates
- 4.04.07 City not liable for negligence of grantee
- 4.04.08 Standards of care for facilities
- 4.04.09 Franchise tax
- 4.04.10 Street lighting
- 4.04.11 Private generation facilities allowed
- 4.04.12 Contract

4.04.01 Electric franchise granted The city of Vilonia, Arkansas, (hereinafter called Grantor) hereby grants to the Arkansas Power and Light Company, its successors and assigns (hereinafter called Grantee), the exclusive right, privilege and authority within the present and all future expansion of the corporate limits of the city of Vilonia, Arkansas, (1) to sell, furnish, transmit and distribute electric power and energy to Grantor and to all inhabitants and consumers within said limits, and (2) to construct, maintain, operate and extend a system for such purposes and to enter on, under and upon and use any and all of the streets, alleys, avenues, bridges and



other public grounds and ways belonging to, or under the control of Grantor, for the purpose of erecting, maintaining, repairing, replacing and operating poles, wires, anchors, stubs, transformers, substations, cables, conduits and other related facilities, appliances and apparatus which are necessary for, or useful in, the furnishing, sale, transmission or distribution of said electric service (hereinafter called facilities). (Ord. No. 65-9, Sec. 1.)

4.04.02 General rights and obligations Grantee shall, and does by acceptance hereof, agree to provide to the city and its inhabitants adequate and reasonable electric service as a public utility and the facilities necessary to provide such service. Grantor, in recognition of the large and continuing investment necessary for Grantee to perform its obligations hereunder, and the need and duty to promptly construct its facilities, as defined above, required to serve customers, in all areas and zones of the city, consents to the construction of such facilities as defined in Section 4.04.01 in all such areas and zones, and Grantor agrees to protect by ordinance, regulation and otherwise, to the fullest extent permitted by law, and except as otherwise limited herein, the grants of rights and privileges to Grantee set forth in Section 4.04.01 from interference with, or duplication by, other persons, firms or corporations seeking to engage in the sale or distribution of electric energy. (Ord. No. 65-9, Sec. 2.)

4.04.03 Standards and right-of-ways All facilities of Grantee which may be located on public ways, places and public property, as authorized herein, shall be located so as to not unreasonably obstruct public use and travel. All of Grantee's facilities shall be constructed, operated and maintained in accordance with standards at least equivalent to the standards prescribed by the National Electrical Safety Code. Grantee, its successors and assigns, shall replace and repair, at its own expense, all excavations, holes or other damage caused or done by it to public streets, ways, places and public property in the construction, operation and maintenance of its facilities. (Ord. No. 65-9, Sec. 3.)

4.04.04 Removal of hazards; clearing of right-of-ways The Grantee, its successors and assigns, is hereby given the right to trim, cut or remove trees, shrubbery or growth on or in public ways, places and public property which interfere or offer hazards to the operation of Grantee's facilities used or useful for the rendition of electric service; further, Grantee is hereby given the right, authority and permission to trim, cut and remove portions of trees, shrubbery or growth growing on private property but overhanging or encroaching on public ways, places and public property which interfere or offer hazards to the construction, operation and maintenance of Grantee's facilities. (Ord. No. 65-9, Sec. 4.)

4.04.05 Termination procedure The rights, privileges and authority hereby granted shall exist and continue from the date of passage of this ordinance, and thereafter, until termination in accordance with provisions of Section 44 of Act 324 of the 1935 Acts of the state of Arkansas, as presently enacted or hereinafter amended. (Ord. No. 65-9, Sec. 5.)

4.04.06 Rates The rates which are to be charged by Grantee for electric service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from time to time, be amended by Grantee in accordance with law or by any regulatory authority having jurisdiction thereof. (Ord. No. 65-9, Sec. 6.)

4.04.07 City not liable for negligence of grantee In the construction, operation, and maintenance of its facilities, said Grantee shall use reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the said Grantor from damage, injury, loss or expense caused by the negligence of the Grantee or its agents, servants, or employees, in constructing, operating and maintaining said facilities or in repaving or repairing any streets, avenues, alleys, bridges or other public grounds. (Ord. No. 65-9, Sec. 7.)

4.04.08 Standard of care for facilities The Grantee shall endeavor at all times to keep its facilities in a reasonable state of repair and to conform to such practices and install such appliances and equipment as may be in keeping with the customary usage and practice in cities of similar size in this state during the time this franchise shall remain in force. (Ord. No. 65-9, Sec. 8.)

4.04.09 Franchise tax Beginning in 1966, and thereafter during the life of this franchise, the Grantee shall pay to Grantor each year a franchise tax in an amount equal to: Four and twenty-five hundredths percent (4.25%) of the preceding calendar year's gross residential and commercial electric revenues as paid to the Grantee by residential and commercial customers located within the corporate limits of the city of Vilonia, Arkansas. Payments shall be made by the Grantee to the Grantor in approximately equal quarterly installments beginning in January 1966. Residential and commercial electric revenues are those revenues so classified pursuant to Grantee's uniform classification standards. Grantor shall have the right to examine and verify, from the records of the Grantee, any data relating to the gross revenues of Grantee from customers on which said franchise tax is due. In the event of a controversy, between the Grantor and Grantee as to the amount of gross revenues received by Grantee in the city of Vilonia, Arkansas, upon which said tax is due, such controversy shall be referred to the Arkansas Public Service Commission, or such successor regulatory agency which may have jurisdiction over the Grantee, for final determination, and the decision of said Commission shall be binding upon both parties hereto.

It is expressly agreed and understood by the Grantor and Grantee that the aforesaid payment shall constitute and be considered as complete payment and discharge by the Grantee, its successors and assigns, of all licenses, fees, charges, impositions or taxes of any kind (other than automobile license fees, special millage taxes, general ad valorem taxes and other general taxes applicable to all citizens and taxpayers) which are now or might in the future be imposed by the Grantor under authority conferred upon the Grantor by law. In the event such other tax or taxes are imposed by Grantor, the obligation of the Grantee set forth in Section 4.04.07 hereof, to pay the city the sum of four and twenty-five hundredths percent (4.25%) annually of the gross residential and commercial electrical revenues shall immediately terminate. (Ord. No. 65-9, Sec. 9.)

4.04.10 Street lighting Electric service furnished the Grantor for street lighting and other purposes shall be paid for by the Grantor in accordance with the applicable rate schedules of the Grantee now on file and/or as they may in the future be filed by the Grantee and approved by the Arkansas Public Service Commission or other regulatory authority having jurisdiction. The Grantee shall have the privilege of crediting any amount due Grantor with any unpaid balances due said Grantee for electric service rendered to said Grantor. (Ord. No. 65-9, Sec. 10.)

4.04.11 Private generation facilities allowed Nothing herein shall be construed to prohibit any person, firm or corporation from owning and operating facilities for generating, distributing, or furnishing electric energy for his or its own use or for the use of his or its tenants, all of which facilities and use are wholly on the same premises owned by such person, firm or corporation. (Ord. No. 65-9, Sec. 11.)

4.04.12 Contract Upon written acceptance by Grantee, this ordinance shall constitute a contract between Grantor and Grantee and its successors and assigns. (Ord. No. 65-9, Sec. 12.)

## **CHAPTER 4.08**

### **GAS FRANCHISE**

#### **Sections:**

4.08.01	Gas franchise granted to Arkansas Louisiana Gas Company
4.08.02	General rights and obligations
4.08.03	Standards and right-of-ways
4.08.04	Termination procedure
4.08.05	Rates
4.08.06	City not liable for negligence of Grantee
4.08.07	Standard of care for facilities
4.08.08	Franchise tax
4.08.09	Contract

4.08.01 Gas franchise granted to Arkansas Louisiana Gas The city of Vilonia, Arkansas, (hereinafter called Grantor) hereby grants to ARKLA its successors and assigns (hereinafter called Grantee), the exclusive right, privilege and authority within the present and all future expansion of the city limits of Vilonia, Arkansas, (1) to sell, furnish, transmit and distribute natural gas to Grantor and to all inhabitants and consumers within said limits, and (2) to construct, maintain, operate and extend a system for such purposes and to enter on, under and upon and use any and all of the streets, alleys, avenues and other public grounds and ways belonging to, or under the control of Grantor, for the purpose of constructing, maintaining, repairing, replacing and other related facilities, appliances and apparatus which are necessary for, or useful in, the furnishing, sale, transmission or distribution of natural gas (hereinafter called facilities). (Ord. No. 97-2, Sec. 1.)

4.08.02 General rights and obligations Grantee shall, and does by acceptance hereof, agree to provide to the city and its inhabitants adequate and reasonable service as a public utility and the facilities necessary to provide such service. Grantor, in recognition of the large and continuing investment necessary for Grantee to perform its obligations hereunder, and the need and duty to promptly construct its facilities, as defined above, required to serve customers, in all areas and zones of the city, consents to the construction of such facilities as defined in Section 4.08.01 in all such areas and zones. Grantor agrees to protect by ordinance, regulation and otherwise, to the fullest extent permitted by law, and except as otherwise limited herein, the grants of rights and privileges to Grantee set forth in Section 4.08.01 from interference with, or duplication by, other persons, firms or corporations seeking to engage in the sale or distribution of natural gas. (Ord. No. 97-2, Sec. 2.)

4.08.03 Standards and right-of-ways All facilities of Grantee which may be located on public ways, places and public property, as authorized herein, shall be located so as to not unreasonably obstruct public use and travel. All of Grantee's facilities shall be constructed, operated and maintained in accordance with standards at least equivalent to the standards prescribed by the National and/or state of Arkansas Safety Code. Grantee, its successors and assigns, shall replace and repair, at its own expense, all excavations, holes or other damage caused or done by it to public streets, ways, places and public property in the construction, operation and maintenance of its facilities. (Ord. No. 97-3, Sec. 3.)

4.08.04 Termination procedure The rights, privileges and authority hereby granted shall exist and continue from the date of passage of this ordinance, and thereafter, until termination in accordance with provisions and acts of the state of Arkansas, as presently enacted or hereinafter amended. (Ord. No. 97-2, Sec. 4.)

4.08.05 Rates The rates which are to be charged by Grantee for natural gas service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from time to time, be amended by Grantee in accordance with law or by any regulatory authority having jurisdiction thereof. (Ord. No. 97-2, Sec. 5.)

4.08.06 City not liable for negligence of grantee In the construction, operation, and maintenance of its facilities, said Grantee shall use reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the said Grantor from damage, injury, loss or expense caused by the negligence of the Grantee or its agents, servants, or employees, in constructing, operating and maintaining said facilities or in repaving or repairing any streets, avenues, alleys, bridges or other public grounds. (Ord. No. 97-2, Sec. 6.)

4.08.07 Standard of care for facilities The Grantee shall endeavor at all times to keep its facilities in a reasonable state of repair and to conform to such practices and install such appliances and equipment as may be in keeping with the customary usage and practice in cities of similar size in this state during the time this franchise shall remain in force. (Ord. No. 97-2, Sec. 7.)

4.08.08 Franchise tax Beginning in 1996, and thereafter during the life of this franchise, the Grantee shall pay to Grantor each year a franchise/gross receipts tax as set forth in the Franchise/Gross Receipts Tax Ordinance as amended annually. (Ord. No. 97-2, Sec. 8.)

4.08.09 Contract Upon written acceptance by Grantee, this ordinance shall constitute a contract between Grantor and Grantee and its successors and assigns. (Ord. No. 97-2, Sec. 9.)

## **CHAPTER 4.12**

### **TELEPHONE FRANCHISE**

#### Sections:

- 4.12.01 Authority granted for operation of telephone system
- 4.12.02 Special tax
- 4.12.03 Temporary moving of lines
- 4.12.04 Permission to trim trees
- 4.12.05 Ordinance does not require or permit electric light or power wire attachments

4.12.01 Authority granted for operation of telephone system The Allied Telephone Company, its successors and assigns (hereinafter referred to as "Telephone Company") shall continue to operate its telephone system and all business incidental to or connected with the conducting of a telephone business and system in the city of Vilonia, Arkansas, (hereinafter referred to as "city"). The plant construction and appurtenances used in or incidental to the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said City shall remain as now constructed, subject to such changes as may be considered necessary by the City in the exercise of its inherent powers and by the Telephone Company in the conduct of its business, and said Telephone Company shall continue to exercise its rights to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances as the business and purpose for which it is or may be incorporated may from time to time require, along, across, on, over, through, above and under all the public streets, avenues, alleys, and the public grounds and places within the limits of said City as the same from time to time may be established. (Ord. No. 65-1, Sec. 1.)

4.12.02 Special tax The Telephone Company shall pay to the City an annual special tax in the amount of \$.50 for each station (including extensions) within the city limits on December 31 of the year next preceding the year in which the tax is payable, which tax shall be due and payable during the month of July of each year. The tax herein levied shall be in lieu of any privilege tax, franchise tax, occupation tax, license tax, excise tax and any other character of municipal tax or fee (excepting ad valorem taxes) which are now and might in the future be

imposed by the city of Vilonia under authority conferred upon said City by law. Whenever the said City imposes upon the Telephone Company any privilege, franchise, occupation, or other city special tax, (excepting ad valorem taxes) the recurring monthly rates for the service charge for each station (including extensions) within the city limits will be increased in the amount that such taxes exceed the sum of \$.50 for each such station (including extensions). The Company shall remit to the City all such increased amount (less cost of collection thereof) during the month next succeeding the month in which such charges are collected. (Ord. No. 65-1, Sec. 2.)

4.12.03 Temporary moving of lines The Telephone Company on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes. (Ord. No. 65-1, Sec. 3.)

4.12.04 Permission to trim trees Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Company, all the said trimming to be done under the supervision and direction of any city official to whom said duties have been or may be delegated. (Ord. No. 65-1, Sec. 4.)

4.12.05 Ordinance does not require or permit electric light or power wire attachments Nothing contained in this ordinance shall be construed to require or permit any electric light or power wire attachments by the City or for the City. If light or power attachments are desired by the City or for the City, then a separate non-contingent agreement shall be a prerequisite to such attachments. (Ord. No. 65-2, Sec. 5.)

## **CHAPTER 4.16**

### **CABLE TELEVISION FRANCHISE**

#### Sections:

- 4.16.01 Extension of franchise
- 4.16.02 Rights
- 4.16.03 Effective
- 4.16.04 FCC Forms

4.16.01 Extension of franchise This non-exclusive franchise (the "Franchise"), originally passed and approved by the city, shall be extended through May 14, 2007. (Ord. No. 2006-4, Sec. 1.)

4.16.02 Rights The City and Charter continue to reserve all rights under the renewal procedures of Section 626 of the Cable Act (47 U.S.C. 546) and do not waive any rights related thereto. (Ord. No. 2006-4, Sec. 2.)

4.16.03 Effective This order shall be effective as of the date hereof. (Ord. No. 2006-4, Sec. 3.)

4.16.04 FCC Forms The Mayor is hereby authorized and directed to file two completed FCC Forms 328 by registered mail (not certified mail) with return receipt requested to:

Federal Communications Commission  
Cable Franchising Authority Certification  
P.O. Box 18539  
Washington D.C. 20036

The Mayor is further directed to mail a completed copy of this form 328 to our local cable operator at the address listed on the form by certified mail, return receipt requested, on the same day copies are mailed to the FCC. (Ord. No. 93-7, Secs. 1-2.)

## **CHAPTER 4.20**

### **AMBULANCE SERVICE**

#### **Sections:**

- 4.20.01 Licensed
- 4.20.02 Inspection
- 4.20.03 Safety inspections
- 4.20.04 Provisions of ordinance
- 4.20.05 Volunteer services

4.20.01 Licensed It is the mandate of the city that all ambulances operating within the city of Vilonia be staffed, equipped and licensed as paramedic ambulances. (Ord. No. 97-10, Sec. 1.)

4.20.02 Inspection All ambulances operating within the city of Vilonia shall be inspected and approved annually by the Arkansas Department of Health in accordance with the rules and regulations pertaining to such vehicles. All transports, emergency and non-emergency, shall be made with vehicles duly licensed as paramedic, equipped and operated as such. (Ord. No. 97-10, Sec. 2.)

4.20.03 Safety inspections It is further ordained by the city of Vilonia that all ambulances shall successfully undergo annual safety inspections as required by the Arkansas State Police. (Ord. No. 97-10, Sec. 3.)

4.20.04 Provisions of ordinance If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such validity shall not affect the other provisions or applications of the ordinance. (Ord. No. 97-10, Sec. 4.)

4.20.05 Volunteer services Nothing in this ordinance shall restrict or regulate those services operating as volunteer services who do not bill for transport services or those ambulances operating within the city of Vilonia during times of natural disaster. (Ord. No. 97-10, Sec. 6.)

## **CHAPTER 4.24**

### **BUSINESS, SOLICITORS AND VENDOR'S TAX**

#### Sections:

4.24.01	Permit required
4.24.02	Definitions
4.24.03	Fees
4.24.04	Business not always conducted in Vilonia
4.24.05	Exceptions
4.24.06	Application process
4.24.07	Display of permit
4.24.08	Penalty

4.24.01 Permit required Every business whether on a permanent or temporary basis must purchase a permit from the city of Vilonia. This will include door-to-door sales. (Ord. No. 2004-2, Sec. 1.)

#### 4.24.02 Definitions

**On-site business** – conducting business and/or selling merchandise in a permanent location and a permanent building.

**Off-site business** – conducting business and/or selling merchandise in a temporary location and temporary structure.

**Door-to-door** – any off-site business not at the same location for the duration of the permit. (Ord. No. 2004-2, Sec. 2.)



4.24.03 Fees

On-site business		\$50.00 (Ord. No. 2004-3, Sec. 1.)
Off-site business	1-7 consecutive days	\$25.00
	8-14 consecutive days	\$50.00
Door-to-door	1-7 consecutive days	\$50.00 (Ord. No. 2004-2, Sec. 3.)

4.24.04 Business not always conducted in Vilonia Several businesses that do not stay in the city limits of the city of Vilonia who wish to purchase their license from the city of Vilonia, such as, construction companies, electricians and in-home businesses, will be allowed with the same permit and fees as an on-site business. (Ord. No. 2004-2, Sec. 4.)

4.24.05 Exceptions The City Council of the city of Vilonia wishes to exclude any local non-profit organization or any local civic group. They also wish to exclude any booths at events sponsored by local civic or non-profit organizations. (Ord. No. 2004-2, Sec. 5.)

4.24.06 Application process After completing the appropriate application, it is up to the discretion of the City Clerk or Deputy City Clerk to issue the permit that day, or if it must be reviewed, and could take at least three business days to complete. (Ord. No. 2004-2, Sec. 6.)

4.24.07 Display of permit Permits must be displayed at all times at on-site and off-site businesses. Permits must be placed on the rear glass of vehicles permitted by door-to-door permits, and must be visible for 200 feet. (Ord. No. 2004-2, Sec. 7.)

4.24.08 Penalty Anyone in violation of this ordinance will be given a citation and upon conviction by the City Judge, an offender shall be punished by a fine of not less than Fifty Dollars (\$50.00), and not more than Two Hundred Dollars (\$200.00), plus any state cost, per citation. (Ord. No. 2004-2, Sec. 8.)

## CHAPTER 4.28

### MOBILE FOOD VENDORS

Sections:

4.28.01	Mobile Food Vendors, Generally
4.28.02	Exemptions
4.28.03	Permits
4.28.04	Special Events
4.28.05	Penalty
4.28.06	Exclusions

4.28.01 Mobile Food Vendors, Generally Mobile Food/Business Vendors is/are defined as any person or persons who operate or sell goods, food, drinks, or snacks from a mobile cart, stationary cart, trailer, van, or similar chassis with or without an engine, or a tent.

- A. Mobile Food/Business Vendors shall be allowed in the TC – Town Center and HMU – Highway Mixed Use districts only.
- B. Mobile Food/Business Vendors shall not operate within the city right of way, city parks or other public or private properties without securing a City Privilege Tax.
- C. Mobile Food/Business Vendors shall operate only on private property.
- D. Mobile Food/Business Vendors must locate on a paved surface or approved parking area that must be approved by the Code Enforcement officer.
- E. Mobile Food/Business Vendors shall provide the city with written permission or lease agreement from the property owner allowing operation of the mobile business for the duration of the time frame allowed by the permit.
- F. Mobile Food/Business Vendors shall secure a health permit from the Arkansas State Health Department prior to operation.
- G. Mobile Food/Business Vendors shall possess and display any required City or State tax permits as required.
- H. Mobile Food/Business Vendors shall not locate in fire lanes or block the ingress/egress to the area, cause traffic hazards, block, sidewalks, streets, or alleys.
- I. Mobile Food/Business Vendors shall provide garbage receptacles for customer use.
- J. During business hours and at the conclusion of business activities at a given location the mobile vendor shall clean the area around the mobile establishment of all trash, litter, and debris.
- K. The noise level of mechanical equipment or outside sound equipment used by a Mobile Food/Business Vender shall not be a nuisance.
- L. Any lighting must be inward, downward, and shrouded so that the light source is not directly visible.

- M. Signage is limited to signs attached flat to the exterior of the Mobile Food/Business structure. Signage used on umbrellas or similar fixtures may be used. All signage must comply with signage requirements found elsewhere in the Vilonia Zoning Ordinance.
- N. Tents/Inflatable Structures may be used for temporary events or sales. Approval from the Fire Marshall will be needed for tents larger than 200 square feet in area. (Ord. No. 2018-01, Sec. 1.)

4.28.02 Exemptions The following activities, businesses, and or persons are generally exempt from the requirements of this regulation: Portable Lemonade Stands, Stands used to sell or distribute flowers, fruit, vegetables, produce, or plants grown on the property where the stand is located; Delivery or distribution of food, goods or products ordered or purchased by customers from a point of sale other than a Mobile Food/Business Vendor; Delivery or distribution of food by or for any not-for-profit organization, governmental agency, or other charitable organization. This includes the Vilonia Handmade & Homegrown Market. (Ord. No. 2018-01, Sec. 1.)

4.28.03 Permits Mobile Food/Venders utilization a mobile structure where employees primarily work from within the structure and food or goods are prepared and/or dispensed through a window are required to obtain a mobile food/business permit prior to moving the mobile structure onto a parcel or lot. The permit will be valid for twelve (12) months and must be renewed annually. The fee shall be \$250.00. It must meet all guidelines and regulations within this ordinance as well as zoning regulations set forth in this ordinance. Approval of the site plan by the Vilonia Planning Commission for the mobile food/business vendor must be obtained prior to the issuance of the permit. (Ord. No. 2018-01, Sec. 1.)

4.28.04 Special Events The Mayor may grant special event exceptions for community wide events which bring benefit to the community as a whole. At the Mayor's discretion, no fees will be paid by vendors. These events may not meet normal Zoning Ordinance Requirements. At the Mayor's discretion, a tent or awning, or in special circumstances, a building which exceeds the dimensional requirements of this ordinance may be granted for a mobile food/business vendor. (Ord. No. 2018-01, Sec. 1.)

4.28.05 Penalty Any person or operator engaged in the temporary sales or displays of items not authorized herein, or operating outside the scope of their authorized permit, or otherwise in violation of this Ordinance shall be subject to immediate citation by either the Police or Code Enforcement officer for violation of a City Ordinance. Upon conviction, be subjected to a fine of not less than \$25.00 but not more than \$100.00 plus court cost for each day in violation. (Ord. No. 2018-01, Sec. 1.)

4.28.06 Exclusions A recreational vehicle may not be used by a Mobile Food Vendor or as an Office for any type of business. (Ord. No. 2018-01, Sec. 1.)

## TITLE 5

### HEALTH AND SANITATION

#### Chapters:

5.04 Maintenance of Real Property

#### CHAPTER 5.04

#### MAINTENANCE OF REAL PROPERTY

#### Sections:

5.04.01	Definitions
5.04.02	Unlawful conditions
5.04.03	Fine
5.04.04	Violations

5.04.01 Definitions For the purposes of this ordinance, the following words and phrases shall have the meaning set forth herein. According to context, words used in the present tense include the future, singular words include plural and plural include singular and masculine words shall include the feminine gender.

**Brush and dead trees** is any whole or part of a plant whether dead or alive.

**Building materials** are materials used in the process of constructing buildings, remodeling or destruction thereof.

**City** is the city of Vilonia, Arkansas.

**Code Enforcement Officer** is the code enforcement of the city of Vilonia, its agents, and its designees.

**Cultivated** is any item within a garden or flower bed.

**Grass** is any type grass, weeds or any other plant on any expanse of ground, as a lawn, pasture or grazing land.

**Iceboxes, refrigerators, or any other appliance** is any appliance, whether working or not, that is stored on public or private property.

**Person** is any person, firm, partnership, association, corporation, company or organization of any kind.

**Police Department** is the Chief of Police of the city of Vilonia, his agents, and his designees.

**Streams and drainage systems** is any means to move excess water from roadways, private, or public property.

**Trash** is any rubbish and refuse or unsanitary matter not properly stored in waste containers. (Ord. No. 2001-3, Sec. 1.)

5.04.02 Unlawful conditions It shall be unlawful for any person having supervision or control of any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved within the corporate limits of the city of Vilonia, to suffer or permit any of the following conditions:

- A. Grass is not to grow to a height greater than eight (8) inches on any given lot, or tract of land less than three (3) acres or to grow in rank profusion upon the premises. This requirement shall apply to any portion of any property that is less than fifty (50) feet from any developed lot. (Ord. No. 2017-2, Sec. 1.)
- B. Grass on tracts or parcels greater than three (3) acres shall be considered as agriculture and shall produce and be maintained to maximize crop efficiency. Areas not being utilized to maximize crop efficiency shall be cut no less than once a month during the months of April, May, June, July, August, September and October.
- C. Grass is not to grow in rank profusion, or otherwise, in along, upon or across an abutting sidewalk or road easement, to a height of more than eight (8) inches on average. (Ord. No. 2017-2, Sec. 1.)
- D. Trash, dead trees, and/or building materials of whatever nature to accumulate or be present upon any lot, tract or parcel of land. If building materials are stored on the premises, all such material must be stored at least eight (8) inches off the ground.
- E. The open storage of iceboxes, refrigerators, or any other appliances or furniture for a period of seven (7) days, and during the storage period, all doors, latches and

locks will be removed or made inoperative in a manner to ensure the safety of all citizens unless it is used in connection within the normal course of business.

- F. The use of any stream or drainage system for the purpose of throwing or placing of stumps, brush, litter, rubbish, or any other liquid or solid material within or along the banks of any such stream or drainage system.
- G. The accumulation of stagnate pools of water or allow any form of vessel that might accumulate water in which mosquitoes or other insects may breed. (Ord. No. 2001-3, Sec. 2.)
- H. No person shall allow dirt, filth, grass or obstruction of any kind to accumulate in the gutter, sidewalks, and streets in front of his or her property, and all owners and occupants of the property in front of which there are gutters, sidewalks or street shall keep them cleaned and free from trash, grass and all other obstructions to the ease and rapid flow of water and pedestrian traffic through them. (Ord. No. 2017-2, Sec. 1.)
- I. Any structure changed by fire or natural disasters such as earthquake, flood, tornado, or wind, or any portion of any structure damaged by fire, earthquake, flood, tornado, or wind that is in a state of dilapidation, abandoned, no longer provides shelter, or violates any City of Vilonia adopted Code is hereby declared to be a nuisance. No person shall allow, cause, continue or permit any such nuisance to exist on any property within the City of Vilonia.

Any structure declared to be a nuisance must be rebuilt or razed 180 days after the incident has occurred. Utilities must be shut off and capped. Property must be maintained as stated in Ordinance 2017-2.

- 1. This Ordinance is an appropriate response to the ongoing nuisance and hazard caused by abandoned properties that were a result of previous natural disasters. It is clear that these abandoned properties constitute a nuisance and hazard to neighbors which the city has the authority to regulate. These abandoned properties also negatively impact both a neighborhood's and the City's efforts to recover from any type of disaster. As a clear hazard, nuisance, and impediment to city development does exist, it is appropriate that the City of Vilonia establish guidelines for owners to maintain and clean-up their properties. Any structure or portion thereof that did exist before the passage of Ordinance 2017-5 will have to be maintained as stated in any adopted code of the City of Vilonia until such time that the property owners decides to rebuild or raze and return the property to the same condition as before the structure was built. (Ord. No. 2017-5, Sec. 1.)

5.04.03 Fine Any structure or portion thereof that existed before the passage of Ordinance 2017-05 and is not maintained according to any adopted code of the City of Vilonia is in violation and will be notified by the Code Enforcement Officer. If the Property owner fails to comply. The property will be brought into compliance. The City will be entitled to place a lien on the property for the total cost of cleanup. The lien shall be filed with the County Clerk and the County register of deeds and shall be enforceable as any judgment or mortgage lien and maybe foreclosed on in like manner. (Ord. No. 2017-05, Sec. 2.)

5.04.04 Violations Violations of the provisions of this ordinance may be prosecuted by the issuance of a criminal information or by the issuance of a citation by the Code Enforcement Officer or Police Department as required by law. (Ord. No. 2001-3, Sec. 5.)

## TITLE 6

### ANIMALS AND FOWL

#### Chapters:

6.04 Dogs

#### CHAPTER 6.04

#### DOGS

#### Sections:

6.04.01	General regulations
6.04.02	Definitions
6.04.03	Public nuisance
6.04.04	Vicious animal
6.04.05	Enforcement
6.04.06	Penalty
6.04.07	Dogs running at large
6.04.08	Pit bulls

6.04.01 General regulations The city wishes to promote the health, safety and welfare of its citizens, and to regulate pets which are public nuisances or vicious animals. (Ord. No. 2007-9, Sec. 1.)

#### 6.04.02 Definitions

**Pet** – any animal kept for pleasure; an animal or a species that has been bred or raised to live in or about the habitation of humans and is dependant on people for food and shelter. (Ord. No. 2007-9, Sec. 2.)

6.04.03 Public nuisance Public nuisance are any pets as defined in 6.04.02.

- A. Unreasonably annoys or endangers the life or health of other animals or persons.
- B. Substantially interferes with the right of citizens to the enjoyments of life and property.



- C. Is repeatedly found at large
- D. Damages the property of anyone other than its owner.
- E. Molests or intimidates pedestrians or passers-by.
- F. Chases vehicles
- G. Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, growling, whining, or other utterance causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- H. Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity of the premises where the animal is kept or harbored.
- I. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored. (Ord. No. 2007-9, Sec. 3.)

6.04.04 Vicious animal

- A. Any pet as defined in 6.04.02 that attacks, bites, or injures human beings or domesticated animals without adequate provocation or pets described in 6.04.02 which because of temperament, conditioning or training has a known propensity to attack, bit, or injure human beings or domesticated animals.
- B. Any pet as defined in 6.04.02 owned or harbored, or in part, for the purpose of fighting. (exception – dogs which are governed by A.C.A. 5-62-120)
- C. No animal shall be declared vicious if it is protecting its young from attack or assault, or if it is tormented or abused. (Ord. No. 2007-9, Sec. 4.)

6.04.05 Enforcement Any person designated by the city may enforce the provisions of this ordinance. They are hereby authorized to receive complaints from the public regarding any alleged violation of this ordinance and if the pet is determined to be a public nuisance or vicious animal, whereupon the designee is authorized to issue to the party whom the complaint is against, a notice of warning that they have been reported to be in violation of this ordinance or the designee of the city is authorized to issue a citation to the party against whom the complaint is brought, or whereupon that person may be accorded all the rights of an accused in the City Court of Vilonia, Arkansas. In case of an attack on an animal or person, the designee of the city is authorized to issue a citation to the party against whom the complaint is brought, whereupon that person may be accorded all rights of an accused in the City Court of Vilonia, Arkansas. (Ord. No. 2007-9, Sec. 5.)

6.04.06 Penalty The penalty for violation of this ordinance is One Hundred Dollars (\$100.00), plus court costs. Any person or persons found in violation of this ordinance shall also be responsible for any and all expenses to correct any violations and/or medical expenses for said pet or pets. (Ord. No. 2007-9, Sec. 6.)

6.04.07 Dogs running at large

- A. To promote the health, safety and welfare of its citizens, the free running of pets, and the confinement of, as defined herein, which become a nuisance or a danger to people or property within the city limits of the city of Vilonia is hereby prohibited.
- B. Pets are defined as, but not limited to, dogs, hybrid dogs, wolves, cats, and snakes.
- C. It shall be hereafter be unlawful for any person to keep on their premises, or under their control, any pet or pets which by loud or frequent barking, howling, or excessive noise shall disturb the public peace and quiet for any person who may reside within a reasonable proximity of the place where such pet or pets are kept.
- D. It shall be unlawful for any person keeping or harboring any pet or pets to fail to keep the premises where such pet or pets are kept free from offensive odors, to the extent that such odors are disturbing to persons residing within a reasonable proximity to the said premises. It shall also be unlawful to allow the premises where any pet or pets are kept to become unclean and a threat to the public health and safety by failing to diligently and systematically remove all animal waste from the premises. It shall also be unlawful to allow the premises where any pet or pets are kept to become unclean and a threat to the health and well-being of said pet or pets.
- E. The city of Vilonia Police Department is directed to receive complaints from the public in written form regarding any alleged violation of this ordinance, whereupon the Police Department shall cause issue to the party whom the complaint is against a notice and warning that they have been reported to be in violation of this ordinance. Upon the second or any following complaints, which are submitted in writing, the Police Department of the city of Vilonia is authorized and directed to issue a citation to the party against whom the complaint is brought whereupon that person shall be accorded all rights of the accused in the court of Vilonia, Arkansas.
- D. The penalty for violation of this ordinance is One Hundred Dollars (\$100.00), plus court costs. Any person or persons found in violation of this ordinance shall also be responsible for any and all expenses to correct any violations and/or medical expenses for said pet or pets. (Ord. No. 2006-2, Secs. 1-6.)

6.04.08 Pit bulls

- A. It shall be unlawful for any person to own, acquire, transfer, breed or otherwise possess a pit bulldog or pit bulldogs within the city limits of the city of Vilonia, Arkansas.
- B. Violation of this ordinance shall be a misdemeanor, punishable by imprisonment in the Faulkner County jail not exceeding one (1) year or a fine not exceeding One Thousand Dollars (\$1,000.00) or both. (Ord. No. 87-1, Secs. 1-2.)

## **TITLE 7**

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

#### **Chapters:**

- 7.04 State Criminal Statutes and Penalties
- 7.08 Definitions of Criminal Offenses
- 7.12 Drinking in Public
- 7.16 Loitering
- 7.20 Curfew
- 7.24 Jake Brakes
- 7.28 Fireworks
- 7.32 Posting of Ordinances
- 7.36 Junkyards
- 7.40 Extended Fire Boundaries

#### **CHAPTER 7.04**

### **STATE CRIMINAL STATUTES AND PENALTIES**

#### **Sections:**

- 7.04.01 Adopting Arkansas Criminal Code
- 7.04.02 Violation
- 7.04.03 Defining criminal offenses

7.04.01 Adopting Arkansas Criminal Code The City Council of the city of Vilonia, Arkansas, adopts, insofar as the City Court of Vilonia, Arkansas, has jurisdiction over misdemeanor crimes committed within said city, an ordinance adopting the Arkansas Criminal Code of 1975; the Arkansas Controlled Substance Act of 1971; the Water and Air Pollution Control Act of 1949; the Highway and Transportation Act of 1977; the Arkansas Motor Carriers Act of 1955; the Arkansas Hazardous Waste Management Act of 1979; the Uniform Motor Vehicle Administration, Registration, Certificate of Title, and Auto Theft Act of 1949; Act 300 of 1937, and the amendments to said acts which are incorporated herein by reference as if they were set out in this ordinance word for word. (Ord. No. 83-4, Sec. 1.)

7.04.02 Violation Violation of the foregoing acts within the city of Vilonia, Arkansas, shall hereafter be deemed violations of this ordinance and penalties as provided by said act shall be determined and administered in the same manner and method as the same would be in either the Faulkner County District or Circuit Court for misdemeanor violations. (Ord. No. 83-4, Sec. 2.)

## **CHAPTER 7.08**

### **DEFINITIONS OF CRIMINAL OFFENSES**

#### Sections:

7.08.01 Definitions

#### 7.08.01 Definitions

**Assault** An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury upon the person of another. A simple assault, unattended with any apparent design to commit homicide or felony, shall, upon conviction of any person thereof, be punished by a fine not exceeding One Hundred Dollars (\$100.00).

**Assault and battery** Assault and battery is the unlawful striking or beating the person of another. Any person who shall be convicted of an assault and battery shall, upon conviction, be fined in any sum not exceeding Two Hundred Dollars (\$200.00).

**Assaulting officer** Every person who shall assault, beat, or wound any officer while engaged in the service or execution of, or in attempting to serve or execute, any writ, warrant, or process, original or judicial, or any order or rule of court, or while engaged in the discharge of any official duty, shall, upon conviction thereof, be fined in any sum not less than Fifty Dollars (\$50.00) and may also be imprisoned not to exceed six (6) months.

**Assault with a deadly weapon** If any person assaults another with a deadly weapon, instrument, or other thing, with an intent to inflict upon the person of another a bodily injury, where no considerable provocation appears, or where the circumstances of the assault show an abandoned and malignant disposition, he shall be, upon conviction, fined in any sum not less than Fifty Dollars (\$50.00) and not exceeding One Thousand Dollars (\$1000.00) and imprisoned not exceeding one (1) year.

**Communicating a false alarm** A person commits the offense of communicating a false alarm if he purposely initiates or circulates a report of a present, past, or impending bombing, fire, offense, catastrophe, or other emergency knowing that the report is false or baseless and knowing that it is likely:

- A. to cause action of any sort by an official or volunteer agency organized to deal with emergencies; or
- B. to place any person in fear of physical injury to himself or another person or of damage to his property or that of another person; or
- C. to cause total or partial evacuation of any occupiable structure, vehicle, or vital public facility. (Ord. No. 77-1, Sec. 3.)

**Disorderly conduct** A person commits the offense of disorderly conduct if, with the purpose to cause public inconvenience, annoyance, or alarm or recklessly creating a risk thereof, he:

- A. engages in fighting or in violent, threatening, or tumultuous behavior; or
- B. makes unreasonable or excessive noise; or
- C. in a public place, uses abusive or obscene language, or makes an obscene gesture, in a manner likely to provoke a violent or disorderly response; or
- D. disrupts or disturbs any lawful assembly or meeting of persons; or
- E. obstructs vehicular or pedestrian traffic; or
- F. congregates with two (2) other persons in a public place and refuses to comply with a lawful order to disperse of a law enforcement officer or other person engaged in enforcing or executing the law; or
- G. creates a hazardous or physically offensive condition; or
- H. in a public place, mars, defiles, desecrates, or otherwise damages a patriotic or religious symbol that is an object of respect by the public or a substantial segment thereof; or
- I. in a public place, exposes his private parts.

Any person violating this ordinance shall, upon conviction thereof, be fined not more than Thirty Dollars (\$30.00). (Ord. No. 77-1, Sec. 5.)

**Disturbing public peace** If any person shall willfully or maliciously disturb, either by day or night, the peace and quiet of this city or any family by loud or unusual noise, or be abusive, violent, or obscene or profane language, whether addressed to the party so disturbed or some other person, or by threatening to fight, quarreling or challenging to fight or fighting, or shooting of any firearm, or brandishing the same, or by alarming falsely any person or persons

by cries that cause such person or persons to believe someone is in great danger of losing life or receiving an injury, he shall, upon conviction thereof, be fined in any sum not more than Three Hundred Dollars (\$300.00) and may also be imprisoned for not less than one (1) month nor more than six (6) months.

**Driving under influence of alcohol or controlled substance**

- A. It is unlawful and punishable, as provided in (C) hereof, for any person who is under the influence of intoxicating liquor to drive or be in actual control of any vehicle within this city.
- B. It is unlawful for any person who is a habitual user of or under the influence of any controlled substance (as defined by (D) of Section 1 of Article 1 of Act 590 of 1971) or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within this city. The fact that any person charged with a violation hereof is or has been entitled to use such drug or controlled substance under the laws of this state shall not constitute a defense against any charge of violating this section.
- C. Every person who is convicted of a violation hereof shall be punished by imprisonment for not less than 24 hours, nor more than 30 days, and by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), and his privilege to operate a motor vehicle may be suspended for a period of not more than one (1) year. On a second or subsequent conviction for an offense committed within one (1) year of the first offense of a violation hereof, he shall be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) and in the discretion of the judge may be imprisoned not more than one (1) year. Imprisonment as provided in this section shall not be deemed to have begun until after conviction and sentencing of the defendant. Provided, that in any case where the defendant's license has been revoked, the Circuit Court shall have authority to set aside such order and restore such driver's license.
- D. In addition to the fines and penalties herein provided for persons convicted of driving a motor vehicle while under the influence of intoxicating liquor, the court shall:
  - 1. In case a person is convicted for driving a motor vehicle while under the influence of intoxicating liquor, and such person has not been convicted of driving a motor vehicle while under the influence of intoxicating liquor for a period of three (3) years prior to the date of arrest of such person on the charge which led to said conviction, such conviction shall constitute a first offense, and the court shall issue an order suspending the operator's license of the convicted person for a period of ninety (90) days, but may

issue an order directing the Driver's License Division to issue to such person a restricted temporary permit to operate a motor vehicle under such restriction as the court may impose, including the right to use a vehicle solely to go to work, to attend church, or for other specified travel as designated by the court.

2. In case a person is convicted for driving a motor vehicle while under the influence of intoxicating liquor and such conviction is the second conviction of such person for driving while under the influence of intoxicating liquor within the three (3) years immediately preceding the date of arrest leading to said conviction, such conviction shall constitute a second offense, and the court shall suspend the operator's license of the person convicted for not less than one (1) year nor more than three (3) years. The court may grant to the convicted person the option of submitting to a rehabilitation program specified by the court for correction of his drinking problem, and if the person agrees to submit to said rehabilitation program as specified by the court, the court may issue an order directing the Driver License Division to issue to such person a restricted temporary permit to operate a motor vehicle under such terms and conditions as may be specified by the court, in the same manner as provided by (1) above, for so long as such person complies with the terms of the rehabilitation program as outlined by the court. In the event such person violates the conditions upon which the temporary restricted permit to operate a motor vehicle was issued under the court order, the court may revoke such temporary restricted permit.
3. In case a person is convicted for driving a motor vehicle while under the influence of intoxicating liquor, and such person shall have been convicted of driving a motor vehicle while under the influence of intoxicating liquor on two (2) or more occasions within the period of three (3) years preceding the date of arrest which led to such conviction, said conviction shall constitute a third offense. Any person convicted of a third offense for driving a motor vehicle while under the influence of intoxicating liquor within a three (3) year period, shall be guilty of a misdemeanor and shall be imprisoned in the county jail or other appropriate penal institution for not less than three (3) months nor more than twelve (12) months. In addition to such imprisonment, the court shall revoke the driver's license of such person, and such license shall not be restored to the person unless the person submits to a rehabilitation program specified by the court for correcting his drinking problem. Provided, if the person agrees to submit to treatment to correct his drinking problem, the court may issue an order directing the Driver License Division to issue to such person a restricted temporary permit to operate a motor vehicle under such terms and conditions as may be specified by the court. In the event such person



violates the conditions upon which such temporary restricted permit was issued, the court may revoke such temporary restricted permit. In addition, the Driver License Division may require any person convicted of a third offense, as a condition of thereafter obtaining an unrestricted driver's license, to submit to medical review and such other examinations as the Division may deem appropriate, to determine that said person's drinking problem and driver habits and abilities are such as to justify the issuance of an unrestricted driver's license.

**Harassment** A person commits the offense of harassment if, with purpose to harass, annoy, or alarm another person, he:

- A. strikes, shoves, kicks, or otherwise touches a person, subjects him to offensive physical contact, or attempts or threatens to do so ; or
- B. in a public place, directs obscene language or makes an obscene gesture to or at another person in a manner likely to provoke a violent or disorderly response; or
- C. follows a person in or about a public place or places; or
- D. in a public place repeatedly insults, taunts, or challenges another in a manner likely to provoke a violent or disorderly response; or
- E. engages in conduct or repeatedly commits acts that alarm or seriously annoy another person and that serve no legitimate purpose. (Ord. No. 77-1, Sec. 2.)

**Obstructing or resisting officer** If any person shall knowingly and willfully obstruct or resist any sheriff or other ministerial officer in the service or execution of, or in the attempt to serve or execute any writ, warrant, or process, original or judicial, in discharge of any official duty, in any case, civil or criminal, or in the service of any order or rule of court in any case whatever, he shall, upon conviction thereof, be fined in any sum not less than Fifty Dollars (\$50.00) and may also be imprisoned not exceeding six (6) months.

**Passing stopped school bus prohibited** When any school bus stops, every operator of a motor vehicle or motorcycle approaching said bus from any direction shall bring such motor vehicle or motorcycle to a full stop before proceeding in any direction. In the event such school bus is receiving and/or discharging passengers, the operator of such motor vehicle or motorcycle shall not start up or attempt to pass in any direction until said school bus has finished receiving and/or discharging its passengers. Any party who violates any provision of this section shall, upon conviction thereof, be fined not less than Ten Dollars (\$10.00) and not more than Five Hundred Dollars (\$500.00) or be imprisoned not more than ninety (90) days, or be punished by both such fine and imprisonment.

**Possession of alcoholic beverages by minors** It shall be unlawful for any person under the age of twenty-one years to have in possession any intoxicating liquor, wine, or beer. Any person found guilty thereof shall, upon conviction, be fined not less than Ten Dollars (\$10.00) and not more than Five Hundred Dollars (\$500.00). In addition thereto, the trial judge may impose the following penalty or penalties or any combination thereof:

- A. Write themes or essay on intoxicating liquors, wine, or beer.
- B. Place such person under such probationary conditions as determined by the court, in its reasonable discretion, as may constitute a reasonable and suitable preventive and educational safeguard to prevent future violations of this section by such person.

**Profane or abusive language as breach of the peace** If any person shall make use of any profane, violent, vulgar, abusive, or insulting language toward or about any other person in his presence or hearing, which language is, in its common acceptance, calculated to arouse to anger the person about or to whom it is spoken or addressed, or to cause a breach of the peace or an assault, he shall be deemed guilty of a breach of the peace, and upon conviction thereof, shall be punished by fine of not less than Five Dollars (\$5.00) nor more than Two Hundred Dollars (\$200.00) or by imprisonment for not less than one (1) nor more than six (6) months.

**Unlawful assembly, riot** If three (3) or more persons assembled together, with the intent, or being assembled, shall agree mutually, to assist each other to do an unlawful act, with force or violence, against the person or property of another, or against the peace, or to the terror of the people, and shall accomplish the purpose intended, or do any unlawful act in furtherance of such purpose, in a violent or turbulent manner, every person so offending or who shall aid or assist in doing any such unlawful act shall, upon conviction thereof, be punished by fine not exceeding Five Hundred Dollars (\$500.00) or may be imprisoned not to exceed one (1) year, or both by fine and imprisonment, at the discretion of the court. (Ord. No. 76-2, Sec. 1-14.)

## **CHAPTER 7.12**

### **DRINKING IN PUBLIC**

**Sections:**

7.12.01 Drinking in public

**7.12.01 Drinking in public** Any person who shall in any public place or highway or street drink any intoxicating liquor of any kind, or if any person shall be drunk or intoxicated in any public place within the city of Vilonia, Arkansas, or if any person shall be drunk and disorderly, he shall, upon conviction for violation hereof, be fined not less than Thirty Dollars (\$30.00) and not more than One Hundred Dollars (\$100.00). (Ord. No. 76-6, Sec. 6.)

## **CHAPTER 7.16**

### **LOITERING**

#### **Sections:**

7.16.01 Loitering defined

#### **7.16.01 Loitering defined**

- A. A person commits the offense of loitering if he:
1. lingers, remains or prowls in a public place or on the premises of another without apparent reason and under circumstances that warrant alarm or concern for the safety of persons or property in the vicinity; and upon inquiry by a law enforcement officer, refuses to identify himself and give a reasonably credible account of his presence and purpose; or
  2. lingers, remains, or prowls in or near a school building, not having any reason or relationship involving custody of or responsibility for a student, and not having written permission from anyone authorized to grant the same; or
  3. lingers or remains in a public place or on the premises of another for the purpose of begging; or
  4. lingers or remains in a public place for the purpose of unlawfully gambling; or
  5. lingers or remains in a public place for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual activity; or
  6. lingers or remains in a public place for the purpose of unlawfully buying, distributing, or using a controlled substance; or
  7. lingers or remains on or about the premises of another for the purpose of spying upon or invading the privacy of another.
- B. Among the circumstances that may be considered in determining whether a person is loitering are that the person:
1. takes flight upon the appearance of a law enforcement officer; or

2. refuses to identify himself; or
  3. manifestly endeavors to conceal himself or any object.
- C. Unless flight by the actor or other circumstances make it impracticable, a law enforcement officer shall, prior to an arrest for an offense under subsection A (1) of this section, afford the actor an opportunity to dispel any alarm that would otherwise be warranted by requesting him to identify himself and explain his presence and conduct.
- D. It shall be a defense to a prosecution under subsection 1(a) that the law enforcement officer did not afford the defendant an opportunity to identify himself and explain his presence and conduct, or if it appears at trial that an explanation given by the defendant to the officer was true, and if believed by the officer at that time, would have dispelled the alarm.

Any person convicted for violation hereof shall be fined not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00). (Ord. No. 76-6, Sec. 7.)

## **CHAPTER 7.20**

### **CURFEW**

**Sections:**

- |         |             |
|---------|-------------|
| 7.20.01 | Definitions |
| 7.20.02 | Offenses    |
| 7.20.03 | Defenses    |
| 7.20.04 | Enforcement |
| 7.20.05 | Penalties   |

**7.20.01 Definitions**

**Minor/juvenile** means any person under the age of eighteen (18) years.

**Guardian** means:

- A. a person who, under court order, is the guardian of the person of a minor; or
- B. a public or private agency with whom a minor has been placed by court.

**Parent** means a person who is a natural parent, adoptive parent, or step parent of another person or is at least eighteen (18) years of age and authorized by a parent or guardian to have custody and care of a minor.

**Public place** means any place to which the public or a substantial group of the public has access and includes, but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, shops, alleys or the other common places within the city of Vilonia. (Ord. No. 2006-7, Sec. 1.)

#### 7.20.02 Offenses

- A. It shall be unlawful for any person under full legal age to loiter, ramble, play upon, or frequent the sidewalks, streets, highways, alleys or other public places within the city of Vilonia, Arkansas, between the hours of 10:00 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday until 6:00 a.m. of the following day; and between the hours of 11:00 p.m. until 6:00 a.m. on Friday and Saturday.
- B. It is hereby declared to be unlawful for any parent, guardian, or other person having the legal care or custody of any minor person to allow or permit any such minor person to loiter, ramble, play upon or frequent the sidewalks, streets, highways, alleys or other public places within the city of Vilonia, Arkansas, between the hours of 10:00 p.m. and 6:00 a.m. the following day, Sunday, Monday, Tuesday, Wednesday, and Thursday and between the hours of 11:00 p.m. and 6:00 a.m. on Friday and Saturday.
- C. It shall be unlawful for any person under full legal age to loiter, ramble, play upon or frequent the sidewalks, streets, highways, alleys or other public places within the city of Vilonia, Arkansas, during normal school hours on any given weekday while school is in session.
- D. It shall be unlawful for any parent, guardian, or other person having the legal care or custody of any minor person to allow or permit any such minor person to loiter, play upon, or frequent the sidewalks, streets, highway, alleys, or other public places within the city of Vilonia, Arkansas, during normal school hours on any given weekday while school is in session. (Ord. No. 2006-7, Sec. 2.)

#### 7.20.03 Defenses It is a defense to a prosecution under 7.20.02 that the minor was:

- A. accompanied by the minor's parent or guardian;
- B. on an errand at the direction of the minor's parent or guardian, without any detour or stop;

- C. engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- D. involved in an emergency;
- E. attending or going to or returning home from an official school, religious, or other recreational activity supervised by adults, a civic organization, or another similar entity that takes responsibility for the minor, without detour or stop.  
(Ord. No. 2006-7, Sec. 3.)

#### 7.20.04 Enforcement

- A. Every member of the police force is hereby authorized to detain any such minor willfully violating the provisions set forth in the above 7.20.02 until at the discretion of the officer, the parent or guardian shall take the minor into custody, or if necessary, the minor is incarcerated or delivered to the appropriate juvenile authority until a parent or guardian can be located.
- B. Nothing in this section shall preclude a law enforcement officer from taking any and all appropriate actions for a minor's violations of any other state or local laws.  
(Ord. No. 2006-7, Sec. 4.)

#### 7.20.05 Penalties

- A. In addition to any other criminal or traffic penalties that may be imposed, any minor found to be in violation of this ordinance shall be cited for such violations and referred to the appropriate juvenile authority.
- B. Any parent, guardian or other person having legal care or custody of any person under full legal age and/or any minor person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than One Hundred Dollars (\$100.00), and not more than Five Hundred Dollars (\$500.00) for the first offense; a fine of not less than Two Hundred Fifty Dollars (\$250.00) and nor more than Five Hundred Dollars (\$500.00), or be imprisoned in the county jail for a term of not less than one (1) day nor more than seven (7) days, or both fined and imprisoned for the conviction of a second subsequent offense; a fine of not less than Five Hundred Dollars (\$500.00), or be imprisoned in the county jail for a term of not less than one (1) day nor more than thirty (30) days, or both fined and imprisoned for any third or subsequent conviction. (Ord. No. 2006-7, Sec. 5.)

**CHAPTER 7.24**

**JAKE BRAKES**

Sections:

7.24.01 Jake brakes prohibited

7.24.01 Jake brakes prohibited The use of "Jake Brakes" is hereby prohibited within the corporate limits of the city of Vilonia, Arkansas. Any person violating any provisions of this section shall be deemed guilty of a violation and punished by a fine of not more than One Hundred Dollars (\$100.00) plus court costs for each separate offense.

All other traffic control and noise ordinances of the city shall remain in force and effect. (Ord. No. 2002-5, Secs. 1-2)

**CHAPTER 7.28**

**FIREWORKS**

Sections:

7.28.01 Shooting of fireworks

7.28.02 Fine

7.28.03 Fireworks' display

7.28.04 Sale of fireworks

7.28.01 Shooting of fireworks It is illegal to shoot fireworks in the city limits of Vilonia, Arkansas, except for the following listed dates and times:

The shooting of fireworks will be allowed in the city limits of Vilonia, Arkansas, July 3<sup>rd</sup> – 5<sup>th</sup> of every year during the hours of 3:00 p.m. to 10:30 p.m. and December 31<sup>st</sup> of every year during the hours of 6:00 p.m. through 12:15 a.m. on January 1<sup>st</sup>. (Ord. No. 2010-2, Sec. 1-2.)

7.28.02 Fine Any person shooting fireworks before or after the above dates within city limits of Vilonia shall be fined the sum of One Hundred Dollars (\$100.00), plus court costs. (Ord. No. 2010-2, Sec. 3.)

7.28.03 Fireworks display An organized fireworks' display could be allowed with approval of the City Council and the city Fire Marshall. (Ord. No. 2010-2, Sec. 4.)

7.28.04 Sale of fireworks

- A. The selling of fireworks will only be permitted within the Town Center and Highway Mixes Use Zoning Districts.
- B. All applicable state and local regulations must be met before the sale of fireworks is permitted, including the purchase of vendor permits as issued by the city of Vilonia.
- C. Any person selling fireworks outside the above named zoning districts, but within the city limits of the city of Vilonia shall be fined a sum of One Hundred Dollars (\$100.00) per offense per day plus court costs. Each and every day that said offense continues shall be deemed a separate offense and shall be subject to a separate fine. (Ord. No. 2005-8, Secs. 2-4.)

**CHAPTER 7.32**

**POSTING OF ORDINANCES**

Sections:

- 7.32.01 Places designated
- 7.32.02 Publication

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

- A. Vilonia City Hall
- B. Big Red
- C. Harp's
- D. Centennial Bank
- E. Keith's Service Center  
(Ord. No. 2013-2, Sec. 1.)



Notice of the adoption of ordinances of the municipality shall be effected by the posting of ordinances at the locations set forth in 7.32.01 above. (Ord. No. 96-15, Sec. 2.)

7.32.02 Publication All ordinances that are passed shall be published in the *Log Cabin Democrat* newspaper. (Ord. No. 2005-5, Sec. 2)

## **CHAPTER 7.36**

### **JUNKYARDS**

#### Sections:

- 7.36.01 Junkyards prohibited
- 7.36.02 Fine

7.36.01 Junkyards prohibited The city of Vilonia in order to protect the public interest, to promote the public health, safety and welfare, and to preserve the natural beauty, does hereby enact this ordinance prohibiting within the city limits of the city of Vilonia, Arkansas, the establishment, maintenance and operations of outdoor junkyards, automobile graveyards or other junkyards. (Ord. No. 96-4, Sec. 1.)

7.36.02 Fine In the event any person or company is found by the City Council of the city of Vilonia, Arkansas, to be in violation of this ordinance, they shall be assessed all fees and costs for removal or abatement of the nuisance, together with a daily fine of Twenty-Five Dollars (\$25.00) until the nuisance is abated. (Ord. No. 96-4, Sec. 2.)

## **CHAPTER 7.40**

### **EXTENDED FIRE BOUNDARIES**

#### Sections:

- 7.40.01 Accepted boundaries
- 7.40.02 Refunds

7.40.01 Accepted boundaries The boundaries of the Vilonia Volunteer Fire Department outside of the corporate city limits of the city of Vilonia, Arkansas, shall return to the agreed upon and accepted boundaries between the Vilonia Volunteer Fire Department and all other adjoining fire department. (Ord. No. 2004-9, Sec. 2.)

7.40.02 Refunds All properties that were previously taken into the boundaries of the Vilonia Department as described in Ord. No. 2004-4 and the Vilonia Department collected fire dues from, shall receive a full refund from the Vilonia Volunteer Fire Department for all fire protection dues paid to the department. (Ord. No. 2004-9, Sec. 3.)

## TITLE 8

### VEHICLES AND TRAFFIC

Chapters:

- 8.04 Traffic Rules
- 8.08 Parking and Storage of Commercial Vehicles
- 8.12 Outdoor Shielded Lighting
- 8.16 Traffic and Parking in Residential Areas

#### CHAPTER 8.04

#### TRAFFIC RULES

Sections:

- 8.04.01 Traffic and car rules

8.04.01 Traffic and car rules

**Braking equipment** Every motor vehicle operated upon any street or highway within the city of Vilonia, Arkansas, shall be equipped with brakes which comply with the provisions of A.C.A. 27-37-501 to 27-37-503, all provisions of which are hereby incorporated herein by reference. Every person who shall operate a vehicle and every owner of a vehicle who shall cause or knowingly permit the same to be operated upon any street or highway within the city of Vilonia, Arkansas, in violation hereof shall, upon conviction hereof, be fined not less than Twenty Dollars (\$20.00) and not more than One Hundred Dollars (\$100.00). (Ord. No. 76-6, Sec. 2.)

**Driving without operator's or chauffeur's license or driving while license suspended or revoked** Any person who shall operate a motor vehicle upon any public street or highway of the city of Vilonia, Arkansas, without a valid operator's or chauffeur's license or who shall operate a motor vehicle upon any street or highway of the city of Vilonia, Arkansas, while his driving privileges have been cancelled, suspended, or revoked, shall be, upon conviction hereof, fined not less than Thirty Dollars (\$30.00) and not more than One Hundred Dollars (\$100.00). (Ord. No. 76-6, Sec. 4.)

**Improper parking of vehicle** Upon any public street or highway within the city of Vilonia, outside of a business or residence district, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part of the street or highway when it is practical to stop, park, or so leave such vehicle off such part of said street or highway, but in every event, a clear and unobstructed width of at least twenty(20) feet of such part of the highway opposite such standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of 300 feet in each direction upon such street or highway. This section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a street or highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. Any person who shall be convicted of violation hereof shall be fined not less than Ten Dollars (\$10.00) and not more than Fifty Dollars (\$50.00). (Ord. No. 76-6, Sec. 8.)

**Mufflers – noise producing devices prohibited** Every motor vehicle operated upon any street or highway within the city of Vilonia, Arkansas, shall at all times be equipped with a factory installed muffler or one duplicating factory specifications, in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall operate a motor vehicle upon the streets or highways of the city of Vilonia, Arkansas, which contains a muffler other than as described above, cut out, by pass, similar device, or any type device which produces excessive or unusual noise or smoke. Any person who shall be convicted of a violation of this section shall, upon such conviction, be fined not less than Thirty Dollars (\$30.00) and not more than One Hundred Dollars (\$100.00). (Ord. No. 76-6, Sec. 3.)

**Operating unlicensed vehicle** Any person who shall operate a motor vehicle upon any street or highway within the city of Vilonia, Arkansas, for which the person so operating the vehicle fails to secure a proper license shall, upon conviction of violation hereof, be fined not less than Thirty Dollars (\$20.00) and not more than One Hundred Dollars (\$100.00). (Ord. No. 76-6, Sec. 5.)

**Proper lighting on vehicles** Every vehicle upon a street or highway within the city of Vilonia at any time from a half hour after sunset to a half hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible persons in vehicles on such street or highway at a distance of 500 feet ahead, shall display lighted lamps and illuminating devices of the type required for different classes of vehicles, as set forth in A.C.A. 27-36-101 to 27-37-205, inclusive, all provisions of which are hereby incorporated by reference. Any person who shall operate or any owner of a vehicle who causes or knowingly permits such vehicle to be operated upon any street or highway within the city of Vilonia, Arkansas, who shall be convicted of violation hereof shall be fined not less than Twenty Dollars (\$20.00) and not more than One Hundred Dollars (\$100.00). (Ord. No. 76-6, Sec. 1.)

**Racing on public highways** Any person driving a motor vehicle or motor bicycle upon a public highway in this city in a race, shall, upon conviction therefore, be imprisoned in the county jail for not less than ten (10) days nor more than thirty (30) days or fined not less than

Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or both so fined and imprisoned. (Ord. No. 76-2.)

**Reckless driving** Any person who drives any vehicle in such manner as to indicate a wanton disregard for the safety of persons or property is guilty of reckless driving. Every person convicted of reckless driving shall, upon a first conviction, be punished by imprisonment for a period of not less than five (5) days, nor more than ninety (90) days, or by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) or by both such fine and imprisonment, and a second or subsequent conviction shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) or by both such fine and imprisonment. (Ord. No. 76-2)

**Rules of road** All persons operating vehicles upon the streets and roadway of the city of Vilonia shall obey the following "Rules of the Road:"

- A. Speeding No person shall drive any vehicle on the public streets of the city of Vilonia at a speed in excess of that speed authorized by duly-posted speed limit signs, provided, however, if no signs establishing any other speed limit be posted upon any street or roadway, the speed limit for such street or roadway shall be 30 miles per hour. This speed limit shall not apply to authorized emergency vehicles, etc.
  
- B. Vehicles driven on right side of roadway – exceptions Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:
  - 1. When overtaking and passing another vehicle by proceeding in the same direction under the rules governing such movement;
  - 2. When the right half of a roadway is closed to traffic while under construction or repair;
  - 3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon; or
  - 4. Upon a roadway designated and sign posted for one-way traffic.
  
- C. Passing vehicles proceeding in opposite directions Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having width for not more than one (1) line of traffic in each direction, each driver shall give to the other at least one-half (1/2) of the main traveled portion of the roadway as nearly as possible.

D. Overtaking a vehicle on the left The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

E. When overtaking on the right is permitted

1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
  - a. When the vehicle overtaken is making or about to make a left turn;
  - b. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction;
  - c. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.
2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

F. Restrictions on passing overtaken vehicle on the left

1. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the

roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

2. No vehicle shall, in overtaking and passing another vehicle or at any other time, except upon a one-way roadway, be driven to the left side of the roadway under the following conditions:
  - a. When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed;
  - b. When approaching within 100 feet of or traversing any intersection;
  - c. When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel;
  - d. Where official signs are in place directing that traffic keep to the right, or a distinctive center line is marked, which distinctive lines also so direct traffic as declared in the sign manual adopted by the State Highway Commission.

G. Driving on roadways laned for traffic

1. Whenever any roadway(s) has been divided into two (2) or more clearly-marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply:
  - a. A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
  - b. Official signs may be erected, directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of every such sign.

H. Following too closely

1. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.
2. The driver of any motor truck or motor truck drawing another vehicle when traveling upon a roadway outside of a business or residence district

shall not follow within 200 feet of another truck or motor truck drawing another vehicle. The provisions of this subdivision shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for use by motor trucks.

- I. Turning at intersections The driver of a vehicle intending to turn at an intersection shall do so as follows:
  - 1. Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
  - 2. Approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof, and after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered.
  - 3. Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection.
- J. Turning on curve or crest of grade prohibited No vehicle shall be turned so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.
- K. Starting parked vehicle No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.
- L. Turning movements and required signals
  - 1. No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner hereinafter provided in the event any other vehicle may be affected by such movement.
  - 2. A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.



3. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

M. Signals by hand and arm or signal device

1. Any stop or turn signal, when required herein, shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in (2).
2. Any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

N. Method of giving hand and arm signals All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

1. Left turn – hand and arm extended horizontally.
2. Right turn – hand and arm extended upward.
3. Stop or decrease of speed – hand and arm extended downward.

O. Vehicles approaching or entering intersection

1. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.
2. When two (2) vehicles enter an intersection from different highways at the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
3. The foregoing rules are modified at through highways and otherwise as hereinafter stated in this article.

P. Vehicle turning left at intersection The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to all vehicles approaching from the opposite direction which are within the intersection or so close thereto as

to constitute an immediate hazard, and said driver, after having so yielded and having given a signal when and as required by this ordinance, may make such left turn after all other vehicles approaching the intersection which constitute an immediate hazard shall have cleared the intersection.

Q. Vehicle entering stop or yield intersection

1. Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized by law.
2. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop and, after having stopped, shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so approaching.
3. The driver of a vehicle approaching a yield sign shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions, or shall stop, if necessary, and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. Said driver, having so yielded, may proceed, and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding, provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.

R. Vehicle entering highway from private road or driveway The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway.

S. Operation of vehicles on approach of authorized emergency vehicles

1. Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible signal or siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to the right-hand edge or curb of the highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

2. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.
- T. Pedestrians subject to traffic control signals Pedestrians shall be subject to traffic control signals at intersection as heretofore declared in this ordinance, but at all other places pedestrians shall be accorded the privileges and shall be subject to restrictions stated herein.
- U. Pedestrians' rights-of-way in crosswalks
1. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, unless otherwise provided herein.
  2. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- V. Pedestrians crossing at other than crosswalks – drivers to use due care
1. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
  2. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
  3. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.
  4. Notwithstanding the provisions of this section, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

- W. Penalty Any person guilty of violating any of the foregoing "Rules of the Road" shall be fined not less than Five Dollars (\$5.00) and not more than Fifty Dollars (\$50.00). (Ord. No. 76-2, Sec. 14.)

**Unsafe driving** It shall be unlawful for any person to drive any motor vehicle within the city limits of the city of Vilonia, Arkansas, in a negligent, careless, or unsafe manner. (Ord. No. 77-1, Sec. 1.)

## **CHAPTER 8.08**

### **PARKING AND STORAGE OF COMMERCIAL VEHICLES**

Sections:

- 8.08.01 Storage and parking on city streets
- 8.08.02 Trailers
- 8.08.03 Loading and unloading regulations
- 8.08.04 Residential areas
- 8.08.05 Commercial vehicles in residential areas
- 8.08.06 Penalty

8.08.01 Storage and parking on city streets No commercial truck, vehicle, van, step-van, trailer, semi-trailer, tractor trailer, tractor, truck tractor, or wrecker whether licensed or unlicensed, exceeding eight thousand (8,000) pounds, and which exceeds eight (8) feet in width or twenty-one (21) feet in length may be stored or parked upon any city street for longer than two (2) hours, except for those periods of time when such vehicles are being loaded or unloaded. (Ord. No. 2004-7, Sec. 1.)

8.08.02 Trailers No trailer, semi-trailer, or tractor trailer shall be parked upon any city street unless the trailer, semi-trailer, or tractor trailer is attached to a vehicle by which it may be propelled or drawn. (Ord. No. 2004-7, Sec. 2.)

8.08.03 Loading and unloading regulations A vehicle may be allowed to park for the purpose of loading or discharging passengers, or for unloading freight when there is no alley for such purpose and no other parking space is available and the freight to be unloaded is of heavy or bulky nature, but only for such length of time as is absolutely necessary for such loading and unloading.

Any person, owning, driving, operating or having under his or her control any vehicle shall not permit the same to stand or be parked in any alley or street or residential area except while loading or unloading freight, merchandise or passengers. (Ord. No. 2004-7, Sec. 3.)

8.08.04 Residential areas Only licensed passenger vehicles, which include trucks up to one ton gross weight capacity may be parked in residential areas. Commercial vehicles which include semi-trailers, tractor trailers step-vans, vans, trailers, truck tractors, wreckers, or trucks of greater than one ton capacity, may not be parked in a residential area except when providing service to a residence. (Ord. No. 2004-7, Sec. 4.)

8.08.05 Commercial vehicles in residential areas No commercial vehicle shall be allowed to travel through any residential area of the city of Vilonia. Only vehicles that have a destination in a specific residential area to load or unload passengers, freight, merchandise, goods, or provide services shall be allowed to travel within any residential area of Vilonia. Traveling through any residential area by any type of commercial vehicle whether loaded or unloaded as a means of short-cut to any destination beyond the residential area is strictly prohibited. (Ord. No. 2004-7, Sec. 5.)

8.08.06 Penalty Any person owning, operating, driving or having under his or her control a vehicle found in violation shall be found guilty of a misdemeanor and subject to a fine of not less than One Hundred Dollars (\$100.00) plus court cost. Each and every day that the violation continues to exist shall be deemed as a separate offense. (Ord. No. 2004-7, Sec. 6.)

## **CHAPTER 8.12**

### **OUTDOOR SHIELDED LIGHTING**

#### Sections:

- 8.12.01 Cost prohibited
- 8.12.02 City opts out

8.12.01 Cost prohibited Pursuant to Act 1963 of 2006, the city of Vilonia, Arkansas, has made a determination that the cost of acquiring shielded outdoor lighting fixtures is more expensive than the alternative fixtures and is therefore prohibitive, after comparing the cost of the fixtures and the projected energy cost of the operation of the fixtures. (Ord. No. 2006-5, Sec. 1.)

8.12.02 City opts out The city of Vilonia hereby opts out of the application of such statute. (Ord. No. 2006-5, Sec. 2.)

**CHAPTER 8.16**

**TRAFFIC AND PARKING IN RESIDENTIAL AREAS**

Sections:

- 8.16.01        Parking
- 8.16.02        Fine

8.16.01 Parking

- A.    No vehicle may be parked on any residential street in front of a private driveway or within five (5) feet of the curb radius leading hereto.
- B.    No vehicle may be parked on any residential street, directly across on the side of the street, opposite any private drive entrance.
- C.    No vehicle may be parked on any residential street directly across and on the opposite side of the street from a vehicle that is already parked, or in any manner that will constrict the normal flow of traffic.
- D.    No vehicle may be parked on any residential street within twenty (20) feet either side of a mailbox, or within fifteen (15) feet either side of a fire hydrant.
- E.    Any vehicle parked on any residential street, parallel to the curb, must be parked heading in the direction of the flow of traffic for that lane. (Ord. No. 2011-3, Secs. 1-5.)

8.16.02 Fine Any person owning, operating, driving or having under his or her control a vehicle found in violation shall be found guilty of a misdemeanor and subject to a fine of not less than One Hundred Dollars (\$100.00) plus court costs. Each and every day that the violation continues to exist shall be deemed as a separate offense. (Ord. No. 2011-3, Sec. 6.)

## **TITLE 9**

### **STREETS AND SIDEWALKS**

#### **Chapters:**

- 9.04 Street Standards
- 9.08 Maintaining City Streets after Construction
- 9.12 Vacating Streets

#### **CHAPTER 9.04**

##### **STREET STANDARDS**

#### **Sections:**

- 9.04.01 Sub-grade
- 9.04.02 Curbs
- 9.04.03 Drainage ditches
- 9.04.04 Surface
- 9.04.05 Warranty
- 9.04.06 Deed

9.04.01 Sub-grade All streets must have a properly prepared sub-grade with proper drainage or poured concrete curbs. (Ord. No. 95-3, Sec. 1.)

9.04.02 Curbs On streets with curbs the back-to-back of the curbs will be twenty-seven (27) feet and the dedicated right-of-way will be forty (40) feet. (Ord. No. 95-3, Sec. 2.)

9.04.03 Drainage ditches On streets with drainage ditches the surface area will be twenty-five (25) feet wide and the dedicated right-of-way will be fifty (50) feet. (Ord. No. 95-3, Sec. 3.)

9.04.04 Surface The surface of all streets will be six (6) inches of SB2 gravel base with two (2) inches of asphalt or six (6) inches of concrete. (Ord. No. 95-3, Sec. 4.)

9.04.05 Warranty Streets are to be warranted for one (1) year after acceptance by the city of Vilonia for workmanship and materials. The warranty must be provided by the owner, developer or home owner association. (Ord. No. 95-3, Sec. 5.)

9.04.06 Deed A deed dedicating the street will be given to the city of Vilonia. (Ord. No. 95-3, Sec. 6.)

## **CHAPTER 9.08**

### **MAINTAINING CITY STREETS AFTER CONSTRUCTION**

#### Sections:

- 9.08.01 Written application
- 9.08.02 Consideration
- 9.08.03 Bond posted
- 9.08.04 Condition of street restored
- 9.08.05 Fine

9.08.01 Written application Prior to any utility company, contractor, or other person or persons entering upon the city streets, alleys, or rights-of-way of the city of Vilonia, Arkansas, for construction purposes which construction will, or may involve, disturbing or modifying or otherwise altering the surface, subsurface, or any portion of said streets, alleys, or rights-of-way, said utility company, contractor, or other person or persons shall, before commencing work, submit a written application to the city of Vilonia, Arkansas, detailing the nature and type of work to be performed and the length of time estimated for completion. (Ord. No. 84-6, Sec. 1.)

9.08.02 Consideration Upon receipt of said application, the Mayor and the City Clerk of the city of Vilonia, Arkansas, shall consider the application and determine whether or not a compliance bond for repair and restoration should be required of said utility company, contractor, or person prior to issuing the permit. (Ord. No. 84-6, Sec. 2.)

9.08.03 Bond posted If the Mayor and the City Clerk determine that a completion bond should be required prior to the commencement of work, the utility company, contractor, person or persons seeking said permit will be notified thereof and no permits shall be issued until a bond in an appropriate amount shall have been posted with the City Clerk of the city of Vilonia, Arkansas. (Ord. No. 84-6, Sec. 3.)

9.08.04 Condition of street restored Upon completion of the work proposed, the utility company, contractor, person or persons having obtained said permit shall notify the City Clerk of said completion and an inspection will be made by the Mayor of the city of Vilonia, Arkansas, or by such persons as the Mayor may designate. If the repairs and restoration shall be found satisfactory, the bond shall be immediately refunded to the person holding the permit. If the work or restoration is found to be unsatisfactory, the city of Vilonia, Arkansas, shall retain an amount sufficient to complete the restoration or repair work, and the balance, if any, may be paid



to the person holding the permit. Nothing contained in this section shall prohibit the city of Vilonia, Arkansas, from retaining the entire bond until the street, alleyway, or right-of-way shall have been repaired or totally restored to the condition as immediately prior to the commencement of the construction work. (Ord. No. 84-6, Sec. 4.)

9.08.05 Fine It shall be unlawful for any utility company, contractor, person or persons to enter upon any city street, alley, or city right-of-way without having first obtained the permit authorized by this ordinance or otherwise violating its provision in any utility company, contractor, or other person or persons violating the provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-Five Dollars (\$25.00) and no more than One Thousand Dollars (\$1,000.00) per day, and each day of each violation shall constitute a separate offense. (Ord. No. 84-6, Sec. 5.)

## **CHAPTER 9.12**

### **VACATING STREETS**

#### Sections:

9.12.01          Vacating streets

#### 9.12.01 Vacating streets

Ord. No. 99-8	Bush Street running through the Wilcox Property
Ord. No. 2001-2	Part of street on plat of S. College St., Center St., Powel St. and Mill St.
Ord. No. 2001-4	Part of Church St. running north from Main St.
Ord. No. 2010-3	Part of Oak St. between Block 2 & 7, College Addition
Ord. No. 2021-2	Portion of the street that is designated on the plat of Pleasant Acres Phase I & Phase II – appearing on the record in plat book D page 23 & 58

## **TITLE 10**

### **UTILITIES**

#### **Chapters:**

- 10.04 Public Facilities Board
- 10.08 Sewer Regulations
- 10.12 Sewer Committee
- 10.16 Sewer Rates
- 10.20 Fee Schedule

#### **CHAPTER 10.04**

### **PUBLIC FACILITIES BOARD**

#### **Sections:**

- 10.04.01 Creation
- 10.04.02 Membership
- 10.04.03 Organization
- 10.04.04 General powers
- 10.04.05 Additional authority
- 10.04.06 Use of funds and revenues
- 10.04.07 Authority with respect to bonds
- 10.04.08 Meetings
- 10.04.09 Records
- 10.04.10 Annual reports
- 10.04.11 Automatic amendment

**10.04.01 Creation** There is hereby created a Public Facilities Board pursuant to the provisions of A.C.A. 14-137-101 et seq. (1987; Suppl. 1989) (the "Act"). The Board shall be known as the Vilonia Waterworks Association (the "Board"). The Board shall have the powers provided for by the Act. (Ord. No. 91-6, Sec. 1.)

**10.04.02 Membership** The Board shall consist of five (5) members. Five members shall be appointed by the Mayor of the city of Vilonia. The initial members of the Board shall be John Fowlkes, Charlie Hightower, Bill Barrow, Howard Williams and Ronnie Joe Fowlkes. The terms of said members shall be as follows: Charlie Hightower, one year; John Fowlkes, two

years; Bill Barrow, three years; Ronnie Joe Fowlkes, four years; and Howard Williams, five years. Successor members shall be elected by a majority of the Board for terms of five years each. Each member shall qualify by taking and filing with the Clerk of the city his oath of office in which he shall swear to support the constitution of the United States and the Constitution of the state of Arkansas and to discharge faithfully his duties in the manner provided by law. Each member shall serve until his successor is elected and qualified. In the event of a vacancy in the membership, however caused, a majority of the Board shall elect a successor member to serve the unexpired term. A member shall be eligible to succeed himself. (Ord. No. 91-6, Sec. 2.)

10.04.03 Organization The members of the Board shall meet and organize by electing one of their members as chairman, and one as vice-chairman, one as secretary and one as treasurer, and such officers shall be elected annually thereafter in like manner. The duties of the Secretary and Treasurer may be performed by the same member. The members of the Board shall receive no compensation for their services but shall be entitled to reimbursement of expenses incurred in the performance of their duties. (Ord. No. 91-6, Sec. 3.)

10.04.04 General powers The Board is hereby specifically empowered:

- A. To own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning or otherwise deal in or dispose of waterworks facilities (as defined in the Act) or any interest in such facilities, including, without limitation, to provide financing for such facilities;
- B. To issue bonds to obtain funds and revenues for the accomplishment of any of the waterworks facilities projects herein authorized, either alone or together with other available funds and revenues therefore. (Ord. No. 91-6, Sec. 4.)

10.04.05 Additional authority The Board is hereby additionally authorized and empowered:

- A. As a body politic and corporate to have perpetual succession and to adopt bylaws, not in conflict with this ordinance or the Act, as may from time to time be amended, for the regulation of its affairs and the conduct of its business;
- B. To maintain an office at such place or places in or near the city as the Board may designate, from time to time;
- C. To sue and be sued in its own name;
- D. To fix, charge and collect rates, fees, interest and charges for the use of any waterworks facilities and the supplying of water;

- E. To employ and pay compensation to such employees and agents, including attorneys, consulting engineers, surveyors, accountants, financial experts, and others as it may in its judgment find necessary for the accomplishment of the purposes and objectives for which it has been created and to fix their compensation;
- F. To do any and all other acts and things to accomplish the waterworks facilities projects for which it is authorized by this ordinance and all other acts and things authorized or required by the Act as it may from time to time be amended, except as may be specifically limited herein, and any and all other things necessary or convenient to accomplish the purposes for which the Board has been created. (Ord. No. 91-6, Sec. 5.)

10.04.06 Use of funds and revenues This Board is hereby authorized to use any available funds and revenues for the accomplishment of the waterworks facilities projects which it is authorized to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning or otherwise deal in. Bonds may be issued by the Board in such principal amounts as shall be sufficient to pay the cost of accomplishing the waterworks facilities projects involved; the cost of issuing the bonds; the amount necessary for reserves, if deemed desirable; the amount necessary to provide for debt service on the bonds until revenues for the payment thereof are available from other sources; and any other costs and expenditures of whatever nature incidental to the accomplishment of the waterworks facilities involved and the placing of it in operation. Any net earnings of the Board (beyond that necessary for retirement of the indebtedness or to implement any waterworks facilities project) shall not inure to the benefit of any person other than to the Board. (Ord. No. 91-6, Sec. 6.)

10.04.07 Authority with respect to bonds This Board shall have, with respect to the issuance of bonds authorized to be issued by it, the authority and power with respect thereto set forth and contained in the Act, which terms and provisions are hereby incorporated in this ordinance as though herein expressly set forth, word for word, except to the extent of changes required for the provisions thereof to be consistent in the context of this ordinance, and such additional authority as may be granted in similar provisions by amendment of the Act from time to time hereafter.

All bonds of the Board shall be special obligation revenue bonds which shall be obligations only of the Board and shall not constitute an indebtedness for which the faith and credit of the city of Vilonia, Arkansas, Faulkner County, Arkansas, or any of their revenues are pledged, and the principal of and interest on the bonds shall be payable from and secured by a pledge of revenues derived from the waterworks projects financed, in whole or in part, from bond proceeds and as authorized by, and in accordance with the provisions of the Act. (Ord. No. 91-6, Sec. 7.)

10.04.08 Meetings The Board shall meet upon the call of its chairman, or a majority of its members, and at such times as may be specified in the bylaws for regular meetings, and a

majority of its members shall constitute a quorum for the transaction of business. The affirmative vote of the majority of the members present at a meeting of the Board shall be necessary for any action taken by the Board. Any action taken by the Board may be authorized by resolution and such resolution shall take effect immediately unless a later effective date is specified in the resolution. No vacancy in the membership in the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Board. (Ord. No. 91-6, Sec. 8.)

10.04.09 Records The Secretary shall keep a record of the proceedings of the Board and shall be custodian of all books, documents, and papers filed with the Board and of the minute book or journal of the Board and its official seal, if any shall be adopted. The Secretary may cause copies to be made of all minutes and other records and documents of the Board and may give certificates of the Board to the effect that such copies are true copies, and all persons dealing with the Board may rely upon such certificates. (Ord. No. 91-6, Sec. 9.)

10.04.10 Annual reports Within the first 90 days of each calendar year, this Board shall make a written report to the city of Vilonia, Arkansas concerning its activities for the preceding calendar year. Each such report shall set forth a complete operating and financial statement covering its operation during the year. (Ord. No. 91-6, Sec. 10.)

10.04.11 Automatic amendment To accomplish the specific public facilities objectives set forth above, the Board shall have such additional authority and power as may, from time to time, hereafter be authorized for Public Facilities Boards by amendments to the Act without additional action by this City Council. (Ord. No. 91-6, Sec. 11.)

## **CHAPTER 10.08**

### **SEWER REGULATIONS**

Sections:

10.08.01	Definitions
10.08.02	Use of public sewers required
10.08.03	Private sewage disposal system
10.08.04	Building sewers and connections
10.08.05	Use of public sewers
10.08.06	Protection from damage
10.08.07	Penalty for violation
10.08.08	Powers and authority of inspectors

10.08.01 Definitions Unless the context specifically indicates otherwise, the meaning of the terms used shall be as follows:

**BOD (denoting Biochemical Oxygen Demand)** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20°) degrees C, expressed in milligrams per liter.

**Building** shall mean residential and commercial structures which enclose a source of wastewater.

**Building drain** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

**Building sewer** shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

**Easement** shall mean an acquired legal right for the specific use of land owned by others.

**Floatable oil** is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly treated and the wastewater does not interfere with the collection system.

**Garbage** shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

**Industrial wastes** shall mean the wastewater from industrial processes, trade or business as distinct from domestic or sanitary waste.

**Natural outlet** shall mean any outlet, including storm sewers and combined sewer overflows, that discharges into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

**May** is permissive.

**Person** shall mean any individual, firm, company, association, society, corporation or group.

**pH** shall mean the logarithm of the reciprocal of the weight of hydrogen ion in concentration. The concentration is the weight of hydrogen, ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ .

**Properly shredded garbage** shall mean the wastes from the preparation, cooking, and dispensing of food that will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

**Public sewer** shall mean a common sewer controlled by a governmental agency or public authority.

**Sanitary sewer** shall mean a sewer which carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

**Sewage** is the spent water of a community. The preferred term is **wastewater**.

**Shall** is mandatory.

**Slug** shall mean any discharge of waste or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flow during normal operation.

**Storm-drain** (sometimes termed storm sewer) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

**Superintendent** shall mean the Superintendent of wastewater facilities of the city of Vilonia, Arkansas, or his authorized agent or representative.

**Suspended solids** shall mean total suspended matter that either float on the surface, or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater* and referred to as non-filterable residue.

**Unpolluted water** is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

**Wastewater** shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

**Wastewater facilities** shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

**Wastewater treatment works** shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with **water treatment plant** or **wastewater treatment plant** or **water pollution control plant**.

**Watercourse** shall mean a natural or artificial channel for the passage of water either continuously or intermittently. (Ord. No. 90-5, Art. I.)

10.08.02 Use of public sewers required

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited on public or private property within the city of Vilonia, Arkansas, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the city of Vilonia, Arkansas, or in any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. The issuance of a valid National Pollutant Discharge Elimination System permit covering such discharges into a natural outlet shall be considered as meeting all requirements of this section.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of wastewater.
- D. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities either through a septic tank or directly with the proper public sewer in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so, provided that the public sewer is within three hundred (300) feet of the building.
- E. Sewer mains may be extended within the corporate limits to serve concurrently unsewered areas. Sewer mains may not be extended outside the corporate limits without special resolution of the Vilonia City Council. (Ord. No. 90-5, Art. II.)

10.08.03 Private sewage disposal system

- A. Where a public sanitary or combined sewer is not available under the provisions of Section 10.04.02, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.



- B. Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and construction permits approved by the Arkansas Department of Health. The minimum lot area for a single family residence shall be 30,000 square feet in order for a private disposal permit to be issued. A permit and inspection fee of Five Dollars (\$5.00) shall be paid to the city at the time the application is filed. (Ord. No. 90-8, Sec. 1.)
- C. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.
- D. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations approved by the Arkansas Department of Health. No septic tank shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in 10.04.02(D), a direct connection from the building, or the septic tank, shall be made to the public sewer within sixty (60) days in compliance with this ordinance. The requirements of this section shall not apply to owners discharging such sewage under the provisions of a valid Natural Pollution Discharge Elimination System permit.
- F. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.
- G. No statement contained in this ordinance shall be construed to interfere with any additional requirements that may be imposed by the County Sanitarian.
- E. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. No. 90-5, Art. III.)

#### 10.08.04 Building sewers and connections

- A. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- B. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of Five Dollars (\$5.00) per permit shall be paid to the city at the time the permit application is filed. (Ord. No. 90-8, Sec. 2.)
- C. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The building sewer from the front building may extend to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. Each building sewer may have a septic tank, as approved by the County Health Sanitarian, installed on it, before connection to the public sewer.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Superintendent, to meet all requirements of this ordinance.
- F. The size, slope, alignment, materials or construction of a building sewer and septic tank, and the methods to be used in excavating, placing of the pipe and septic tank, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city and the state of Arkansas. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drains are too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drains shall be lifted by an approved means and discharged to the building sewer.
- H. No person(s) shall make connections of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and watertight and shall be verified by proper testing.
- J. The applicant for the building sewer permit shall notify the Superintendent when the building sewer and septic tank are ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.
- K. All excavations for building sewer installation shall be adequately guarded with barriers and warning lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
- L. Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his own expense:
  - 1. install an accessible and safely located control manhole;
  - 2. install meters and other appurtenances to facilitate observation, sampling and measurement of the waste; and
  - 3. maintain the equipment and facilities.

Such control manhole, meters, and other monitoring appurtenances shall be lockable, and accessible by the city. (Ord. No. 90-5, Art IV.)

#### 10.08.05 Use of public sewers

- A. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer.

- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet
- C. No person(s) shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:
1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solid or gas;
  2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
  3. Any waters or wastes having a pH lower than 6.0 or in excess of 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works;
  4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater works such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, egg shells, etc., either whole or ground by garbage grinders.
- D. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations more stringent than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:
1. fluoride other than that contained in the public water supply;

2. chloride in concentrations greater than 2500 mg/l;
3. Any liquid or vapor having a temperature higher than one hundred fifty (150°) degrees F. (sixty-five (65°) degrees C);
4. Any water or wastes containing fats, wax, gases, or oils in excess of one hundred (100) mg/l; or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) and one hundred fifty (150°) degrees F (0 to sixty-five (65°) degrees C);
5. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the city to determine the intended use and the adequacy of the proposed installation for such intended use;
6. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not, which are capable of causing any damage or corrosion in the sewers or the sewage treatment plant or interfering with the sewage treatment process;
7. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the city for such materials;
8. Any waters or wastes containing phenols or other taste or odor producing substances in such concentration exceeding limits which may be established by the city as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;
9. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations;
10. Materials which assert or cause:
  - a. Unusual concentration of inert suspended solids (such as but not limited to Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).

- b. Excessive discoloration (such as but not limited to dye, wastes and vegetable tanning solutions).
  - c. Unusual BOD (biochemical oxygen demand), unusual suspended solids, or excessive chlorine requirements in such quantities as to constitute a significant load in the sewage treatment works except by agreement between the owner and the city specified in the permit for operation issued to the owner by the city in accordance with 10.04(B) of this ordinance;
  - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein; and
11. Obnoxious, toxic or poisonous solids, liquids, or gasses;
12. Any waters or wastes containing toxic materials or heavy metals in concentrations exceeding the following limits:

<u>Element</u>	<u>Composite Concentration (mg/l)</u>
Arsenic	0.05
Barium	5.00
Boron	1.00
Cadmium	0.02
Chromium	0.05
Copper	0.02
Lead	0.10
Manganese	0.50
Mercury	0.002
Nickel	0.06
Selenium	0.02
Silver	0.01
Zinc	0.05
Cyanide	0.05

13. Any waters or wastes containing any measureable trace of the following:

Antimony	Uranyl Ion
Beryllium	Rhenuim
Bismuth	Strontium
Cobalt	Tellurim
Molybdenum	Herbicides
Pesticides	Fungicides

14. Chlorinated solvents;
  15. Wastes containing sulfides over 5.0 mg/1;
  16. Septic tank sludge;
  17. Any dissolved solids in excess of 500 mg/1
  18. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
  19. Specific attention should be given to toxic materials and heavy metals. These materials constitute an immediate hazard to humans, animals and aquatic life, and in addition, may have cumulative effects. Dilution of such materials in lieu of treatment (removal) is not an acceptable policy.
- E. No person shall discharge or cause to be discharged materials which exert of cause BOD in excess of 250 mg/1, suspended solids in excess of 250 mg/1, or oil and grease in excess of 50 mg/1, without prior approval of the Superintendent and without paying an abnormal sewage surcharge.
- F. The storage of any material in areas draining into the city sewer which, because of discharge or leakage from such storage, may create an explosion hazard in sewage works or in any other way have a deleterious effect upon those works or treatment processes, or constitute a hazard to human beings or animals, or the receiving stream shall be subject to review by the Superintendent who at his discretion may require reasonable safeguards to prevent discharge or leakage of such materials into the sewers.
- G. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 10.04.04 hereinabove and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:
1. reject the wastes;
  2. require pretreatment to an acceptable condition for discharge to the public sewers in accordance with an approved implementation schedule; and/or

3. require control over the quantities and rates of discharge. If the city permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to requirements of all applicable codes, ordinances and laws, and U.S. Environmental Protection Agency guidelines for pretreatment; and/or
  4. require that a wastewater effluent retention basin be provided of adequate volume to insure that slugs of concentrated pollutants are not discharged into the public sewer. If the city requires the retention of wastewater effluent, the design and installation of the retention basin shall be subject to the review and approval of the city.
- H. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
- I. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- J. When directed to do so by the city, the owner of any property discharging industrial wastes shall, at his own expense, have a qualified testing laboratory collect a representative sample of his wastewater and have the appropriate physical, chemical, and biological tests performed on this sample, also by a qualified testing laboratory. Qualified testing laboratories selected by the owner to provide these sampling and testing services shall be acceptable to the city. The purpose of such tests shall be to determine the conformance of the wastewater characteristics to this ordinance. A report shall be made in writing to the city by the laboratory stating the results of the tests. Required sampling and testing shall be performed in accordance with the provisions of 10.04.05(K) of this Article.
- K. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manholes. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (Ord. No. 90-5, Art. V.)



#### 10.08.06 Protection from damage

- A. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities.
- B. No unauthorized person shall cover any manhole on a public sewer with earth or paving, or otherwise render it inaccessible.
- C. No unauthorized person shall remove the earth cover from a public sewer so that less than two (2) feet of earth cover remains over the pipe bells. Approval to remove subsequent cover shall require written consent from the Superintendent. (Ord. No. 90-5, Art. VI.)

#### 10.08.07 Penalty for violation

- A. Any person found to be violating any provision of this ordinance except Section 10.04.06 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in part A. of this section and/or any person who shall be found to be violating the provisions of 10.04.06 of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not more than Fifty Dollars (\$50.00) for each violation, or double that sum for each repetition of such offense or violation, and if the act is continuous in nature in any sum not more than Fifty Dollars (\$50.00) for each day that the same shall be unlawfully continued.
- C. Any person violating any of the provisions of this ordinance shall become liable to the city for any expenses, loss or damage occasioned the city by reason of such violation.
- D. In cases of repeated violations, the city may revoke the permission for discharge of wastes into the sewer system and effect the discontinuation of water service, sewer service or both. (Ord. No. 90-5, Art. VII.)

#### 10.08.08 Powers and authority of inspectors

- A. The Superintendent and authorized employees bearing proper credentials shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this

ordinance. The Superintendent or designated representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge.

- B. While performing the necessary work on private properties referred to in 10.04.08(A) above, the Superintendent or authorized employees shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the city employees. The city employees shall observe all safety rules applicable to the premises established by the company. The city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in 10.04.05(J)
- C. The Superintendent and authorized employees bearing proper credentials shall be permitted to enter all private properties through which the city holds a negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertinent to the private property involved. (Ord. No. 90-8, Sec. 3.)

## **CHAPTER 10.12**

### **SEWER COMMITTEE**

**Sections:**

- 10.12.01 Terms
- 10.12.02 Vacancies; replacements

**10.12.01 Terms** The Sewer Committee members, which shall total five (5), shall be appointed by a majority vote of the City Council and shall hold office for a term of three (3) years; however, Sewer Committee member first appointed shall serve the following terms:

The first two (2) Sewer Committee members appointed shall serve a term of one year;

The second two (2) Sewer Committee members appointed shall serve a term of two years; and

The fifth Sewer Committee member appointed shall serve a term of three years.

Thereafter, upon the expiration of their respective terms, the successors shall be appointed by a majority vote of the City Council and shall hold office for a term of three years. (Ord. No. 98-7, Sec. 2.)

10.12.02 Vacancies; replacement Each member shall serve until his successor is duly appointed; a member shall be eligible to succeed himself. In the event of a vacancy occurring on the Sewer Committee, it shall be filled in the following manner:

- A. The replacement Sewer Committee shall be appointed by a majority vote of the City Council and shall hold a term of one (1) year.
- B. The City Council may remove any member of the committee, with or without cause, and may appoint any substitute members in case of death, removal, or resignation. (Ord. No. 98-7, Sec. 2.)

## **CHAPTER 10.16**

### **SEWER RATES**

Sections:

- 10.16.01 Rates
- 10.16.02 Billing
- 10.16.03 Financial management system
- 10.16.04 Review
- 10.16.05 Notification of sewer use rate
- 10.16.06 Customer appeal
- 10.16.07 User charge system
- 10.16.08 Monthly rates

10.16.01 Rates

- A. The city hereby establishes as rates, to be charged for services furnished by the System, which the City Council finds and declares to be fair, reasonable and necessary, to be charged to all users who contribute wastewater to the System. The proceeds of such charges so derived will be used for the purpose of operating and maintaining, including replacement (OM&R), the System's wastewater

treatment works. (Replacement is defined as expenditures for obtaining and installing equipment, accessories or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which they were designed and constructed.)

- B. All users of the system shall be charged \$.75 per 1,000 gallons or portion thereof of metered water consumption for the operation and maintenance including replacement. In the case of users not on a metered basis, the manager of the System shall establish water consumption based on a comparison of the non-metered user with a metered user of similar class. Example: a non-meter family of four (4) will be compared to a typical family of four (4) with a water meter to establish water consumption.

All sewer users shall be classified by the Vilonia Sewer Committee or such other governing body of the System as residential, commercial or industrial.

**User Charge Methodology:**

Total annual OM&R	<u>Total annual OM&amp;R \$</u>
Cost in \$/1,000 gal. =	No. of 1,000 gal. sold annually

- C. Excessive Strength Charges For any user, when the BOD exceeds \*200 mg/1, the suspended solids exceed 200 mg/1, or when other pollutant concentrations exceed the range of concentrations of these pollutants in normal domestic sewage, a surcharge shall be added to the basic charge. This surcharge shall be calculated by the following formula:

$$C_s = (B_c (B) + S_c (S) + P_c (P) ) V_u$$

- C<sub>s</sub> = a surcharge for wastewaters of excessive strength.
- B<sub>c</sub> = Operation and Maintenance (O&M) cost for treatment of a unit of BOD.
- B = concentration of BOD from a user above a base level.
- S<sub>c</sub> = O&M cost for treatment of a unit of suspended solids (SS).
- S = Concentration of SS from a user above a base level.
- P<sub>c</sub> = O&M cost for treatment of a unit of any pollutant.
- P = Concentration of any pollutant from a user above a base level.
- V<sub>u</sub> = Volume contribution from a user per unit of time.

\*Maximum limit for average domestic waste.

- D. Charges for Extraneous Flows The costs of O&M for all flows not directly attributable to users (such as infiltration/inflow) shall be distributed among users on the same basis as O&M charges.

- E. Toxic Pollutants Charges Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the System's treatment works shall pay for such increased costs.
- F. Debt Service All users of the sewer facilities of the System shall be charged monthly fee of \$29.50. This charge represents the debt retirement for the System. This fee will be charged to all active sewer users regardless of the amount of water used or wastewater discharged in addition to the volume charge set forth in (B) above.
- G. Administrative Charge A fixed charge of \$.25 per month shall be added to each bill to pay for administrative overhead.
- H. Total Minimum User Charge The minimum bill per user of the System shall be \$30.50 calculated as follows: OM&R for 1,000 gal. (minimum) (\$.75) + Debt Service (\$29.50) + Administrative Charge (\$.25) = \$30.50.
- I. Tapping Fee There shall be a tapping fee in an amount equal to the actual cost to the city for every customer who connects to the System.
- J. None of the sewer facilities or services afforded by the System shall be furnished without a charge being made therefore. (Ord. No. 91-2, Sec. 1.)

10.16.02 Billing Users of the System will be billed on a monthly basis with payment due ten (10) days after the date of billing. Users on metered water service will be billed on the same notice as water charges and will be designated as a separate entry. Users not on metered water service will be billed monthly on an individual notice for service based upon the water consumption established by the System.

Users with delinquent accounts of 30 days will be notified in writing by the city where, during which hours of the day, and before whom disputed bills appropriately may be considered. If the user waives the opportunity to be heard, the services will be discontinued until such bill is paid. A charge of Ten Dollars (\$10.00) plus the payment of all arrears shall be required before any premises shall be again connected to the system. (Ord. No. 91-2, Sec. 2.)

10.16.03 Financial management system A financial management system shall be established and maintained by the committee to document compliance with federal regulations pertaining to the grant. Such System will account for all revenues generated and expenditures for operation and maintenance and replacement. (Ord. No. 91-2, Sec. 3.)

10.16.04 Review This ordinance shall be reviewed not less often than every year regarding the wastewater contribution of users and user classes, the total costs of the operation and maintenance and replacement of the treatment works of the system, and its approved user charge. The charges for users or user classes shall be revised to accomplish the following:

- A. Maintain the proportionate distribution of operation and maintenance costs among users and user classes;
- B. Generate sufficient revenue to pay the total costs necessary to the proper operation and maintenance (including replacement) of the treatment works of the System;
- C. Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year, and the rates shall be adjusted accordingly; and
- D. Revenues from the sewer improvements (e.g., sale of treatment related by-product; lease of the land; or sale of crops grown on the land purchased under the federal grant agreement for the sewer improvements) shall be used to offset the cost for the OM&R and the city shall proportionately reduce all use charges. (Ord. No. 91-2, Sec. 4.)

10.16.05 Notification of sewer use rate Each user shall be notified at least annually, in conjunction with the regular bill, of the sewer use rate and the portion of the user charges which are attributable to wastewater treatment. Costs shall be broken down to show the operation and maintenance costs attributable to that user. (Ord. No. 91-2, Sec. 5.)

10.16.06 Customer appeal

- A. Any user who feels his user charge is unjust and inequitable may make written application to the Committee requesting a review of his user charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.
- B. Review of the request shall be made by the Committee and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period. (Ord. No. 91-2, Sec. 6.)

10.16.07 User charge system The user charge system from the sewer treatment facilities of the System shall take precedence over any terms or conditions of agreement or contracts between the city and any of the users which are inconsistent with applicable federal regulations regarding such user charge systems. (Ord. No. 91-2, Sec. 7.)

10.16.08 Monthly rates The following monthly rates, which the City Council hereby finds and declares are fair, reasonable and necessary minimum rates, are hereby fixed as rates to be charged for services to be rendered by the System.

The monthly charge for each customer shall be determined each month by water consumption and the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

**City Water Users**

<u>City Water Users</u>	<u>Rate</u>
Up to 1,000 gallons	\$16.00 (minimum)
Over 1,000 gallons	6.00 per 1,000 gallons

**Non-City Water Users**

1 (one) Person Home	\$17.00
2 (two) Person Home	27.00
3 (three) Person Home	39.00
4 (four) Person Home	45.00
5 (five) Person Home	53.00
(Ord. No. 2020-02, Sec. 1.)	

**CHAPTER 10.20**

**FEE SCHEDULE**

Sections:

- 10.20.01 Payment of fees
- 10.20.02 Fee schedule

10.20.01 Payment of fees The City hereby establishes a Fee Schedule (attached) to be charged for services furnished by and voted on July 21, 2020 by the Sewer Committee, which the City Council finds and declares to be reasonable and necessary. (Ord. No. 2020-04, Sec. 1.)

10.20.02 Fee schedule

<b>Ready tap fee</b>	\$125.00	
<b>Not ready tap fee</b>	\$400.00 (if we use city equipment minimum for first two (2) hours. Over two (2) hours \$150.00 per hour.	
<b>Reconnect fees</b>	8:00 a.m. to 4:30 p.m.	\$40.00
	After 4:30 p.m.	\$80.00
<b>Deposit fees</b>	Home owner	\$55.00
	Renter	\$75.00
	Commercial	\$75.00
<b>Reinspection fees</b>	\$40.00	
<b>Return check charge</b>	State maximum amount	
<b>No notice fee</b>	(Anything less than 48 hour notice) on inspections for taps \$100.00	
<b>Damage to city sewer pipes</b>	(If no sewer representative is there at time of damage)	
	1 <sup>st</sup> offense, plus cost to repair	\$100.00
	2 <sup>nd</sup> offense	\$500.00
	3 <sup>rd</sup> offense	\$1,000.00

After 3<sup>rd</sup> request for City Council to pull privilege license.

<b>Consumption fee</b>	\$2000.00
<b>Hookup Fee</b>	\$300.00

**Multifamily Units**

One(1) Consumption fee for every two (2) units.

One (1) Hookup fee for every two (2) units.

(Ord. No. 2020-4, Sec. 1.)



**CHAPTER 10.24**

**SEWER SYSTEM CONSTRUCTION BOND**

Sections:

- 10.24.01      Improvements
- 10.24.02      Authorization
- 10.24.03      Acceptance
- 10.24.04      Sewer Operation and Maintenance Fund
- 10.24.05      Sewer Depreciation Fund

10.24.01 Improvements: The Improvements and the Refunding shall be accomplished. The Mayor and the City Recorder are hereby authorized to take, or cause to be taken, all action necessary to accomplish the Improvements and to execute all required contracts. The Improvements shall be accomplished under the control of the Committee. The Bonds Refunded shall be called for redemption on the date the bonds are delivered at a redemption price equal to the principal amount being redeemed plus accrued interest. (Ord. No. 2020-03. Sec. 1)

The City Council hereby finds and declares that the period of usefulness of the System will be more than 35 years, which is longer than the term of the bonds. (Ord. No. 2020-03, Sec. 2)

10.24.02 Authorization: Under the authority of the Constitution and laws of the State of Arkansas (the "State"), including particularly Title 14, Chapter 164, Subchapter 4 of the Arkansas Code of 1987 Annotated, City of Vilonia, Arkansas Sewer Refunding and Construction Revenue Bonds, Series 2020 are hereby authorized and ordered issued in the principal amount of\$ \_\_\_\_ \_ for the purpose of financing all or a portion of the costs of accomplishing the Improvements and the Refunding, paying necessary expenses incidental thereto and to the authorization and issuance of the bonds and partially funding a debt service reserve.

The bonds shall mature on December 1 in the years and in the amounts and shall bear interest as follows:

<u>Year</u>		<u>Interest</u>
<u>(December 1)</u>	<u>Amount</u>	<u>Rate</u>

The bonds shall be dated as of their date of delivery and shall be issuable only as fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. Unless the City shall otherwise direct, the bonds shall be numbered from I upward in order of issuance. Each bond shall have a CUSIP number.

The bonds shall be registered initially in the name of Cede & Co., as nominee for The Depository Trust Company ("DTC"), which shall be considered to be the registered owner of the bonds for all purposes under this Ordinance, including, without limitation, payment by the City of principal of, redemption price, premium, if any, and interest on the bonds, and receipt of notices and exercise of rights of registered owners. There shall be one certificated, typewritten bond for each stated maturity date which shall be immobilized in the custody of or on behalf of DTC with the beneficial owners having no right to receive the bonds in the form of physical securities or certificates. DTC and its participants shall be responsible for maintenance of records of the ownership of beneficial interests in the bonds by book-entry on the system maintained and operated by DTC and its participants, and transfers of ownership of beneficial interests shall be made only by DTC and its participants, by book-entry, the City having no responsibility therefor. DTC is expected to maintain records of the positions of participants in the bonds, and the participants and persons acting through participants are expected to maintain records of the purchasers of beneficial interests in the bonds. The bonds as such shall not be transferable or exchangeable, except for transfer to another securities depository or to another nominee of a securities depository, without further action by the City.

If any securities depository determines not to continue to act as a securities depository for the bonds for use in a book-entry system, the City may establish a securities depository/book-entry system relationship with another securities depository. If the City does not or is unable to do so, or upon request of the beneficial owners of all outstanding bonds, the City and the Trustee (hereinafter identified), after the Trustee has made provision for notification of the beneficial owners by the then securities depository, shall permit withdrawal of the bonds from the securities depository, and authenticate and deliver bond certificates in fully registered form (in denominations of \$5,000 or integral multiples thereof) to the assigns of the securities depository or its nominee, all at the cost and expense (including costs of printing definitive bonds) of the City, if the City fails to maintain a securities depository/book-entry system, or of the beneficial owners, if they request termination of the system.

Prior to issuance of the bonds, the City shall have executed and delivered to DTC a written agreement (the "Representation Letter") setting forth (or incorporating therein by reference) certain undertakings and responsibilities of the City with respect to the bonds so long as the bonds or a portion thereof are registered in the name of Cede & Co. ( or a substitute nominee) and held by DTC. Notwithstanding such execution and delivery of the Representation Letter, the terms thereof shall not in any way limit the provisions of this Section or in any other way impose upon the City any obligation whatsoever with respect to persons having interests in the bonds other than the registered owners; as shown on the registration books kept by the Trustee. The Trustee shall take all action necessary for all representations of the City in the Representation Letter with respect to the Trustee to at all times be complied with.

The authorized officers of the Trustee and the City shall do or perform such acts and execute all such certificates, documents and other instruments as they or any of them deem

necessary or advisable to facilitate the efficient use of a securities depository for all or any portion of the bonds; provided that neither the Trustee nor the City may assume any obligations to such securities depository or beneficial owners of bonds that are inconsistent with their obligations to any registered owner under this Ordinance.

Interest on the bonds shall be payable on June 1, 2021, and semiannually thereafter on each June 1 and December 1. Payment of each installment of interest shall be made to the person in whose name the bond is registered on the registration books of the City maintained by Centennial Bank, Jonesboro, Arkansas, as Trustee and Paying Agent (the "Trustee"), at the close of business on the fifteenth day of the month (whether or not a business day) next preceding each interest payment date (the "Record Date"), irrespective of any transfer or exchange of any such bond subsequent to such Record Date and prior to such interest payment date.

Each bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is authenticated on an interest payment date, in which event it shall bear interest from such date, or unless it is authenticated prior to the first interest payment date, in which event it shall bear interest from its dated date, or unless it is authenticated during the period from the Record Date to the next interest payment date, in which case it shall bear interest from such interest payment date, or unless at the time of authentication thereof interest is in default thereon, in which event it shall bear interest from the date to which interest has been paid.

Only such bonds as shall have endorsed thereon a Certificate of Authentication substantially in the form set forth in Section 8 hereof (the "Certificate") duly executed by the Trustee shall be entitled to any right or benefit under this Ordinance. No bond shall be valid and obligatory for any purpose unless and until the Certificate shall have been duly executed by the Trustee, and the executed Certificate upon any such bond shall be conclusive evidence that such bond has been authenticated and delivered under this Ordinance. The Certificate on any bond shall be deemed to have been executed if signed by an authorized officer of the Trustee, but it shall not be necessary that the same officer sign the Certificate on all of the bonds.

In case any bond shall become mutilated or be destroyed or lost, the City shall, if not then prohibited by law, cause to be executed and the Trustee may authenticate and deliver a new bond of like date, maturity and tenor in exchange and substitution for and upon cancellation of such mutilated bond, or in lieu of and in substitution for such bond destroyed or lost, upon the owner paying the reasonable expenses and charges of the City and Trustee in connection therewith, and, in the case of a bond destroyed or lost, his filing with the Trustee evidence satisfactory to it that such bond was destroyed or lost, and of his ownership thereof, and furnishing the City and Trustee with indemnity satisfactory to them. The Trustee is hereby authorized to authenticate any such new bond. In the event any such bond shall have matured, instead of issuing a new bond, the City may pay the same without the surrender thereof. Upon the issuance of a new bond under this Section, the City may require the payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Trustee) connected therewith.

The City shall cause books to be maintained for the registration and for the transfer of the bonds as provided herein and in the bonds. The Trustee shall act as the bond registrar. Each bond is transferable by the registered owner thereof or by his attorney duly authorized in writing at the principal office of the Trustee. Upon such transfer a new fully registered bond or bonds of the same maturity, of authorized denomination or denominations, for the same aggregate principal amount will be issued to the transferee in exchange therefor.

No charge shall be made to any owner of any bond for the privilege of transfer or exchange, but any owner of any bond requesting any such transfer or exchange shall pay any tax or other governmental charge required to be paid with respect thereto. Except as otherwise provided in the immediately preceding sentence, the cost of preparing each new bond upon each exchange or transfer and any other expenses of the City or the Trustee incurred in connection therewith shall be paid by the City. Neither the City nor the Trustee shall be required to transfer or exchange any bonds selected for redemption in whole or in part.

The person in whose name any bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal or premium, if any, or interest on any bond shall be made only to or upon the order of the registered owner thereof or Iris legal representative, but such registration may be changed as hereinabove provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond to the extent of the sum or sums so paid.

In any case where the date of maturity of interest on or principal of the bonds or the date fixed for redemption of any bonds shall be a Saturday or Sunday or shall be in the State a legal holiday or a day on which banking institutions are authorized by law to close, then payment of interest or principal (and premium, if any) need not be made on such date but may be made on the next succeeding business day not a Saturday or Sunday or a legal holiday or a day upon which banking institutions are authorized by law to close with the same force and effect as if made on the date of maturity or the date fixed for redemption, and no interest shall accrue for the period after the date of maturity or date fixed for redemption. (Ord. No. 2020-03, Sec. 6)

10.24.03 Acceptance: The offer of the Purchaser for the purchase of the bonds from the City at the Purchase Price for bonds bearing interest at the rates per annum, maturing and otherwise subject to the terms and provisions hereafter in this Ordinance set forth in detail is hereby accepted, and the Purchase Agreement, in substantially the form submitted to this meeting, is approved and the bonds are hereby sold to the Purchaser. The Mayor is hereby authorized and directed to execute and deliver the Purchase Agreement on behalf of the City and to take all action required on the part of the City to fulfill its obligations under the Purchase Agreement. (Ord. No. 2020-03, Sec. 3)

The bonds shall be executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Recorder and shall have impressed or imprinted thereon the seal of the City. The bonds, together with interest thereon, are secured by and are payable solely from the net revenues derived from the System ("Pledged Revenues"), which are hereby pledged and mortgaged for the equal and ratable payment of the bonds. The bonds and interest thereon shall not constitute an indebtedness of the City within any constitutional or statutory limitation. (Ord. No. 2020-03, Sec. 7)

(a) The rates charged for services of the System heretofore fixed by ordinances of the City (collectively, the "Rate Ordinance"), and the conditions, rights and obligations pertaining thereto, as set out in the Rate Ordinance, are hereby ratified, confirmed and continued.

(b) The City covenants that the rates charged for services of the System shall never be reduced while any of the bonds are outstanding unless there is obtained from an independent certified public accountant not in the regular employ of the City ("Accountant"), a certificate that the Net Revenues of the System ("Net Revenues" being defined as gross revenues less the expenses of operation and maintenance of the System, including all expense items properly attributable to the operation and maintenance of the System under generally accepted accounting principles applicable to municipal sewer facilities other than depreciation, interest and amortization of deferred bond discount expenses), with the reduced rates, will always be equal to the amount required to be set aside for the Depreciation Fund ( described below) and leave a balance equal to at least 110% of the maximum annual principal and interest requirements on all outstanding bonds to which Pledged Revenues are pledged (the "System Bonds"). The City further covenants and agrees that the rates shall, if and when necessary from time to time, be increased in such manner as will produce Pledged Revenues at least sufficient to provide the required deposits into the Depreciation Fund, and to leave a balance equal to 110% of the maximum annual principal and interest requirements on all outstanding System Bonds. (Ord. No. 2020-03, Sec. 9)

The Treasurer of the City (the "Treasurer") shall be custodian of the gross revenues derived from the operation of the System; however, the revenues of the System shall be collected, held and disbursed by the Committee. Each employee of the City handling such revenues shall give bond for faithful discharge of his or her duties in such amounts as approved by the City Council. All revenues of the System shall at all times be accounted for separately and distinctly from other moneys of the City and shall be used and applied only as provided herein. Except as hereinafter provided, all such revenues shall be deposited in such depository or depositories for the City as may be lawfully designated from time to time by the Committee; subject, however, to the giving of security as now or as hereafter may be required by law and provided that such depository or depositories shall hold membership in the Federal Deposit Insurance Corporation ("FDIC"). All deposits shall be in the name of the City and shall be so designated as to indicate the particular fund to which the revenues belong. Except as hereinafter

provided, all payments from the respective funds shall be by check or voucher, signed by two persons designated by the Committee and drawn on the depository with which the moneys in the fund shall have been deposited and each such check or voucher shall briefly specify the purpose of the expenditure. (Ord. No. 2020-03, Sec. 10)

The City covenants that it will continuously operate the System as a revenue-producing undertaking and will not sell or lease the same, or any substantial portion thereof; provided, however, that nothing herein shall be construed to prohibit the City from making such dispositions of properties of the System and such replacements and substitutions for properties of the System as shall be necessary or incidental to the efficient operation of the System as a revenue-producing undertaking; provided that all revenues derived from such disposition shall be deposited into the Revenue Fund (hereinafter identified). (Ord. No. 2020-03, Sec. 11)

All revenues derived from the operation of the System shall be deposited into a fund of the City hereby created and designated "Sewer Revenue Fund" (the "Revenue Fund"). Moneys in the Revenue Fund are hereby pledged and shall be applied to the payment of the reasonable and necessary expenses of operation and maintenance of the System, to the payment of principal of and interest on the bonds, to the maintenance of the Debt Service Reserve at the required level, to the providing of an adequate depreciation fund and otherwise as described herein. (Ord. No. 2020-03, Sec. 12)

10.24.04 Sewer Operation and Maintenance Fund: There shall be paid by the Treasurer from the Revenue Fund into a fund hereby created and designated "Sewer Operation and Maintenance Fund" (the "Operation and Maintenance Fund"), on the first business day of the month an amount sufficient to pay the reasonable and necessary monthly expenses of operation, repair and maintenance of the System for such month and from which disbursements shall be made only for those purposes. Fixed annual charges, such as insurance premiums and the cost of major repair and maintenance expenses may be computed and set up on an annual basis and 1/12 of the amount thereof may be paid into the Operation and Maintenance Fund each month.

If in any month for any reason there shall be a failure to transfer and pay the required amount into the Operation and Maintenance Fund, the amount of any deficiency shall be added to the amount otherwise required to be transferred and paid into the Operation and Maintenance Fund in the next succeeding month. If in any fiscal year a surplus shall be accumulated in the Operation and Maintenance Fund over and above the amount which shall be necessary to defray the reasonable and necessary cost of operation and maintenance of the System during the remainder of the then current fiscal year and the next ensuing fiscal year, such surplus may be transferred to the Revenue Fund. (Ord. No. 2020-03, Sec. 13)

After making the monthly deposit in the Operation and Maintenance Fund, the Treasurer shall pay from the Revenue Fund into a fund created with the Trustee and designated "2020 Sewer Revenue Bond Fund" (the "Bond Fund"), the sums in the amounts and at the times described below for the purpose of providing funds for the payment of the principal of and interest on the bonds, as they mature, for Trustee's fees and as a debt service reserve.

There shall be paid into the Bond Fund on the first business day of each month, commencing in December 2020, until all outstanding bonds, with interest thereon, have been paid in full or provision made for such payment a sum equal to 1/6 of the next installment of the interest due on the bonds and 1/12 of the next installment of principal due on the bonds.

The City shall also pay into the Bond Fund such additional sums as necessary to provide for the Trustee's fees and expenses (including reasonable legal fees) and any arbitrage rebate due the United States Treasury under Section 148(f) of the Internal Revenue Code of 1986, as amended (the "Code"). The City shall receive a credit against monthly deposits into the Bond Fund from interest earnings on moneys in the Bond Fund and transfers into the Bond Fund derived from earnings in the Debt Service Reserve during the preceding month as hereinafter provided.

There is hereby created, as part of the Bond Fund, a Debt Service Reserve which is required to be maintained in an amount equal to the lesser of the maximum annual debt service requirement on the bonds or 1/5 of the original principal amount of the bonds (the "Required Level"). The Debt Service Reserve is being initially funded in part with proceeds of the bonds. On the first business day of each month, beginning in September 2020 and continuing through August 2021, the City shall deposit System revenues into the Debt Service Reserve in approximately equal monthly amounts as necessary to increase the Debt Service Reserve to the Required Level. If, after August 1, 2021, the Debt Service Reserve should be reduced below the Required Level, the deficiency shall be cured by increasing the monthly payments into the Bond Fund to 1/5 of the next installment of interest plus 1/10 of the next installment of principal until the Required Level is reached

If the revenues of the System are insufficient to make the required payments on the first business day of the following month into the Bond Fund, then the amount of any such deficiency in the payment made shall be added to the amount otherwise required to be paid into the Bond Fund on the first business day of the next month.

If for any reason there shall be a deficiency in the payments made into the Bond Fund so that there are unavailable sufficient moneys therein to pay the principal of and interest on the bonds as the same become due, any sums then held in the Debt Service Reserve shall be used by the Trustee to the extent necessary to pay such principal and interest but the Debt Service Reserve shall be reimbursed from the Revenue Fund in the amount of any such payment as described above. The Debt Service Reserve shall be used solely as herein provided, but the moneys therein may be invested as hereinafter set forth.

If a surplus shall exist in the Bond Fund over and above the amount required for making all principal and interest payments during the next succeeding twelve month period, and in excess of the Required Level for the Debt Service Reserve, such surplus shall, at the option of the City, either be applied to the redemption of the bonds that may be called for redemption prior to maturity, paid to the City for deposit into the Revenue Fund or used to pay arbitrage rebate due under Section 148(t) of the Code.

When the moneys held in the Bond Fund, including the Debt Service Reserve, shall be and remain sufficient to pay the principal of and interest on all the bonds then outstanding, plus Trustee's fees, and any arbitrage rebate under Section 148(f) of the Code, the City shall not be obligated to make any further payments to the Trustee to be deposited into the Bond Fund.

The Trustee shall withdraw from the Bond Fund on the due date for the principal and/or interest on any bond, at maturity or redemption prior to maturity, an amount equal to the amount of such bond and interest due thereon for the sole purpose of paying the same, together with the Trustee's fee and expenses. There shall also be withdrawn and paid to the United States Treasury any arbitrage rebate due at the times and in the amounts required by Section 148(t) of the Code. No withdrawal of funds from the Bond Fund shall be made for any other purpose except as otherwise authorized in this Ordinance.

The bonds shall be specifically secured by a pledge of all Pledged Revenues to be deposited into the Bond Fund. This pledge in favor of the bonds is hereby irrevocably made according to the terms of this Ordinance, and the City and its officers and employees shall execute, perform and carry out the terms thereof in strict conformity with the provisions of this Ordinance. (Ord. No. 2020-03, Sec. 14)

After making the required payments into the Operation and Maintenance Fund and the Bond Fund, there shall be transferred by the Treasurer from the Revenue Fund into a fund hereby created and designated "Sewer Depreciation Fund" (the "Depreciation Fund"), on or before the first business day of the month immediately following the month in which the bonds are delivered and continuing on the first business day of each month thereafter while any of the bonds are outstanding, a sum equal to 3% of the gross revenues of the System for the preceding month. The moneys in the Depreciation Fund shall be used solely for the purpose of paying the cost of repairs or replacements made necessary by the depreciation of the System.

If in any fiscal year a surplus shall be accumulated in the Depreciation Fund over and above the amount necessary to defray the cost of probable replacements during the then current fiscal year, and the next ensuing fiscal year, such surplus may be transferred to the Revenue Fund. (Ord. No. 2020-03, Sec. 15)



Any surplus in the Revenue Fund after making all disbursements and providing for all funds herein provided for may be used, at the option of the City, for any lawful municipal purpose authorized by the City. (Ord. No. 2020-03, Sec. 16)

The bonds shall be subject to redemption prior to maturity in accordance with the terms set out in the bond form in Section 8 hereof. (Ord. No. 2020-03, Sec. 17)

So long as any of the bonds are outstanding, the City shall not issue any bonds claimed to be entitled to a priority of lien on the revenues of the System over the lien securing the bonds.

The City reserves the right to issue additional bonds to finance or pay the cost of constructing any future extensions, betterments and improvements to the System, or to refund bonds issued for such purposes. The City shall not authorize or issue any additional System Bonds ranking on a parity with the bonds unless and until there shall have been procured and filed with the Trustee a statement by an Accountant reciting the opinion, based upon necessary investigation, that Net Revenues of the System ("Net Revenues" being gross revenues of the System less the expenses of operation and maintenance of the System, including all expense items properly attributable to the operation and maintenance of the System under generally accepted accounting principles applicable to municipal sewer facilities· other than depreciation, interest and amortization of deferred bond discount expenses) for the fiscal year immediately preceding the fiscal year in which it is proposed to issue such additional bonds shall equal not less than 120% of the maximum annual principal and interest requirements on all the then outstanding System Bonds and the additional System Bonds then proposed to be issued. · In making the computation set forth above, additional amounts may be added to the Net Revenues of the completed fiscal year immediately preceding the issuance of additional bonds, as follows: if, prior to the issuance of the additional bonds and subsequent to the first day of such preceding fiscal year, the City shall have increased its rates or charges imposed for services of the System there may be added to the Net Revenues of such fiscal year the additional Net Revenues which would have been received from the operation of the System during such fiscal year had such increase been in effect throughout such fiscal year, as reflected by a certificate of a duly qualified consulting engineer not in the regular employ of the City.

The City may also issue addition System Bonds subordinate in security to the bonds. (Ord. No. 2020-03, Sec. 18)

The City covenants that it will faithfully and punctually perform all duties with reference to the System required by the Constitution and Laws of the State, including making and collecting of reasonable and sufficient rates lawfully established for services rendered by the System, segregating the revenues of the System and applying them to the respective funds herein created. (Ord. No. 2020-03, Sec. 19)

The City shall cause proper books of accounts and records to be kept (separate from all other records and accounts) in which complete and correct entries shall be made of all transactions relating to the operation of the System, and such books shall be available for inspection by the owner of any of the bonds at reasonable times and under reasonable circumstances. The City agrees to have these records audited by an Accountant at least once each year, and a copy of the audit shall be delivered to the Trustee and made available to the registered owners of the bonds requesting the same in writing. In the event the City fails or refuses to make the audit, the Trustee or any registered owner of the bonds may have the audit made, and the cost thereof shall be charged against the Operation and Maintenance Fund. (Ord. No. 2020-03, Sec. 20)

The City covenants and agrees that it will maintain the System in good condition and operate the same in an efficient manner and at reasonable cost. While any of the bonds are outstanding, the City agrees that it will insure and at all times keep insured, in the amount of the full insurable value thereof, in a responsible insurance company or companies authorized and qualified under the laws of the State to assume the risk thereof, properties of the System, to the extent that such properties would be covered by insurance by private companies engaged in similar types of businesses, against loss or damage thereto from fire and other perils included in extended coverage insurance in effect in the State. The insurance policies are to carry a clause making them payable to the Trustee as its interest may appear, and satisfactory evidence of said insurance shall be filed with the Trustee. In the event of loss, the proceeds of such insurance shall be applied solely toward the reconstruction, replacement or repair of the System, and in such event the City will, with reasonable promptness, cause to be commenced and completed the reconstruction, replacement and repair work. If such proceeds are more than sufficient for such purposes, the balance remaining shall be deposited to the credit of the Revenue Fund, and if such proceeds shall be insufficient for such purposes the deficiency shall be supplied first from moneys in the Depreciation Fund and second from moneys in the Operation and Maintenance Fund and third from surplus moneys in the Revenue Fund. Nothing shall be construed as requiring the City to expend any moneys for the operation and maintenance of the System or for premiums on its insurance which are derived from sources other than the operation of the System, but nothing shall be construed as preventing the City from doing so. (Ord. No. 2020-03, Sec. 21)

Any bond shall be deemed to be paid within the meaning of this Ordinance when payment of the principal of and interest on such bond (whether at maturity or upon redemption as provided herein, or otherwise), either (i) shall have been made or caused to be made in accordance with the terms hereof, or (ii) shall have been provided for by irrevocably depositing with the Trustee, in trust and irrevocably set aside exclusively for such payment (1) cash fully insured by the FDIC and/or fully collateralized with Government Securities (as hereinafter

defined) sufficient to make such payment and/or (2) direct or fully guaranteed obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America ("Government Securities") (provided that such deposit will not affect the tax exempt status of the interest on any of the bonds or cause any of the bonds to be classified as "arbitrage bonds" within the meaning of Section 148 of the Code, maturing as to principal and interest in such amounts and at such times as will provide sufficient moneys to make such payment, and all necessary and proper fees, compensation and expenses of the Trustee pertaining thereto shall have been paid or the payment thereof provided for to the satisfaction of the Trustee.

On the payment of all the bonds within the meaning of this Ordinance, the Trustee shall hold in trust, for the benefit of the owners of such bonds, all such moneys and/or Government Securities.

When all the bonds shall have been paid within the meaning of this Ordinance, if any arbitrage rebate due the United States Treasury under Section 148(±) of the Code has been paid or provided for to the satisfaction of the Trustee, and if the Trustee has been paid its fees and expenses, the Trustee shall take all appropriate action to cause (i) the pledge and lien of this Ordinance in favor of the bonds to be discharged and canceled, and (ii) all moneys held by it pursuant to this Ordinance and which are not required for the payment of such bonds to be paid over or delivered to or at the direction of the City. In determining the sufficiency of the deposit of Government Securities there will be considered the principal amount of such Government Securities and interest to be earned thereon until the maturity of such Government Securities. (Ord. No. 2020-03, Sec. 22)

(a) If there be any default in the payment of the principal of or interest on any of the bonds, or if the City defaults in any Bond Fund requirement or in the performance of any of the other covenants contained and set forth in this Ordinance, the Trustee may, and upon the written request of the registered owners of not less than 10% in principal amount of the bonds then outstanding shall, by proper suit, compel the performance of the duties of the officials of the City under the laws of the State. And, in the case of a default in the payment of the principal of and interest on any of the outstanding bonds, the Trustee may, and upon the written request of the registered owners of not less than 10% in principal amount of the bonds then outstanding shall, apply in a proper action to a court of competent jurisdiction for the appointment of a receiver to administer the System on behalf of the City and the registered owners of the bonds with power to charge and collect ( or by mandatory injunction or otherwise to cause to be charged and collected) rates sufficient to provide for the payment of the expenses of operation, repair and maintenance and to pay any bonds and interest outstanding and to apply the revenues in conformity with the laws of the State and with this Ordinance. When all defaults in principal and interest payments have been cured, the custody and operation of the System shall revert to the City.

(b) No registered owner of any of the outstanding bonds shall have any right to institute any suit, action, mandamus or other proceeding in equity or at law for the protection or enforcement of any right under this Ordinance or under the laws of the State, unless such registered owner previously shall have given to the Trustee written notice of the default on account of which such suit, action or proceeding is to be taken, and unless the registered owners of not less than 10% in principal amount of the bonds then outstanding shall have made written request of the Trustee after the right to exercise such power or right of action, as the case may be, shall have accrued, and shall have afforded the Trustee a reasonable opportunity either to proceed to exercise the powers herein granted to the Trustee or to institute such action, suit or proceeding in its name, and unless, also, there shall have been offered to the Trustee reasonable security and indemnity against the costs, expenses and liabilities to be incurred therein or thereby and the Trustee shall have refused or neglected to comply with such request within a reasonable time. Such notification, request and offer of indemnity are, at the option of the Trustee, conditions precedent to the execution of any remedy. No one or more registered owners of the bonds shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security of this Ordinance, or to enforce any right hereunder, except in the manner herein provided. All proceedings at law or in equity shall be instituted, had and maintained in the manner herein provided and for the benefit of all registered owners of the outstanding bonds.

(c) All rights of action under this Ordinance or under any of the bonds secured hereby, enforceable by the Trustee, may be enforced by it without the possession of any of the bonds, and any such suit, action or proceeding instituted by the Trustee shall be brought in its name for the benefit of all the registered owners of such bonds, subject to the provisions of this Ordinance.

(d) No remedy conferred upon or reserved to the Trustee or the registered owners of the bonds is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or by law.

(e) No delay or omission of the Trustee or any registered owners of the bonds to exercise any right or power accrued upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or an acquiescence therein; and every power and remedy given by this Ordinance to the Trustee and to the registered owners of the bonds, respectively, may be exercised from time to time and as often as may be deemed expedient.

(f) The Trustee may, and upon the written request of the registered owners of not less than a majority in principal amount of the bonds then outstanding shall, waive any default which shall have been remedied before the entry of final judgment or decree in any suit, action or proceeding instituted under the provisions of this Ordinance or before the completion of the enforcement of any other remedy, but no such waiver shall extend to or affect any other existing or any subsequent default or defaults or impair any rights or remedies consequent thereon.

(g) In any proceeding to enforce the provisions of this Ordinance, any plaintiff bondholder shall be entitled to recover from the City all costs of such proceeding, including reasonable attorneys' fees. (Ord. No. 2020-03, Sec. 23)

The Trustee shall only be responsible for the exercise of good faith and reasonable prudence in the execution of its trust. The recitals in this Ordinance and in the face of the bonds are the recitals of the City and not of the Trustee. The Trustee shall not be required to take any action as Trustee unless it shall have been requested to do so in writing by the registered owners of not less than 10% in principal amount of the bonds then outstanding and shall have been offered reasonable security and indemnity against the costs, expenses and liabilities to be incurred therein or thereby. The Trustee may resign at any time by giving sixty (60) days' notice in writing to the City Recorder and the registered owners of the bonds, and the majority in principal amount of the registered owners of the bonds or the City, so long as it is not in default hereunder, at any time, with or without cause, may remove the Trustee. In the event of a vacancy in the office of Trustee, either by resignation or by removal, the City shall designate a new Trustee by a written instrument filed in the office of the City Recorder. The original Trustee and any successor Trustee shall file a written acceptance and agreement to execute the trust imposed upon it or them by this Ordinance, but only upon the terms and conditions set forth in this Ordinance, and subject to the provisions of this Ordinance, to all of which the respective registered owners of the bonds agree. Such written acceptance shall be filed with the City Recorder and a copy thereof shall be placed in the bonds transcript. Any successor Trustee shall have all the powers herein granted to the former Trustee. The Trustee's resignation shall become effective upon the acceptance of the trusts by the successor Trustee. (Ord. No. 2020-03, Sec. 24)

When the bonds have been executed, they shall be authenticated by the Trustee and the Trustee shall deliver the bonds to or at the direction of the Purchaser upon payment of the Purchase Price. The expenses of issuing the bonds as set forth in the delivery instructions to the Trustee signed by the Mayor and City Recorder shall be paid from the Purchase Price. An amount of the Purchase Price that is sufficient, along with other available moneys, to accomplish the Refunding shall be paid to the owner of the Bonds Refunded. The sum of \$ to fund a portion of the Debt Service Reserve shall be deposited into the Debt Service Reserve in the Bond Fund. The remainder of the Purchase Price shall be deposited into a special account in the name of the City designated "Sewer Revenue Bond Construction Fund, Series 2020" (the "Construction Fund") in the Trustee. The moneys in the Construction Fund shall be disbursed solely in payment of the costs of accomplishing the Improvements, paying necessary expenses incidental thereto and paying expenses of issuing the bonds. Disbursements shall be on the basis of requisitions which shall contain at least the following information: the person to whom payment is being made; the amount of the payment; and the purpose by general classification of the payment. Each check must be signed by at least two persons authorized by the Committee. The City shall keep accurate records as to all payments made from the Construction Fund.

When the Improvements have been completed and all required expenses paid and expenditures made from the Construction Fund for and in connection with the accomplishment of the Improvements and the financing thereof, this fact shall be evidenced by a certificate signed by the Mayor, which certificate shall state, among other things, the date of the completion and that all obligations payable from the Construction Fund have been discharged. A copy of the certificate shall be filed with the Trustee, and upon receipt thereof, the Trustee shall deposit any remaining balance to the Bond Fund. (Ord. No. 2020-03, Sec. 25)

(a) Moneys held for the credit of the Bond Fund (other than the Debt Service Reserve) shall be invested and reinvested pursuant to the direction of the City, or in the absence of such direction, by the Trustee in its discretion, in Permitted Investments which shall mature, or which shall be subject to redemption by the holder thereof, at the option of such holder, not later than the next payment date for interest or principal and interest on the bonds.

(b) Moneys held for the credit of the Debt Service Reserve in the Bond Fund shall be invested and reinvested pursuant to the direction of the City, or in the absence of such direction, by the Trustee in its discretion, in Permitted Investments, all of which shall mature, or which shall be subject to redemption by the holder thereof, at the option of such holder, not later than five (5) years after the date of investment or the final maturity date of the bonds whichever is earlier.

(c) Moneys held for the credit of any other fund, including the Construction Fund, may be invested and reinvested pursuant to the direction of the City, or in the absence of such direction, by the Trustee in its discretion in the case of the Construction Fund, in Permitted Investments or other investments as may, from time to time, be permitted by State law, which shall mature, or which shall be subject to redemption by the holder thereof, at the option of such holder, not later than the date or dates when the moneys held for the credit of the particular fund will be required for the purposes intended.

(d) Obligations so purchased as an investment of moneys in any fund shall be deemed at all times to be a part of such fund and the interest accruing thereon and any profit realized from such investments shall be credited to such fund, and any loss resulting from such investment shall be charged to such fund, except that moneys in the Debt Service Reserve in excess of the Required Level shall be transferred promptly from the Debt Service Reserve into the Bond Fund. Amounts so transferred shall be credited against the City's obligation to make payments into the Bond Fund.

(e) "Permitted Investments" are defined as (i) Government Securities, (ii) direct obligations of any agency, instrumentality or government-sponsored enterprise created by an act of the United States Congress and authorized to issue securities or evidences of indebtedness, regardless of whether the securities or evidences of indebtedness are guaranteed for repayment

by the United States Government, (iii) demand deposits or certificates of deposit of banks, including the Trustee, to the extent insured by the FDIC, or, if in excess of insurance coverage, collateralized with Government Securities or other securities authorized by State law to secure public funds, or (iv) money market funds comprised exclusively of Government Securities or the obligations described in (ii) above.

In the event the office of Mayor, City Recorder, City Treasurer, Committee or City Council shall be abolished, or any two or more of such offices shall be merged or consolidated, or in the event the duties of a particular office shall be transferred to another office or officer, or in the event of a vacancy in any such office by reason of death, resignation, removal from office or otherwise, or in the event any such officer shall become incapable of performing the duties of his office by reason of sickness, absence from the City or otherwise, all powers conferred and all obligations and duties imposed upon such office or officer shall be performed by the office or officer succeeding to the principal functions thereof, or by the office or officer upon whom such powers, obligations and duties shall be imposed by law.

It is understood and agreed that the Committee, acting for and on behalf of the City, has custody of and control over the System, operates, maintains and repairs the System and collects and handles the revenues of the System. Therefore, it is understood and agreed that even though there are some express references to the Committee, all references herein to the City shall, when appropriate in view of the authority and responsibility of the Committee, be construed to mean and include the Committee. (Ord. No. 2020-03, Sec. 27)

(a) The City covenants that it shall not take any action or suffer or permit any action to be taken or condition to exist which causes or may cause the interest payable on the bonds to be included in gross income for federal income tax purposes. Without limiting the generality of the foregoing, the City covenants that the proceeds of the sale of the bonds and System revenues will not be used directly or indirectly in such manner as to cause the bonds to be treated as "arbitrage bonds" within the meaning of Section 148 of the Code.

(b) The City shall assure that (i) not in excess of 10% of the Net Proceeds of the bonds is used for Private Business Use if, in addition, the payment of more than 10% of the principal or 10% of the interest due on the bonds during the term thereof is, under the terms of the bonds or any underlying arrangement, directly or indirectly secured by any interest in property used or to be used for a Private Business Use or in payments in respect of property used or to be used for a Private Business Use or is to be derived from payments, whether or not to the City, in respect of property or borrowed moneys used or to be used for a Private Business Use; and (ii) that, in the event that both (A) in excess of 5% of the Net Proceeds of the bonds are used for a Private Business Use, and (B) an amount in excess of 5% of the principal or 5% of the interest due on the bonds during the term thereof is, under the terms of the bonds or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for said

Private Business Use or in payments in respect of property used or to be used for said Private Business Use or is to be derived from payments, whether or not to the City, in respect of property or borrowed money used or to be used for said Private Business Use, then said excess over said 5% of Net Proceeds of the bonds used for a Private Business Use shall be used for a Private Business Use related to the governmental use of the System.

The City shall assure that not in excess of 5% of the Net Proceeds of the bonds are used, directly or indirectly, to make or finance a loan to persons other than state or local governmental units.

As used in this subsection (b), the following terms shall have the following meanings:

"Net Proceeds" means the face amount of the bonds, plus accrued interest and original issue premium, if any, and less original issue discount, if any, and the amount of bond proceeds, if any, deposited into the Debt Service Reserve.

"Private Business Use" means use directly or indirectly in a trade or business carried on by a natural person or in any activity carried on by a person other than a natural person, excluding, however, use by a state or local governmental unit and use as a member of the general public.

(c) The bonds are hereby designated as "qualified tax-exempt obligations" within the meaning of the Code. The City represents that the aggregate principal amount of its qualified tax-exempt obligations (excluding "private activity bonds" within the meaning of Section 141 of the Code which are not "qualified 501(c)(3) bonds" within the meaning of Section 145 of the Code), including those of its subordinate entities, to be issued in calendar year 2020 is not reasonably anticipated to exceed \$10,000,000.

(d) The City covenants that it will take no action which would cause the bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code. Nothing in this Section shall prohibit investments in bonds issued by the United States Treasury.

(e) The City covenants that it will submit to the Secretary of the Treasury of the United States, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the bonds are issued, a statement required by Section 149(e) of the Code.

(f) The City covenants that it will not reimburse itself from proceeds of the bonds for any costs paid prior to the date the bonds are issued except in compliance with United States Treasury Regulation § 1.150-2 (the "Regulation"). This Ordinance shall constitute an "official intent" for purposes of the Regulation.



(g) The City covenants that all records pertaining to the bonds, the Bonds Refunded, the Improvements and the System improvements financed by the Bonds Refunded will be retained for the life of the bonds plus an additional three (3) years.

(h) The City covenants that it will, in compliance with the requirements of Section 148(f) of the Code, pay with moneys in the Bond Fund to the United States Government in accordance with the requirements of Section 148(f) of the Code, from time to time, an amount equal to the sum of (1) the excess of (A) the amount earned on all Non-purpose Investments (as therein defined) attributable to the bonds, other than investments attributable to such excess over (B) the amount which would have been earned if such Non-purpose Investments attributable to the bonds were invested at a rate equal to the Yield (as defined in the Code) on the bonds, plus (2) any income attributable to the excess described in (1), subject to the exceptions set forth in Section 148 of the Code. The City further covenants that in order to assure compliance with its covenants herein, it will employ a qualified consultant to advise the City in making the determination required to comply with this subsection. Anything herein to the contrary notwithstanding, the City need not comply with this provision if in the opinion of a nationally recognized bond counsel filed with the Trustee, the failure to comply would not affect the tax-exempt status of interest on the bonds for federal income tax purposes. (Ord. No. 2020-03, Sec. 28)

(a) The terms of this Ordinance shall constitute a contract between the City and the owners of the bonds and no variation or change in the undertaking herein set forth shall be made while any of the bonds are outstanding, except as hereinafter set forth in subsections (b) and (c).

(b) The Trustee may consent to any variation or change in this Ordinance to cure any ambiguity, defect or omission in this Ordinance or any amendment hereto or any other change that the Trustee determines is not, in the opinion of the Trustee, materially adverse to the interests of owners, without the consent of the owners of the outstanding bonds.

(c) The owners of not less than 75% in aggregate principal amount of the bonds then outstanding shall have the right, from time to time, anything contained in this Ordinance to the contrary notwithstanding, to consent to and approve the adoption by the City of such ordinance supplemental hereto as shall be necessary or desirable for the purpose of modifying, altering, amending, adding to or rescinding, in any particular, any of the terms or provisions contained in this Ordinance or in any supplemental ordinance; provided, however, that nothing contained in this Section shall permit or be construed as permitting (a) an extension of the maturity of the principal of or the interest on any bond, or (b) a reduction in the principal amount of any bond or the rate of interest thereon, or (c) the creation of a lien or pledge superior to the lien and pledge created by this Ordinance, or (d) the creation of a privilege or priority of any bond or bonds over any other bond or bonds, or (e) a reduction in the aggregate principal amount of the bonds required for consent to such supplemental ordinance. (Ord. No. 2020-03, Sec. 29)

The Mayor is hereby authorized and directed to work with Friday, Eldredge & Clark, LLP, as bond counsel, to review and revise, as needed, its written procedures to monitor compliance with federal tax requirements with respect to tax-exempt obligations of the City. (Ord. No. 2020-03, Sec. 30)

All moneys in the bond funds maintained in connection with the Bonds Refunded, including any debt service reserves therein, are hereby appropriated and shall be used as necessary to refund the Bonds Refunded, with any balance to be transferred to the Bond Fund

The Preliminary Official Statement is hereby approved and the previous use of the Preliminary Official Statement by the Purchaser in connection with the sale of the bonds is hereby in all respects approved and confirmed, and the Mayor is hereby authorized and directed, for and on behalf of the City, to execute the Preliminary Official Statement and the final Official Statement in the name of the City for use in connection with the sale of the bonds as set forth in the Purchase Agreement. (Ord. No. 2020-03, Sec. 4)

**TITLE 11**

**BUILDINGS AND CONSTRUCTION**

Chapters:

- 11.04 Building Permit
- 11.08 Building Codes
- 11.12 Acceptance of Public Facilities and Improvements
- 11.16 Condemnation of Property
- 11.20 House Numbering
- 11.24 Fair Housing
- 11.28 Energy Code

**CHAPTER 11.04**

**BUILDING PERMIT**

Sections:

- 11.04.01 Building permits
- 11.04.02 Application for building permit
- 11.04.03 Fees
- 11.04.04 Additional charge
- 11.04.05 Zoning Code Enforcement Officer
- 11.04.06 Zoning Board
- 11.04.07 Issuance of building permits
- 11.04.08 Conditions of permits
- 11.04.09 Penalty
- 11.04.10 Building permit and inspection procedures
- 11.04.11 Certificate of occupancy
- 11.04.12 Permit fees and enforcement

11.04.01 Building permits The owner or renter of any land situated within the incorporated limits of the city of Vilonia, Arkansas shall neither begin construction, nor allow construction to begin on such land of any building of a type set forth in sub-paragraphs (A) through (D) below, without having obtained a building permit from the city of Vilonia, Arkansas, for such construction.

- A. Single-family residence
- B. Multiple-family residence
- C. Any building in which or from which any business, commercial enterprise, or manufacturing process is to be conducted, or which is to be used for related storage or warehousing purposes.
- D. Any barn, storage facility, garage, or shelter.  
(Ord. No. 2000-3, Sec. 1.)

11.04.02 Application for building permit The application for any building permit required by this ordinance will be submitted by the landowner concerned to the City Clerk's office of the city of Vilonia, Arkansas at the City Hall in duplicate copy, and shall contain as a minimum the following:

- A. Name, mailing address, and telephone number of the applicant.
- B. Type building to be constructed (as listed in 11.04.01).
- C. Location of building site.
- D. Outside dimensions of the proposed building
- E. Construction materials to be used for the foundation floor and exterior walls.
- F. Date on which construction is proposed to begin.
- G. Estimated value of project.
- H. A plot plan needs to be included. (Ord. No. 2000-3, Sec. 2.)

11.04.03 Fees A fee according to the following schedule will be charged for each building permit issued. Payment of said amount will accompany each permit application submitted with such payment to be returned in event the application is denied.

Manufactured homes	\$200.00
Addition to existing structure (garage, room, carport, etc.)	100.00
Residential	\$150 starting 07/01/17; \$200 starting 01/01/18; \$250 starting 01/01/19; \$300 starting 01/01/20
Commercial	\$500.00 (An additional fee of .50 cents per thousand dollars of construction cost will also be added to this fee.)
Industrial	\$500.00 (An additional fee of .50 cents per thousand dollars of construction cost will also be added to this fee.)
Follow-up inspections	\$25.00 per inspection

A copy of all Electrical, Plumbing and HVAC licenses must be submitted with building permit applications and be kept on file at the Vilonia City Hall. (Ord. No. 2017-1, Sec. 1.)

11.04.04 Additional charge Non-residential permits will also be charged a fee according to a schedule provided by the State Department of Finance and Administration. These fees are sent directly to the state. A copy of the State Act 474 of 1999, "The Arkansas Construction Industry Education Act," will be available from the City Clerk's office. (Ord. No. 2000-3, Sec. 4.)

11.04.05 Zoning Code Enforcement Officer The Mayor will appoint a Zoning Code Enforcement Officer. Should there be a dispute with a Building Code or zoning issue, it would be appealed to the zoning officer. (Ord. No. 2000-3, Sec. 5.)

11.04.06 Zoning Board The Mayor will appoint a Zoning Board. Should the Enforcement Officer not be able to settle a dispute, then it will be appealed to the Board. The Board will consist of four (4) members and the zoning officer. (Ord. No. 2000-3, Sec. 6.)

11.04.07 Issuance of building permits The Clerk will present each permit application to the Code Enforcement Officer for its approval or other disposition. (Ord. No. 2000-3, Sec. 7.)

11.04.08 Conditions of permits Any building permit issued under the provisions of the ordinance must start construction within ninety (90) days of date of issue, or the permit will become void. Completions for permits are as follows:

- A. Manufactured homes must be placed, under-pinned with porches, and hooked to utilities, within that ninety (90) days.
- B. Additions to existing structures must be completed with 120 days.
- C. Residential must be completed within one (1) year of date of issue.
- D. Industrial must be completed within eighteen (18) months of date or issue.

Should there be conditions that would prevent the completion by the deadlines the applicant would have to go before the Board. (Ord. No. 2000-3, Sec. 8.)

11.04.09 Penalty Any person receiving written notification from the city of Vilonia, Arkansas, that he/she is in violation of the provisions of this ordinance shall have a period of ten (10) days following the receipt of notice in which to effect compliance.

Should he/she not become in compliance after ten (10) days, they will be subject to a fine for violation of city ordinance with a minimum fine of One Hundred Dollars (\$100.00) the first day, and Ten Dollars (\$10.00) a day thereafter until in compliance. (Ord. No. 2000-3, Sec. 9.)

11.04.10 Building permit and inspection procedures The Mayor and Code Enforcement Official(s) shall be responsible for developing and implementing a building permit and Inspection process that will provide reasonable assurance that the Vilonia Adopted Codes are

followed in building construction within the city of Vilonia. Building permits are required prior to beginning work on any building project. (Ord. No. 2007-6, Sec. 3.)

11.04.11 Certificate of occupancy Any building requiring a building permit shall not be used or occupied, in whole or in part, until a Certificate of Occupancy (CO) has been issued certifying that the development and building requirements of the city of Vilonia have been met. Under certain conditions where fire and other safety requirements have been met, the Code Enforcement Officer may issue a temporary CO for a period not to exceed six (6) months. (Ord. No. 2007-6, Sec. 4.)

11.04.12 Permit fees and enforcement Building permit and inspection fees as set by the City Council will be charged as applicable. Penalties for non-compliance and other enforcement actions may also be set as deemed appropriate by the Council. (Ord. No. 2007-6, Sec. 5.)

## **CHAPTER 11.08**

### **BUILDING CODES**

Sections:

- 11.08.01 Building Codes
- 11.08.02 Conflicting ordinances
- 11.08.03 Responsible official

11.08.01 Building Codes The following codes are hereby adopted by reference and shall be known as the Vilonia Adopted Building Codes. Where any provision of this ordinance or the adopted codes conflict with state law, state law shall prevail, unless provided for within the provisions of the adopted codes. Where reference is made to a code edition, this shall imply the latest edition of the subject code adopted by the state of Arkansas:

International Building Code	2006 Edition
National Electrical Code and local amendments	2008 Edition
Standard Amusement Device Code	1985 Edition
Standard Existing Buildings Code	1988 Edition
Arkansas Fire Prevention Code	2007 Edition
Arkansas Mechanical Code	2003 Edition
Arkansas Plumbing and 1995 Arkansas Natural Gas Code	2006 Edition

Standard Swimming Pool Code	1991 Edition
Standard Unsafe Building Abatement Code	1985 Edition
Arkansas Energy Code for New Building Construction	2004 Edition
Arkansas Mechanical Code (Ord. No. 2011-1, Sec. 2.)	2010 Edition

11.08.02 Conflicting ordinances Any matters in said codes which are contrary to existing ordinances of the city of Vilonia, County of Faulkner, state of Arkansas, shall prevail and that all ordinances or parts of ordinances in conflict herewith are hereby repealed in that respect only. (Ord. No. 98-3, Sec. 2.)

11.08.03 Responsible official Within said codes, when reference is made to the duties of a certain official named therein, that designated official of the city of Vilonia, county of Faulkner, state of Arkansas, who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned. (Ord. No. 98-3, Sec. 3.)

## **CHAPTER 11.12**

### **ACCEPTANCE OF PUBLIC FACILITIES AND IMPROVEMENTS**

#### Sections:

11.12.01 Administrative process

#### 11.12.01 Administrative process

- A. All streets and other public facilities must be properly prepared as described in this document and in the control of as described in this document and in control of development and subdivision of land regulations.
- B. This shall hereafter be known as the process of acceptance of Public Facilities and Improvements. (Ord. No. 2003-1, Sec. 1-2.)

## CHAPTER 11.16

### CONDEMNATION OF PROPERTY

Sections:

- 11.16.01 City Council opinion
- 11.16.02 Order of removal
- 11.16.03 Lien

11.16.01 City Council opinion Whenever any house or building situated in the city of Vilonia, Arkansas, shall become, in the opinion of the City Council, dilapidated, unsightly, unsafe, unsanitary, obnoxious or detrimental to the public health, safety or welfare, said Council may, by resolution, order the removal or razing of any such house or building by the owner in the manner provided in 11.16.02. (Ord. No. 89-4, Sec. 1.)

11.16.02 Order of removal When the said Council shall have ordered the removal of any house or building as provided in 11.16.01 of this ordinance, the City Clerk shall issue and the Chief of Police of the city of Vilonia, or his authorized representative, shall serve a certified copy of such order or resolution upon the owner of such house or building if the owner is a resident of the city of Vilonia. If such owner is not a resident of the city of Vilonia, he shall be served with notice by registered or certified United States mail, with return receipt requested, addressed to the owner of such house or building at his or its last known address. If the owner of such house or building shall fail, refuse or neglect to remove or raze such house or building within thirty (30) days after service upon him or it of such order or resolution, then the Mayor of the city of Vilonia is hereby authorized, empowered and directed to at once proceed to remove raze, or to cause the removal or razing of such house or building in accordance with the provisions of the resolution adopted by the City Council for such purpose. (Ord. No. 89-4, Sec. 2.)

11.16.03 Lien If, after notice has been given to the owner of any such house or building for the time and in the manner set forth hereinabove, said owner shall have failed, refused or neglected to remove or raze any such building, then the Mayor of the city of Vilonia shall, after the expiration of the time hereinabove set forth for notice, proceed at once to remove and raze the same and shall prepare an itemized statement of the cost of removing or razing any such building and shall notify said owner by delivering to him or it a copy of said statement in the manner hereinabove provided for service of notice upon such owner.

If such owner shall fail, refuse or neglect to pay such cost of removing or razing such building or house for a period of ten days (10) days from and after date of service of such statement, then the Mayor is hereby authorized, empowered and directed to proceed at once to sell, at public or private sale, any debris or material obtained from the removal of razing of said building, or so much thereof as shall be necessary to pay the costs of the removal or razing, and shall pay the over plus, if any, to the owner of such building or house. Should the proceeds from



the sale of such debris or materials be insufficient to pay the cost of such removal or razing the city of Vilonia shall have a lien upon the lands upon which the house or building was situated for the cost of removing or razing the house or building which has not been otherwise paid, and shall forthwith proceed by and through its proper officials to foreclose such lien and recover the costs so remaining unpaid. (Ord. No. 89-4, Sec. 3.)

## **CHAPTER 11.20**

### **HOUSE NUMBERING**

#### **Sections:**

11.20.01	Prominent numbering
11.20.02	Visible address
11.20.03	Numbers
11.20.04	Private road system
11.20.05	Address is requirement
11.20.06	Time limit
11.20.07	Final inspection
11.20.08	Fine

**11.20.01 Prominent numbering** It is important for buildings and homes in Vilonia to have their addresses displayed prominently to aide in the adequate provision of emergency services and to assist citizens in finding their way. (Ord. No. 2004-8, Sec. 1.)

**11.20.02 Visible address** Each building and home in Vilonia is required to display its address in such a way that it is easily visible and readable from the public street or highway. The address is not required to provide the name of the street. This ordinance will not require the subsidiary buildings adjacent to a primary building to display the address. (Ord. No. 2004-8, Sec. 2.)

**11.20.03 Numbers** The address is to be in numbers and or letters that is no less than three (3) inches in height not in a script font and must be in color contrast to the house or building. The street number must be represented numerically, not spelled out. (Ord. No. 2004-8, Sec. 3.)

**11.20.04 Private road system** If access to the building or home is provided by a private road system within a development, the requirement for display of the address may be fulfilled if the address is readily visible and readable from the private road system that provides access to the building or home. (Ord. No. 2004-8, Sec. 4.)

11.20.05 Address is requirement If the building is located too far from the public street providing access to the building for the required address to be easily read when located on the building or home, the address must be placed on a sign large enough to accommodate the address and the sign must be placed close enough to the public street providing access so that it is easily visible and readable from that road. This requirement may also be fulfilled by including the address on a mailbox in close proximity to the public street and on the same side of the public street as the building or home that is a solitary mailbox. (Ord. No. 2004-8, Sec. 5.)

11.20.06 Time limit All existing homes and buildings shall have such addresses in place no later than December 31, 2004. (Ord. No. 2004-8, Sec. 6.)

11.20.07 Final inspection All new buildings and homes must have such addresses in place prior to final inspection and no power to new buildings or homes until the required addresses are in place. (Ord. No. 2004-8, Sec. 8.)

11.20.08 Fine A violation of this ordinance shall be deemed misdemeanor and shall be punishable by a fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of the ordinance shall be fined not less than Twenty Dollars (\$20.00), nor more than One Hundred Dollars (\$100.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. (Ord. No. 2004-8, Sec. 9.)

## **CHAPTER 11.24**

### **FAIR HOUSING**

#### **Sections:**

11.24.01	Policy
11.24.02	Definitions
11.24.03	Unlawful practice
11.24.04	Discrimination in the sale or rental of housing
11.24.05	Discrimination in the financing of housing
11.24.06	Discrimination in the provision of brokerage services
11.24.07	Exemption
11.24.08	Administration
11.24.09	Education and conciliation
11.24.10	Enforcement
11.24.11	Investigations; subpoenas; giving of evidence
11.24.12	Enforcement by private persons

11.24.01 Policy It is the policy of the city of Vilonia to provide, within constitutional limitations, for fair housing throughout its jurisdiction. (Ord. No. 2007-3, Sec. 1.)

11.24.02 Definitions

**Dwelling** means any building, structure, or portion thereof which is occupied as or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

**Family** includes a single individual

**Person** includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

**To rent** includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

**Discriminatory housing practice** means an act that is unlawful under 11.24.04, 11.24.05 or 11.24.06. (Ord. No. 2007-3, Sec. 2.)

11.24.03 Unlawful practice Subject to the provisions of subsection (B) and 11.24.07, the prohibitions against discrimination in the sale or rental of housing set forth in 11.24.04 shall apply.

- A. All dwellings except as exempted by subsection (B)
- B. Nothing in 11.24.04 shall apply to
  - 1. Any single-family house sold or rented by an owner:
    - a. Provided, that such private individual owner does not own more than three such single-family houses at any one time;
    - b. Provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period;

- c. Provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time;
  - d. Provided further, that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented
    - (1) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person, and
    - (2) without the publication, posting or mailing, after notice of any advertisement or written notice in violation of 11.24.04(C) of this ordinance, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or
  - 2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- C. For the purposes of subsection (B), a person shall be deemed to be in the business of selling or renting dwellings if
- 1. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
  - 2. He has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
  - 3. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families. (Ord. No. 2007-3, Sec. 3.)

11.24.04 Discrimination in the sale or rental of housing As made applicable by 11.24.03 and except as exempted by 11.24.03(B) and 11.24.07, it is unlawful:

- A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin.
- C. To make, print or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.
- D. To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- E. For profit, to induct or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin.  
(Ord. No. 2007-3, Sec. 4.)

11.24.05 Discrimination in the financing of housing It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided that nothing contained in this section shall impair the scope or effectiveness of the exception contained in 11.24.03(B). (Ord. No. 2007-3, Sec. 5.)

11.24.06 Discrimination in the provision of brokerage services It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwelling, or to discriminate against him in the terms or conditions of such

access, membership, or participation, on account of race, color, religion, or national origin. (Ord. No. 2007-3, Sec. 6.)

11.24.07 Exemption Nothing in this ordinance shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by, or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. No. 2007-3, Sec. 7.)

#### 11.24.08 Administration

- A. The authority and responsibility for administering this Act shall be in the Chief Executive Officer of the city of Vilonia.
- B. The Chief Executive Officer may delegate any of these functions, duties, and powers to employees of the city or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this ordinance. The Chief Executive Officer shall be rule prescribe such rights of appeal from the decision of his hearing examiners to other hearing examiners or to other officers in the city/county, to boards of officers or to himself, as shall be appropriate and in accordance with law.
- C. All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this ordinance and shall cooperate with the Chief Executive Officer to further such purposes. (Ord. No.2007-3, Sec. 8.)

11.24.09 Education and conciliation Immediately after the enactment of this ordinance, the Chief Executive Officer shall commence such educational and conciliatory activities as will further the purposes of this ordinance. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this ordinance and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (Ord. No. 2007-3, Sec. 9.)

#### 11.24.10 Enforcement

- A. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing

practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Chief Executive Officer. Complaints shall be in writing and shall contain such information and be in such form, as the Chief Executive Officer requires. Upon receipt of such a complaint, the Chief Executive Officer shall furnish a copy of the same to the person or persons who allegedly committed or is/was about to commit the alleged discriminatory housing practice. Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under subsection (C), the Chief Executive Officer shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Chief Executive Officer decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this ordinance without the written consent of the persons concerned. Any employee of the Chief Executive Officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one year.

- B. A complaint under subsection (A) shall be filed within one hundred and eighty days (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Chief Executive Officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.
- C. If within thirty days after a complaint is filed with the Chief Executive Officer, he/she has been unable to obtain voluntary compliance with this ordinance, the person aggrieved may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Chief Executive Officer will assist in filing.
- D. If the Chief Executive officer has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this ordinance, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

- E. In proceedings brought pursuant to this section, the burden of proof shall be on the complainant.
- F. Whenever an action filed by an individual shall come to trial, the Chief Executive Officer shall immediately terminate all efforts to obtain voluntary compliance. (Ord. No. 2007-3, Sec. 10.)

11.24.11 Investigations; subpoenas; giving of evidence

- A. In conducting an investigation, the Chief Executive Officer shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: Provided, however, that the Chief Executive Officer first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Chief Executive Officer may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The Chief Executive Officer may administer oaths.
- B. Upon written application to the Chief Executive Officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Chief Executive Officer to the same extent and subject to the same limitations as subpoenas issued by the Chief Executive Officer himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.
- C. Witnesses summoned by subpoena of the Chief Executive Officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United Stated District Courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.
- D. Within five (5) days after service of a subpoena upon any person, such person may petition the Chief Executive Officer to revoke or modify the subpoena. The Chief Executive Officer shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.



- E. In case of contumacy or refusal to obey a subpoena, the Chief Executive Officer or person at whose request it was issued may petition for enforcement in the Municipal or State Court for the district in which the person to whom the subpoena was addressed resides, was served, etc.
- F. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Chief Executive Officer shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both. Any person who, with intent thereby to mislead the Chief Executive Officer, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Chief Executive Officer pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than One Thousand Dollars (\$1,000) or imprisoned not more than one (1) year or both.
- G. The Grantee's Attorney shall conduct all litigation in which the Chief Executive Officer participates as a part or as amicus pursuant to this ordinance.  
(Ord. No. 2007-3, Sec. 11.)

11.24.12 Enforcement by private persons

- A. The rights granted by 11.24.03, 11.24.04, 11.24.05 and 11.24.06 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought pursuant to the section or 11.24.10(D) from time to time before bringing it to trial or renting dwellings; or
- B. Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
  - 1. Participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 15 (A); or
  - 2. Affording another person or class of persons opportunity or protection to participate; of

3. Any citizen because he is/has been, or in order to discourage such or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 15 (A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than One Thousand Dollars (\$1,000.00), or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned not more than ten (10) years, or both; and if death results shall be subject to imprisonment for any term of years or for life. (Ord. No. 2007-3, Sec. 12.)

## **CHAPTER 11.28**

### **ENERGY CODE**

Sections:

11.28.01      Adopted

11.36.01 Adopted The 2011 Arkansas Energy Code is hereby adopted by the City Council of Vilonia, Arkansas, for the purpose of establishing rules and regulations for energy efficient standards for new building construction. Not less than three (3) copies of the 2011 Arkansas Energy Code, have been and now are filed in the office of the Clerk or Recorder of the city of Vilonia, Arkansas, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the city of Vilonia, Arkansas. (Ord. No. 2011-4, Sec. 1.)

## **TITLE 12**

### **PARKS AND RECREATION**

#### **Chapters:**

- 12.04 Parks and Recreation Department
- 12.08 City Parks
- 12.12 Senior Citizens' Center

#### **CHAPTER 12.04**

### **PARKS AND RECREATION DEPARTMENT**

#### **Sections:**

- 12.04.01 Duties of department

#### **12.04.01 Duties of department**

- A. The City Parks and Recreation Department head shall enforce and uphold all provisions in assigned job description as adopted by the Vilonia City Council.
- B. The City Parks and Recreation Department head shall take full responsibility for the day to day operation of all city parks and recreational facilities, including but not limited to playgrounds, athletic fields and all other support facilities.
- C. The City Parks and Recreation Department head shall oversee the upholding of all provisions of previous grants and any grants that are awarded to the city of Vilonia to the extent that no grant previous or new may be revoked by said grantor. (Ord. No. 2003-4, Secs. 1-3.)

## CHAPTER 12.08

### CITY PARKS

#### Sections:

12.08.01	Hours
12.08.02	Exceptions
12.08.03	Fine
12.08.04	Donation of land

12.08.01 Hours All city parks within the domain of the city limits are subject to the following hours. Sunday through Thursday, the parks will be open 7:00 a.m. to 10:00 p.m. Friday through Saturday from 7:00 a.m. to 11:00 p.m. (Ord. No. 2002-1, Sec. 1.)

12.08.02 Exceptions Events that are organized under written approval of the City Council and are conducted as such will be the only exceptions to these hours. Any function that does not have Council approval will be subject to the hours of being open. (Ord. No. 2002-1, Sec. 2.)

12.08.03 Fine Upon conviction, an offender shall be punished by a fine of not less than One Hundred Twenty-Five Dollars (\$125.00), and not more than Five Hundred Dollars (\$500.00), and may be imposed, in addition, a punishment of two (2) days community service. (Ord. No. 2002-1, Sec. 3.)

#### 12.08.04 Donation of land

- A. The city of Vilonia shall accept the donation of Lot 26 of Parkwood Meadows Subdivision by Suzanne Wassom to be used as a city park. The park will be dedicated in the memory of Daniel Wassom II and shall forever remain and be maintained as part of Vilonia Parks and Recreation. (Ord. No. 2015-1, Sec. 1.)
- B. The city of Vilonia shall accept the donation of 1.5 acres on Green Valley Loop by John Fowlkes to be used as a city park. The park will be and forever be maintained as part of Vilonia Parks and Recreation. (Ord. No. 2015-2, Sec. 1.)
- C. The City of Vilonia shall accept the donation of approximately 25 acres on North Mt. Olive Road to be used as a city park. The park will be forever be maintained as part of Vilonia Parks and Recreation. (Ord. No. 2022-1, Sec. 1)

**CHAPTER 12.12**

**SENIOR CITIZENS' CENTER**

**Sections:**

12.12.01 Services and programs

12.12.02 Applications

12.12.01 Services and programs The proposed Senior Citizens' Center is dedicated exclusively to services and programs benefiting senior citizens. (Ord. No. 98-6, Sec. 1.)

12.12.02 Applications Senior citizen applications does not apply to the 51% LMI Criteria. Therefore, the service area map, plotted survey map with numbered residences, and an income survey summary and residence list if not applicable to this project. (Ord. No. 98-6, Sec. 2.)

## **TITLE 13**

### **PLANNING**

#### **Chapters:**

13.04 Planning Commission

#### **CHAPTER 13.04**

#### **PLANNING COMMISSION**

#### **Sections:**

13.04.01	Creation
13.04.02	Terms
13.04.03	Rules and regulations
13.04.04	Staff
13.04.05	Powers and duties
13.04.06	Plan of territory
13.04.07	Master street plan
13.04.08	Cooperation with other planning bodies

13.04.01 Creation Pursuant to the provisions of Act 108 of the Acts of the General Assembly of the state of Arkansas for the year 1929, as amended by Act 295 of the Acts of the General Assembly of the state of Arkansas for the year 1937, there is hereby creating a City Planning Commission for the city of Vilonia, Arkansas, to consist of nine (9) members, at least two-thirds of which members of said Commission shall hold no elective or appointive municipal office. The members of the City Planning Commission shall be nominated by the Mayor and confirmed by the City Council. (Ord. No. 95-6, Sec. 1.)

13.04.02 Terms The members of said City Planning Commission shall each be appointed for a term of three (3) years, commencing with anniversary date of said appointment, provided that the members of said Commission first appointed on the enactment of this ordinance shall be appointed to terms as follows: Three (3) members shall be appointed initially for a term of one (1) year; three (3) members shall be appointed initially for a term of two (2) years; and three (3) members shall be appointed initially for a term of three (3) years. Upon the expiration of the term of any member of the Commission, the Mayor shall nominate one person to succeed such member and upon confirmation by the City Council the person so nominated

shall be duly appointed a member of the Commission, provided that any member may succeed himself. Any should a vacancy occur on said Commission for any reason other than the expiration of the term of any member, then a member shall be selected in the manner aforesaid to serve the unexpired term of such member so vacating the office. (Ord. No. 95-6, Sec. 2.)

13.04.03 Rules and regulations At a time and place to be designated by the Mayor, which time shall be not more than sixty (60) days after the effective date of this ordinance, the City Planning Commission shall meet and organize by electing from its members a chairman, a vice-chairman and a secretary. The chairman shall hold no other municipal office or appointment.

The City Planning Commission shall make and adopt such rules and regulations to govern its proceedings, which shall provide for a regular meeting date of said Commission at least one time monthly and more often if prescribed by the Commission, and such rules and regulations shall provide for such committees within the Commission as may be found necessary and advisable, and the duties of such committees shall be prescribed by the Commission. No committee may exercise duties delegated by the Acts of the state of Arkansas and this ordinance that are organic to the Commission.

Such rules and regulations may also provide for special meetings and the manner of their calling. (Ord. No. 95-6, Sec. 3.)

13.04.04 Staff The City Planning Commission is hereby authorized to employ such assistance (staff, consultants, etc.) as are deemed necessary in carrying out it duties and responsibilities. The City Planning Commission cannot expend or encumber city funds without appropriation thereof having been previously made by the City Council. (Ord. No. 95-6, Sec. 4.)

13.04.05 Power and duties The City Planning Commission as hereby created is vested with all the powers and duties prescribed and set forth in said Act 108 of 1929, as amended by said Act 295 of 1937, and particularly shall make a comprehensive study of present conditions and future growth of the city of Vilonia and its neighboring and/or adjacent territory, for the purpose of planning a coordinated, adjusted and harmonious development of the municipality and its environs which would promote, in accordance with present and future needs, the safety, morals, order convenience, prosperity, and general welfare of its citizens; efficiency and economy in the process of development; convenience of traffic; safety from fire and other dangers; adequate light and air; healthful and convenient distribution of population; provision of adequate open spaces; good civic design and arrangement; wise and efficient expenditure of public funds; adequate provision for public utilities; and for other matters pertaining to the public requirements. (Ord. No. 95-6, Sec. 5.)

13.04.06 Plan of territory The City Planning Commission shall formulate and maintain a plan of the territory within its planning jurisdiction in accordance with said Act 108 or 1929, as amended by Act 295 of 1937, which plan shall at least embrace the subjects prescribed in said acts, and which shall be adopted by the Commission by resolution after public hearing and notice as provided in said Acts. Upon approval by the City Planning Commission of any such plan or plans the same shall be certified to the City Council of said city of Vilonia and shall be filed in the office of the City Clerk and in the office of the Circuit Clerk of Faulkner County, Arkansas.

The City Council of the city of Vilonia, upon receipt of a certified copy of a plan or plans, may accept, amend, modify or reject the plan or plans in whole or in part. On acceptance of a plan or plans by the City Council of the city of Vilonia they shall be and become in full force and effect and binding upon all persons within the force of the law.

Whenever a plan has been adopted by the City Planning Commission filed for record and accepted by the City Council, all as aforesaid, the same shall not be changed, altered or amended except by the procedure required by said Act 108 of 1929 as amended by said Act 295 of 1937 for the adoption of a plan as specified above.

When a plan or plans have been so adopted, filed and become effective, no new street, square, park or other public way, ground or open space or any public building or structure or public utility whether publicly or privately owned, shall be constructed or authorized to be constructed in any section or district of the planning jurisdiction embraced within a plan or plans until the location, character, and extent thereof shall have been submitted to the City Planning Commission in the manner prescribed in said Act 108 of 1929 as amended by said Act 295 of 1937. (Ord. No. 95-6, Sec. 6.)

13.04.07 Master street plan After a master street plan is adopted and filed as provided herein the City Planning Commission shall prepare and administer rules governing the subdivision of land within its jurisdiction in accordance with said Act 108 of 1929, as amended by said Act 295 of 1937. (Ord. No. 95-6, Sec. 7.)

13.04.08 Cooperation with other planning bodies The City Planning Commission shall have the authority to cooperate with official and unofficial planning bodies for the purpose of coordinating the preparation of plans for the city of Vilonia and the adjacent territory. (Ord. No. 95-6, Sec. 8.)



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## TITLE 14

### ZONING

Chapters:

- 14.04 Zoning Ordinance
- 14.08 Flood Damage Prevention Program
- 14.12 Annexing and Re-Zoning Property

### CHAPTER 14.04

#### ZONING ORDINANCE

Sections:

- 14.04.01 Intent
- 14.04.02 Definitions
- 14.04.03 Administration
- 14.04.04 Establishment of zoning districts
- 14.04.05 Zoning district descriptions
- 14.04.06 General provisions
- 14.04.07 Special provisions

14.04.01 Intent

**Section 1.1 Title** These regulations shall be known as the city of Vilonia, Arkansas Zoning Ordinance and shall consist of both this written document and a zoning districts map which shall be designated as the city of Vilonia Zoning Map.

**Section 1.2 Authority** This zoning ordinance has been prepared and adopted in accordance with state of Arkansas Act 186 of 1957, as amended. The General Assembly has granted the city of Vilonia the power to regulate land use.

**Section 1.3 Jurisdiction** The jurisdiction of this Zoning Ordinance shall encompass all lands within the incorporated boundaries of the city of Vilonia, Arkansas, at the effective date of this zoning ordinance. Subsequently, these regulations shall cover annexations by the city.

**Section 1.4 Purpose** These regulations are adopted for the benefit of the current and future residents of the City of Vilonia, Arkansas. This zoning ordinance is intended to protect the health and safety and to promote the general welfare of the citizens of the city. Through these municipal documents, the orderly growth and development of the city will be managed; the efficient and adequate provision of public services will be guided; the value of property will be protected; the potential for overcrowding, congestion, and dangers such as fires and floods will be lessened; and the land will be preserved from undue harm caused by nature or human influences. (Ord. No. 2016-2 Sec. 1.4)

#### 14.04.02 Definitions

**Section 2.1 General** For the purposes of these regulations, certain words used herein shall be interpreted as follows:

The word "City means the City of Vilonia.

The words "City Council" refer to the Vilonia City Council.

The words "Planning Commission" are in reference to the Vilonia Planning Commission.

The words "Master Street Plan" mean the City of Vilonia Master Street Plan.

The word "Board" denotes the Vilonia Board of Zoning Adjustment.

The words "Control of Development and Subdivision of Land Regulations." Refers to the City of Vilonia Control of Development and Subdivision of Land Regulations. The word "shall" is mandatory, while the word "may" is permissive.

The word "should" suggests that a provision is encouraged but not required.

The words "parcel", "tract", and "lot" may be used interchangeably.

The words "building" and "structure" are synonymous.

The word "person" shall embody individuals, firms, corporations, associations, and other entities.

The word "permitted" and the words "permitted by right" imply that a use is allowed in a zoning district. The enforcement officer may issue a building permit for such uses without referral to the planning commission.

The word "he" or any variation of the word or similar words implies either gender. The words "occupied" and "used", as applied to any building, shall be construed as though followed by the words "or intended, arranged, or designed to be occupied or used".

Words used in the present tense shall include the future tenses. Words in the singular sense include the plural sense and vice versa.

**Section 2.2 Specific** For the purposes of these regulations, the following terms or words are defined as follows:

**Abutting:** Having property or district lines in common. Since zoning district lines fall to the center line of a street, alley, or waterway, and for purposes of notifying abutting property owners in the case of a proposed zoning change, lots which appear physically separated by a street actually abut at said street center line.

**Access:** The way or means by which a piece of property is approached or entered.

**Accessory Building or Use:** A building or use which is subordinate to and serves a principal building or use; which is subordinate in area, extent, or purpose to the principal building or use; and which is located on the same lot of record as the principal building or use.

**Addition:** Any new construction which includes but is not limited to a porch, a garage, or a room which increases the size or height of a structure.

**Affordable Housing:** Housing which a family of four with an income at or below the median income for Faulkner County can afford without spending more than thirty percent of its income on monthly housing costs. Renters' housing costs include rents and utilities, and owners' housing costs comprise mortgage payments, insurance payments, and real property taxes. In order to qualify as affordable housing, the long term economic viability and affordability of the units must be clearly demonstrated.

**Alley:** A minor roadway serving the rears of abutting properties as a secondary means of access.

**Alteration:** A change or rearrangement in the structural parts of a building, or an enlargement through extension of a side or increase in the height of a building.

**Apartment:** A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units and service rooms that are enclosed within that building or attached to it by a common floor or wall. Dwelling units within an apartment may be located entirely above the ground floor of the building.

**Apartment Complex:** A development consisting of residential apartments, multi-family dwellings, and/or more than one two-family dwelling on a single parcel. All buildings may or may not be attached.

**Area:** This term refers to the amount of land surface in a lot, parcel, or tract.

**Area Requirements:** The yard, lot area, lot width, lot coverage, and parking requirements as set forth in a specific zoning district.

**Authorized Agent:** A person authorized by the legal property owner to act in his behalf.

**Banner:** Any sign, not including flags, of lightweight fabric or similar flexible material, on which copy and/or graphics could be placed.

**Base Flood:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year (also referred to as a 100 year flood).

**Basement:** That portion of a building below the first floor joists, that may be enclosed for occupancy, with at least half the ceiling height below the mean level of the ground on which the building lies.

**Bed and Breakfast:** A home or portion thereof where short term lodging rooms and meals are provided. The operator of the home shall live on the premises or in adjacent premises.

**Billboard:** Any structure attached or detached from any building and bearing a sign that is not appurtenant to any business conducted on the property where the sign is located.

**Buffer:** A strip of land established to protect one type of land use from another either visually or audibly. It is landscaped and kept in open space.

**Buffer Zone:** A zoning district, usually meant to be transitional, that is different from and separates two unlike zoning districts.

**Buildable Area:** The space remaining for construction on a parcel after easement restrictions and the minimum area requirements such as yards, setbacks, and coverage have been met.

**Building:** Any structure constructed for the support, shelter, enclosure, and/or use of persons, animals, or property of any kind.

**Building, Attached:** A building which shares a wall, roof, floor, and/or other structural element with another adjoining building.

**Building, Detached:** A building having no wall, roof, floor, and/or other structural element in common with another building.

**Building Height:** The vertical distance measured from the mean elevation of the finished grade to the highest level between the eaves and ridge for other types of roofs such as gable, hip, or gambrel.

**Building Line:** A line fixed at a certain distance from the front and/or sides of a parcel, beyond which a structure may not project.

**Building, Nonconforming:** An existing structure which fails to comply with the applicable regulations, for the zoning district where it lies, set forth within the zoning ordinance.

**Building, Principal:** A structure in which is conducted the main use of the parcel on which said structure is situated.

**Certificate of Occupancy:** Official certification that a premises conforms to provisions of the zoning ordinance and applicable building codes, and it may be used or occupied. Such a certificate is granted for new construction or additions to existing structures. Unless a certificate is issued, a building cannot be occupied.

**Cluster Development:** The subdivision of a parcel of land in a manner which groups detached houses closer together than normal area requirements for the zoning district with the intention of leaving usable open spaces for common activities.

**Conditional Use:** A use, not specifically permitted within a particular zoning district and which because of public necessity and its effect upon the community, may be permitted but only upon approval of the Planning Commission. Such uses are subject to special conditions found in this regulation.

**Convenience Store:** Retail outlets that offer products generally used or consumed on a day by day basis by the purchaser. A variety of such products may be sold on the premises ranging from food to household accessories to gasoline.

**Coverage:** The lot area covered by all buildings located thereon, including the area covered by roof overhangs.

**Day Care Facility:** Any place operated as a business or service on a daily or regular basis, whereas the primary function is protection, care, and supervision of more than three individuals which may include children, handicapped persons, or elderly individuals.

**Development:** Statutory title for subdivision regulation is "Control of Development and Subdivision of Land Regulation." The "development" aspect is often overlooked. If a developer of property sets out to improve drainage, provide utilities, streets, relocation, excavation, even on a single lot, it is subject to review under the subdivision regulations, even if no lot is divided into two or more parts

**Duplex:** (See Dwelling, Two Family).

**Dwelling, Combination:** A two story building with ground floor retail businesses or offices with residences on the second floor.

**Dwelling, Single Family:** A detached residential building containing only one dwelling unit



**Dwelling, Multi Family:** A building or portion thereof containing three or more dwelling units.

**Dwelling, Two Family:** A residential building containing two attached dwelling units.

**Dwelling Unit:** A room or group of rooms located within a building forming a single habitable unit with facilities which are used for living, sleeping, cooking, eating, and/or sanitation by one household.

**Easement:** The right, privilege, or interest that one part has in the land or another for such purposes as utility lines, ingress/egress, and transmission lines.

**Eave:** The weather protective overhanging lower edge of a roof.

**Enforcement Officer:** A person employed by the City of Vilonia designated to review site plans, interpret the City of Vilonia Zoning Map, issue building permits and certificates of occupancy, perform zoning and building code inspections, and other duties as may be specified by the City Council.

**Façade:** The exterior walls of a building exposed to public view.

**Family:** An individual; two or more persons related by blood, marriage, or legal adoption; or a group of not more than five unrelated individuals living in one dwelling unit.

**Flag:** Any fabric or bunting containing distinctive colors, patterns, or symbols used as a symbol of a government, political subdivision, or other entity.

**Flood Insurance Rate Map (FIRM):** An official map of a community on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Floodway:** The channel of a river or other watercourses and the adjacent land areas which must be reserved in order to discharge the base flood.

**Floor Area:** The total area of all floors of a building measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches, and balconies.

**Garage Apartment:** A dwelling unit for one family located on the second floor above a private, non-commercial, vehicular garage.

**Garden Apartment:** An apartment complex with all units having direct ground level access to the outside with extra attention given to landscaped grounds.

**Gasoline Station:** A business consisting of at least one gasoline pump for the primary purpose of the retail sale of automobile fuel.

**Group Home:** A building or group of buildings on a parcel of land intended for occupancy by special groups of people who require special needs or assistance. Such groups include elderly persons, handicapped individuals, youth, or parolees.

**Home Occupation:** A trade or profession which meets all State of Arkansas regulatory measures for the occupation and which could be carried out within the confines of a dwelling unit within a residential zoning district without major alteration of the appearance or functions of the property, and does not create vehicular congestion or negative impacts such as noise, odors, glare, fumes, vibration, or electrical interference for the surrounding residences.

**Hotel/Motel:** A facility, other than a bed and breakfast, offering secondary lodging accommodations at a daily, weekly, or monthly rate to the general public. Facilities may include restaurants, meeting rooms, and recreational amenities.

**Household:** All the occupants of a single dwelling unit. (See “Residence” in these definitions.)

**Kennel:** A business where domesticated animals are housed, groomed, bred, boarded, trained, and/or sold, all for a fee or compensation.

**Landscaping:** The arrangement of grass, trees, shrubs, rocks, mulch, and/or grading, and manmade objects such as fences, fountains, and/or paving materials for the purpose of improving the appearance and/or screening of the property.

**Loading Space (Off-Street):** An unobstructed, hard surface area of which no part is located in any street or public right-of-way and the principal use of which is for the standing, loading, or unloading of trucks and trailers.

**Lot:** A portion of a subdivision, or any parcel of land, intended as a unit for transfer of ownership or for development.

**Lot Area:** The total horizontal area included within legally defined lines enclosing the lot.

**Lot, Corner:** A lot located at the intersection of two streets with frontage on both streets.

**Lot Coverage:** The percentage of lot area covered with buildings and/or improvements.

**Lot Depth:** The mean horizontal distance between the front lot line and the rear lot line.

**Lot, Double Frontage:** A lot having frontage on two non-intersecting streets.

**Lot, Interior:** A lot other than a corner lot which is flanked by other lots and has only one street frontage.

**Lot, Flag:** An interior lot which has only driveway access to the street due to lack of substantial street frontage.

**Lot Line:** A property boundary line.

**Lot Line, Front:** The property boundary line that runs common with and adjacent to any street frontage or right-of-way separating the lot from such street. In the case of a double frontage lot or corner lot, each line separating such lot from the street shall be considered a front lot line.

**Lot Line, Rear:** The property boundary line which is generally parallel to and most distant from the front lot line.

**Lot Line, Side:** A lot line other than either the front lot line or the rear lot line.

**Lot Width:** The horizontal distance between the side lot lines along the front building line.

**Manufactured Home:** A detached single family dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly on a lot. Each unit shall bear a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code mandated by the federal government and administered by the United States Department of Housing and Safety Standards code mandated by the federal government and administered by the United States Department of Housing and Urban Development. The manufactured home may be constructed as a singlewide unit or comprised of two or more units assembled at the site of occupancy into a single unit (commonly called "doublewide").

**Manufactured Home Park:** A residential land-lease subdivision occupied by two or more manufactured homes. The land-lease subdivision is normally owned by an entity which charges rent for the space occupied by a manufactured home. (See "Subdivision, Land-lease" in these definitions.)

**Marquee:** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**Mobile Home:** A detached single family dwelling unit which was fabricated in an off-site manufacturing facility for installation or assembly on a lot as a permanent structure, and was either manufactured in noncompliance with the Federal Manufactured Housing Construction and Safety Standards Code mandated by the federal government and administered by the United States Department of Housing and Urban Development or fabricated prior to June 15, 1976. These types of homes are not permitted to be placed or moved within the City of Vilonia. All mobile homes within the city on the effective date of this ordinance or on land annexed by the city in the future shall be a nonconforming building.

**Net Density:** The number of dwelling units per acre, excluding public and privately owned rights-of-way and bodies of water.

**Nonconforming Building:** Any building lawfully existing on the effective date of this zoning ordinance, as amended, which does not comply with all the regulations of this zoning ordinance or those governing requirements for Federal Safety Standards Code or fabricated prior to June 15, 1976; provided, however, any building containing more than one dwelling unit in addition to the number permitted by the regulations in the zoning district where it is located shall be deemed to be a nonconforming use rather than a nonconforming building.

**Opaque Barrier:** A type of fence or screen that blocks vision to make things on the opposite side of such from the viewer indiscernible to the extent of obstruction by the fence or screen.

**Overlay Zone:** A geographic area, identified on the zoning map, which includes parts or the whole of an underlying basic zoning district or districts. The overlay zone further focuses on a special topic or purpose that is uniquely related to the geographic area. For example, historic preservation, landscaping, building design, driveway management.

**Parking Lot:** An area located off the street right-of-way designated for the temporary parking of motorized vehicles including motorcycles, automobiles, trucks, buses, and tractor trailers within defined parking spaces where size is determined by the type of vehicle. Access is provided within the area and to the street.

**Permitted Use:** A use of a property which meets all regulations of the zoning district in which it is located.

**Plan, Development:** The complete site plan, or any of its parts, for the development of land, including the provision of utilities, driveways, and the construction of buildings when all or part of the land falls within the city. This plan is prepared and signed by a registered land surveyor, architect, or engineer, appropriately certified and contains a fully dimensioned detailed drawing showing all elements of the development proposed (including, but not limited to, property lines, street rights-of-way, easements, structural elements, and landscaping).

**Plan, Final:** A plan with elements from the preliminary plan but further contains proper certification for accuracy and deletes the symbolization of natural land features. Natural land features and elements such as walls, ditches, and other drainage facilities intended to alter landforms.

**Planned Residential Development (PRD):** An area of land controlled by a landowner to be developed as a single entity for residential purposes. The PRD may not conform in lot sizes, bulk or type of dwellings, densities, lot coverages, and required open spaces to the zoning requirements for the zoning district in which the development is located.

**Planned Unit Development (PUD):** An area of land controlled by a landowner to be developed as a single entity for a number of commercial or combined commercial and residential uses. PUD may not conform in lot size, bulk or type of dwellings, commercial uses, densities, lot coverages and required open spaces to the zoning requirements for the zoning district in which the development is located.

**Plan, Preliminary:** A development plan which includes all development phases and provides construction stages, topography, drainage, and other natural land features.

**Plan, Site:** A development plan. (See Plan, Development)

**Plat:** A fully dimensioned drawing which illustrates in detail all elements of the subdivision of property including, but not limited to, property lines, street rights of way, easements, drainage facilities, utilities, legal notation, and the like. The plat is suitable for filing for record with the Circuit Clerk of Faulkner County.

**Pre-Fabricated Home:** A detached single family dwelling unit that is constructed on-site using component sections such as walls, trusses, and joists which are assembled at another site and transported to the final site to be erected. These homes shall meet or exceed the same city building codes as site-built homes.

**Property Line:** The recorded boundary defined by a legal description of a plot of land.

**Reclassification:** An amendment to or change in the zoning ordinance reflecting a change, modification, or revision of the zoning districts map.

**Residence:** A dwelling unit used as the primary home for a family.

**Resource Extraction:** The removal of dirt, sand, gravel, ore, oil or other materials on or beneath the surface of the earth for transport and commercial or industrial use off the parcel of land from which they came. This term does not refer to excavation needed for the development of the land or the construction of roadways.

**Right-of-Way:** An area of land deeded, reserved by plat, or dedicated to and accepted by a government for use as a street, a road, or other access to or across land.

**Setback:** The distance from the street right-of-way line to the building line on a lot or parcel where a building or structure shall not be placed.

**Sign:** Any word letterings, figures, numerals, phrases, sentences, devices, designs, pictures, symbols, or trademarks, mounted on any type of base, designating a firm, an association, a corporation, a business, a service, a product, an event, a person, or any type of publicity and placed on buildings, fences, walls, poles, vehicles, or trailers.

**Sign, Canopy:** Any sign or advertising device erected on a project site prior to or during a construction project, indicating the names of the project, architect, engineer, contractor, and similar persons or firms having a role or interest with respect to the structure or project.

**Sign, Directional:** A sign designed and erected to provide direction and/or orientation for pedestrian or vehicular traffic including signs marking entrances, exits, parking, one-way drives, service areas, pickup and delivery, or similar information wording.

**Sign, Directory:** Any sign erected at an entrance to one property or multiple properties served by a common curb-cut and listing the names of those businesses, organizations, or entities at that location.

**Sign, Freestanding:** Any sign principally supported by one or more columns, poles, or braces placed on or anchored into the ground and that are independent from any building or other structure.

**Sign, Incidental:** A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," and "telephone."

**Sign, Nonconforming:** Any sign that does not conform to the signage requirements within these zoning provisions.

**Sign, Political:** Means a temporary sign used in connection with local, state, or national election or referendum.

**Sign, Projecting:** Any sign affixed to a building or wall in such manner that its leading edge extends more than six inches beyond the surface of such structure.

**Sign, Roof Mounted:** Any sign erected and constructed wholly on the roof of a building and supported by the roof structure.

**Sign, Wall Mounted:** Any sign that is in any manner affixed to any exterior wall of a building or structure, including signs affixed to architectural projections that project from a building provided the copy area of such signs remain on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed.

**Sign, Window:** A sign attached to, painted on, or erected against a window with its message intended to be visible to the exterior environment.

**Site Plan Review:** The process whereby the Planning Commission reviews the site or development plans of a developer to assure that they meet the stated purposes and standards of this zoning ordinance.

**Stealth Telecommunication Facility:** Clock towers, sculptures, bell steeples, light poles, inorganic trees, false walls, lettering, and other similar alternative structures that conceal the presence of antennas, towers, and/or supporting equipment.

**Storm Cellar:** An accessory structure designed and used for the purpose of taking refuge from inclement weather or other pending disasters. These structures are usually made of concrete and situated either wholly or mostly below the surface of the ground.

**Street:** Any vehicular roadway, either public or private, plus the right of way.

**Street line:** The line which divides a lot and a street.

**Structure:** Anything constructed, erected or installed by man, the use of which has a permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to buildings, towers, fences, or signs.

**Subdivision:** Any division of a lot, tract, or parcel of land, either by platting or by metes and bounds, into two or more lots or parcels for purpose of transfer of ownership or development including the combination of two (2) or more previously platted lots. The term subdivision shall apply also to any division of land involving the dedication of a street to the public, provided, however, that any division of land into lots or parcels of five (5) acres or more shall not be deemed a subdivision unless street dedication or the installation of utilities are involved. The terms, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

**Subdivision, Land-Lease:** Any type of development (residential, commercial, industrial, etc.) typified by single ownership of the land where sites and/or primary structures are leased to individuals or entities, with the landowner retaining the rights of ownership. The landowner may be an individual, corporation, groups, or group of individuals. Lots or sites within the subdivision must be defined and numbered like other subdivisions.

**Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure has been damaged and is being restored. This term does not apply to any improvements related to complying with state or local code specifications or to any alterations of structures either listed on the National Register of Historic Places or listed by the Arkansas Historic Preservation Program, a division of the Department of Arkansas Heritage.

**Subdivision, Minor:** Any division of a lot, tract, or parcel of land either by platting or by metes and bounds into two (2) or more lots or parcels for the purpose of transfer of ownership or development including the combination of two (2) or more previously platted lots. The "minor subdivision" shall neither include the establishment of any streets nor create the need to dedicate additional right-of-way or widen pavement on an existing road as shown on the "Vilonia Master Street Plan."

**Subdivision, Primary:** Any division of a lot, tract, or parcel of land either by platting or by metes and bounds into two (2) or more previously platted lots. The "Primary Subdivision" ordinarily applies to any division of land involving the dedication of a street to the public, the dedication of additional right-of-way and improvements to an existing road as shown on the "Vilonia Master Street Plan" and, in general, any subdivision of land resulting in the need to produce engineering drawings and data in order to meet the improvement requirements of this ordinance.

**Telecommunication Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, personal communications service (PCS) towers, alternative tower structures, and the like. This definition does not include any structure erected solely for a residential, non-commercial individual use, such as television antennas, satellite dishes, or amateur radio antennas.

**Town House:** A row of up to six individual residential dwelling units connected by common walls. Each unit may be one or two stories but not just second story only. Also, each unit has a direct ground floor access to the outside.

**Use:** A purpose to which land is allocated.

**Variance:** A departure from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstance unique to the individual property under consideration. To be a variance it must be demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance. (All requests for variance shall be submitted to the Zoning Board of Adjustment). Decision of the Board in respect to a variance shall be subject to appeal only to a court of record having jurisdiction.



**Yard, Front:** The required area of open space extending across the full width of the lot, the depth of which shall be least distance between the front lot line and the nearest point of the principal building including attachments (See also, Lot Line, Front.)

**Yard, Rear:** The required area of open space extending across the full width of which shall be the least distance between the side lot line and the nearest point of the principal building including attachments.

**Yard, Side:** The required area of open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the least distance between the side lot line and the nearest point of the principal building including attachments.

**Zoning District:** An area of land designated in the zoning ordinance in which requirements for the use of land, building, and development standards are prescribed.

**Zoning District Boundary:** The line which separates unlike zoning districts. Conversely, the line which encloses a zoning district. (Ord. No. 2016-2, Sec. 2-2)

#### 14.04.03 Administration

### **Section 3.1 Enforcement**

**3.1.1 Enforcement Officer** Provisions of the zoning ordinance shall be administered by the Enforcement Officer, who shall be hired by the City Council. The Enforcement Officer will approve or deny applications for building permits, enforce the provisions of the zoning ordinance, and perform other duties as specified by the City Council. This office shall administer the zoning ordinance literally and shall not have the power to permit any land development or building activity which is not in conformance with these regulations.

- (1) The Enforcement Officer or an authorized agent, upon reasonable notice, may enter upon any premises at any reasonable time for the purpose of making inspections in fulfilling the administration and enforcement of this zoning ordinance.
- (2) The Enforcement Officer shall keep an accurate record of applications received, permits issued, and violations committed. The record shall be filed in the City Hall of Vilonia.
- (3) Whenever the Enforcement Officer, or his duly authorized agent or representative, determines that there are reasonable grounds to believe there has been a violation of any provisions of this code, he shall give notice to the person responsible. Notice shall be put in written form, include a statement of the reasons why it is being issued, and sections of

the code that are alleged to be in violation. A minimum of seven days will be allowed for performance of any action required. Notice shall further state that if the violations are not voluntarily corrected within the stated time the Code Enforcement Officer shall institute legal proceeding charging the person or persons with a violation of this code. The person responsible for the violation shall be notified by one or more of the following methods:

- By delivery of the notice to the owner or responsible party personally.
- By leaving the notice at the home or business of the owner or responsible party, with a person of suitable age and discretion.
- By mailing the notice in the U.S. Mail by Certified Mail.
- By posting and keeping posted for at least twenty-four (24) hours, a copy of the notice in a conspicuous place on the premises alleged to be in violation. (Ord. No. 2016-2, Sec. 3.1.1)

**3.1.2 Building Permit:** After the effective date of zoning ordinance, a building permit issued by the Enforcement Officer shall be required before work may be commenced on the construction or the excavation for the construction of any building or structure, or the moving onto a site or the alteration of any building or structure within the city limits of Vilonia. The building permit requirements apply also to manufactured homes, mobile homes and pre-fabricated homes and buildings.

**3.1.3 Application for Permit:** An application for a building permit shall include a development plan or a plat drawn to scale. The scaled development plan has two options:

- (1) If the development proposal is for a Conditional Use, Planned Unit Development or a Multiple Building Development, the plan shall be prepared by an engineer, architect, or surveyor registered in the State of Arkansas.
- (2) If the development is for a permitted use, at the discretion of the Enforcement Officer, the plan may be drafted by a non-professional.
- (3) The plan or plat should include a north arrow, bar scale and show the following in clear and sufficient detail:
  - The actual shape, proportion, and dimensions of the affected parcel of land on which work is to be commenced, and satisfactory evidence that actual comers of the parcel are known and are established on the ground,
  - The shape, size, and location of all buildings or structures to be erected, altered, or moved on the parcel, including unaffected existing ones,

- The location and dimensions of easements, driveways, flood plain boundaries, and streets and the owners and land uses of adjacent properties,
- The existing and intended uses of the land and all the buildings or structures thereon, on
- Any additional information relating to the proposed improvement needed to determine compliance with the zoning ordinance.

The application fee for a building permit shall be set by the City Council. This fee shall be submitted via check or money order made payable to the city of Vilonia along with the application to the City Clerk. No part of this fee is refundable.(Ord. No. 2016-2, Sec. 3.1.3)

**3.1.4 Certificate of Occupancy:** A certificate of occupancy shall be issued by the Enforcement Officer prior to the occupation of a new or altered building or structure or change in use of the building or structure. The Enforcement Officer shall inspect the property in question within a reasonable time and shall issue a certificate of occupancy if the premises of the property comply in all respects with the applicable development regulations in effect for the city. If the premises does not so comply, then the Enforcement Officer shall specify the provisions which have been violated.

A temporary certificate of occupancy may be issued upon request by the property owner for a portion or portions of a building or structure provided all fire safety requirements are met and it may safely be occupied prior to final completion of the building. This temporary certificate of occupancy shall be valid for a period not to exceed six months.

**3.1.5 Enforcement** The City Council may enjoin any individual or property owner who is in violation of a planning ordinance to prevent or correct such violation. Any individual aggrieved by a violation of a planning ordinance may request an injunction against any individual or property owner in violation of a planning ordinance or may mandamus any official to enforce the provision of a planning ordinance. (Acts of 1957, No. 186, Section 5; Act 1965, No. 134).(Ord. No. 2016-2, Sec. 3.1.5)

**3.1.6 Penalties** A violation of this Ordinance shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm, or corporation who violates or refused to comply with any provision of this Ordinance shall be fined not less than twenty (\$20) dollars nor more than one-hundred (\$100) dollars for each offense. The City may institute appropriate legal action or other measures to prevent actions in violation of this Ordinance. (Ord. No. 2016-2, Sec. 3.1.6)

## **Section 3.2 Board of Zoning Adjustment**

**3.2.1 Creation** The Board of Zoning Adjustment is hereby created and will be composed of five (5) members (including two (2) or three (3) members of the Planning Commission) to be named by the Mayor and confirmed by the City Council. The Board of Zoning Adjustment shall have the following functions:

- (1) Hear appeals from the decision of the enforcement officer in respect to the enforcement and application of said ordinance; and may affirm or reverse, in whole or part, said decision of the enforcement officer.
- (2) Hear requests for variances from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstance unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance. The board of zoning adjustment shall not permit, as a variance, any use on a zone that is not permitted under the ordinance. The board of zoning adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.(Ord. No. 2016-2, Sec. 3.2.1)

**3.2.2 Appeal** Decision of the Board of Zoning Adjustment in respect to the above shall be subject to appeal only to a court of record having jurisdiction. The general organization and administration of the Board shall be as follows:

- (1) The board of zoning adjustment shall adopt by-laws (which must be approved by the City Council) that establish regular meeting dates, the terms of membership and reappointment procedures, adopt rules for the conduct of its business, establish a quorum and procedure, elect a chairman and vice chairman and keep a public record of all findings and decisions. Each session of the board of zoning adjustment shall be a public meeting with public notice of said meeting and business to be carried on published in a newspaper of general circulation in the city, at least one (1) time seven (7) days prior to the meeting.
- (2) Appeals may be taken to the board by any person, also known as the applicant in this section, affected by a decision made by the Enforcement Officer concerning these zoning regulations. All appeals shall be submitted in writing by the applicant and filed with the City Clerk at least two weeks prior to the next scheduled board meeting.
- (3) Written appeals to the board shall consist of the specific provision of the zoning ordinance involved and one of the following; the interpretation claimed by the

applicant, the use sought by the applicant, or the details of the variance applied for and the grounds for which the variance is claimed by the applicant. Also, the written appeal shall include a scale drawing showing the requested variance along with all relevant information.

- (4) At the next meeting, the board shall fix a reasonable date for a public hearing on the appeal. A public notice shall be published at the applicant's expense at least once not less than seven days preceding the date of such public hearing, in a newspaper of general circulation in Vilonia. The public notice shall give the particular location of the property on which the appeal is requested including a legal description and an address, as well as a brief statement of the reason for the appeal. If no address is available, then a legal description plus the direction and distance from the nearest street intersection including the names of the streets shall suffice.
- (5) The applicant may appear in person at the public hearing or the applicant may send an agent or a lawyer instead.
- (6) The fee for any appeal to the board shall be an amount set by the City Council. This fee amount shall be made payable by check or money order to the City of Vilonia and delivered to the City Clerk along with the written appeal. (Ord. No. 2016-2, Sec. 3.2.2)

### **Section 3.3 Amendments**

**3.3.1 Application** These regulations may be amended by changing the boundaries of the zoning districts, annexations, or by changing any other provision thereof whenever the public necessity and general welfare require such amendment.

An application for amendment may be initiated by the City Council, the Planning Commission or by one or more property owners or lessees of land affected by the proposed amendment. Such application must be filed with the City Clerk two weeks prior to the Planning Commission meeting date that the consideration of the amendment is requested, in order to be placed on their meeting agenda. (Ord. No. 2016-2, Sec. 3.3.1)

**3.3.2 Procedure** Upon filing an application for amendment, these regulations may be amended by the following procedure:

- (1) The Planning Commission shall hold a public hearing on the proposed amendment not less than fifteen days after notice of such hearing has been published in a newspaper of general circulation in Vilonia. This notice shall be published at the applicant's expense and shall give the time and place of the public hearing, set by the Planning Commission, and the proposed change,

- (2) The amendment, as presented or modified by the action following the public hearing, shall be voted on by the Planning Commission,
- (3) Following such vote, the Planning Commission shall certify its recommendations to the City Council,
- (4) The City Council may return the proposed amendment to the Planning Commission for further study, or by majority vote adopt by ordinance the proposal as submitted by the Planning Commission,
- (5) If the Planning Commission disapproves the proposed amendment, the proposed may appeal to the City Council. Such appeal shall be made via the City Clerk, who shall transmit a report to the City Council, stating why the proposed amendment was disapproved. The City Council, shall review the action and may approve the proposed amendment only by not less than two-thirds vote of all members, and / or
- (6) Should the proposal be adopted by the City Council, the amendment ordinance shall be filed with the City Clerk, and the Planning Commission shall be directed to change the City of Vilonia Zoning Map.(Ord. No. 2016-2, Sec. 3.3.2)

**3.3.3 Fee** The application fee for an amendment to these regulations shall be set by the City Council and submitted via check or money order made payable to the City of Vilonia along with the application to the City Clerk. It shall be for each piece of property under separate ownership submitted in the application, none of which is refundable. This application fee is required of property owners and leasers of land who file the application only. No fee is due when the application is initiated by either the City Council or the Planning Commission. (Ord. No. 2016-2, Sec. 3.3.3)

**3.3.4 Resubmission** No resubmission of a zoning amendment application will be allowed within twelve months after the date of final action by either the Planning Commission or the City Council, unless the City Council or the Planning Commission deems a substantial reason for waiving this limitation. (Ord. No. 2016-2, Sec. 3.3.4)

## **Section 3.4 Validity and Conflict**

**3.4.1 Validity** Should any article, section, subsection, paragraph, clause, or provision of these zoning regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, the same shall not affect the validity of these zoning regulations as a whole or any part thereof, other than the part so declared invalid.(Ord. No. 2016-2, Sec. 3.4)

**3.4.2 Conflict** Any portion of prior ordinances, in effect prior to the effective date of the zoning ordinance to the extent such ordinances conflict with this zoning ordinance, is hereby repealed. (Ord. No. 2016-2, Sec. 3.4.2)

#### 14.04.04 Establishment of Zoning Districts

**Section 4.1 Zoning Map** The zoning districts are hereby established as shown on the map entitled: City of Vilonia Zoning Map, which is part of these written regulations and which is on file in the Vilonia City Hall. Said map and all notations, references, and dates as well as other information shown thereon shall be and are hereby adopted and made part of these regulations. This map may be revised from time to time. Copies of the ordinances revising the map and these regulations will be on file in the Vilonia City Hall.

The City of Vilonia Zoning Map shall be identified by the signature of the Mayor, attested to by the City Recorder, and bearing the seal of the city under the following words: "This is to certify that this is the official City of Vilonia Zoning Map referred to in Article 1 of Ordinance Number\_ of the City of Vilonia, Arkansas dated . " Any update to the official City of Vilonia Zoning Map will include notation on the map indicating the revising Ordinance Number and date of City Council approval. (Ord. No. 2016-2, Sec. 4.1)

**4.2 District Classifications** These regulations classify and control the use of land and structures within the incorporated area of Vilonia, Arkansas. For the purpose of promoting the health, safety, convenience, and welfare of the residents of the city, the city is divided into zoning districts, where each classified district will be regulated differently from another in the following: the use of the land and buildings, the coverage of the land, the size, height, and location of buildings, the size of yards and open spaces, and the population density. Within the city the following zoning classifications shall be utilized:

#### **Residential Districts**

LDR Low Density Residential  
MDR Medium Density Residential  
LER Large Estate Residential  
MHP Manufactured Home Park

#### **Industrial Districts**

I Industrial  
M Mining

#### **Mixed Use Districts**

TC Town Center  
HMU Highway Mixed Use  
VS Village Square

#### **Overlay Districts**

FP Flood Plain  
HC Highway Corridor  
NC Neighborhood Commercial

**4.3 District Boundary Interpretations** Any uncertainties as to the boundaries of a zoning district shall be resolved by the Zoning Board of Adjustments in accordance with the following:

- (1) Distances not shown on the zoning map or specified in the boundary descriptions shall be scaled from the map,
- (2) Boundaries indicated as on or approximately following the centerlines of streets, roads, or highways shall be perceived as on said centerlines at the distances indicated on the zoning map,
- (3) Boundaries signified as more or less following platted lot lines shall be interpreted as following such lot lines,
- (4) Boundaries marked as on or roughly following the centerlines of streams or drainage ways shall be inferred as on such centerlines in the event the stream or drainage way is changed by natural causes,
- (5) Boundaries implied as following contour lines shall be construed to follow the line of elevation as determined on the ground, on
- (6) Boundaries denoted as on or very nearly following extensions of roadways or platted lot lines shall be so defined. (Ord. No. 2016-2, Sec. 4.3)

#### 14.04.05 Zoning District Descriptions

### **Section 5.1 Residential districts**

#### **5.1.1 Reserved for future use**

**5.1.2 Low Density Residential Districts** The purpose of these districts is to provide for areas of low density residential development on separate and distinct platted lots of record. All improved lots within the LDR Districts within three hundred (300) feet of an existing sewer line, if elevation permits, shall be connected to the Vilonia sewerage system.

**5.1.2.1 Low Density Residential, Site Built – LDR-SB** The purpose of this district is to provide for areas of low density residential development that are intended for the building of a site built home or prefabricated home on a separate and distinct platted lot of record. All improved lots within the LDR-SB District within (300) feet of an existing sewer line, if elevation permits, shall be connected to the Vilonia sewerage system.

- (1) Permitted uses within the LDR-SB District are limited to one principal structure on a lot and may include the following:



Site Built Homes – single family dwelling  
 Prefabricated homes – single family dwelling  
 Passive parks  
 Home occupations as allowed by these regulations  
 Accessory uses.

(2) Conditional uses for the LDR-SB District include the following:

Planned residential developments (See Section 7.6)  
 Duplexes  
 Other outdoor recreational facilities  
 Elementary schools  
 Religious institutions  
 Public utilities and telecommunication facilities  
 Day care facilities, and  
 Other public and community facilities.

(3) The dimensional requirements within LDR-SB include minimum lot sizes, minimum lot width, lot coverage, maximum building heights, and minimum setbacks.

(a) Minimum lot size requirements, when served by the Vilonia Sewerage System, are the following:

- Planned residential developments – (See Section 7.6)
- Other residential lots – 12,000 square feet, per dwelling unit
- Non-residential tracts – 12,000 square feet.
- Minimum lot width shall be ninety feet,
- Lot coverage by all buildings on a lot shall not exceed forty percent of the total lot area.
- The maximum building height shall not exceed 35 ft. or be more than two and half stories.
- Side minimum setbacks shall be ten percent (10%) of lot width or 10 feet, whichever is less, for each side.
- Rear and front yard minimum setbacks shall be 25 ft.

(b) Minimum lot size when served by an "on lot" septic tank system:

- All uses shall have a minimum lot size based on the results of a testing method approved by the County or State Health Department for a private septic tank system appropriate for the intended use of the lot.

**5.1.2.2 Low Density Residential – LDR** The purpose of this district is to provide for areas of low density residential development that are intended for the building of a site built home, prefabricated home or placement of a manufactured home on a separate and distinct platted lot of record. All improved lots within the LDR District when within three hundred (300) feet of an existing sewer line, if elevation permits, shall be connected to the Vilonia sewerage system.

- (1) Permitted uses within the LDR District are limited to one principal structure on a lot and may include the following:

Site Built Homes – single family dwelling  
 Prefabricated homes – single family dwelling  
 Manufactured homes – single family dwelling  
 Passive parks  
 Home occupations as allowed by these regulations  
 Accessory uses.

- (2) Conditional uses for the LDR District include the following:

Planned residential developments (See Section 7.6)  
 Duplexes  
 Other outdoor recreational facilities  
 Elementary schools  
 Religious institutions  
 Public utilities and telecommunication facilities  
 Day care facilities, and  
 Other public and community facilities.

- (3) The dimensional requirements within the LDR District shall include minimum lot sizes, minimum lot width, lot coverage, maximum building heights, and minimum setbacks.

- (a) Minimum lot size requirements, when served by the Vilonia Sewerage System, are the following:

- Planned residential developments – (See Section 7.6)
- Other residential lots – 12,000 square feet, per dwelling unit
- Non-residential tracts – 12,000 square feet.
- Minimum lot width shall be ninety feet,
- Lot coverage by all buildings on a lot shall not exceed forty percent (40%) of the total lot area.

- The maximum building height shall not exceed thirty-five feet or be more than two and half stories.
  - Side minimum setbacks shall be ten percent (10%) of lot width or 10 feet, whichever is less, for each side.
  - Rear and front yard minimum setbacks shall be twenty-five (25) feet.
- (b) Minimum lot size when served by an "on lot" septic tank system:
- All uses, residential and all others, shall have a minimum lot size based on the results of a testing method performed by the County or State Health Department for a private septic tank system appropriate for the intended use of the lot.
- (4) All manufactured homes placed in this district must meet the following requirements:
1. Have been built in last five (5) years.
  2. Have a minimum floor area of 800 square feet.
  3. Maximum building height shall not exceed fifteen (15) feet or be more than one story.
  4. Have all removable running gear, tongues, axles and wheels removed at the time of installation.
  5. Have exterior siding which consists of materials customarily used on dwellings in the city of Vilonia.
  6. Be installed in accordance with the manufacturer's installation specifications, the State of Arkansas Rules and Regulations for manufactured homes or the Southern Standard Building Code, whichever is most restrictive.
  7. Be placed on a foundation which consists of concrete pads or runners under each frame member.
  8. Have permanent curtain walls of concrete, brick, masonry or materials consistent with siding materials of the home, with ventilation and a crawl space door installed, and
  9. Have a porch or landing with steps and hand rails installed for each exit door. (Ord. No. 2016-2, Sec. 5.1.3.1)

**5.1.3 Medium Density Residential** The purpose of this district is to create areas of medium density residential development that act as transitional areas between the mixed use areas and the low density areas.

**5.1.3.1 Medium Density Residential, Site Built – MDR-SB** The purpose of this district is to create areas of medium density residential development that act as transitional areas between the mixed use areas and the low density areas. This district encourages a mixture of single family and certain multi-family dwellings at a density of not more than twelve (12) dwelling units per gross acre. All improved lots within the MDR-SB District shall be connected to the city of Vilonia sewer system.

- (1) The permitted uses within the MDR District shall include the following:

Site built homes – single family dwelling  
 Prefabricated homes – single family dwelling  
 Duplexes and triplexes  
 Townhouses  
 Passive parks  
 Home occupations as allowed by these regulations  
 Accessory uses

- (2) Conditional uses for the MDR District include the following:

Planned residential developments  
 Accessory dwelling unit  
 Other outdoor recreational facilities  
 Educational institutions  
 Religious institutions  
 Day care facilities,  
 Public utilities and telecommunication facilities  
 Other public and community facilities.

- (3) The dimensional requirements within MDR-SB District shall include minimum lot sizes, minimum lot width, lot coverage, maximum building heights, and minimum setbacks. Minimum lot size requirements are the following:

- Planned residential developments – (See Section 7.6)
- Duplex lots – (See Section 7.6)
- Multi-family lots - (See Section 7.6)
- Non-residential tracts – 6,000 square feet.
- Single family residential lots – 6,000 square feet.
- Minimum lot width shall be sixty (60) ft.
- Maximum lot coverage by building is fifty percent (50%)
- Maximum building height is three (3) stories or forty (40) feet
- Minimum rear yard setback is fifteen (15) feet.

- Minimum front yard setback is forty (40) feet abutting principal arterials or twenty-five (25) feet on other streets.
- Minimum side lot building setback lines shall be ten percent (10%) of lot width or 10 feet, whichever is less, for each side.

**5.1.3.2 Medium Density Residential – MDR** The purpose of this district is to create areas of medium density residential development that act as transitional areas between the mixed use areas and the low density areas. This district encourages a mixture of single family and certain multi-family dwellings at a density of not more than twelve dwelling units per gross acre. All improved lots within the MDR District shall be connected to the city of Vilonia sewer system.

- (1) Permitted uses within the MDR District shall include the following:

Site built homes – single family dwelling  
 Prefabricated homes – single family dwelling  
 Manufactured homes – single family dwelling  
 Duplexes and triplexes  
 Townhouses  
 Passive parks  
 Home occupations as allowed by these regulations  
 Accessory uses.

- (2) Conditional uses for the MDR District include the following:

Planned residential developments,  
 Accessory dwelling unit,  
 Other outdoor recreational facilities,  
 Educational institutions,  
 Religious institutions,  
 Public utilities and telecommunication facilities,  
 Day care facilities, and  
 Other public and community facilities.

- (3) The dimensional requirements within MDR District shall include minimum lot sizes, minimum lot width, lot coverage, maximum building heights, and minimum setbacks. Minimum lot size requirements are the following:

- Planned residential developments – (See Section 7.6),
- Duplex lots – (See Section 7.6),
- Multi-family lots - (See Section 7.6),
- Non-residential tracts – 6,000 square feet,
- Single family residential lots – 6,000 square feet,

- Minimum lot width shall be sixty (60) feet,
  - Maximum lot coverage by building is fifty percent (50%),
  - Maximum building height is three (3) stories or forty (40) feet,
  - Minimum rear yard is fifteen (15) feet,
  - Minimum front yard setback is forty (40) feet abutting principal arterials or twenty-five (25) on other streets.
  - Minimum side lot building setback lines shall be ten percent (10%) of lot width for each side.
- (4) All manufactured homes placed in this district must meet the following requirements:
- Have been built in last five (5) years,
  - Have a minimum floor area of 800 square feet,
  - Maximum building height shall not exceed fifteen (15) feet or be more than one story,
  - Have all removable running gear, tongues, axles and wheels removed at the time of installation,
  - Have exterior siding which consists of materials customarily used on dwellings in the city of Vilonia.
  - Be installed in accordance with the manufacturer's installation specifications, the State of Arkansas Rules and Regulations for manufactured homes or the Southern Standard Building Code, whichever is most restrictive,
  - Be placed on a foundation which consists of concrete pads or runners under each frame member,
  - Have permanent curtain walls of concrete, brick, masonry or materials consistent with siding materials of the home, with ventilation and a crawl space door installed, and
  - Have a porch or landing with steps and hand rails installed for each exit door.

**5.1.4 Large Estate Residential** The purpose of this district is to provide for areas of large lot residential development that are intended for the building of site built homes on separate and distinct platted lots. All improved lots within the LER District within three hundred (300) feet of an existing sewer line shall be connected to the Vilonia sewer system, if elevations permit.

- (1) Permitted uses within the LER District are limited to one principal structure on a lot and may include the following:

Site Built Homes – Single Family Dwelling

Passive Parks  
 Home occupations as allowed by these regulations  
 Accessory uses.

- (2) Conditional uses for the LER District may include the following:

Outdoor recreational facilities  
 Accessory Dwelling Unit  
 Other Public and Community Facilities

- (3) The dimensional requirements within LER District shall include minimum lot sizes, maximum building heights, and minimum setbacks.

- (a) Minimum lot size requirements when served by the Vilonia Sewer system are as follows:

- Single Family Residential Lots – 1 acre
- Front yard setback shall be seventy-five (75) feet
- Rear setbacks shall be twenty-five (25) feet
- The maximum building height shall not exceed thirty (30) feet or be more than two and one-half stories
- Side minimum setbacks shall be twenty (20) feet for each side

- (b) Minimum lot size when served by an “on lot” septic system

- All uses, residential and other, shall have a minimum lot size based on the results of a testing method approved by the County or State Health Department for a private septic system appropriate for the intended use of the lot.
- Setback requirements apply

**5.1.5 Manufactured Home Park – MHP** The purpose of this district is to provide areas of affordable housing. This district consists of a different type of subdivision known as a land lease subdivision, where spaces are normally rented but the homes may be either rented or owned. Recreational vehicles shall not be set up for residential use in the MHP District. All improved lots within the MHP District shall be connected to the City of Vilonia sewer system. No district less than two acres shall be established unless such new district is appended to an existing MHP District under the same ownership.

- (1) Permitted uses within the MHP District shall include the following:

Manufactured homes – single family,  
 Community Center,

Recreational facilities,  
Home occupations as allowed by these regulations, and  
Accessory uses.

(2) Conditional uses for the MHP District include the following:

Planned residential developments (See Section 7.6)

(3) The dimensional requirements within the MHP District shall include:

- Minimum manufactured home park size of two acres,
- Minimum manufactured home space area of 4000 square feet,
- Minimum setbacks for the side, rear, and front yards of the development shall be twenty-five feet,
- Manufactured homes shall be separated from each other by a minimum distance of fifteen feet,
- No manufactured home shall be located more than 300 feet away from a fire hydrant.
- Landscape screening shall be required around the perimeter of the manufactured home park between the property and setback lines. This landscaping shall include trees, shrubs, other ground cover, berms, and/or a treated wood fence or masonry wall. Landscaping materials and fencing shall be maintained at a minimum of six (6) feet above ground level.

(4) All manufactured homes placed in this district must meet the following requirements:

- Have been built in last five (5) years,
- Have a minimum floor area of 800 square feet,
- Maximum building height shall not exceed fifteen (15) feet or be more than one story,
- Have all removable running gear, tongues, axles and wheels removed at the time of installation,
- Have exterior siding which consists of materials customarily used on dwellings in the City of Vilonia,
- Be installed in accordance with the manufacturer's installation specifications, the State of Arkansas Rules and Regulations for manufactured homes or the Southern Standard Building Code, whichever is most restrictive.
- Be placed on a foundation which of concrete, brick, masonry or materials consistent with siding materials of the home, with ventilation and a crawl space door installed, and



- Have a porch or landing with steps and hand rails installed for each exit door.
- (5) Recreation space: Common recreation space in a manufactured home subdivision shall be provided at the rate of five hundred (500) square feet per mobile home space. The minimum size of any recreation space shall be five thousand (5,000) square feet. No required recreation areas shall be located in the perimeter setback (25 feet) for the development.
  - (6) Internal drives shall be privately paved and maintained and shall be accessible to all manufactured home spaces. Such drives shall be at least twenty feet from all such drives, and the manufactured home shall be oriented so that the front door or main entry of the home is facing the driveway or parking area serving that particular space. Each manufactured home shall be oriented so that the front door or main entry of the home is facing the driveway or parking area serving that particular space. Each manufactured home space shall have two (2) automobile parking spaces as per all other residences. (See parking requirements in this regulation).
  - (7) Relocation installation: When a mobile home is relocated in Vilonia from its original site the above installation requirements shall also apply. A building permit is required whether the siting is the original or a subsequent installation.
  - (8) Sanitation building: Each manufactured home park shall have a sanitation building and meet other requirements in accord with State Health Department directives.
  - (9) Storage facilities: A paved storage area shall be provided at a central location within a manufactured home subdivision at a rate of fifty (50) square feet per manufactured home for the outdoor storage of boats, campers, and similar vehicles. No part of the perimeter set back for the development shall be used for storage area.

## **5.2 Mixed Use Districts**

**5.2.1 Village Square – VS** The Village Square (VS) district is designed to serve as the major business, service and civic center for Vilonia and the traveling public passing through the area on its highways. In addition to the business, service and civic functions the VS district design may also accommodate multi-family housing and mixed commercial-residential buildings. The intent is to mix residential types in order to provide variety and different ranges of affordability within the district. The goal for this district is to be a walkable center that focuses on placemaking, growing in place and the relationship between the forms of buildings and public spaces.

- (1) The Land Use Plan, Vilonia, should be referred to for policies which detail aspects of design and intended development such as pedestrian accessibility, management of driveways, grid street system, landscaping and parking arrangements.
- (2) To assist in access management in the VS District, Highway 64 Bis included in the Highway Corridor Overlay (HCO) district. See Section 5.4.2 in this regulation for details.

**5.2.1.1 General VS District Regulations**

- (1) Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. Building entrances shall be provided for all separate ground floor commercial use tenant spaces.

- (2) All facades shall meet the minimum requirement for facade glazing (percentage of doors and windows) as established in the table below. Glazing for ground floor commercial use shall be transparent enough for the public to see inside.

<b>Commercial Use or Mixed Use Buildings</b>	
Ground Floor	60% (min.)
Upper Floor(s)	30% (min.)
<b>Residential Use Buildings</b>	
Ground Floor	40% (min.)
Upper Floor(s)	20% (min.)

- (3) Lighting shall be placed to reflect away from residential development. No excessive or unusual noise, odor or vibration shall be emitted so that it constitutes a nuisance or which substantially exceeds the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the subject site. Such comparison shall be made at the boundary of the site.
- (4) All trash and garbage receptacles and ground or roof mounted mechanical equipment shall not be located along a public right of way and shall be screened from view utilizing a low landscape hedge or wall made with building material that is compatible with the primary structure.
- (5) All signage shall be in conformance with the Vilonia sign regulations as outlined in Section 6.5.
- (6) Outdoor storage shall not be located along a public right of way.
- (7) Loading or service areas shall not be located along a public right of way and shall provide motor vehicle access by alleys. In the case that alleys are not available, loading and service areas shall utilize a driveway to access the loading or service area located on the side or at the rear of the structure.
- (8) Property located in the Village Square district with frontage along Main Street shall be built within 15 feet of the right of way. Additional space is permitted for open space, pedestrian facilities, street furniture and other placemaking features, determined to be appropriate by the Enforcement Officer. Parking shall be placed to the rear or to the side of the primary building.
- (9) Property located in the Village Square without frontage along Main Street shall be permitted the following:
  - Fronting a public space - Primary building shall be built within 20 feet of the right of way. Additional space is permitted for open space, pedestrian facilities, street furniture and other placemaking features, determined to be appropriate by the Enforcement Officer. Parking shall be placed to the rear or to the side of the primary building.
  - Not fronting a public space - front yard may be designed to accommodate a double loaded parking aisle. (See figure below) This double loaded parking aisle shall be a maximum of 65 feet of paved area and additional front yard space is permitted to include additional sidewalk, landscaping or other pedestrian features, determined to be appropriate by the Enforcement Officer.

- (10) Property located in the Village Square district and outside of the HCO shall have parking provided at the rear or side of the principal building and the building shall be built within 15 feet of the right of way. Additional space is permitted for open space, pedestrian facilities, street furniture and other placemaking features, determined to be appropriate by the Enforcement Officer.
- (11) Sidewalks, at least 5' wide, shall be provided on both sides of local (non-highway) streets. Sidewalks shall be separated from the street paving if no curb exists, or from back of curb by a landscaped strip or furnishing area, a minimum distance of 5 feet.
- (12) Alleys at mid-block required: Right-of-way 20 feet; paving width 12 feet.

#### **5.2.1.2 Village Square - VS District Use Regulation**

The lists which follow suggest the kinds of establishments and land uses intended for the district. The uses listed range from retail, service and wholesale commercial to civic buildings, banking, business offices and residential. Other uses, not named, when deemed by the Planning Commission to be of similar character and meet the goals and intent of the District may be approved. In general, the outdoor display of products is permitted provided displayed products are brought back indoors outside hours of operation. Large products, such as lumber or farm machinery, which would require permanent outdoor storage, are not permitted.

## (1) Permitted Uses

## Accessory Buildings or Uses

Antique Shops

Apartments

Automobile service station ( all repair work shall be performed within a building. Tools parts, and dismantled vehicles shall be stored within a building or screened from view from public streets)

Baker or confectioner (provided that goods are baked on the premises shall be offered for sale only on the premises and at retail)

Bank or trust company, savings and loan

Barbershop

Beauty Shop

Book, newspaper and magazine store

Business office

Churches

Dairy products store

Daycare

Delicatessen

Drugstore

Duplexes and Triplexes

Electronics, computers, videotape shops

Florists

Fruit store

Gift shop

Grocery store

Hardware store

Horticultural nursery products store

Household appliance store

Jewelry store

Laundromat

Laundry and cleaning pick-up station

Market, produce

Medical and dental clinics

Offices of professional services

Photographic supply store

Restaurant, cafe or tea room

Shoe repair shop

Site built single family dwelling

Tailor, pressing, laundry and cleaning shop

Taxicab stand

Telegraph or messenger service

Theatre, cinema  
Townhouse apartments  
Upholstery shop  
Variety and dry goods store  
Wearing apparel store

(2) Conditional Uses

Automobile Sales and Services  
Communications tower  
Funeral home  
Hotel / Motel  
Lumber and building supply  
Manufactured home  
Pet shops  
Planned Unit Development  
Planned Residential Development  
Public utility buildings  
Veterinarian facility  
Wholesale establishments

### 5.2.1.3 VS District Bulk and Area Regulations (Non-Residential)

- (1) Lot area, no minimum. Any building over 400 feet in length is required to have a pedestrian break in the building. This can be accomplished by adding a walkway or passage in the building at a mid-block point, or other means determined to be appropriate by the Enforcement Officer.
- (2) Yard dimensions:
  - Front-see preceding 5.2.1.1 (General VS District Regulations);
  - Side lot building setback: no minimum ;
  - Rear - 3 feet from alley right-of-way. Rear yard setback applies to the building or the parking surface.
  - Height: Three stories, finished first floor must be level with the sidewalk maximum height of forty-five (45) feet.
  - Building coverage of buildable area on lot: Building and required parking may occupy 100 percent of lot.
  - Multiple lot building coverage or large single lot building coverage shall be subject to the yard, height and building coverage requirements of the VS district Bulk and Area Regulations. See Section 8.6 (Multiple Building Sites) in the Vilonia Control of Development and Subdivision of Land Regulations.

### 5.2.1.4 VS District Bulk and Area Regulations (Residential)

- (1) Minimum requirements for duplex, triplex and townhouse:
  - (1) Lot size- 1600 square feet minimum.
  - (2) Minimum lot width shall be 20 feet
  - (3) Maximum lot coverage by building is 90 percent
  - (4) Maximum building height is three (3) stories or forty (40) feet.
  - (5) Minimum rear yard setback is 3 feet from alley right-of-way. Rear yard setback applies to the building or the parking surface. Lots less than 50 feet in width shall have garages loading from an alley.
  - (6) Minimum front yard setback is 25 feet abutting principal arterials or 5 feet on other streets.
  - (7) No minimum side setback
  - (8) Accessory buildings shall be located behind the primary structure and not be taller than two (2) stories.
- (2) Minimum requirements for multi-family with greater than 3 units:
  - (1) Lot size- 5000 square feet minimum.
  - (2) Minimum lot width shall be 50 feet
  - (3) Maximum lot coverage by building is 80 percent

- (4) Any building over 400 feet in length is required to have a pedestrian break in the building. This can be accomplished by adding a walkway or passage in the building at a mid-block point, or other means determined to be appropriate by the Enforcement Officer.
- (5) Maximum building height is three (3) stories or forty (40) feet.
- (6) Minimum rear yard setback is 3 feet from alley right-of-way. Rear yard setback applies to the building or the parking surface.
- (7) Minimum front yard setback is 25 feet abutting principal arterials or 5 feet on other streets.
- (8) No minimum side setback
- (9) Accessory buildings shall be located behind the primary structure and not be taller than two (2) stories.

(3) The aggregate of multi-family housing shall not exceed ten (10) percent of the gross acreage of the VS district.

(4) Single family detached dwellings that are site built shall be subject to the following requirements:

- (1) Single family residential lots- 3000 square feet minimum.
- (2) Minimum lot width shall be 30 feet
- (3) Maximum lot coverage by building is 80 percent
- (4) Maximum building height is three (3) stories or forty (40) feet.
- (5) Minimum rear yard setback is 3 feet from alley right-of-way. Rear yard setback applies to the building or the parking surface. Lots less than 50 feet in width shall have garages loading from an alley.
- (6) Minimum front yard setback is 25 feet abutting principal arterials or 5 feet on other streets.
- (7) No minimum side setback
- (8) Accessory buildings shall be located behind the primary structure and not be taller than two (2) stories.

### **5.2.2 Town Center – TC**

The Town Center (TC) district is designed to serve as the major business, service and civic center for Vilonia and the traveling public passing through the area on its highways. In addition to the business, service and civic functions the TC district design may also accommodate multi-family housing and mixed commercial-residential buildings.

- (1) The Land Use Plan, Vilonia, should be referred to for policies which detail aspects of design and intended development such as pedestrian accessibility, management of driveways, grid street system, landscaping and parking arrangements.



- (2) To assist in access management in the TC district, the two principal highways are included in the Highway Corridor Overlay (HCO) district. See Section 5.4.2 in this regulation for details.

#### **5.2.2.1 General TC District Restrictions**

- (13) Lighting shall be placed to reflect away from residential development. No excessive or unusual noise, odor or vibration shall be emitted so that it constitutes a nuisance or which substantially exceeds the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the subject site. Such comparison shall be made at the boundary of the site.
- (14) All trash and garbage receptacles shall be located away from the street side of the property and screened from view.
- (15) All signage shall be in conformance with the Vilonia sign regulations as outlined in Section 6.5.

#### **5.2.2.2 TC District Development Criteria (Non-Residential)**

- (1) Loading or service areas shall be physically separated from all streets but shall provide motor vehicle access, preferably by alleys.
- (2) Property not located in the Highway Corridor Overlay (HCO) district and gaining access to local streets in the TC district may have the following front yard options:
- Parking in front of principal structure – front yard shall be a minimum of 50 feet but greater if space is needed to accommodate required parking.
  - When parking is provided at the rear or side of the principal building the building may abut the sidewalk.
- (3) Sidewalks, at least 5' wide, shall be provided on both sides of local (non-highway) streets. Sidewalks shall be separated from the street right-of-way if no curb exists, or from back of curb by a minimum distance of 3 feet.
- (4) Alleys at mid-block required: Right-of-way 20 feet; paving width 12 feet.

#### **5.2.2.3 Town Center – TC District Use Regulation**

The lists which follow suggest the kinds of establishments and land uses intended for the district. The uses listed range from retail, service and wholesale commercial to civic buildings, banking, business offices and residential. Other uses, not named, when deemed by the Planning Commission to be of similar character and meet the goals and intent of the District may be approved. In general, the outdoor display of products such as lumber, farm machinery, etc., should be prohibited.

## (1) Permitted Uses

Antique Shops  
Apartments  
Automobile service station (all repair work shall be performed within a building. Tools parts, and dismantled vehicles shall be stored within a building or screened from view from public streets)  
Baker or confectioner (provided that goods are baked on the premises shall be offered for sale only on the premises and at retail)  
Bank or trust company, savings and loan  
Barbershop  
Beauty Shop  
Book, newspaper and magazine store  
Business office  
Churches  
Dairy products store  
Daycare  
Delicatessen  
Drugstore  
Duplexes and Triplexes  
Electronics, computers, videotape shops  
Florists  
Fruit store  
Gift shop  
Grocery store  
Hardware store  
Horticultural nursery products store  
Household appliance store  
Jewelry store  
Laundromat  
Laundry and cleaning pick-up station  
Market, produce  
Medical and dental clinics  
Offices of professional services  
Photographic supply store  
Restaurant, cafe or tea room  
Shoe repair shop  
Site built single family dwelling  
Tailor, pressing, laundry and cleaning shop  
Taxicab stand  
Telegraph or messenger service  
Theatre, cinema  
Townhouse apartments

Upholstery shop  
 Variety and dry goods store  
 Wearing apparel store

(2) Conditional Uses

Automobile Sales and Services  
 Communications tower  
 Funeral home  
 Hotel / Motel  
 Lumber and building supply  
 Manufactured home  
 Pet shops  
 Planned Unit Development  
 Planned Residential Development  
 Public utility buildings  
 Veterinarian facility  
 Wholesale establishments

**5.2.2.4 TC District Bulk and Area Regulations (Non-Residential)**

- (1) Lot area, minimum typical: 100 feet by 60 feet equals 6,000 feet
- (2) Yard dimensions:
- Front-see preceding 5.2.2 (TC District Development Criteria);
  - Side lot building setback lines shall be a minimum of ten (10) percent of lot width or 10 feet, whichever is less, on each side;
  - Rear - 3 feet from alley right-of-way. Rear yard setback applies to the building or the parking surface.
  - Height: Three stories, finished first floor must be level with the sidewalk maximum height of forty-five (45) feet.
  - Building coverage of buildable area on lot: Building and required parking may occupy 100 percent of lot.
  - Multiple lot building coverage or large single lot building coverage shall be subject to the yard, height and building coverage requirements of the VS district Bulk and Area Regulations. See Section 8.6 (Multiple Building Sites) in the Vilonia Control of Development and Subdivision of Land Regulations.

**5.2.2.5 TC District Bulk and Area Regulations (Residential)**

- (1) See Section 6.10 (Lots) and Section 6.11 (Platted Building Line and

Buffers) in the Vilonia Control of Development and Subdivision of Land Regulations for minimum requirements for duplex, triplex and townhouse and PRD.

- (2) The aggregate of multi-family housing shall not exceed ten (10) percent of the gross acreage of the TC district.
- (3) (3)Single family detached dwellings that are site built shall be subject to the dimensional requirements set for the in Section 5.1.3 (Medium Density Residential) of this regulation.

### **5.2.3 Highway Mixed Use – HMU**

The purpose of the Highway Mixed Use district (HMU) is to provide a mixed use area extending along the principal arterials, Highways 64B and 107, outward from the Town Center district. The HMU district is coincident with the Highway Corridor Overlay district (HCO) and all street intersection, driveway, building setback, parking and landscaping regulation shall apply to the HMU district. The Highway Mixed Use district is characterized by a medium to high density mixture of residential and commercial uses. Overall it is less than the Town Center district in that a strip configuration of development is expected as opposed to a more in-depth development pattern created in the Town Center based on a grid system of local streets.

- (1) General HMU District Restrictions
  - Lighting shall be placed to reflect away from residential development. No excessive or unusual noise, odor, or vibration shall be emitted which would constitute a nuisance.
  - All signage shall be in conformance with the Vilonia sign regulations as outlined in Section 6. 7.
- (2) HMU District Development Criteria
  - Loading or service areas shall be located at the side or rear of buildings and shall be screened from view when the observer is on the highway.
  - Residential densities shall not exceed twelve dwelling units per acre.
  - Commercial areas may be developed as "shopping centers" on large single lots or an aggregate of lots.
  - Design standards for access points to property in this district shall be in accord with the street and driveway spacing requirement of the Highway Corridor Overlay district.

**5.2.3.1 Highway Mixed Use-HMO District Use Regulation** The lists which follow in subparagraphs 1 and 2 suggest the kinds of establishments and land uses intended for the district.

The uses listed range from retail, service and wholesale commercial to civic buildings, banking, business office, and residential. Other uses, not named, when deemed by the planning commission to be of similar character may be considered for placement in the district. The retail uses listed may be accommodated in single product or service businesses or a single business may offer a combination of the products and services. In general, in contrast to the Town Center district, the outdoor display of products such as lumber, farm machinery, boats, mobile homes, etc., is permitted.

(1) Permitted Uses

- Residential including single family, duplex, triplex and Town house apartments
- Retail commercial
- Professional and personal services
- Business offices
- Banking
- Wholesale sales
- Public buildings and offices
- Automotive sales and services
- Churches
- Funeral homes
- Mini-storage buildings
- Automotive service stations
- Repair shops

(2) Conditional uses

- Manufactured home
- Veterinarian clinics
- Outdoor amusement parks
- Recreational vehicle parks
- Day care facility

**5.2.3.2 HMU District Bulk and Area Regulations (Non-Residential)** Yard, height and building coverage requirements shall apply to both minimum single lot and multiple lots or large single (lot or parcel) development. See Section 8.6 (Multiple Building Sites) in the Vilonia Control of Development and Subdivision of Land Regulations.

- (1) Lot area, minimum typical: 200 feet by 60 feet equals 12,000 square feet. This is based on the width of the Highway Corridor Overlay district of 200 feet extending from the highway right-of-way on each side. Lots that may exceed 200 feet in depth in its entirety shall be included in the HCO district.

- (2) Yard dimensions minimum: See setback requirements in Section 5.4.2 HCO of this ordinance.
- Height: Three stories of 45 feet.
  - Building coverage of buildable area on lot 50 percent provided parking and landscaping requirements are met.

### **5.2.3.3 HMU District Bulk and Area Regulations (Residential)**

- (1) See Section 6.10 (Lots) and Section 6.11 (Platted Building Line and Buffers) in the Vilonia Control of Development and Subdivision of Land Regulation for minimum requirements for various types of residential development.
- (2) Single family detached dwellings that are site built shall be subject to the dimensional requirements set forth in Section 5.1.3 (Medium Density Residential) of this regulation.

## **SECTION 5.3 INDUSTRIAL DISTRICTS**

### **5.3.1 Industrial – I**

The purpose of this district is to provide areas that can be used for manufacturing, distribution, production, and other industrial uses. It is the intent of this regulation to protect the public health and safety of the city and thus, prevent land or buildings from being used or occupied in any manner to create any dangerous, injurious, noxious, or otherwise objectionable condition related to fire, explosion, radioactivity, noise, vibration, smoke, dust, odor electrical disturbance, glare, heat, or hazardous wastes in a manner or amount to adversely affect the surrounding area. The dumping or disposal or storage of hazardous waste shall not be permitted.

- (1) All uses and accessory activities shall be confined within completely enclosed buildings with the exception of off-street parking spaces, off-street loading berths, accessory fuel storage, and employee recreational facilities. In addition, no goods, equipment, supplies, or other materials shall be stored in the open except on the rear two-thirds of any lot, and then only when such open storage is no higher than a screening fence erected on the industrial lot.
- (2) All proposals for development and uses of land and buildings are subject to site plan review submitted to and approved by the Planning Commission. In addition, the applicant shall submit a description of the proposed operation including machinery, processes, and products. The applicant will include specifications for the mechanisms, techniques, and operations in sufficient detail so that the Planning Commission can determine or have determined whether the industrial pursuit meets the above intent.

- (3) All uses within the Industrial District shall be conditional and are subject the conditional use review.
- (4) No principal or accessory building, parking lot, loading area, or maneuvering area shall be located less than fifteen feet from any lot line, or less than fifty feet from the property line of any residential area or from the boundary of any parcel used for an educational institution. Also, the above mentioned buildings and areas shall not be sited less than seventy five feet from an existing or proposed principal or minor arterial according to the Master Street Plan, or less than fifty feet from an existing or proposed collector or local road. These setback areas shall be landscaped with a combination of grass, shrubs, trees, and/or other ground cover and shall be maintained at all times.
- (5) Each lot shall have a minimum frontage of one hundred feet on a roadway, provided however, that the Planning Commission may approve a lesser frontage to a minimum of sixty feet for lots located on cul-de-sacs or on roadway curves or lots having other extraordinary characteristics. Curb cuts on arterial streets shall be located at least three hundred feet apart and no closer than one hundred feet to the right of the way of any intersecting street.
- (6) No building or other standing structure shall exceed a height of fifty feet. Not more than fifty percent of the area of the lot or parcel may be covered by buildings including accessory buildings. Also, no buildings other than accessory buildings shall be located closer to any other building than a distance equal to the height of the higher building, and in no event less than thirty feet apart. The maximum distance of any fire hydrant to a primary building in an industrial District shall be three hundred (300) feet.

### **5.3.2 Mining – M**

The intent of this section is to allow the most efficient utilization of extracted or quarried resources while minimizing detrimental impact on adjacent properties; minimize the conflict between urban land uses, extractive land uses, and rural land uses by protecting areas suitable and desirable for mining uses from the intrusion of incompatible uses; and protect non-mining uses within or near mining areas from the undesirable effects of mining operations.

- (1) Permitted uses within the M District are:
  - Resource extraction,
  - Agricultural activities, and
  - Forestry.

(2) Conditional uses within the M District are:

- Landfills,
- Telecommunication facilities, and
- Other industrial activities.

(3) Dumping of trash, waste, or other offensive materials of any kind is prohibited unless officially approved as a governmental or private landfill. The emission of vibration, noise, odor, smoke, dust, or particulate matter outside the boundaries of the site which adversely affects the health, safety, or general welfare of the surrounding properties or the city and off-premises outdoor advertising are prohibited as well.

(4) Any resource extraction must comply with the permitting provisions of The Arkansas Open-Cut Land Reclamation Act of 1977 and subsequent revisions or amendments.

(5) No principal or accessory building, parking lot, loading area, or maneuvering area shall be located less than thirty-five feet from any lot line, or less than fifty feet from the property line of any residential area or from the boundary of any parcel used for an educational institution. Also, the above mentioned buildings and areas shall not be sited less than seventy five feet from an existing or proposed principal or minor arterial according to the Master Street Plan, or less than fifty feet from an existing or proposed collector or local road.

(6) A security fence of at least eight feet in height shall be erected around the property, and trees shall be planted in the setback areas for screening purposes.

## SECTION 5.4 OVERLAY DISTRICTS

### **5.4.1 Flood Plain Overlay - FPO**

This district's purpose is to protect the lives and property of persons living in areas subject to the effects of floods. The Flood Plain Overlay District designates land where special flood hazard areas exist as identified from the Federal Insurance Administration Flood Insurance Rate Maps. Since floodways can be extremely hazardous areas due to the velocity of floodwaters which carry debris that become potential projectiles and since erosion is prominent, it is intended to keep the area free of land uses which are endangered by floods or which increase the danger from floods to other property.

- (1) Encroachments are prohibited, including fill, new constriction, alteration of stream beds, substantial improvements, manufactured homes, and other



developments unless certification by a registered professional engineer is provided demonstration that encroachments will not result in any increase in flood depth of the one hundred (100) year flood of more than one (1) foot and provided that hazardous velocities are not produced.

(2) Permitted uses within a FPO District are the following:

- Agricultural activities,
- Forestry,
- Ball fields,
- Golf courses, and
- Passive parks.

#### **5.4.2 Highway Corridor Overlay – HCO**

The purpose of this district is to assure a safe and efficient traffic flow along the principal arterials within the city such as Highway 64 and State Highway 107 and to preserve and enhance the economic value and viability of the property within the district. Due to the high traffic flow along such roadways, certain restrictions are needed to reduce vehicle accidents, promote safety around educational and community facilities, preserve roadway capacity, decrease congestion, improve access to adjoining properties, and maintain economic prosperity.

- (1) The HC District is defined as a buffer along Highway 64 and State Highway 107. This overlay district shall include all the area measured in cross-section within two hundred feet of the centerlines of the two highways and extending along them as depicted on the Vilonia Zoning Map.
- (2) Where streets and roads intersect with the principal arterials within this corridor, regardless of functional classification according to the Master Street Plan, they shall be spaced no closer than 330 feet apart from centerline to centerline. The minimum spacing between driveways intersecting the principal arterial shall be 120 feet, centerline to centerline. This is based on the principal arterial having a speed limit of 35 miles per hour; however, higher traffic speed requires greater driveway separation. Where the speed limit is 45 miles per hour, the minimum spacing shall be 160 feet, centerline to centerline. Both roadways and driveways shall intersect principal arterials as nearly as possible at ninety-degree angles. See diagram below.

**Diagram of Highway Corridor District**

- (3) All principal and accessory structures shall have a fifty foot building set back from the principal arterial right of way as determined in the Master Street Plan. However, this setback may be reduced to fifteen feet if off-street parking is located at the rear or side of the structures.
- (4) Landscaping shall be provided between the structures and the principal arterial right of way, and no off-street parking shall encroach into this landscaped area. Landscaping shall include trees, shrubs, and other ground cover.

**5.4.3 Neighborhood Commercial Overlay - NCO**

The Neighborhood Commercial Overlay District is established for the purpose of accommodating the location of low impact commercial activity that normally will not attract more than a small number of customers or users drawn from the surrounding neighborhood trade are during the course of the daytime business day. Certain home occupations that do not meet the provisions of such within this ordinance may be accommodated within this district.

- (1) Dimensional requirements for property within this zoning district shall be the same as the base zoning district requirements.
- (2) The establishment of this zoning district constitutes an amendment to this ordinance and the provisions concerning amendments within these regulations shall be followed as well as the following additional requirements:

- The person having a contractual or proprietary interest in the affected land and making application for amendment to create a Neighborhood Commercial Overlay District shall, in addition, submit a petition with the application;
- The petition shall clearly describe the property to be contained in the Neighborhood Commercial Overlay District by metes and bounds or by lot number, if in a recorded subdivision, and including subdivision name. A plan showing the physical location of the property relative to existing streets and surrounding uses, and its dimensions shall be attached to the petition. This petition shall state whether an existing or new building will be utilized or if rehabilitated building shall be included;
- The petition shall state the use intended for the property and that the proposed commercial use is in keeping with the purpose of the district and compatible with and will not adversely affect other property in the area where it is proposed to be located; the driveway access and off-street parking is in conformance with city requirements; and landscaping and screening will be provided if needed to protect adjacent property and to limit emissions such as lighting, glare, noise, dust or odor;
- The petition shall contain the names and addresses of the owners of record of all property situated wholly or partially within five hundred (500) feet of the property lines of the parcel of land described on the petition for change; and
- The names of the property owners so affected shall be arranged on the petition with properly lined blanks for signatures and a choice of blocks to check "For" or "Against" the proposed amendment. Also, the petition shall be valid for "application for amendment" purposes provided at least eighty percent of the eligible property owners have signed the petition.

## ARTICLE VI GENERAL PROVISIONS

### SECTION 6.1 SITE PLAN REVIEW

The purpose of this section is to set forth processing site plans and establish standards for development within those districts which require regulation.

#### **6.1.1 Development Review**

Site plan review is a development review process that provides for case by case consideration of project particulars including the provision of parking and landscaping, drainage, siting of buildings, and the compatibility of the proposed development with adjacent uses. All development shall be designed in such a way as to minimize any potential deleterious impact on the surrounding area. Design of the internal street system, ingress and egress, off-street parking

and loading, drainage and pedestrian ways shall be sensitive to such conditions as safety, convenience, separation, vehicular and pedestrian traffic, general attractiveness, and the proper relationship of different land uses. Landscaped areas shall be provided to reduce erosion, heat, and glare, and said areas shall be maintained in an attractive condition. Existing trees on a development site shall be retained where possible. Screening, open space, or other buffers may be required to give adequate separation between uses which are not compatible and shall also be provided for the beautification and enhancement of the property.

(1) The site plan review process shall apply to all applications for building permits for any of the following:

- Conditional uses,
- Rezoning,
- Developments in all overlay districts (FPO, HCO, and NCO),
- Developments in the MHP, TC, HMU, I and M districts,
- Planned Unit or Residential Developments,
- Telecommunication facilities, and
- Industrial, Business, and Office Parks.

(2) The Planning Commission shall review site plans to the issuance of a building permit. Site plans will be assessed for compatibility with standards and criteria provided herein.

(3) Public Hearing of a site plan proposal shall take place at scheduled meetings at which time interested persons may appear and offer information in support of or against the proposed site plan. Following said public hearing, the Planning Commission will then take one of the following steps:

- Approve the site plan as submitted,
- Approve the site plan for future review, or
- Deny the site plan.

(4) In addition to the special requirements of this section, the Planning Commission may impose on a site plan such additional requirements as are necessary to safeguard the public health, safety, and general welfare. The Planning Commission may require the applicant to submit a revised site plan incorporating the imposed requirements and modifications or may elect to approve a site plan on the contingency the requirements and modifications will be made.

(5) The application for a rezoning classification or building permit without rezoning which involves site plan review shall be initiated by the owner or other person having a contractual interest in the property, or by the authorized agent of such owner or person.

(6) The submission requirements for the review of a site plan, preceding the receipt of the building permit, shall be uniform for all applications and shall include the following:

- Eleven (11) copies of site plan submitted on white paper no longer than twenty-four inches by thirty-six inches, and no smaller than eleven inches by seventeen inches (11 x 17), and including the following:
    - Graphic scale and north arrow;
    - Proposed lot lines, if applicable;
    - Existing and proposed vehicular and pedestrian circulation systems including streets, alleys, sidewalks, and service and loading areas, and the location and arrangement of off-street parking areas and all points of vehicular ingress and egress;
    - Proposed perimeter treatment of the property, indicating screening materials to be used including fences, walls, berms, and plant materials;
    - Schematic landscape plan showing proposed treatment of the areas designated as open space;
    - Location and dimension of all existing and proposed utility drainage, and street easements and all existing and public improvements within the site;
    - Proposed location of structures including signage and structural dimensions, dimension of distances between buildings, and distances from structures to property lines;
    - Topographical cross sections of the site and the location of the 100 year flood plain if involved on the parcel;
    - A land survey showing the exact property or boundary lines, including a legal description of the total site proposed for development, including a statement of ownership;
    - Engineering drawings with pertinent location , dimensions, and capacity of surface drainage in conformance with at least the minimum requirements of the Control of Development and Subdivision of Land Regulations; and
    - Statement of proposed use of land and structures;
    - Ten copies of a report showing quantitative data including the following:
      - Parcel size in acreage and square feet;
      - Proposed building coverage of structures;
      - Proposed floor area of buildings;
      - Proposed number of parking spaces; and
      - Percent of parcel covered by impervious surfaces
- (7) A finding by the Planning Commission of lack of compliance with the following standards may result in disapproval:
- The proposed site plan is incomplete, or contains or reveals violations of applicable zoning regulations which the applicant has, after written request, failed or refused to supply or correct;
  - The proposed site plan does not comply with the minimum height and bulk and area or density regulations applicable to the zoning classification for which the site plan has been requested;

- The proposed site plan does not comply with the minimum screening and landscaping requirements of the city as determined by the Planning Commission;
- The proposed site plan interferes unnecessarily with easements, roadways, utilities, or other rights of way;
- The proposed pedestrian and vehicular circulation systems incorporated in the site plan subsequently create hazards to safety on or off the site;
- The proposed site plan does not conform to the minimum drainage requirements found in the Control of Development and Subdivision of Land Regulations; and
- The proposed site plan violates the basic intent of this regulation or does not comply with those conditions which were stipulated at the time of zoning designation.

### **6.1.2 Approval is Binding**

An approved site plan shall be binding on the applicants and their successors and assignees. No building permit shall be issued for any building not in conformance with the site plan. The construction, location, use, or operation of all land and structures within the site shall be in accordance with all conditions and limitations set forth in the site plan.

- (1) Unless an amendment is approved in accordance with this section, no structure, use, or other element of an approved site plan shall be eliminated, altered, or provided in another manner, provided however, that the Enforcement Officer may approve such minor changes in the site plan as will not cause any of the following circumstances to occur:
  - Any change in the allowable use of the development;
  - An increase in the number of dwelling units allowable in the respective zoning classification;
  - Any modification compounding the problems of vehicular circulation, safety, and provision of public utilities;
  - Any modification having an adverse impact on adjacent property;
  - Any reduction of the off-street parking and loading below those specified in these regulations;
  - Any appreciable reduction of the approved building setback lines; and;
  - Any change in the allowable size, lighting, or orientation of signs.
- (2) Whenever the Enforcement Officer finds that any proposed construction or occupancy will not comply with the approved site plan, the question shall be referred to the Planning Commission for review.

- (3) The holder of an approved site plan may request modification of the site plan or the conditions of approval by submitting an amended site plan which shall be filed and processed in the same manner as the original application.
- (4) Any applicant aggrieved by a decision of the Planning Commission as it relates to the site plan review process shall have the right to appeal to the City Council.

## SECTION 6.2 ACCESSORY BUILDINGS

An accessory building may be erected either detached from the principal building or connected as an integral part of the principal building. No accessory building shall be greater than twenty-five percent of the principal building in square footage of floor area. If an accessory building is attached to the principal building, it shall be made structurally a part of and have a common wall with the principal building and shall comply in all respects with the requirements of these regulations applicable to the principal building. A detached accessory building shall be located within the rear yard of the lot at a distance not less than ten feet from the principal building on said lot and shall not extend beyond the building line set for that particular district. No mobile home or travel trailer shall be used as an accessory building.

## SECTION 6.3 PRINCIPAL BUILDINGS

A lot or parcel of record shall be occupied by no more than one principal building or structure. Exceptions may occur provided this regulation specifically permits more than one principal building on a lot of record. For example: Duplex, or townhouse residential, planned unit development or multiple building developments in commercial districts.

## SECTION 6.4 TEMPORARY HARDSHIP PERMIT

In residential zoning districts that permit manufactured housing, the Planning Commission may, on application by owner, permit the parking of one manufactured home in the rear yard of lot, provided the commission makes a finding to the effect that there is a medical hardship. Medical hardship shall most likely be related to "financial" reasons solely. The permit if issued will be subject to the following conditions:

- (1) That the manufactured home be located not less than ten (10) feet from any lot line or any other residential structure.
- (2) That no rent or other compensation be paid for the privilege of parking the manufactured home on said lot.
- (3) The permit if issued shall be for a period of one year. For continuance the permit shall be reviewed on the anniversary date of the original permit provided a finding of medical hardship remains valid.

- (4) A statement by a medical doctor confirming the condition of "medical hardship" shall be required and submitted with the application.
- (5) When a temporary medical hardship is not renewed the manufactured home shall be removed from the recipient lot within a three (3) month period.

## SECTION 6.5 OFF-STREET PARKING

### 6.5.1 Required Spaces

Improved parcels in all zoning districts are required to have, depending on use and / or square footage, adequate off-street parking which is provided year round. Off-street parking used in connection with an existing use or building prior to the effective date of this zoning ordinances may be continued without change/ however, new developments, and improvements or alterations to existing parcels or buildings on or after the effective date of this zoning ordinance shall meet the off-street parking requirements of these regulations. The parking spaces required for any use shall be located on the same parcel as the principal building or use, or on land adjacent thereto, provided that the zoning district allows parking as permitted land use and either long term or permanent leasing arrangements have been made or other provisions have been ensured such as shared parking with other surrounding parcels. Such off-street parking shall not be greater than two hundred feet from the principal building, and each parking space shall be used exclusively for parking and not as an off-street loading space.

### 6.5.2 Residential Requirements

Each single family residential lot or each dwelling unit of a duplex requires an off-street parking area of at least four hundred square feet with perpendicular access to a street. This area is in addition to any carport or garage that may or may not be attached to the principal building. This regulation does not apply to lots less than 50 feet in width in the Village Square (VS) District.

- (1) Driveways serving either single family residential lots or duplexes located on principal arterials identified on the Master Street Plan shall be so arranged that vehicles are not required to back into such roadways on exiting the properties.
- (2) Driveways serving the same types of uses as previously mentioned located on minor arterials or collectors according to the Master Street Plan shall be so arranged that vehicles are not required to back into such roadways on existing and expected traffic levels are such that no unsafe conditions will result.



### 6.5.3 Nonresidential Requirements

Off-street parking areas serving other uses shall include perpendicular access to at least one street, and an efficient and safe circulation pattern for both vehicles and pedestrians including handicapped persons.

- (1) For these other uses, driveways shall be so arranged that vehicles are not required to back into any roadway upon leaving the property.
- (2) Parking lots shall be designed with either perpendicular or diagonal parking spaces shall not interfere with fire lanes or loading areas.
- (3) Off-street parking spaces for non-residential uses shall not occupy more than sixty percent of any required yard space.
- (4) The following five parking angles are allowed, each with its respective width and depth space dimensions in feet and maneuvering area, which is the minimum width in feet of the driveway or aisle not including parking space area required for a vehicle to safely enter or exit a space:

<u>Angle</u>	<u>Width</u>	<u>Depth</u>	<u>Maneuvering Area</u>
Parallel	22	9	11
Perpendicular (90")	10	20	20
Perpendicular (handicapped)	13	20	20
Diagonal (60")	10	18	18
Diagonal (45")	10	18	12

- (5) All off-street parking areas that handle five or more vehicles shall be paved with a sealed surface pavement and maintained over time. These parking areas shall be so arranged, signed, and marked as to provide for orderly and safe parking of vehicles. Signage and markings shall be visible during the night hours and times of rain. Such parking areas shall be graded and properly drained in order to dispose of all accumulated surface water.
- (6) Lights used to illuminate off-street parking areas shall be so arranged and designed as to deflect light downward and away from adjoining properties or roadways. Such lights shall be of a 'down shield luminary type where the light source is not visible from any adjoining properties or roadways. Only fixtures which are shielded, do not expose a light source, and do not allow light to flood the property are permitted to be attached to buildings. All lighting must be approved by the Planning Commission in site plan review procedures.

- (7) Where new development occurs, efforts to create cross access easements are encouraged. This limits the necessary driveways to access parking and allows for additional parking to be created where driveways would otherwise need to be placed.

#### 6.5.4 Parking Space Per Use

The minimum number of parking spaces per uses, not including accessible spaces for the disabled, is described in the following table. However, the Planning Commission may require additional off-street parking as a condition to site plan approval if it finds that the maximum required number of parking spaces is inadequate due to unusual conditions or use. On the other hand, the Planning Commission may reduce the requirements of the number of parking spaces per use if it determines that shared off-street parking or other operating conditions will result in lowered parking demand. Also, parking spaces provided for one use may not be considered to provide parking for another use unless specifically approved by the Planning Commission when it is demonstrated that the needs for parking of the two uses do not occur at the same time.

Use	Minimum Number of Parking Spaces
Single Family Residential	Two spaces per dwelling unit;
Hotel/Motel	One space per guest room;
Multi-Family Residential	1.5 spaces per dwelling unit;
Bed and Breakfast	One space per guest room plus one space for the owner

Hospital/Nursing Home	One space pre three regular beds, one space per employee and One space per Ambulance;
Medical Clinic/Office	One space per 300 square feet;
Auditorium, Theater, Gym	One space per four seats
Religious Worship Facility	One space per four seats in the main assembly room;
Lodge/Exhibition Hall	One space per 100 square feet of gross floor area;
Day Care Center	One space per employee plus one space per ten children
Nursery/Kindergarten	One space per employee plus one space per ten children
Elementary School	One space per employee plus one space per classroom
Middle/Junior School	One space per employee plus one space per classroom
Senior High School	One space per employee plus one space per six students, and one space per classroom;
Restaurant	One space per 300 square feet of gross floor area;
Retail Store	One space per 300 square feet of gross floor area;
Office Building	One space per 300 square feet of gross floor area;
Shopping Center	One space per 250 square feet of gross floor leasable area;
Industrial	Two spaces per employee on the maximum shift;
Mining	One space per employee;
Telecommunication Facility	One space per equipment building;
Public Building	One space per employee or elected official, and One space per four seats in the main assembly room;
Park	One space per picnic table or bench; Twenty four spaces per ball field, and Two spaces per tennis court basketball goal, or golf hole.

The design of off-street parking shall include provisions for persons with disabilities. Such design shall follow the guidelines written in the Americans with Disabilities Act of 1990, as amended. For every twenty-five off-street parking spaces, there shall be at least one accessible parking space, there shall be at least one accessible parking space, and for every eight accessible parking spaces, at least one such space, designated by a 'Van Accessible' sign shall be served by an access aisle with a width of ninety six inches that is part of an accessible route into a principal building or use area. Two accessible spaces may share an access aisle. These spaces shall be located the shortest distance from the entrance to a principal building or use area. Also, the accessible spaces and access aisles shall not be located on spaces greater than two percent.

### **6.5.5 Landscaping Required**

Landscaping shall be required within all off-street parking areas where the total area of the parking lot is equal to or greater than 7000 square feet.

- (1) All areas within the parking lot are counted in order to calculate the square footage, including planting islands, curbed areas, parking spaces, and all interior driveways and aisles except those drives with no parking spaces located on both sides.
- (2) Loading spaces and exclusive driveways leading to loading spaces are excluded from the total area of the parking lot, and landscaped areas outside the parking lot shall not be used to meet the interior planting requirement.
- (3) If the total parking lot area is less than 150,000 square feet, then five percent of the total parking lot area shall be designated an interior planting area. Areas equal to 50,000 square feet and less than 150,000 square feet shall have an interior planting area of eight percent, while areas equal to or greater than 150,000 square feet shall have at least ten percent of that total area landscaped.
- (4) For every three hundred square feet of interior planting, there shall be planted a deciduous shade tree with a clear trunk clear of limbs up to at least six (6) feet above the finished grade with ground cover, low evergreen shrubs, and/or low dense deciduous shrubs. Plants that restrict visibility such as tall shrubs or low branching trees shall be avoided.
- (5) Planting islands shall be parallel to the parking spaces and shall have widths of nine feet. These islands shall be distributed approximately once every ten spaces for residential, public, or quasi-public developments and once every fifteen spaces for commercial, office, or industrial developments.
- (6) To prevent cars from hitting trees or shrubs, curbs or wheel stops must be provided.

## **SECTION 6.6 OFF-STREET LOADING**

### **6.6.1 Off-Street Loading Required**

Every building hereafter constructed in any zoning district for non-residential purposes, requiring the receipt or distribution by vehicles of material or merchandise shall provide and maintain on the same lot with such building at least one off-street loading space for:

- (1) the first 5000 square feet, or fraction thereof, of gross floor area, and one additional such space for each 10,000 square feet or major fraction thereof of gross floor area in excess of 5000 square feet.
- (2) The Planning Commission may require more or less off-street loading spaces if it determines that unique or special conditions exist. This space shall be adequate to allow standing, loading, and unloading thus avoiding interference with the efficient flow of traffic.

### **6.6.2 Paving Required**

Each loading space shall be paved and shall not be:

- (1) Less than twelve feet in width, thirty-five feet in length, and fourteen feet in clearance.
- (2) Such space shall be clearly marked and signed as a loading zone.
- (3) The space may occupy all or any part of any required yard space, but no loading space may be within either fifty feet for industrial properties or forty feet for commercial /office properties of residential developments.
- (4) For commercial /office properties, loading spaces may not be within fifteen feet of residential developments unless the space is wholly within a closed building, or enclosed on all sides abutting or facing such residential developments by a completely opaque six foot high wall or fence made of treated wood, masonry, or bricks. Selective landscaping including six foot high evergreen trees in a double staggered row or six foot berms may be substituted for the fence or wall if the Planning Commission approves such a request for alternative screening.

### **SECTION 6.7 SIGNAGE**

In order to make our town more visually appealing, The City of Vilonia wants to deter signs that compete with each other for attention, and to be certain that signs clearly and properly convey their message. The City also wants to maintain and improve the visual appearance of Vilonia by requiring future signs to be:

- Imaginative and Attractive
- Harmonious with what surrounds them
- Proper in the message they wish to convey
- Sized Proportionally

### **6.7.1 Permits Shall be Required**

For all signs that are not categorized below in the Section 6.7.2.

### **6.7.2 Permits Shall not be Required**

For the following types of signs: (Other requirements of this ordinance apply).

- (1) On premise directional or informational signs.
- (2) Political signs.
- (3) Window signs.
- (4) Incidental signs.
- (5) Historical markers.
- (6) Real Estate signs.
- (7) Construction signs.
- (8) Public signs such as safety, danger, traffic, or emergency signs.
- (9) Nameplates.
- (10) Signs made by shrubbery or landscaping.
- (11) Community service signs.
- (12) Sign face changes that do not modify the structure.
- (13) Garage/Yard Sale signs.
- (14) Temporary banners,
- (15) Directional/informational signs as required for public facilities.

### **6.7.3 Permit Fees**

Permit fees shall be \$25.00. Applications may be made at the Vilonia City Hall.

### **6.7.4 General Regulations**

Signs shall be designed to reflect the nature of the business or activity being signed. They shall be designed to provide clear identity for the purposes which they serve. The display of each sign will be limited to the premises that it describes. No off premises signs will be allowed, except signs directing the way to public and municipal facilities. These shall not exceed 16 square feet.

- (1) The overall design of, and the materials used for, the sign and structure, must be compatible with the character of the area in which it is placed. A sign's design should complement the visual character of its context.
- (2) Landscaping surrounding signs is encouraged where appropriate. The landscaped strip shall be covered with grass, shrubs, stone, or other suitable materials. Curbing, railroad ties, or other similar types of materials should be used as vehicle barriers.

- (3) The top of a sign structure shall not exceed the maximum allowable sign height of 30ft. The total width of a sign structure shall not be more than one and one half the width of the sign itself. (ex. If the sign is 8 feet wide, the sign structure cannot be more than 12 feet wide) a decorative wall, fence, or planter that is not more than three feet high is not subject to this restriction.
- (4) Sign lighting is to be designed so as not to create glaring, degrading, or dangerous effects on adjacent properties, into the sky, or onto adjoining roads or highways.
- (5) All external light sources shall be shielded to prevent glare or lights from shining into motorists or pedestrians eyes. Shielding and glare elimination shall be accomplished with architectural elements, landscaping, or shields.
- (6) All signs with internal and external lighting types must be installed by a licensed electrician or sign specialist.
- (7) Signs shall be designed to maximize clarity and visibility of message.
- (8) Where applicable, signs shall conform to the provisions of the Americans with Disabilities Act of 1990, as amended. The international symbols for accessibility should be employed, and the guidelines concerning placement and height for parking and access signs shall be followed.
- (9) Sign locations should be determined in regard to existing signs in order to allow maximum visibility for all signage in that area. An applicant for placement of a sign shall consider safety, aesthetics, and visibility issues.
- (10) A clear zone of visibility shall be required on all corner lots. The clear view zone shall be formed by an isosceles triangle. It shall be formed by the right of way lines at points which are thirty feet from the intersection of these lines. The remaining side of the triangle connects to these two points. The sign must be placed outside of this triangle.

### **6.7.5 Specific Regulations**

Businesses, industries, offices, apartment complexes, public facilities, and other facilities are allowed one freestanding or directory sign. A sign may be single sided or double faced. Where necessary due to site and/or visibility issues, such as frontage on two rights of way, a second sign may be permitted. Specific regulations pertaining to these signs are as follows:

- (1) Freestanding signs shall be designed as part of an overall structure which relates in design to the property or project for which it is used. Signs may include planters, support structures, or posts, and an area above the signs for pediments, caps or lighting.
- (2) The maximum allowable sign areas and heights for free standing signs are:
  - Non-residential shall be 120 sq. feet of surface and 30 feet high.
  - Any single dimension of width or height shall not be more than five times its other dimension.
  - Setbacks and allowable areas for free standing signs:

<u>Height</u>	<u>Allowable area</u>	<u>Setback</u>
30 feet	120 square feet	10 feet
25 feet	100 square feet	9 feet
20 feet	80 square feet	8 feet
15 feet	60 square feet	7 feet
10 feet	40 square feet	6 feet
5 feet	20 square feet	5 feet

- (3) When multiple businesses share a site or building, a free standing sign of one structure with one name or designation is required. A directory of businesses may be placed upon this sign. This special category shall be approved by the Planning Commission on a case by case basis.
- (4) Wall or building mounted signs (including canopy or projecting) are available to businesses and establishments that have their own individual building entrance. Such signs are available on a one sign per occupant basis.

Exceptions:

- When different building facades are visible from opposite directions one wall mounted sign per occupant may be permitted for each side.
  - When total allowable sign area exceeds 100 square feet, two signs per occupant may be permitted; or
  - When total allowable sign area exceeds 200 square feet, three signs per occupant shall be allowed.
- (4) Canopy, awning, or marquee signs shall be included within the maximum allowable area for wall mounted signs. Projecting or perpendicular signs shall be held away from the wall upon which they are mounted by four feet from the wall or one third the width of the sidewalk that directly abuts the building.



- (6) Roof mounted signs shall not exceed 75 percent of the height from the top of the building's exterior wall to the top of the peak of the roof where they are to be installed. Such signs cannot extend beyond the front wall of the building. On flat roofed buildings, signs shall be located within a defined sign band and shall not extend above the parapet wall. The sign area for roof mounted signs shall be the same as the maximum allowable area for building mounted signs
- (7) Store window signs shall not exceed more than 25% of the total window square footage. They shall be calculated as part of the total allowable sign area for building or wall mounted signs.
- (8) A home occupation sign shall be permitted one non-illuminated identification sign. It shall not exceed two square feet. This sign shall be placed in the window or flat against a wall or door of the principal building. No advertising signs will be allowed.
- (9) A banner (quantity of one) is allowed for a business for temporary advertising. It is allowed for only three months per year. Banners must be affixed to building walls, existing freestanding signs, or with their own support system.
- (10) Construction signs showing the project title, contractor, architect, engineer and other like information shall be non-illuminated. The sign shall be placed upon the property or project to which it relates. Signs shall not exceed thirty two square feet per face and shall not have more than two faces. Such signs shall be removed either within the first month of complete occupancy of the site or building, or after the erection of a permanent sign, whichever comes first.
- (11) Signs advertising the sale of real estate may be displayed on site, subject to the following:
  - Non-Residential areas: Signs must be no larger than twelve square feet. This includes structure elements, frames or panels.
  - Signs in all zoning districts: Are permitted up to four square feet.
  - Removal of signs: Shall be within one week after the sale or lease of the property.
  - Signs placed in windows: That advertise the sale or lease of real estate are limited in size to a maximum of three square feet.
- (12) Signs announcing an auction, sale, specified product or special event shall adhere to the following:
  - Be located on the premises where the event is taking place.
  - Not exceed sixteen square feet in area.
  - Not be displayed for more than thirty consecutive days.

- (13) Flags used for advertising shall be considered signage under this ordinance. No portion of any flag, when fully unfurled, shall extend into the road right of way.
- (14) Political signs shall not be erected more than 60 days prior to election or referendum date and must be removed by 10 days following the election. When possible, they should be placed on private property and only with the property owner's approval. Under no condition will any political sign be allowed to be placed within eight feet of the curb or edge of pavement on any public street. They may be flush mounted on the face of a permanent building but must never interfere with safe sight distance for vehicles in movement.
- (15) Portable signs may be used by businesses or establishments to advertise special events, but only on a temporary basis of thirty consecutive days or less.
- (16) Signs for subdivision shall be allowed on the property that they represent. They may be placed at each entrance to the subdivision. A scale drawing of said sign shall be presented to the Planning Commission for approval.
- (17) Signs that are exempt from the provisions within this section; and that do not require permits are the following:
  - Signs located on common carriers provided that carrier is not regularly parked near a highway, whereby it becomes the equivalent of a prohibited non-conforming sign.
  - Signs on registered motor vehicles except those determined by The Enforcement Officer to be circumventing, the intent of these provisions.
  - Street and directional signs indicating street names, block numbers, and public facility locations.
  - Traffic and safety signs.
  - Small on-premises incidental signs without advertising, no more than two square feet in size, displayed for the direction, instruction, or convenience of the public. This includes signs which identify rest rooms, freight entrances, parking areas, or the like.
  - Memorial signs or tablets, which include the names of buildings and dates of erection that are either cut into stones or masonry surfaces or constructed of bronze or other materials, that are permanently affixed to the building and do not exceed six square feet in total area.
  - A sign not exceeding one square foot in surface size is permitted which announces the name and/or address of the occupant of the
  - Premises on which the sign is located.
  - Sponsorship banners at athletic facilities and ballparks.

(18) Non-conforming signs must be removed at owner's expense or conformance if the following occurs:

- The sign size or height is altered or if it is relocated.
- The sign is over 50% damaged or destroyed.
- The sign does not advertise a bonafide business, lessor, owner, product, activity conducted, or product available for a period of ninety days or more on the premises where such sign is displayed. This is considered an abandoned sign.
- The use of the property where the sign resides changes, or the property is rezoned.
- The sign is in disrepair. This includes but is not limited to: chipped and peeling paint on the sign or sign support; letters that are peeling off or are no longer legible; when sign repair equals or exceeds 50% of the value of the sign.
- Owners of signs that are judged to be in disrepair will have 90 days, from the time of notification, to make the necessary adjustments before a fine will be levied. That fine will be \$50.00 per day until the repairs are made.

(19) Involuntary relocation (any relocation caused by street widening or other city, state, federal, or utility company activity) does not require a sign to be brought into conformance.

(20) Garage/Yard Sale Signs

- Shall be no larger than 6 square feet.
- Allowed (1) sign on the property where the sale occurs.
- Plus (1) pointer sign at an intersection.
- Signs must be staked.
- Signs cannot be attached to utility poles, street signs, fences or trees.
- Must be removed by 7:00 PM the day of the sale.

## ARTICLE VII SPECIAL PROVISIONS

### SECTION 7.1 NONCONFORMING USES

#### 7.1.1 Existing Conditions

Any building, structure, or use of land existing at the effective date of this ordinance may be continued even though such a building, structure, or use may not conform to the provisions of these regulations for the zoning district in which it is located. However, a nonconforming

building, structure, or use of land shall not be changed, extended, reconstructed, enlarged, or structurally altered unless the alteration conforms to the appropriate regulations within this ordinance. If the alteration cannot meet regulations authority must granted by the Board of Zoning Adjustment and at least one of the following is true:

- (1) The change is required by law or order,
- (2) A waiver from conformance will not negatively impact that zoning district,
- (3) Conformance would impose an undue hardship on the use of the property,
- (4) Repairs are needed to keep the building structurally sound, or
- (5) The alteration meets the goals and intent of the zoning district.

#### **7.1.2 Nonuse or Discontinuance of Structure**

A nonconforming building or structure which has not been used or a nonconforming use of land that has been discontinued, for a period of twelve consecutive months, shall not thereafter be used or resumed.

- (1) Any nonconforming building or structure damaged by fire, flood, explosion, wind, or other disaster may be restored or reconstructed and used as before such damage as long as such work is completed within one year of the disaster.
- (2) Nothing in these provisions shall permit the use of any portions of a building or structure declared unsafe by a proper authority or the continuation of a condition declared to be a health hazard by an appropriate authority. Also, normal maintenance and repairs to any building or structure that is considered to be in nonconformance are allowed.

### **SECTION 7.2 HOME OCCUPATIONS**

#### **7.2.1 Dwelling Part**

A portion of a dwelling may be used in order to carry on a home occupation provided it does not negatively affect the surrounding area. Any permitted home occupation shall be conducted wholly within the principal dwelling structure and shall be carried on by members of the residential family. No more than two non-family employees shall be utilized.

### **7.2.2 Development Criteria**

The home occupation activity shall not utilize more than twenty five percent of the total area of the dwelling including attached garage and other attached structures. Parking shall be permitted in off-street parking areas and along roadways as allowed by law, but not allowed in yards off pavement surfaces. There shall be no excessive traffic generated by the home occupation, and the home occupation shall not produce objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare.

### **7.2.3 Existing Continuance**

Business occupations or professions conducted at the time of the effective date of these regulations in a residential structure or is abandoned provided that this shall not be construed to approve the continuation of an activity constituting a common law nuisance or any activity prohibited by statues, ordinances, or restrictive covenants applicable to the area.

## **SECTION 7.3 CONDITIONAL USE REVIEW**

### **7.3.1 Required Review**

The Planning Commission shall hear and recommend, in accordance with provisions of this ordinance, each individual request for conditional use permits. Those uses which are specifically listed as "conditional uses" in the respective zoning classifications may be requested for conditional use authorization, as well as ones deemed by the Planning Commission to be substantially equal with the listed ones. After detailed review of its compatibility with the area and the specific treatment of screening, landscaping, and other amenities provided to protect the integrity of the district, the Planning Commission shall forward its recommendation to the City Council for final action.

- (1) Application for conditional use approval shall be made by the property owner or authorized agent for the owner. Each application shall include a site plan. Said application may accompany a rezoning request or may be applied for on its own merit as long as the use is recognized as a conditional use in the existing zoning classification. The application shall be submitted, fifteen days prior to the next scheduled Planning Commission meeting, to the Enforcement Officer, who will collect the filing fee and process all applicable surveys, site plans, and other supporting information pertinent to this review process also, the submission requirements for a conditional use shall be the same as for the rezoning of any tract of land, in that a public hearing is required.
- (2) The Planning Commission shall review conditional use applications at a scheduled public hearing, at which time interested persons may appear and offer

information in support of or against the proposed conditional use. Then, the Planning Commission shall make one of the following recommendations to the City Council:

- Approve the conditional use as submitted,
- Approve the conditional use with modifications or conditions,
- Defer the conditional use, or
- Defer the conditional use.

### **7.3.2 Conditions and Restrictions**

The Planning Commission and the City Council may impose conditions and restrictions upon the premises benefited by a conditional use permit as may be necessary to reduce or minimize the injurious effects of the conditional use. In order to better carry out the general intent of these regulations, the conditional use must insure compatibility with the surrounding property.

- (1) In on case shall the Planning Commission or the City Council authorize reduction from minimum requirements of these regulations relating to area, parking, landscaping, or screening.
- (2) The following development standards and design specifications shall be applicable to the conditional use review and approval, and the appropriateness of these standards shall be determined at the discretion of the Planning Commission and the City Council for each specific conditional use location:
  - The proposed use is so designated, located, and proposed to be operated that the public health, safety, and welfare will be protected,
  - The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located,
  - The proposed use conforms to all applicable provisions for the zoning district in which it is to be located, and the use facilitates public convenience at that location,
  - The size and shape of the site, including the size shape, and arrangement of the proposed structures in keeping with the intent of these regulations,
  - The internal street system, ingress and egress, proposed off-street parking and loading, and pedestrian ways are adequate and in compliance with city regulations,
  - Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust, and odor are addressed, and
  - Proposed landscaping and screening is in accordance with the judgement of the Planning Commission and the City Council to accomplish the desired protective and aesthetic effect.

- (3) Once any portion of the conditional use authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. The violation of any condition so imposed shall constitute grounds for revocation of the conditional use authorization; otherwise, any exercise of such authorization must commence within sixty days. No conditional use authorized by the Planning Commission or the City Council shall be subsequently submitted to the Board for variances. Amendments or changes to a conditional use authorization must follow the same process as the original conditional use, and no building permit shall be issued except in conformance with the provisions of this section.
- (4) Any petitioner who is aggrieved by the final decision of the City Council shall have the right to appeal to a court of record.

## SECTION 7.4 SPECIFIC CONDITIONAL USE REGULATIONS

### 7.4.1 Telecommunication Facility Site

The purpose of this section is to establish guidelines for the siting of towers, antennas, and equipment buildings; promote the location of towers in non-residential area; minimize the total number of towers placed within the city; increase the collocation of telecommunication facilities and other appropriate means.

- (1) Each applicant for approval of a telecommunication facility shall follow the conditional use review process and additionally provide to the Planning Commission an inventory of:
- Its existing telecommunication facilities that are both within the city and within a one mile radius of the Vilonia city limits.
  - Specific information such as latitude/longitude, height, and design of each telecommunication facility.
  - The number of carriers using each telecommunication facility.
  - Applicants are encouraged to submit an inventory of potential future tower sites within the city to the Planning Commission.
- (2) The Planning Commission may share such information with other applicants applying for conditional use permits or other organizations seeking to locate telecommunication facilities within the city; however, the Planning Commission is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

- (3) At least twenty-five percent of the telecommunication facilities within the city shall be either stealth telecommunication facilities and/or facilities not requiring the construction of towers.
- (4) The applicant shall investigate the possibilities for locating the proposed facilities on an existing tower. Copies of certified letter sent to owners of all existing towers within a one-mile radius of the proposed site, requesting the following information:
  - Tower height;
  - Existing and planned tower users;
  - Whether the existing tower can support additional antennas without causing instability or radio frequency interference.
- (5) If the proposed antenna cannot be accommodated on the existing tower then the applicant shall submit to the Planning Commission:
  - An assessment of whether the existing tower could be structurally strengthened;
  - Whether the existing antennas and related equipment could be protected from electromagnetic interference;
  - A general description of the means and projected cost of shared use of the existing tower;
  - Copies of all responses from each certified letter within forty-five days from the receipt date of such letter;
  - A summary explanation of why the applicant believes the proposed telecommunication facility cannot be located on an existing tower;
  - Provision of sound engineering evidence demonstrating that the proposed location is necessary in the interest of public safety or is a practical necessity; and/ or
  - Evidence that the telecommunication tower is structurally designed to support at least one additional telecommunication user, and the conditional use permit application includes a statement that the owner of tower is willing to permit other users to attach telecommunication facilities, on a commercially reasonable basis,
  - Which do not interfere with the primary purpose of the tower.
- (6) The tower owner may require that such other users agree to negotiate regarding reasonable compensation to the owner from any liability which may result from such attachment. The site plan shall indicate a location for at least one equipment building in addition to that proposed for use by the applicant. Priority for co-location on the proposed tower shall be given to antennas that will serve a public safety need for the community.



#### 7.4.2 Development Standards

- (1) The telecommunications tower shall meet all applicable Federal Aviation Administration standards and shall not restrict or interfere with air traffic or air travel from or to any existing or proposed airport. Any lighting shall not project onto surrounding residential property or roadways.
- (2) No telecommunications tower shall exceed one hundred and fifty feet when proposed for location within the TC and HMU districts or one hundred feet in the LDR and MDR districts.
- (3) In order to protect the public from unnecessary exposure to electromagnetic radiation, the tower owner shall provide documentation, such as a signed affidavit, indicating that the power density levels do not exceed levels permitted by the Federal Communications Commission.
- (4) Setback of the base of a proposed guyed or lattice tower from all adjacent property lines shall be two feet for every foot of tower height. To encourage shared use of guyed or lattice towers, setback of the base of the proposed tower, designed to accommodate at least one additional telecommunications user, from all adjacent property lines shall be one and a half feet for every foot of tower height. Also, to encourage the construction of monopole towers, setback of the base of a proposed monopole tower from all adjacent property lines shall be one foot for every foot of tower height. The setbacks of non-tower structures and equipment buildings shall be at least fifty feet from the property lines.
- (5) In order to provide spatial separation and create visual block from adjacent properties and streets, a buffer consisting of trees, shrubs, and / or berms shall be installed around the outside of all buildings or equipment, and security fencing.
- (6) Ground buildings located in a residential district may be located outside the buffered area if they are constructed so the exterior appearance of the building has the appearance of a residential dwelling, including pitched roof and frame or brick veneer construction.
- (7) The base of the tower and each guy anchor shall be surrounded by a security fence or wall at least eight feet in height unless the tower and all guy anchors are mounted entirely on a building over eight feet in height.
- (8) No outside storage shall be allowed on any telecommunication facility site.

- (9) Associated buildings located in any residential district shall not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
- (10) The color or non-stealth telecommunication towers shall be neutral, except to the extent required by Federal law, so as to minimize visual impacts. No commercial advertising shall be allowed on the tower or its related facilities.
- (11) Notice shall be provided to the Planning Commission when the tower is placed out of service. Towers which are not used for a period of six months shall be removed by the owner within 120 days of receipt of notification to that effect.

## SECTION 7.5 PLANNED UNIT DEVELOPMENTS

Planned unit development shall be allowed in the VS, HMU, and I zoning districts. All development in PUD shall be non-residential or a mix of commercial and residential. The below listed standards, both general and specific, shall be followed concerning planned unit development.

### **7.5.1 Site Plan and Preliminary Plat**

A site plan shall be submitted to the Planning Commission with a preliminary subdivision plat application showing the location, height, and spacing of buildings, open spaces and landscaping, streets, driveways, off-street parking, other physical features, and other information listed in Section 6.1 of these regulations.

### **7.5.2 Statement of Changes**

The site plan and plat application shall be accompanied by a statement setting forth the nature of all proposed zoning modifications, changes, or supplementations of area and dimensional requirements of the applicable zoning regulations. Such statement shall also include a description of the overall design concept of the planned unit development, the objectives of the development, and justification for the modifications to the dimensional requirements.

### **7.5.3 Unified Treatment**

The proposal must be an effective and unified treatment of the development possibilities of the project site, and the proposed development plan must make appropriate provision for the

preservation of streams and stream banks, steep slopes, wetlands, soils unsuitable for development, forested areas, and unique, natural, and manmade features.

- (1) It shall be consistent with all standards set forth in the existing Control of Development and Subdivision of Land Regulations and shall be compatible with adjacent properties.
  - Projects may be phased,
  - The proposal shall provide for connection to the local water system, which must be capable of accommodating the increased use projected for the proposed development,
  - The proposal shall provide for connection to either the municipal sewer system or an approved private community sewer system for the entire development, either of which must have sufficient capacity to accommodate the entire proposed development,
  - The proposal shall provide for the economy and efficiency of road and utility installation, construction, and maintenance.
  
- (2) For planned unit developments in the Village Square District:
  - The minimum total area of development shall be five acres.
  - The minimum lot size shall be 1,600 square feet.
  - The minimum frontage for total development shall be 20 feet.
  - All setbacks and off-street parking requirements shall follow applicable ones set within the Village Square regulations.
  
- (3) For planned unit developments in the Town Center and Highway Mixed Use Districts:
  - The minimum total area of development shall be five acres.
  - The minimum lot size shall be 5,000 square feet.
  - The minimum frontage for total development shall be three hundred feet.
  - All setbacks and off-street parking requirements shall follow applicable one set within these regulations.
  
- (4) For planned unit developments in the Industrial District:
  - The minimum total area of development shall be twenty acres.
  - The minimum lot size shall be 20,000 square feet.
  - The minimum frontage for total development shall be three hundred feet.

- All setbacks and off-street parking requirements shall follow applicable one set within these regulations.
- (5) Permitted and conditional uses, except residential, within planned unit developments shall be identical to those set forth for the respective districts in which the developments are to be located.

## SECTION 7.6 PLANNED RESIDENTIAL DEVELOPMENT

Planned residential development is a conditional use in the LDR, MDR, MHP, TC, and HMU zoning districts. Standards, both general and specific, shall be followed concerning planned residential development.

### 7.6.1 Site Plan and Preliminary Plat

A site plan shall be submitted to the Planning Commission with a preliminary subdivision plat application showing the location, height, and spacing of buildings, open spaces and landscaping, streets, driveways, off-street parking, other physical feature, and any other information listed in Section 6.1 of these regulations.

### 7.6.2 Statement of Changes

The site plan and plat application shall be accompanied by a statement setting forth the nature of all proposed zoning modifications, changes, or supplementation of area and dimensional requirements of the applicable zoning regulations. Such statement shall also include a description of the overall design concept of the planned residential development, the objectives of the development, and justification for the modifications to the dimensional requirements.

### 7.6.3 Unified Treatment

The proposal must be an effective and unified treatment of the development possibilities of the project site, and the proposed development plan must make appropriate provision for the preservation of streams and streambanks, steep slopes, wetlands, soils unsuitable for development, forested areas, and unique, natural, and manmade features.

- (1) It shall be consistent with all standards set forth in the existing Control of Development and Subdivision of Land Regulations.
- Projects may be phased.
  - The proposal shall provide for connection to the local water system, which must be capable of accommodating the increased use projected for the proposed development.

- The proposal shall provide for connection to either the municipal sewer system or an approved private community sewer system for the entire development, either of which must have sufficient capacity to accommodate the entire proposed development.
  - The proposal shall provide for road and utility installation, construction, and maintenance.
  - Lot width and depth for various types of residential development shall conform to Section 6.10 (Lots), except for the Village Square District.
  - Building lines (setback) and buffers for various types of residential development shall conform to Section 6.11., except for the Village Square District.
- (2) The proposed planned residential development shall safeguard the value and appropriate use of adjacent properties and shall provide for safe and efficient pedestrian and vehicular circulation, parking, and service areas. Also, the proposed planned residential development shall include access from existing roadways in a way which does not cause undue congestion nor interference with normal traffic flow.
- (3) Where the character of development on adjacent properties demands, the Planning Commission may require provision of a buffer zone, up to fifty feet in depth, which must be kept free of buildings or structures and which may be required to be landscaped, screened, or protected by natural features in order to minimize adverse effects on surrounding areas. (This does not apply to the Village Square District.)
- (Ord. No. 2016-2 Zoning Ordinance)

**FLOOD DAMAGE PREVENTION PROGRAM**

Sections:

- 14.08.01 Statutory authority
- 14.08.02 Finding of fact
- 14.08.03 Statement of purpose
- 14.08.04 Lands to which this ordinance applies
- 14.08.05 Methods of reducing flood losses
- 14.08.06 Flood Damage Prevention Code adopted by reference
- 14.08.07 Abrogation and greater restrictions
- 14.08.08 Interpretation
- 14.08.09 Warning and disclaimer of liability
- 14.08.10 Compliance
- 14.08.11 Penalty for non-compliance
- 14.08.12 Severability
- 14.08.13 Amendments

14.08.01 Statutory authority The legislature of the state of Arkansas has in A.C.A. 14-268-101, et seq., delegated the responsibility of local governmental units to adopt regulations to minimize flood losses. Therefore, the City Council of the city of Vilonia, Arkansas, does hereby ordain as follows. (Ord. No. 2006-8, Sec. 1.)

14.08.02 Findings of fact

- A. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of the city of Vilonia in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Faulkner County and Incorporated Areas," dated December 19, 2006, with an effective Flood Insurance Rate Map (FIRM) dated December 19, 2006.
- B. These Special Flood Hazard Areas are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- C. These periodic flooding events are exacerbated by the cumulative effect of floodplain developments which cause an increase in flood heights and velocities, and by the placement of inadequately elevated, inadequately flood proofed or otherwise unprotected structures or uses vulnerable to floods into Special Flood Hazard Areas. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events. (Ord. No. 2006-8, Sec. 2.)

- D. This ordinance controls floodplain development (structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavation, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations and other activities) which may increase flood damage by increasing flood elevations, flood water velocities, or flood discharge patterns;
- E. This ordinance regulations the construction of flood barriers which unnaturally divert floodwaters or which may adversely impact other lands. (Ord. No. 2006-8, Sec. 5.)

14.08.06 Flood Damage Prevention Code adopted by reference There is hereby adopted by reference a "Flood Damage Prevention Code for the city of Vilonia, Arkansas," dated December 19, 2006. The code includes:

ARTICLE 1: DEFINITIONS

ARTICLE 2: ADMINISTRATION

ARTICLE 3: PROVISIONS FOR FLOOD HAZARD REDUCTION

A copy of the referenced code shall be filed in the office of the City Clerk and shall be available for inspection and copying by any person during normal office hours. (Ord. No. 2006-8, Sec. 6.)

14.08.07 Abrogation and greater restrictions This ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies. (Ord. No. 2006-8, Sec. 7.)

14.08.08 Interpretation In the interpretation and application of this ordinance, all provisions must:

- A. Be considered as minimum requirements;
- B. Be liberally construed in favor of the City Council; and
- C. Be deemed to neither limit nor repeal any other powers granted under state statutes. (Ord. No. 2006-8, Sec. 8.)

14.08.09 Warning and disclaimer of liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that land outside Special Flood Hazard Areas will be free from flooding, nor that strict adherence to this ordinance protects uses permitted within Special Flood Hazard Areas from all flood damages.

This ordinance specifically does not create liability on the part of the community, nor any official or employee of the community, for any flood damages that result while strictly following this ordinance, or from any lawful administrative decision made under the provisions of this ordinance. (Ord. No. 2006-8, Sec. 9.)

14.08.10 Compliance Constructing, locating, substantially altering or changing the use of any structure or land after the effective date of this ordinance requires full compliance with the provisions of this ordinance and all other applicable regulations. (Ord. No. 2006-8, Sec. 10.)

14.08.11 Penalty for non-compliance Flood hazards are reduced by compliance with the provisions of this code. Accordingly, enforcement of this ordinance discourages non-compliance and is a recognized mechanism for flood hazard reduction.

The Floodplain Administrator must enforce the provisions of this ordinance and is authorized to

- A. Issue cease and desist orders on non-compliant floodplain development projects;
- B. Issue citations for non-compliance;
- C. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties; and
- D. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this ordinance.
  - 1. It is a misdemeanor to violate or fail to comply with any provision of this ordinance.
  - 2. Any person found in a court of competent jurisdiction, guilty of violating this ordinance is subject to fines of not more than Five Hundred Dollars (\$500.00) per day for each violation. In addition, the defendant is subject to payment of all associated court costs and costs involved in the case. (Ord. No. 2006-8, Sec. 11.)

14.08.12 Severability If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of this ordinance is invalid or unconstitutional, that finding in no way affects the validity of the remaining portions of this ordinance. (Ord. No. 2006-8, Sec. 12.)

14.08.13 Amendments Ordinance 2006-8 is amended as follows:

Ord. No. 2016-1: Article 2, Administration, Section A. Designation of the Floodplain Administrator. The name of Fred G. Fowlkes shall be removed and the name of Keith Hillman shall be placed in this position.



**CHAPTER 14.12****ANNEXING AND RE-ZONING PROPERTY**Sections:

- 14.12.01 Annexing  
14.12.02 Re-zoning

14.12.01 Annexing

- Ord. No. 86-1 NW ¼, SW ¼, 40 acres  
N ½, SE ¼, 80 acres  
E ½, NE ¼ SE ¼, 20 acres
- Ord. No 88-2 SE ¼, Sec. 1 Twp 5 N, Range 12 West
- Ord. No. 88-2A SE ¼, Sec. 1, Twp 5 N, Range 12 West
- Ord. No. 89-6 E ½, Sec. 9, Twp 5 N, Range 11 West
- Ord. No. 90-4 Leasing 6.51 acres from Robert Peters and Tammy Peters
- Ord. No. 92-1 S ½, SW ¼, Sec. 12, Twp 5 N, Range 12 West
- Ord. No. 92-4 W ½, SW ¼, Sec. 12, Twp 5 N, Range 12 W
- Ord. No. 93-2 NE ¼, SW ¼, Sec. 5 Twp 5 N, Range 11 West
- Ord. No. 93-6 W ½, SW ¼, Sec. 3 Twp 5 N, Range 11 West
- Ord. No. 94-5 S ½ of SW ¼, Sec. 17, Twp 5 N, Range 11 West  
Lots 1-9, Green Meadows Subdivision
- Ord. No. 94-6 S ½, SW ¼, Sec. 17, Twp 5 N, Range 11 West
- Ord. No. 2000-5 S ½ of Sec. 1, Twp 5 N, Range 12 West
- Ord. No. 2000-6 Part of E ½ of Sec. 12, Twp 5 N, Range 12 West
- Ord. No. 2003-2 Part of E ½ of Sec. 2, Twp 5 N, Range 12 West
- Ord. No. 2005-1 Part of W ½ of NE ¼, Sec. 11, Twp 5 N, Range 12 West
- Ord. No. 2005-2 Lots 1-111 of Saddle Creek Subdivision
- Ord. No. 2005-12 Part of Sec. 11, Twp 5 N, Range 12 West
- Ord. No. 2005-13 Part of SE ¼, Sec. 4 Twp 5 N, Range 11 West
- Ord. No. 2005-15 Part of NE ¼ of SE ¼, Sec. 17, Twp 5 N, Range 11 West
- Ord. No. 2006-1 Part of NW ¼, Sec. 16, Twp 5 N, Range 11 West
- Ord. No. 2008-1 Lots 10 – 26, 47 – 63 of Fox Run Subdivision
- Ord. No. 2009-1 Part of Secs. 3 & 10, Twp 5 N, Range 11 West
- Ord. No. 2012-1 N ½ of NE ¼ containing 80 acres  
SW ¼ of NE ¼ containing 40 acres  
NW ¼ of SE ¼ containing 40 acres  
Part of NE ¼ containing 3.75 acres  
SE ¼ of NW ¼ containing 40 acres  
NE ¼ of SW ¼ containing 40 acres  
Part of SE ¼ west of South Mt. Olive Rd.

Ord. No. 2013-1	E ½ of SW ¼ of Sec. 1, Twp 5 N, Range 12 West Part of SW ¼ of Sec. 10, Twp 5 N, Range 11 West Part of SE ¼ of Sec. 10, Twp 5 N, Range 11 West Part of E ½ of Sec. 10, Twp 5 N, Range 11 West West ½ of Sec. 10, Twp 5 N, Range 11 West NE ¼ of Sec. 15, Twp 5 N, Range 11 West
Ord. No. 2014-7	E ½ of S 10 acres of NE ¼ of Sec. 13, Twp 5 N, Range 12 West
Ord. No. 2018-2	SE ¼ NE ¼ Sec. 13, Twp 5 N, Range 12 West

#### 14.12.02 Re-zoning

Ord. No. 89-5	R	All property in city limits adjoining Hwy 64
Ord. No. 91-9	From R to C	Lot 1, Block 15, O'Quinn Addition
Ord. No. 95-8	From R to C	SE ¼ of Sec. 7, Twp 5 N, Range 11 West
Ord. No. 2006-6	From LDR to I	S ½ of Sec. 3, S of Hwy 64
Ord. No. 2007-5	From MDR-SB to HMU	East of Dove Creek Sub., Phase 7
Ord. No. 2007-4	From MDR-SB to HMU	Part of NE, Sec. 17, Twp 5 N, Range 11 West
Ord. No. 2005-10	From MDR to HMU	3.29 acre tract at Hwy 64 & Gorman Lane
Ord. No. 2005-9	From LDR-SB to HMU	9.02 acres south of Rock Point Rd. on Hwy 107
Ord. No. 2012-2	From LDR-SB to HMU	Part of N ½ of Sec. 17, Twp 5 N, Range 11 West
Ord. No. 2014-3	From LDR to I	Part of NE ¼ of Sec. 13, Twp 5 N, Range 12 West
Ord. No. 2016-2		From TC to VS 80 acre tract, bounded by Hwy 64B, Cemetery St., Vilonia Baseball Park, Industrial District, and Industrial Dr.
Ord. No. 2022-2	From TC to MDR	Webco property located on South Church Street

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**TITLE 15**

**SUBDIVISION REGULATIONS**

Chapters:

15.04 Control of Development and Subdivision of Land Regulations

**CHAPTER 15.04**

**CONTROL OF DEVELOPMENT AND SUBDIVISION OF LAND**

**REGULATIONS**

Sections:

- 15.04.01 Purpose, authority and jurisdiction
- 15.04.02 Definitions
- 15.04.03 Procedural requirements
- 15.04.04 Plat specifications
- 15.04.05 General principles
- 15.04.06 Design requirements
- 15.04.07 Commercial/office subdivisions
- 15.04.08 Industrial subdivisions
- 15.04.09 Required improvements
- 15.04.10 Assurance for completion of improvements
- 15.04.11 Inspection of improvements
- 15.04.12 Maintenance bond
- 15.04.13 Acceptance of public facilities, dedications, and recordation
- 15.04.14 Enforcement

15.04.01 Purpose, authority and jurisdiction

- A. It is hereby found and declared that, in order to make adequate provision to guide, direct and control future growth and development in Vilonia in an orderly,

efficient, healthful, and economic manner, that there exists the necessity for setting forth certain procedures and standards to be followed in the development of redevelopment of land and the creation of land subdivision in Vilonia, Arkansas.

- B. The provisions of this regulation are adopted pursuant to authority set forth in Act 186 of 1957 and as it has been amended
- C. These rules and regulations are intended to serve the following purposes:
  - 1. To assist orderly, economic, efficient, and coordinated development within Vilonia and its planning area;
  - 2. To promote the health, safety, and general welfare of the residents of Vilonia and the area;
  - 3. To ensure conformance of Subdivision or Development Plans with the public improvement plans of Vilonia; and
  - 4. To secure equitable handling of all Development and Subdivision Plans by providing uniform procedures and standards for observance both by subdividers and the Planning Commission of Vilonia.
- D. Any developer or subdivider of land within the territorial jurisdiction shall submit to the Planning Commission plats of the Subdivision or Development and engineering drawings for indicated improvements in development according to these regulations. In considering the approval of a plat or development plan, the Planning Commission shall observe and enforce the requirements and procedures set forth herein. In the case of a plat constituting a re-plat of land into two or more lots, all of which will be served by an existing street or streets, the Planning Commission shall have the power to vary the said requirements so that substantial justice may be done and the public interest served.
- E. No subdivider proposing to make or have made a development or subdivision within the territorial jurisdiction shall proceed with any construction work on the proposed development or subdivision, including grading, before obtaining a certificate of Preliminary Plat Approval, and shall not convey title to any lot or lots before obtaining a Certificate of Final Plat Approval and acceptance of the plat.
- F. No subdivider shall record the plat of a subdivision or Bill of Assurance or any part thereof before obtaining from the Planning Commission a Certificate of Final Plat approval and an approval of the Bill of Assurance.

- G. A Bill of Assurance shall be attached to or accompany each plat submitted to the Planning Commission. (Ord. No. 2012-3, Sec. 1.)

15.04.02 Definitions As used in these rules and regulations, words in the present tense include the future; words in the singular include the plural number, and words in the plural include the singular, the word “building” includes the word “structure,” the word “shall” is mandatory and not directory. Certain words in these regulations are defined for the purpose hereof as follows:

**Alley** A minor permanent roadway which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

**Building line** A line across a lot establishing the minimum open space to be provided between buildings or structures and the street right-of-way or other property lines.

**Bill of Assurance** A statement attached to the plat and signed by the owner setting out the following (also see Section 4.5.1):

- A. He is the owner of the land described (followed by a legal description of the land)
- B. He has ordered the land surveyed and divided into lots as shown on the plat.
- C. He adopted this name for the subdivision after submittal to and approval of the subdivision name by the Tax Assessor’s Office of Faulkner County.
- D. All street names for any new streets have been submitted to and approved by the Faulkner County Office of Emergency Services (OES) for 911 and other purposes.
- E. All lots shall hereafter be transferred in deeds as lot numbers of (name) subdivision.
- F. A re-plat of any lot in the approved subdivision will be submitted to the Planning Commission if the lot is intended to be split into two or more parts.
- G. On each lot where septic tanks are utilized, there shall be a ten (10) foot side yard, free of all structures, to permit access of a septic tank cleaning truck.
- H. No more than one principal dwelling unit shall be placed on each lot. Exceptions may be made for multi-family units, provided documentation from the State and County Health Department approving the method of sewage disposal is included (where applicable).

- I. The Bill of Assurance can only be changed by a re-plat of the subdivision and approval of the Vilonia Planning Commission.
- J. Sometimes there are use restrictions added to the Bill of Assurance. Procedure for changing these restrictions may also be included in the instrument setting out the restrictions.

**Boulevard** The unpaved area between the street and sidewalk. Also, a wide street with a center median.

**Box culvert** A concrete drainage facility with a rectangular cross-section.

**City** The city of Vilonia.

**City Engineer** Engineer employed or contracted by the city of Vilonia or other person designated to act in this role when actions do not require a licensed professional engineer.

**County Surveyor** The County Surveyor of Faulkner County or his designated representative.

**County** Faulkner County, Arkansas.

**Cul-de-sac** A short street having one end open to traffic and being permanently terminated within the plat by a vehicular turnaround.

**Easement** A grant by the property owner for the use by the public, a corporation, or persons of a strip of land for specific purposes.

**Engineer** A registered engineer licensed to practice in Arkansas.

**Final plat** A finished drawing showing completely and accurately all legal and engineering information and certification necessary for recording and including the Bill of Assurance.

**Frontage road** (sometimes referred to as an access road) A street, parallel to and adjacent to a major highway or thoroughfare, which provides access to abutting properties.

**Health Department** The Faulkner County Health Department or the Arkansas State Health Department whichever has jurisdiction.

**Lot** A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development.

**Lot, corner** A lot abutting upon two or more streets at their intersection.

**Lot, double frontage, reverse frontage or through** A lot other than a corner lot abutting upon two or more streets.

**Lot, flag (lot, pipe-stem)** Any lot that, due to its configuration, a primary structure cannot be built at the front building line of the lot.

**Maintenance bond** A bond furnished by the subdivider or contractor to the city for a one year period (minimum) to cover the cost of repairs resulting from defects in materials and workmanship of public improvements installed by the subdivider or contractor.

**Manufactured home** A residential dwelling that is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities in accordance with the Federal Manufactured Home construction and safety standards.

**Master Street Plan** The Vilonia Master Street Plan.

**Plan, development** The complete plan, or any of its parts, for the development of land, including the provision of utilities, driveways and the construction of buildings or primary structures when all or part of the land falls within the Vilonia Planning Area, as adopted in accordance with the Arkansas Statutes as is now or may be hereafter in effect.

**Planning Commission** The city of Vilonia Planning Commission.

**Plat** A map or chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

**Preliminary plat** A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate unquestionably its workability in all aspects, but is not in final form for recording and the engineering details are not completely computed.

**Primary structure** A structure that services the primary function of the lot or parcel. It includes, but is not limited to, a site-built house, a manufactured home, an apartment building, an office building, a store, an industrial building, a water tank, a telecommunications tower, and other structures necessary for the operation of other structures on the lot or parcel.

**Re-plat** A plat that has undergone the process of changing the configuration of lot lines within an approved plat of record to increase, decrease, or change the shape and size of lots.

**Staff** The employees of the city of Vilonia, and/or those contracted by the city.



**Street** A dedicated and accepted right-of-way for vehicular traffic which affords the principal means of access to abutting property.

**Subdivider** Any person, individual, firm, partnership, association, corporation, estate, or trust, or any other group or combination, acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, and includes any agent of the sub-divider.

**Subdivision** Any division of a lot, tract, or parcel of land, either by platting or by metes and bounds, into two or more lots or parcels for purpose of transfer of ownership including the combination of two (2) or more previously platted lots. The term subdivision shall apply also to any division of land involving the dedication of a street to the public, provided, however, that any division of land into lots or parcels of five (5) acres or more shall not be deemed a subdivision unless street dedication or the installation of utilities are involved. The terms, when appropriate to the contexts, shall relate to the process of subdividing or to the land subdivided.

**Subdivision, land-lease** Any type of development (residential, commercial, industrial, etc.) typified by the leasing of land and/or primary structures to individuals or entities, with the landowner retaining the rights of ownership. The landowner may be an individual, corporation, groups or group of individuals. Lots or sites within the land-lease subdivision must be defined and numbered like other subdivisions.

**Subdivision, minor** Any division of a lot, tract, or parcel of land either by platting or by metes and bounds into two (2) or more lots or parcels for the purpose of transfer of ownership or development including the combination of two (2) or more previously platted lots. The “minor subdivision” shall neither include the establishment of any street nor create the need to dedicate additional right-of-way or widen pavement on an existing road as shown on the Vilonia Master Street Plan.

**Subdivision, primary** Any division of a lot, tract, or parcel of land either by platting or by metes and bounds into two (2) or more lots or parcels for purpose of transfer of ownership or development including the combination of two (2) or more previously platted lots. The “Primary Subdivision” ordinarily applies to any division of land involving the dedication of a street to the public, the dedication of additional right-of-way and improvements to an existing road as shown on the Vilonia Master Street Plan and, in general any subdivision of land resulting in the need to produce engineering drawings and data in order to meet the improvement requirements of this ordinance.

**Surveyor** A registered land surveyor licensed to practice in Arkansas.

**Territorial jurisdiction** The city of Vilonia corporate limits and all the land in Faulkner County surrounding the city to the line depicted on the Vilonia Planning Area Map which encloses the territorial jurisdiction. (Ord. No. 2012-3, Sec. 2.)

### 15.04.03 Procedural requirements

#### **3.1 Pre-application consideration**

- A. Whenever a development plan or any subdivision of a tract of land is proposed to be made, the subdivider or his agent may submit to the Planning Commission, sketch plans and data concerning existing conditions within the site and in its vicinity, and which shall convey the intentions of the developer or subdivider as to the proposed layout and type of development.
- B. No fees shall be collected for pre-application consideration, the purpose being to acquaint the subdivider/developer with plans and policies in effect that would be significant to the proposed subdivision or development.

#### **3.2 Application for certification of Preliminary Plat or Development Plan Approval**

- A. Whenever a Development Plan or any subdivision of a tract of land is proposed to be made, the developer or subdivider or agent of either shall submit to the Vilonia City Secretary, a minimum of fifteen (15) days prior to the regular Planning Commission meeting, an application for a certification of Preliminary Plat or Development Plan Approval which shall consist of:
  - 1. A letter of request.
  - 2. Plats, plans and data as specified in Section 4.1, concerning existing conditions within the site and its vicinity and which shall convey the intentions of the subdivider as to the proposed layout and type of subdivision.
  - 3. A filing fee as established by city ordinance by the city of Vilonia.
  - 4. Documentation to prove that the subdivider or the developer has notified adjoining and other affected property owners.
    - a. Adjoining and other affected landowners shall include the owners of record of all property situated wholly or partially within five hundred (500) feet of the boundary lines of the property proposed for subdivision and/or development.
    - b. Proof of notification requirements shall be considered met when the petitioner presents a list of owners of record certified by an appropriate agency or office, and a copy of the notification mailed

(along with receipts for certified or registered mail) to each of the landowners as described above.

- c. The notification to landowners shall include a description of the proposal and the date, time and place of the Vilonia Planning Commission meeting where the proposal will be considered and public comments will be received.
- B. The Commission may, prior to acting on a Preliminary Plat or Development Plan, hold a hearing thereon at such time and upon such notice as the Commission may designate.

### **3.3 Process leading to approval of the Preliminary Plat or Development Plan**

- A. Upon receipt of an application for review of Preliminary Plat or Development Plan Approval, the City Secretary shall check the application for conformance to these rules and regulations (see Section 4.1) and Development Plan requirements (see Section 9.1) and shall also consider letters or certificates of approval or disapproval from city, county, and state agencies and utility companies. The City Secretary shall note the number of days the submission is made prior to the next regular Planning Commission meeting and, if less than fifteen (15) days, inform the applicant that the application will not be on the agenda at the next regular meeting.
- B. The City Secretary shall deliver all applications for Preliminary Plat and Development Plan approval deemed to have met the submission and time requirements to the secretary of the Planning Commission for the regular meeting agenda. A copy of the meeting agenda will be sent to appropriate public departments or agencies affected by development for their review.
- C. The Planning Commission shall initiate action on applications for preliminary approval at its regular scheduled meeting provided said applications are placed on the agenda by the secretary of the Planning Commission in the stated time frame. Approval of a Preliminary Plat or Development Plan shall be given by the Planning Commission in by the issuance of a certificate of Preliminary approval, or if the application is disapproved, the applicant shall be so notified in writing and the reasons therefore shall be enumerated.
- D. A Preliminary Plat or Development Plan may be approved with conditions for further action by the developer imposed by the Planning Commission. The approval and conditions shall be reflected in the minutes of the meeting. With proof of meeting the conditions, the developer may resubmit the plat or plan to

the Commission for its approval action. If the approval is for a Development Plan, the developer is authorized at this point to begin construction. For any area in the city limits, a building permit is required. If the approval is for a Preliminary Plat, continue on with the procedure of this ordinance.

- E. The Preliminary Plat submitted will be identified by the Planning Commission as a “Minor Subdivision” or a “Primary Subdivision.”
- F. When the Preliminary Plat is defined as a “Primary Subdivision” and the conditions imposed by the Planning Commission are for the required production of engineering drawings and specifications in support of the subdivision, the following procedure shall prevail:
  - 1. The certificate of Preliminary Plat approval will not be signed initially on the plat by the Chairman of the Planning Commission. The Planning Commission approval of the Preliminary Plat with conditions is verified by the minutes of the Planning Commission. The minutes are the authority to permit the developer to proceed with the compilation of the engineering drawings and specifications without rescission by the Planning Commission of the plat proposal as submitted.
  - 2. The engineering drawings and specifications, upon completion, will be reviewed or caused to be reviewed by the Planning Commission. Approval of the engineering drawings and specifications shall be cause for the Chairman of the Planning Commission to sign the certificate of Preliminary Plat approval as affixed on the plat. The signed certificate shall be the approval of the Planning Commission for the subdivider to install the improvements required, with the actual “as built” installation subject to the approval of agencies having authority and jurisdiction.
- G. When the Preliminary Plat is defined as a “Minor Subdivision” and the plat meets the requirements set out in Section 4, and provided the certification of Surveying accuracy is signed, the Planning Commission may authorize the Preliminary Plat to be relabeled as a Final Plat. The relabeled Final Plat or subsequent Final Plat may be filed for record provide the subdivider meets all conditions imposed and the Chairman of the Planning Commission has signed the certificate of Final Approval.
- H. One copy of the approved Preliminary Plat shall be retained in the Planning Commission’s files, and one copy endorsed with the certificate of the preliminary Plat approval shall be returned to the subdivider.

- I. Approval of the Preliminary Plat shall be governed by the following qualifications:
1. Approval of the Preliminary Plat is one step in the process leading to the preparation and approval of a Final Plat. The Final Plat shall reflect the “as built” required improvements and the exact layout of lots and blocks and is the instrument filed for record with the Circuit Clerk/Recorder of Faulkner County.
  2. Approval of the Preliminary Plat shall be effective and binding upon the Planning Commission for one (1) year and thereafter as long as work is actively progressing on installation of required improvements.

**3.4 Application for approval of the Final Plat** Whenever the provision of these rules and regulations have been complied with, and while the certificate of Preliminary Plat Approval is in effect, the subdivider may submit to the Planning Commission an application for review and approval of the Final Plat or part hereof (phased development as specified in Section 4.2.3). The application shall consist of:

- A. A letter of application requesting review and final approval of the plat.
- B. The Final Plat and other documents as specified in Section 4.2.
- C. A filing fee as specified in Section 4.5.5.

**3.5 Approval of the Final Plat**

- A. Whenever a Final Plat has been submitted to the Planning Commission which is in conformance with an approved Preliminary Plat and the provisions of Section 4.2, the Commission shall consider and take action on the plat.
- B. The Planning Commission may cause an Arkansas registered surveyor to check the Final Plat for correctness, charging the cost to the subdivider if the plat is found to be in error.
- C. Application for Final Plat Approval shall be submitted to the Violonia City Secretary at least fifteen (15) days prior to the regular meeting date of the Planning Commission in order to be considered at said meeting. The Planning Commission will not take action on any applications received less than fifteen (15) days before its meeting. The Planning Commission will act to approve or disapprove Final Plats presented when scheduled by the secretary for the regular meeting.

- D. If the Final Plat is disapproved, the applicant shall be so notified in writing and the reasons therefore shall be enumerated.
- E. Final Approval of the Final Plat shall be indicated by execution of a certificate of Final Plat Approval on the plat when all required improvements have been certified under the provisions of this regulation as being installed, or Assurance of Completion has been provided. See Section 12 for the options regarding Assurance for Completion of Improvements.
- F. Approval of the Final Plat by the Planning Commission shall not be deemed acceptance of any of the dedications shown on the plat. Such acceptance will be made by the Vilonia City Council or the Faulkner County Quorum Court as prescribed by law.
- G. Upon completion of the installation of the improvements required by these rules and regulations and when production of engineering plans and specifications have been required by the Planning Commission, a letter shall be submitted by an Arkansas registered engineer to the Chairman of the Planning Commission certifying that all improvements and installations have been made in accordance with the submitted construction plans and drawings and the standards established by the city, and that all improvements and installations are functioning properly. For subdivision outside the city limits, if engineering plans and specifications are not required by the Planning Commission, the developer shall submit a letter certifying the completion of all improvements in accordance with county and other applicable standards. (Ord. No. 2012-3, Sec. 3.)

#### 15.04.04 Plat specifications

##### **4.1 Preliminary Plat specifications, size, number and quality (minor and primary)**

- A. The submission to the Planning Commission shall consist of ten (10) black or blue line prints on white background, and such other document in ten (10) copies as are necessary to meet the requirements of this section.
- B. The Preliminary Plat shall be clearly and legibly drawn. The size of the plat shall not be smaller than eight and one-half (8 ½ ) inches by eleven (11) inches. The plat of a subdivision containing six (6) acres or more shall be drawn at a scale of one (1) inch equals one hundred (100) feet unless otherwise determined by the Planning Commission that a different scale is needed.

**4.2 Final Plat specifications, size, number, and quality (minor and primary)**

- A. The submission shall consist of the original drawing plus ten (10) copies, as are necessary to meet the requirement of this action. The subdivider shall also furnish the Planning Commission with one print of the final drawing showing the executed certificates, as specified in Section 4.6.2.
- B. The Final Plat shall be clearly and legibly drawn. The size of the plat shall not be larger and twenty-four (24) inches by thirty-six (36) inches including margins when the plat is drawn at a scale of one (1) inch equals one hundred (100) feet. Plat may be drawn on larger sheets provided the reductions to the above maximum size will be legible in all respects. The Commission may require specific scales to be used.
- C. The Final Plat shall conform to the Preliminary Plat and it may constitute only that portion of the approved Preliminary Plat which the subdivider proposed to record and develop at any one time, provided that each portion conforms to the requirements of these rules and regulations.

**4.3 Plat requirements** Each plat shall contain the information indicated by the check mark under the appropriate column and opposite the requirement as shown on the following chart.

**Plat Requirements**

	<u>Preliminary</u>		<u>Final</u>	
	Minor	Primary	Minor	Primary
1. Name of subdivision, approved by Faulkner County Assessor	x	x	x	x
2. Name and street/ mailing address of owner of record	x	x	x	x
3. Source of title giving deed record book and page number	x	x	x	x
4. Name, street/ mailing address, and phone number of subdivider and plat preparer	x	x	x	x
5. Date of survey, north point, and graphic scale bar	x	x	x	x
6. Certificate of Preliminary Surveying Accuracy	x	x		
7. Certificate of Preliminary Engineering Accuracy	x	x		
8. Location of the tract by legal description giving acreage	x	x	x	x

9. Vicinity map locating streets and highways, sections lines, railroads, water features, schools, parks, and other significant features within one-half (½) mile of the proposed subdivision which is also shown on the vicinity map. A graphic scale bar and north arrow shall be included for the vicinity map.	x	x		
10. Exact boundary lines of the tract indicated by a heavy line giving dimensions, angles and at least one (1) bearing.	x	x	x	x
11. Contour intervals to sea level datum of not more than two (2) feet when the slope is less than four percent (4%), and no more than five (5) feet when the slope is greater than four percent (4%).		x		
12. Natural features within the surrounding the proposed subdivision including drainage channels bodies of water, wooded areas and other significant features. On all water courses leaving the tract the direction of flow shall be indicated, and for all water courses entering the tract the drainage area above the point of entry shall be noted. 100 year flood area boundaries shall be included.		x		
13. Cultural features within the surrounding the proposed subdivision including existing and platted streets, bridges, culverts, utility lines, pipe lines, power transmission lines, all easements, park area, structures, city and county lines, section lines and other significant information.		x		
14. Names of recorded subdivisions abutting the proposed subdivision	x	x		
15. Zoning districts, if applicable	x	x	x	x
16. Proposed layout including lot lines with rough directions	x	x		
17. Lot number, block number	x	x	x	x
18. Street and alley lines with proposed right-of-way widths	x	x		
19. Sites reserved for parks, playgrounds, schools, etc.		x		x
20. Sites for commercial, non-residential, non-public uses	x	x		
21. Building set-back lines with dimensions			x	x
22. School district	x	x	x	x
23. Fire district	x	x	x	x
24. Street names approved by the Office of Emergency Services			x	x



25. Certificate of Preliminary Plat approval	x	x		
26. Key map when more than one sheet is required to present plat. Matchlines shall be shown on all sheets	x	x	x	x
27. True courses and distances to the two (2) nearest established section corners or bench marks or other recognized permanent monuments which shall accurately describe the location of the plat	x	x	x	x
28. Exact boundary lines of the tract indicated by a heavy line, or other acceptable control traverse, giving dimensions to the nearest one-tenth (1/10) foot and angles to the nearest minute, which shall be balanced and closed with an error of closure not to exceed one (1) to five thousand (5,000)	x	x	x	x
29. Municipal, county, or section lines accurately tied to the lines of the subdivision by distances and angles	x	x	x	x
30. Street and alley and other right-of-way lines with location and width, with street names indicated		x		x
31. Street centerlines showing angles of deflection, angles of intersection, radii, length of tangents and arcs and degree of curvature with basis of curve data		x		x
32. Lot lines with dimensions to the nearest one-tenth (1/10) foot, necessary internal angles, arcs and chords and radii of rounded corners.		x		x
33. When lots are located on a curve or when sidelines are at angles other than ninety (90) degrees, the lot width at the building line shall be shown when required by the Commission			x	x
34. Lot areas in square feet shall be shown when septic tanks are to be used. Lot area of other lots shall be furnished when required by the Commission	x	x		
35. Easements and public service or utility right-of-way lines giving dimensions, locations, and purposes	x	x	x	x
36. Accurate outlines and description of areas to be dedicated or reserved for public use/acquisition with the purposes indicted thereon, and of any areas to be reserved by deed covenant for common uses of all property owners		x		x
37. Accurate location and descriptions of all monuments			x	x
38. Certificate of Surveying Accuracy			x	x

39. Certificate of Engineering Accuracy			X	X
40. Certificate of owner			X	X
41. Certificate of Final Plat approval			X	X
42. Certificate of Recording			X	X
43. Variances and waivers from subdivision and/or zoning, if applicable, regulations being requested by the subdivider.	X	X	X	X

**4.4 Each Preliminary Plat shall be accompanied by the following information:**

- A. The minimum lot area in square feet for lots served by septic tanks shall be twenty thousand (20,000) square feet provided the percolation reports are approved by the Health Department, and provided further evidence shall be shown that the disposal system is correlated with topography features of the proposed lots. Where septic tanks are permitted, there shall be clearance to permit access for a septic tank cleaning truck placed in the Bill of Assurance.
- B. The Preliminary Plat shall be accompanied by the following information:
  - 1. A summary of the proposal giving information as to the overall development plan, giving type of structure, number of dwelling units, types of business and industry so that the effects of the development can be determined by the Planning Commission.
  - 2. Existing and proposed covenants and restrictions.
  - 3. Source of water supply.
  - 4. Provisions for sewage disposal, drainage, and flood control.
  - 5. Letters or certificates of approval or disapproval from the city, county, or state agencies, as well as from the utility companies that are applicable. Such material should be obtained and submitted by the subdivider.
  - 6. Typical cross sections of all streets. Centerline profiles of approximate street grades derived from official computations may be required.
  - 7. Fees – Filing fees of Preliminary Plats shall be those established by city ordinance by the city of Vilonia.

8. Bill of Assurance – A draft of the Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property shall be submitted for review at the time of Preliminary Plat review.
9. Such other information as the subdivider wished to bring to the attention of the Planning Commission.

**4.5 The Final Plat shall be accompanied by the following information and documents unless shown on the plat itself:**

- A. Bill of Assurance including, but not limited to, the following provisions: offering dedications of streets and alleys, parking and other public lands; establishing easements, setting forth privileges and conditions pertaining thereto, and setting forth the restrictions and covenants of the subdivision; setting forth procedure by which amendments to the conditions of the Bill of Assurance can be made. Said Bill of Assurance shall contain reference to the approval of the Final Plat.
- B. The subdivider shall obtain approval of the Bill of Assurance by the Planning Commission before filing the Bill of Assurance and subdivision plat with Circuit Clerk.
- C. All calculations and field notes when required by the Planning Commission.
- D. House numbering plan in duplicate plus additional copies for other planning agencies having jurisdiction.
- E. Filing fees for Final Plat – Fees shall be those established by the city ordinance by the city of Vilonia.

**4.6 Plat certificates** Each plat submitted to the Planning Commission shall have the following certificates displayed and made a permanent part of the plat.

Preliminary Plats:

**Certificate of Preliminary Surveying Accuracy**

I, \_\_\_\_\_, hereby certify that his plat correctly represents a boundary survey made by me or under my supervision; that all monuments shown hereon actually exist and their location, size, type and material are correctly shown; and that all interior lot lines are accurately described in terms of length and direction of the property sides.

Signed \_\_\_\_\_  
Registered Land Surveyor  
No. \_\_\_\_\_, Arkansas

**Certificate of Preliminary Engineering Accuracy**

I, \_\_\_\_\_, here by certify that I am the engineer of record for this subdivision and that I, or those under my supervision, will design and cause to be constructed the improvements required in accord with the city of Vilonia Control of Development and Subdivision of Land Regulations.

Signed \_\_\_\_\_  
Registered Engineer  
No. \_\_\_\_\_, Arkansas

**Certificate of Preliminary Plat Approval**

All requirements of the city of Vilonia Control of Development and Subdivision of Land Regulations relative to the preparation and submittal of a Preliminary Plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said regulations. This certificate shall expire \_\_\_\_\_.

Date of execution \_\_\_\_\_ Signed \_\_\_\_\_  
Chairman, Vilonia Planning Commission

**4.6.2 Final Plats:**

**Certificate of Owner**

We, the undersigned, owners of the real estate shown and described herein do hereby certify that we have caused to be laid off, platted and subdivided, and do hereby lay off, plat and subdivide said real estate in accordance with the plat.

Date of execution \_\_\_\_\_ Signed \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_

Source of Title D.B. \_\_\_\_\_ page \_\_\_\_\_

**Certificate of Recording**

This document, number \_\_\_\_\_ filed for record, \_\_\_\_\_  
in Plat Book \_\_\_\_\_, page \_\_\_\_\_.

Signed \_\_\_\_\_  
Title \_\_\_\_\_

For Bill of Assurance see Deed Record Book \_\_\_\_\_ page \_\_\_\_\_

**Certificate of Surveying Accuracy**

I, \_\_\_\_\_, hereby certify that this plat correctly represents a survey and a plan made by me or under my supervision; that all monuments shown hereon actually exist and their location, size, type and material are correctly shown; and that all interior lot lines have been adjusted to "as built conditions" and are accurately described on the plat and identified on the ground in terms of length and direction of the property sides as required in accord with the city of Vilonia Control of Development and Subdivision of Land Regulations.

Signed \_\_\_\_\_  
Registered Land Surveyor  
No. \_\_\_\_\_, Arkansas

**Certificate of Engineering Accuracy**

I, \_\_\_\_\_, hereby certify that this plat correctly represents a plan made by me, and that the engineering requirements of the city of Vilonia Control of Development and Subdivision of Land Regulations have been followed.

Signed \_\_\_\_\_  
Registered Engineer  
No. \_\_\_\_\_, Arkansas

**Certificate of Final Plat Approval**

Pursuant to the city of Vilonia Control of Development and Subdivision of Land Regulations, and all of the conditions of approval having been completed, this document is hereby accepted. This certificate is hereby executed under the authority of said regulations.

Date of Execution\_\_\_\_\_

Signed\_\_\_\_\_

Chairman, Vilonia Planning Commission

(Ord. No. 2012-3, Sec. 4.)

15.04.05 General principles

**5.1 Suitability of the land** Land subject to flooding, improper drainage, and erosion, and land deemed to be topographically unsuitable for residential use shall not be platted for residential occupancy, nor shall such land be platted for other uses as may continue such conditions or increase danger to health, safety, life or property unless approved steps are taken to diminish the above mentioned hazards. Such land within a proposed subdivision not suitable to the development of the subdivision shall be set aside for uses as approved by the Planning Commission.

**5.2 Access** Every subdivision shall be served by an adequate publicly dedicated street or streets.

**5.3 Conformance to the Vilonia Master Street Plan**

- A. All proposed subdivisions shall conform to the Master Street Plan in effect at the time of submission to the Planning Commission.
- B. All highways, streets and other features of the Master Street Plan which fall on the subdivision proposal shall be platted by the subdivider in the location and to the dimension indicated by the Master Street Plan.
- C. Where a development adjoins and gains access from a substandard existing street, right-of-way and street improvements will be required in accordance with the Master Street Plan, Section VII, and Section 6 of these regulations.
- D. Where community or public facilities, existing or proposed, are located in whole or in part in a proposed subdivision, the Planning Commission shall require the reservation of the area necessary to accommodate such facilities. The public board or body having jurisdiction or financial responsibility for acquisition of said reserved facility or facilities shall, within four (4) months following recording of

the Final Plat, execute a written option to acquire by purchase or file suit for condemnation of said area reserved for such facility or facilities. Provided further, however, said option to acquire must be exercised and fully consummated within twelve (12) months following date of the recording of said Final Plat.

**5.4 Zoning or other regulations** No Final Plat of land within the force and effect of the Vilonia Zoning Ordinance shall be approved unless it conforms to such ordinance if applicable. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building code, or other official regulations or ordinances the most restrictive shall apply.

**5.5 Street and subdivision names** The subdivider may, at subdivider's discretion, submit names for all proposed streets for the approval of the Planning Commission. However, the Planning Commission shall have the final authority to determine the street names and subdivision names and to require changes in any proposed names. The purpose is to avoid duplications and to support the Faulkner County Emergency Services Program. Street names shall conform to the following guidelines:

- A. Any proposed street that is co-linear with or an extension of an existing street shall have the same name and suffix of the existing street.
- B. Each street shall have a unique and different name. Streets with the same name but different suffixes are not considered to have unique and different names; therefore, different suffixed do not constitute unique and different names.
- C. Street names, not including suffixes and cardinal direction prefixes, shall not exceed fourteen (14) characters in length, including spaces.
- D. Any street with a center median shall be assigned the suffix "Boulevard" or "Parkway."
- E. A "north-south" street shall be assigned the suffix "Avenue," "Drive," or "Lane."
- F. An "east-west" street shall be assigned the suffix "Street," "Place," or "Terrace."
- G. A cul-de-sac shall be assigned the suffix "court."
- H. A street which is diagonal or which has more than one cardinal direction shall be assigned the suffix "Road," "Way," or "Pike."
- I. A circular, semi-circular, or loop street shall be assigned the suffix "Circle" or "Loop."

**5.6 Large tracts or parcels** When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.

**5.7 Large scale developments** A large scale development including the construction of two (2) or more buildings/primary structures together with the necessary drives and ways of access which is not subdivided into customary lots, blocks, and streets, may be approved by the Planning Commission if, in the opinion of the Planning Commission, a departure from these rules and regulations can be made consistent with the intent of these rules and regulations. Plans for all such developments shall be submitted to and approved by the Planning Commission whether or not such plat is to be recorded and no building permits shall be issued until such approval has been given. Recreation facilities such as ball field, parks, and golf courses are included although two primary structures may not exist. Land-lease subdivisions can be considered a large scale development.

### **5.8 Variances**

- A. Variances from these provisions set forth in these rules and regulations shall be authorized by the Planning Commission in specific cases when, in its opinion, undue hardships may result from strict compliance. Any determination shall be based fundamentally on the fact that unusual topographical and other exceptional conditions require such variance that will not adversely affect the general public or nullify the intent of these regulations.
- B. Application of any of the aforementioned variances shall be filed in writing with necessary supporting documents to the Planning Commission by the subdivider simultaneously with the Preliminary Plat or Development Plan and shall explain the reasons and facts supporting the application. (Ord. No. 2012-3, Sec. 5.)

#### 15.04.06 Design requirements

### **6.1 General guidelines**

- A. Streets shall be related appropriately to the topography so as to produce usable lots and streets of reasonable gradient. Street grades and alignment shall conform reasonably to the original topography. In steep areas, through streets should generally follow contour lines rather than cross them. Combinations of steep grades and curves shall be avoided. Sudden and frequent changes of grade along arterials shall be avoided. Sharp horizontal curvature should be avoided if possible at or near the high point of a crest vertical curve or near the low point of a pronounced sag vertical curve.



- B. The proposed street layout should be appropriate for the type of development proposed and properly integrated with the street system in the area adjoining the subdivision. The layout shall also conform to the existing and proposed land uses and the most advantageous development pattern for the surrounding area. The development of a grid or modified grid network of streets is encouraged.
- C. Major traffic generators such as industries, shopping centers, schools, and residential developments with a density in excess of six (6) dwelling units per gross acre may obtain driveway access to a system of street internal to the development. These types of uses shall obtain primary access from streets classified as collectors or higher functional classifications.
- D. The layout of streets and the design of lots for residential development with a density of six (6) or less dwelling units per gross acre shall provide for driveway access to Class VI, Local streets. The provision of driveway access to Class V, collector streets shall be discouraged. Direct driveway access to Class IV, minor arterial and higher functional classification of streets shall not be permitted. The developer in the subdivision process may apply to the Planning Commission for a waiver to this driveway access regulation. The application for waiver must be justified to the Planning Commission as a “no reasonable alternative” situation based on physical characteristics of the property proposed for subdivision development.
- E. Residential streets shall be laid out to encourage connectivity with adjacent properties, facilitate internal circulation, permit efficient drainage and utility systems, and provide the length of street necessary for the convenient and safe access to property.
- F. Proposed through street shall be extended to the boundary lines of the tract to be subdivided if necessary to achieve Master Street Plan conformity or to prevent landlocked property.
- G. The minimum number of entrances for a residential subdivision shall be one entrance for every fifty (50) lots or fraction thereof. For a residential land-lease subdivision, the minimum number of entrances shall be one entrance for every fifty (50) sites or fraction thereof.

## **6.2 Right-of-way/paving width**

- A. Every subdivision shall be served by an adequate system of publicly dedicated streets or their private counterparts as specified herein. All public streets within the subdivision shall be located, platted, dedicated, and accepted by either the city

or the county in accordance with the Vilonia Master Street Plan and the standards and procedures outlined within this document.

- B. The city may require right-of-way dedications of up to one hundred twenty (120) feet. Right-of-way dedications in excess of one hundred twenty (120) feet as shown on the Master Street Plan shall be reserved for acquisition subject to the following conditions: the public board, commission, or body having jurisdiction or financial responsibility for the acquisition of said right-of-way shall, within four (4) months following the approval of the Preliminary Plat, execute a written option to acquire by purchase or file suit for condemnation of said right-of-way, and said option to acquire must be exercised and fully consummated within twelve (12) months following the date of the approval of the Preliminary Plat.
- C. New boundary street shall be avoided except where a requirement of the Master Street Plan provides a defined alignment such as section and fractional section lines. In this event, the owner/developer of the proposed development or plat shall provide one-half (½) of the Master Street Plan specified improvements and right-of-way. Whenever a proposed subdivision abuts a partially dedicated or constructed public street, the developer shall provide the minimum of one-half (½) of the required improvements and right-of-way.
1. The Planning Commission may authorize a new boundary street when the subdivider proposes to dedicate the entire right-of-way and construct all required improvements.
  2. In no case shall a subdivider retain a parcel of land lying between a newly created boundary street and a former property line, the purpose of which would be to deny access by abutting owners.
- D. For purposes of determining the extent of required improvements on boundary streets, the right-of-way centerline shall be deemed to be the plat boundary. Where a clearly defined right-of-way does not exist, the city shall establish the centerline location by way of engineering services.
- E. **Dead-end streets and cul-de sacs**
1. Cul-de-sacs shall have a maximum length of four hundred (400) feet unless otherwise approved by the Planning Commission. Where a street does not extend to the boundary of a subdivision, and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall not normally be closer than fifty (50) feet to such boundary. No more than twelve (12) residential units shall be served by such a street.

2. Cul-de-sac turnarounds shall be provided at the end of all permanent dead-end streets. Cul-de-sac turnarounds for residential streets and minor residential streets shall have a minimum right-of-way diameter of one hundred (100) feet and a pavement width diameter of eight (80) feet, with an optional inside radius of twenty (20) feet to the back of the curb and forty (40) feet to the outside of the back of the curb.
3. In the case of temporary dead-end streets, which are stub streets designed to provide future connections with undeveloped adjacent areas, the Planning Commission may require a temporary turnaround of the type specified in (2) above.

F. **Street grades** Grades on streets shall not exceed the following standards:

1. Principal and minor arterials – 9%
2. Collector streets – 12%
3. Local streets – 15%
4. Narrow local streets – 16%
5. Cul-de-sacs – 16%  
Cul-de-sacs centerline slope surface on downhill grades shall not exceed seven percent (7%) within the last fifty (50) feet of the pavement. Cul-de-sac centerline slope surface on uphill grades shall not exceed twelve percent (12%) with the last fifty (50) feet of the pavement.
6. All horizontal curves on roadways with a classification of Class IV or higher shall have positive super elevation. Normal crowns may be used on horizontal curves on Class V or VI roadways.
7. In order to insure adequate drainage no street surface shall have a finished longitudinal or transverse grade of less than one-half of one percent ( $\frac{1}{2}$  of 1%).
8. Subject to the approval of the City Engineer, street grades may be increased above the maximum grades stated herein. Average (positive or negative) grade of the entire street segment shall not exceed the stated requirements.

G. **Minimum horizontal radius at centerline** The minimum centerline radii for horizontal curves shall be as follows:

Arterial streets	650 ft.
Collector streets	350 ft.
Local streets	225 ft.
Narrow local streets	125 ft.

- H. **Tangents** Between reverse curves a tangent of not less than three hundred twenty-five (325) feet for arterial streets and two hundred (200) feet for collector streets shall be required. However, if a normal crown is to be maintained through both curves, a tangent between reverse curves is not required. This requirement may be modified by the Planning Commission for residential streets where topography or other conditions makes such a modification desirable for maintaining a suitable layout.

I. **Intersection and alignment**

1. Street intersections shall be laid out as nearly at right angles as possible and may be curved to bring this about. The centerline of no more than two (2) streets shall intersect at any one point and no intersection shall be at an angle of less than seventy-five (75) degrees, unless the intersection is to be a round-about or similar facility.
2. The minimum curb radii at intersection shall be as follows:

Arterial – arterial intersections	40 ft.
Arterial – collector intersections	40 ft.
Arterial – local intersections	20 ft.
Collector – collector	30 ft.
Collector – local	15 ft.
Local – local	10 ft.
3. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided. Proposed new intersections along one side of an existing street shall, whenever practical, coincide with any existing intersections on the opposite side of the street.
4. Intersections shall be designed with grades as level as possible consistent with proper provision for drainage. In approaching intersections, the leveling area shall have a grade not exceeding five percent (5%) for a distance of not less than thirty (30) feet measured from the nearest curb or edge of the pavement.
5. Additional street paving and right-of-way in the form of turning lanes shall normally be required along arterial streets and intersections with other arterial or collector streets.

6. Property line corners at street intersections shall be rounded with a radius of at least twenty (20) feet.
  7. Where visibility at any proposed street intersection would be impeded by earthen berms or existing vegetation, the developer shall cut such ground and/or vegetation in conjunction with the grading of the street right-of-way sufficient to provide adequate site distance, as defined by the Design Standards of the city of Vilonia.
  8. Street intersections shall be located to avoid creating hazardous driving conditions.
- J. **New private street** Private streets for residential development may be approved by the Planning Commission provided that the design and general standards conform to those of public streets as specified in this regulation. Private streets are permissible in the form of cul-de-sacs and short loop streets, and only when it has been determined that these streets can be adequately served by all public service vehicles. Streets internal to development as per Section 6.1.3 may be private streets. Such streets will not be permitted where there is a possibility of through traffic or the eventual providing of connecting link to another public street. It shall be incumbent upon the applicant to demonstrate that the private streets will not unreasonably limit access to adjacent parcels, hinder logical traffic patterns, or otherwise be contrary to the public interest. The subdivider shall declare a method for the maintenance of private streets in the Bill of Assurance.
- K. **Private street, existing** Existing private streets shall be dealt with as follows for the purpose of dedication:
1. The City Council of the city of Vilonia, Arkansas, shall in every instance be the final authority in the city.
  2. Streets which had been previously fully maintained by the county for which no dedication is on record will become city streets upon annexation only if a formal dedication is made. Such dedications shall be reviewed by the Planning Commission and accepted by the City Council as prescribed by law. No improvements or construction shall be required, and these streets will be maintained at or above their physical condition upon annexation.
  3. Streets which were private in every respect shall remain private after annexation. Owners of properties abutting such streets may request

dedication by following the procedures outlined for submission of Preliminary Plats.

4. The Planning Commission shall determine whether a need exists for a public street when the owners require dedication of a particular street.
5. Citizens desiring to dedicate private streets shall assume all cost to include platting, engineering, and construction.
6. No private street shall be offered or reviewed for dedication where no structure abuts the right-of-way or where such action would circumvent the review process for new streets and/or subdivisions.
7. In those instances where a private road was created by land sales constituting a violation of these regulations, the property from which the road was derived shall be included in Preliminary Plat submissions and be subject to improvement requirements of this regulation.

### **6.3 Pavement structure**

- A. All pavement shall be built of concrete or asphalt pavement structure, and shall be designed and constructed in accordance with the parameters established in the Design Standards of the city of Vilonia.
- B. Any and all roadways will be considered to be completed unless deemed acceptable by an engineer responsible to the city. The subdivider shall replace, at subdivider's expense, any and all roadways, or portions thereof not deemed acceptable.

### **6.4 Utilities**

- A. Utilities shall not be located within the street itself.
- B. Water mains shall not be constructed within boulevards or utility easements where sewer or gas lines are located. No sewer or gas lines shall be constructed within the boulevards or utility easements where water mains are located.
- C. In order to prevent damage to utilities, permanent structures and trees shall not be located within boulevards reserved for utilities.
- D. Underground electrical and telecommunication utilities must be placed in conduit at roadway crossings.

## 6.5 Clear line of sight at intersections

- A. There exists two (2) lines of sight for every cross street approach. These lines begin at a point on the centerline of the cross street fifteen (15) feet behind the actual or theoretical stop bar, and the end at points on the centerline of the through street the following distance from the intersection point of the two (2) centerlines:
  - 1. If the through street is a narrow local street, the distance shall be 200 feet.
  - 2. If the through street is a local street, the distance shall be 250 feet.
  - 3. If the through street is a collector, the distance shall be 300 feet.
  - 4. If the through street is an arterial, the distance shall be the greater of 400 feet or a distance specified by the City Engineer.
- B. For three-legged intersections, the intercepted roadway shall be considered the cross street.
- C. For four-legged intersections of streets with different functional classifications, the street with the higher classification shall be considered the through street, and the lower classification street shall be considered the cross street.
- D. At four-legged intersections of streets with the same classification, both streets shall be considered the cross street (i.e., line of sight shall be established for all approaches).
- E. Obstructions shall not be placed within the lines of sight. These obstructions are enumerated as follows:
  - 1. Permanent or temporary structures, including retaining walls and brick mailboxes, and poles.
  - 2. Bushes in excess of thirty (30) inches in height.
  - 3. Limbs of trees within eight (8) feet of the ground.
  - 4. Signs, both permanent and temporary.
  - 5. Trees.
  - 6. Any other items as identified and specified by the City Engineer.

**6.6 Geometric design** The developer/subdivider shall provide certification by a registered engineer that street dimensions are substantially in compliance with the standards for geometric design for streets, and that no slope or gradient exceeds the maximum standards for slope and grade.

**6.7 Bridges** All bridges and culverts constructed within the Vilonia Planning Area shall be in accordance with Arkansas Highway and Transportation Department specifications, unless otherwise approved by the city.

### **6.8 Easements**

- A. **Utility easements** Utility easements for poles, wires, conduits, storm sewers, sanitary sewers, gas lines, water mains and lines, and similar purposes shall be provided where required by utility companies or the city. Such easements shall not be less than five (5) feet on either side of the rear lot lines and five (5) feet on either side of the side lot lines. The specific location of easements not uniform in width and parallel to lot lines must be shown by dimensions.
- B. No building or structure may be erected over or in an easement, including fences, unless otherwise approved by the Planning Commission.
- C. All vehicular access easements shall be clearly indicated on the plat and property dimensioned according to the requirements of this regulation.
- D. All utility easements along roadways shall adhere to the Master Street Plan requirements.

### **6.9 Alleys**

- A. Alleys are encouraged at the rear of commercial lots and shall be permitted in residential blocks.
- B. Alleys shall be constructed to Master Street Plan standards or specific requirements described in the following sections.

### **6.10 Lots**

- A. Every lot shall abut upon a public street, except where private streets are explicitly approved by the Planning Commission. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.



- B. Minimum lot dimensions shall conform to the requirements of the city of Vilonia Zoning Ordinance where applicable. Otherwise the following minimum lot dimensions shall prevail:

	<u>Width</u>	<u>Depth</u>
Single family detached residential	60 ft.	100 ft.
Manufactured home	60 ft.	100 ft.
Duplex	70 ft.	100 ft.
Apartment building (four (4) units or less)	80 ft.	100 ft.
Corner lot	75 ft.	100 ft.

1. **Townhouse lots** Submission of a plat creating lots for townhouse residences shall be accompanied by a generalized site plan showing the proposed location and dimensions of all buildings, accessory uses, and other improvements. Such lots shall be not less than thirty (30) feet in width by eighty (80) feet in depth, and with overall minimum size of 2,400 square feet. Platted building lines shall conform to building location shown in the generalized site plan.
  2. **Zero lot line residential lots** Submission of a plat creating a zero lot line development shall be accompanied by a generalized site plan showing the proposed locations and dimensions of all buildings, accessory uses and other improvements. Such lots shall be not less than fifty (50) feet wide by ninety (90) feet in depth and with a minimum overall size of 4,500 square feet. Platted building lines shall be shown on all sides of each lot. Platted building lines shall conform to building locations shown on the generalized site plan.
- C. No residential lot shall be more than three (3) times as deep as it is wide, nor shall any lot except lots designated for townhouse or zero lot line use average less than one hundred (100) feet in depth. Lot width shall be measured by the building line except in the case of lots abutting cul-de-sacs where the average width of the lot shall be used.
- D. The developer of any subdivision with any lots less than three (3) acres and proposed to be served by a septic tank system, must submit, at the time of Preliminary Plat filing, a written certification of approval by the Arkansas State Department of Health regarding the suitability for septic systems.
- E. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require double frontage and reversed frontage lots as a means of providing adequate protection of residential development and to afford

separate of land from through traffic. This requirement is to be imposed since driveway access to the arterial streets is restricted.

- F. Side lot lines shall be at right angles to street lines or radial to curving street lines unless a variation from this regulation will give a better street or lot plan.
- G. Corner lots shall have additional width to accommodate the required building line on both streets and to assure adequate visibility for traffic safety.
- H. Flag lots (pipe-stem lots) shall not be used in any subdivision.
- I. In residential subdivision where lots abut on arterial streets, such lots shall have an overall depth of not less than one hundred seventy-five (175) feet in order to ensure proper separation of residences from the adjacent thoroughfare.

#### **6.11 Platted building lines and buffers**

- A. Except along Class VI local streets, building lines for residential lots shall be at least twenty-five (25) feet from each street property line except in the following circumstances: residential lots fronting on a minor arterial street shall have a platted building line not less than thirty-five (35) feet from the right-of-way line; residential lots fronting on principal arterials shall have a platted building line not less than forty (40) feet from the right-of-way line.
- B. Side lot building setback lines shall be a minimum of ten percent (10%) of lot width or ten (10) feet whichever is less on each side.
- C. Along arterial streets where it is desirable to limit curb cut access, building lines shall be established on both frontages of double frontage lots. Along the line of lots abutting such a traffic artery, a restricted access easement of at least ten (10) feet, across which there shall be no right-of-vehicle access permitted, shall be provided.
- D. Multi-family (more than two units attached) subdivision abutting single family subdivision or areas zoned for single family use shall protect such area from potential nuisance by providing a minimum forty (40) foot buffer strip and a six (6) foot fence of treated wood or masonry, with metal posts permitted, extending along the entire abutting portion of the property.

In those instances where drives or parking areas are proposed for intrusion into the buffer strip, a minimum of fifteen (15) feet shall be retained in its natural

state. If ground cover and trees are sparse or have been removed, the fifteen (15) foot strip shall be replanted with cover of the type natural to the area. No building, outside storage areas or sanitation equipment shall be permitted within the fifteen (15) foot area.

In those instances where a twenty-five (25) foot permanent landscaped rear yard is provided, the buffer may be reduced to twenty-five (25) feet. In this arrangement no structural or physical improvements are allowed within the twenty-five (25) feet buffer. The six (6) foot fence requirement will apply.

## **6.12 Blocks**

- A. The lengths, widths and shapes of blocks shall be determined with due regard for the following considerations: the provision of adequate building sites suitable for the type of use contemplated, zoning requirements as to lot sizes and dimensions, need for convenient traffic access and circulation, and the limitations and opportunities of topography. (See Section 6.10.2 for lot size information)
- B. Blocks along collector streets in residential subdivision shall not exceed fifteen hundred (1,500) feet in length. Blocks along local and narrow local streets shall not exceed nine hundred (900) feet in length. Wherever practicable, blocks along major and minor arterial streets shall be not less than one thousand (1,000) feet in length.
- C. Blocks may be irregular in shape, provided they are harmonious with the overall pattern of blocks in the proposed subdivisions, and provided their design meets the requirements of lot standards, traffic flow and control considerations, and development plan requirements.
- D. Blocks as a minimum shall have sufficient depth to provide for two (2) tiers of lots unless a different arrangement is required in the form of a single tier of lots of maximum depth for blocks adjacent to arterial streets, waterways, or greenways.
- E. In blocks of nine hundred (900) feet or more in length, the dedication of a public sidewalk for pedestrian travel between streets may be required. Such sidewalks shall have a minimum right-of-way width of ten (10) feet and a pavement width of four (4) feet and extend entirely across such block at approximately the mid-point of the length of the block. Internalized circulation systems in the form of pedestrian and bicycle paths may be substituted in lieu of sidewalks upon the approval of the Planning Commission.

### **6.13 Sidewalks**

- A. Sidewalks shall be constructed on both sides of Class III through Class VI streets, and shall be installed within the dedicated right-of-way adjacent to the property line, except where otherwise specified in this section and except where the land is topographically unsuited for the construction of sidewalks. On Class VI street, sidewalks shall be a minimum of four (4) feet wide; on commercial Class VI streets as well as Class III through Class V, sidewalks shall be a minimum of five (5) feet wide.
- B. An internalized pedestrian circulation system in the form of paved pathways may be substituted for sidewalks along streets upon the request of the applicant and the approval of the Planning Commission.
- C. The developers shall not have the option of locating sidewalks adjacent to the curb. A boulevard shall exist between sidewalks and curbs.
- D. Sidewalks are not required to be constructed at the same grade of the curb of the street nor are they required to be constructed in a straight line if such straight line construction would damage trees.
- E. Sidewalks shall be constructed to accommodate handicapped individuals and shall transition to sloped ramps at street intersections to accommodate wheelchairs.

### **6.14 Storm drainage**

- A. Every subdivision shall make adequate provision to accommodate or dispose of storm water by means of drains, sewers, catch basins, culverts, and other facilities deemed necessary by the city.
- B. Facilities for storm drainage shall be designed and constructed so as to eliminate increases in the rate of storm runoff onto adjoining property over that which existed prior to development.
- C. Facilities for storm drainage shall be of adequate capacity and designed to accommodate not less than a one in ten (10) years rainfall. Provisions shall be made for storm water emergency overflow in subdivision having enclosed storm systems. This system is an above ground system consisting of swales or other drainage mechanisms with the capacity to carry excess water not carried by the underground system. This system shall have the capacity of a storm of one hundred (100) year return frequency.

- D. When required by the Planning Commission, the hydraulic analysis of the proposed storm water management system shall be submitted to the city for approval. A storm water management system may include, but is not limited to, drop inlet, storm sewers, curb cuts, swales, wetlands, and dry and wet ponds.
- E. Where a subdivision is traversed by a water course, channel, or stream, a storm water easement or a drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of the watercourse as it enters and leaves the property and shall be of sufficient width and construction to provide adequate storm water drainage and access for maintenance thereof, but not less than twenty-five (25) feet in width. No buildings shall be built within this right-of-way.
- F. All drainage structures shall be of a sufficient length to accommodate the full width of the street and both sidewalks.
- G. All bridges shall include sidewalks, either on the principal structure or on supplements structures.
- H. Storm water may not be diverted from one watershed to another within the plat boundaries.
- I. In order to protect the public interest, floodways in every subdivision shall be kept free of incompatible urban development. Floodways, as defined by the current Flood Hazard Boundary Maps or as modified by detailed engineering analysis accepted by the corps of engineers and the city, shall be either designated on the plat as drainage easements or at the option of the landowner, dedicated to the public.

#### **6.15 Telecommunication towers**

- A. Telecommunication towers include but are not limited television, radio, microwave, cellular, and personal communications services (PCS) towers.
- B. These developments are considered either large scale developments or land-lease subdivision that must be platted or shown in a development plan.
- C. These towers shall be located on the site or parcel so that the distance from the tower base to the site or parcel line is a minimum of one hundred ten percent (110%) of tower height.

- D. Such sites shall contain security fencing and anti-climbing devices on the towers. The minimum height of the fence shall be eight (8) feet, and a gate which locks shall be installed.
- E. Such developments that abut residential subdivisions or areas zoned for residential use shall protect these areas from potential nuisance by providing a minimum forty (40) foot buffer strip. The buffer strip shall contain landscaping that includes trees that screen the site from the residential areas.
- F. Towers must meet FCC, FAA, and NEPA requirements prior to approval. Documentation of such required. (Ord. No. 2012-3, Sec. 6.)

#### 15.04.07 Commercial/officer subdivisions

**7.1 General** In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel, and block pattern of all proposed commercial/office subdivision are adapted to the uses anticipated, and that the prospective physical impact on adjacent areas has been taken into account. Land-lease subdivisions for commercial/office uses must adhere to these requirements. The following general principles and standards shall be observed:

- A. Commercial/office subdivisions abutting residential subdivision or areas zoned for residential use shall protect such areas from potential nuisance by providing a minimum forty (40) foot buffer strips and a six (6) foot fence.

In those instances where drives or parking are proposed for intrusion into the buffer strip, a minimum of fifteen (15) feet shall be retained in its natural state. If ground cover or trees are sparse or have been removed, the fifteen (15) foot strip shall be replanted with cover of the type natural to the area. No building, outside storage, or sanitation equipment shall be permitted within the fifteen (15) foot area.

The fence shall be of treated wood, or masonry with metal posts permitted; the fence shall extend along the entire property line common to single family use.

- B. The Planning Commission shall require the subdivider to file a proposed subdivision phasing plan providing for continuity of development and individual phases of reasonable proportions. Single lot final plat and plats which create discontinuity within the development may be prohibited by the Planning Commission.

- C. For commercial/office subdivision not greater than twenty (20) acres in size, all boundary street improvements shall be completed in conjunction with the initial phase of the staging plan.

**7.2 Boundary streets** Boundary streets abutting a proposed commercial/office subdivision shall be developed in accordance with the Master Street Plan. Where an internalized system of public streets or private service easements is proposed for commercial/office, the following design standards shall be observed.

<u>Street type</u>	<u>Min. R.O.W.</u>	<u>Min. width paving width</u>
Commercial	60 ft.	36 ft.
Minor commercial street (a cul-de-sac not more than 200 foot long)	50 ft.	27 ft.
Alley (when required)	20 ft.	17 ft.

**7.3 Vertical and horizontal alignment** Vertical and horizontal alignment shall conform to collector street standards as outlined in the Master Street Plan.

**7.4 Lots** The depth and width for lots shall conform to the applicable zoning district. Otherwise the following dimensions will be used: The minimum depth and width for lots located within the planning area shall be one hundred (100) feet of frontage by one hundred fifty (150) feet of depth. In all instances, no commercial/office lot shall have a depth exceeding three (3) times the width. Flag lots (pipe-stem lots) are expressly prohibited in office/commercial subdivisions.

**7.5 Blocks** In the interest of efficient traffic circulation, and to ensure a suitable relationship between the street system and the proposed commercial use, blocks in commercial/office subdivisions shall generally be not less than six hundred (600) feet or more than one thousand (1,000) feet in length.

**7.6 Platted building line** Building lines for lots shall conform to the applicable zoning district. Otherwise, building lines for lots located within the planning area shall comply with the following: front yard building lines for commercial lots shall be at least forty-five (45) feet from the street right-of-way.

In all instances where a landscaped green area is substituted for parking and vehicular movement area between the building line and the street right-of-way, a twenty-five (25) foot front yard setback may be approved by the Planning Commission. Approval of the twenty-five (25) foot commercial building line shall be permitted on all lots fronting on streets as defined in this ordinance and shall be contingent upon submission of both a site plan dimensioning the landscaping and a Bill of Assurance prohibiting use of the yard area for parking. Such landscaped areas may be traversed by not more than two (2) driveways providing access to the sides and rear of the lot.

**7.7 Internal circulation** Where any commercial/office subdivision has in excess of three hundred (200) feet of frontage on an arterial street, special provisions for internal circulation shall be required to ensure proper ingress and egress. Alternative design solutions which may be required by the Planning Commission, depending upon the circumstances unique to each situation, include provisions of public commercial streets, service easements, curb cuts, or some combination thereof.

- A. **Public commercial streets** Public commercial streets shall be provided according to the provisions of 7.2 above.
- B. **Service easements** Where a commercial/office subdivision requires the creation of an internalized circulation system to provide access to multiple lots and building sites, the Planning Commission may, at its option, authorize the use of a service easement in lieu of public commercial streets. Location of private service easements shall be indicated on the plat and be built to public street dimensions, except where, in the opinion of the Planning Commission, a reduced pavement width is deemed sufficient to ensure safe and convenient access to lots and otherwise fully complies in all respects with the purpose and intent of this regulation. Design of service easements shall be subject to the review and approval of the city.
- C. **Ingress and egress of commercial lots on major thoroughfares** Due to the nature of the use proposed and to the high volume of traffic generated by commercial/office subdivisions, special conditions applicable to control of ingress and egress shall be required. Curb cuts for commercial/office subdivision on arterial streets shall be located at least three hundred (300) feet apart and no closer than one hundred (100) feet to the right-of-way of any intersecting street. This requirement may be met by incorporating marginal access streets, double frontage lots, common drives, cul-de-sacs in the subdivision, or by limiting direct access to arterial streets. The extent and placement of curb cuts on principal arterials minor arterials, and commercial street shall be subject to the approval of the city of Vilonia. All out parcels shall gain access from internal driveways or internal streets and shall not have direct access to arterials.

**7.8 Curb cut design** Combined ingress, egress points with vehicular movement areas separated by landscaped safety islands shall be considered an acceptable method of meeting the purpose and intent of this regulation. Such ingress, egress points shall be subject to approval of the city.

**7.9 Fire hydrants** The maximum distance of any fire hydrant to a primary structure in a commercial/office subdivision shall be three hundred fifty (350) feet. (Ord. No. 2012-3, Sec. 7.)



### 15.04.08 Industrial subdivisions

**8.1 General** In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel, and block pattern of all proposed for industrial subdivisions are specifically adapted to the uses anticipated, and that the prospective physical impact on adjacent areas can be mitigated and has been taken into account. Land-lease subdivisions for industrial uses shall follow these requirements. The following general principles and standards shall be observed:

- A. The Planning Commission may at its option impose special requirements with respect to public utilities, streets, gutters, and sidewalk design and construction to ensure compliance with the purpose and intent of these regulations.
- B. Industrial subdivision abutting residential subdivisions or areas zoned for residential use shall protect such areas from potential nuisance by providing a minimum fifty (50) foot buffer strip and a fence not less than six (6) feet in height made of wood or masonry, with metal posts and which extends along the entire property line common to a residential zoning district or existing area. Where possible, existing plant materials within the buffer strip shall be maintained. If not possible, suitable landscaping including trees, ground cover and other plant material natural to the area shall be provided. No building, outside storage, or parking areas shall be constructed in the buffer area. The six (6) foot fence shall be of treated wood or masonry, with metal posts permitted, and shall extend along the entire property line abutting the residential areas as specified above.
- C. In order to preclude the possibility of through traffic, industrial streets as defined in the ordinance shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

**8.2 Street design** In general, industrial subdivision shall conform to requirements of the Master Street Plan. The following street design standards shall be required for industrial subdivisions.

<u>Street type</u>	<u>Min. R.O.W.</u>	<u>Min. width paving width</u>
Alley (when required)	20 ft.	17 ft.
Industrial streets	60 ft.	36 ft.
Minor arterial	80 ft.	48 ft.
Major arterial	100 ft. or as required by the Master Street Plan	As required by the Master Street Plan
Cul-de-sac	130 ft.	100 ft.
Turnaround	Diameter	Diameter

- A. **Street grades** The maximum allowable grade shall be nine percent (9%) on all streets within the subdivision or on a boundary street of a subdivision where there are lots having access from the boundary street.
- B. **Intersections** The property line radius at street or alley intersections shall be a minimum of fifty (50) feet and if the angle of street or alley intersections is less than ninety degrees (90°), the Planning Commission may require a greater radius.
- C. **Curb line** Street or alley intersections shall have at least a fifty (50) foot radius. Where the angle of street or alley intersections is less than ninety degrees (90°), the Planning Commission may require both a greater radius, and intersection design sufficient to accommodate turning movements of WB-50 vehicles.

**8.3 Blocks and lots** In general proposed industrial sites shall be suitable in area and dimension for the type of industrial development anticipated in the planning area. The depth and width for lots within plats located inside the city limits shall conform to the applicable zoning district.

**8.4 Building lines and lot coverage** Building lines for plats shall conform to the applicable zoning district. Otherwise, building lines for plats within the planning jurisdiction shall conform to the following: Building lines and setback lines shall be a minimum of fifty (50) feet from all industrial street right-of-way lines and a minimum of seventy (70) feet from all arterial street right-of-way lines. A minimum of thirty (30) feet of setback shall be provided on all other property lines, unless the industrial subdivision borders a residential use.

On half (½) of any adjacent permanent open space or easement retained by the grantor for utility or other purposes or dedicated to the public shall be allowed as part of the required setback except that in no case shall the total separation between buildings on adjacent tracts or lots be less than sixty (60) feet.

**8.5 Provision of open drainage** The following improvements and requirements are alternatives in lieu of curb and gutter and underground drainage.

- A. Pavement width for narrow streets shall be a minimum of twenty-eight (28) feet with twelve (12) foot shoulders. These shoulders shall be designed to meet at least seventy-five percent (75%) of the design requirements for the pavement. A double surface treatment may be used for these shoulders.
- B. Open drainage ditches will be permitted in street rights-of-way or easements, provided they meet the following requirements:

1. The side slopes shall commence a minimum of twelve (12) feet of subgrade from the edge of the paved driving surface to permit the twelve (12) foot shoulders.
2. Both the fore and back slopes of an earthen ditch shall have a maximum slope of 3:1. For ditches lined with concrete, grouted riprap, or equivalent, the maximum back slope may be increased to 1:1 or as approved by the city.
3. The maximum high water ditch elevation for designed capacity shall be a minimum of six (6) inches below the bottom of the base of the shoulder.
4. Right-of-way width shall be a minimum of ten (10) feet beyond the top of the back slope requirements.
5. Right-of-way width shall be a minimum of ten (10) feet beyond the top of the back slope requirements.
6. Concrete head walls, grouted riprap and/or flume type structures shall be required for all underground facilities.
7. Bills of Assurance will require the various property owners within the subdivision to mow and maintain the right-of-way and/or drainage easements adjacent to the property held by the owner(s) upon proper notice. If the property owner does not comply with the notice, the area may be mowed by the city, and the property owner billed as per the procedure on vacant lots within the city.
8. All required drainage ditches shall be designed for appropriate erosion control (such as sodding, ditch checks, riprap, ditch paving, or other accepted engineering practices).
9. In case of open drainage within the street right-of-way the following shall be the setback line from the centerline of the right-of-way

Industrial street	70 feet
Minor or principal arterial	120 feet
Cul-de-sac	70 feet
Cul-de-sac turnarounds	105 feet

When street right-of-way requirements as set forth above are greater than normal requirements, the building line shall be a minimum of twenty (20) feet from the right-of-way line.

**8.6 Multiple building sites** Large-scale development involving the construction of two (2) or more buildings or primary structures together with the necessary drives and access ways which is not subdivided into customary lots, blocks, and streets shall be subject to the provisions of this regulation. These provisions shall also be deemed to include single principal structures proposed for addition to an existing multiple building site development. Development plans for all such developments shall be submitted to and approved by the Planning Commission, even though the site may be a lot of record, and no building permit shall be issued until such approval has been given. Such development plan shall be prepared to scale in sufficient detail and with dimensions to show the location of driveways, curb cuts, service easements, building locations, sidewalks, parking areas, and landscaping.

**8.7 Fire hydrants** The maximum distance of any fire hydrant to a primary structure in the subdivision shall be three hundred fifty (350) feet. (Ord. No. 2012-3, Sec. 8.)

#### 15.04.09 Required improvements

**9.1 Required public improvements** In all subdivision (including multiple building sites and land-lease subdivisions and developments), the subdivider shall be required to install, at his own expense, or to have installed by the appropriate public utility, certain specified improvements. No streets, drainage, or utility construction work, or clearing, shall begin until development plans or Preliminary Plats have been reviewed and approved by the Planning Commission.

**9.2 Streets** All streets shall be constructed in accordance with applicable city of Vilonia standards and specifications as provided in the Master Street Plan of the city of Vilonia, this document, and other such standards and specifications adopted by the City Council.

**9.3 Curbs and gutters** Curbs and gutters shall be installed, where required, on all streets in accordance with applicable standards and specifications as adopted by the City Council and/or the Arkansas State Highway Department, whichever is applicable.

**9.4 Water supply** All subdivisions shall be provided with water supply and distribution systems approved by the city and meeting the requirements of the State Health Department. Where a public water supply is within a reasonable distance of the subdivision and the subdivider shall install or have installed a system of water mains and connect to such. A connection to each lot shall be installed prior to the paving of the street unless otherwise approved by the city.

### **9.5 Sanitary sewage disposal**

- A. All subdivisions shall be provided with a sewage collection and treatment system approved by the city and/or Health Department. Where a public sanitary sewer is within a reasonable distance of any point of a subdivision, within the city, the subdivider shall connect with such sewer and provided a connection to each lot. Such sanitary sewage system shall be installed prior to the installation of the street pavement. The sewage collection system shall be designed to handle the anticipated flow of sewage from within the subdividson, including development of future sections of the same subdivisions and adjacent areas within the same drainage basin. Recognized engineering design criteria in accordance with the Health Department shall be used to design the system.
- B. For residential lots or development tracts not served by a public or community sanitary sewerage system whose disposal is approved by the Arkansas Department of Pollution Control and Ecology, the subdivider shall submit documentation with submission of the Preliminary Plat or Development Plan that the Health Department or its delegated authority, will approve septic tank installations or other individual wastewater disposal methods for service to the subdivision proposed to be platted or to the tract or lot proposed for development.
- C. The subdivider shall either install the improvements referred to herein, or whenever a septic tank and absorption system or private water supply is to be provided, require as a condition in the Bill of Assurance of the subdivision, that those facilities shall be installed by the builders of the improvements of the lots in accordance with these rules and regulations.

**9.6 Storm drainage** Every subdivision shall be served by storm drainage facilities including drains, sewers, catch basins, swales, ponds, culverts, and other facilities designed and constructed to accommodate surface runoff originating within the subdivision or flowing across it. Said improvements shall be installed in accordance with Section 6.14 of this document and with regulations adopted by the City Council.

**9.7 Sidewalks** Construction plans shall show the location of all sidewalks. Installation shall be in accordance with these plans, but shall be the responsibility of the builder. No building permit shall be issued for any lot where a required sidewalk is shown unless the site development plan indicates the required sidewalks, and no certificate of occupancy shall be issued for any property until the sidewalk is constructed.

### 9.8 Street lighting

- A. All street lighting shall utilize poles and fixtures approved by the city. Street lighting plans shall be prepared by Entergy with the cooperation of the developer. All street lighting plans shall be approved by the city before any installation begins. Where underground service is proposed, the developer shall provide electrical service to all points proposed for future fixtures.
- B. For subdivisions and developments within the city's corporate boundaries, the developer or subdivider shall inform the city by letter of the pending development or subdivision and ask that street lighting plans be prepared. The city will then request Entergy to prepare the plans for the installation.

**9.9 Other utilities** Other utilities to be installed in a subdivision or development including water, sewer, electricity, gas and telephone shall be located within public rights-of-way or utility easements. If stubs to the property lines are not installed, then connections between lots and utility lines shall be made, if possible, without breaking into the wearing surface of the street. When street cuts are necessary, such cuts shall be in accordance with the city's engineering specifications. A permit for same shall be obtained from the city.

### 9.10 Monuments

- A. Permanent reference monuments shall be set on all outside lines of the subdivision at angle points and points of curb or as required by the city. Such monuments shall be of steel, one (1) inch in diameter, and twenty-four (24) inches in length, or another approved monument. Top of monuments shall have an indented cross or metal pin to identify properly the location, the point and shall be set flush with the ground.
- B. All lot corners shall be marked with metal pins not less than one-half ( $\frac{1}{2}$ ) inch in diameter and fifteen (15) inches long and driven so as to be flush with the finished grade. Permanent control points shall be placed in the centerlines of streets, at ends of curves, points at intersections of streets, and points where the street crosses the boundary line at the subdivision. These control points shall be established after paving has been completed. Where lots are adjacent to streets or other obstructions, offset pins shall be set and shown on the official plat. Offset distances to true corners shall be noted on the plat. Monuments or metal pins shall be indicated on all plats. Removal of monuments or metal pins by anyone other than a registered land surveyor is prohibited.

**9.11 Fire protection** Fire hydrants shall be spaced no more than nine hundred (900) feet apart, or as deemed necessary by the Fire Chief responsible for the fire protection district where the property is located. In multi-family residential subdivisions, hydrant placement shall be

based on the density and value of the property as determined by the appropriate Fire Chief. When streets and alleys are closed by a petitioner, he shall, at his own expense, install necessary fire hydrants to maintain the required fire hydrant coverage. No trees shall be planted or located within ten (10) feet of a fire hydrant.

**9.12 Street name signs** Street name signs shall be placed at intersections by the city or an agent approved by the city at the developer's or subdivider's expense. Street signs shall meet standards and specifications of the city. Private road signs must indicate the street name plus "PVT." (Ord. No. 2012-3, Sec. 9.)

**9.13 Fences** Fence item-fences are to be constructed of approved material such as masonry (brick, stone, etc.), wood, iron (decorative fencing only, metal (chain link), PVC (fencing material only), or a combination thereof. Barbed wire or other materials which may inflict pain or injury are not allowed in residential zones. Fences must be maintained in good repair. (Ord. No. 2017-3, Sec. 1.)

#### 15.04.10 Assurance for completion of improvements

**10.1 Completion assurance** The Planning Commission will accept the subdivision and issue the Certificate of Final Plat Approval subject to the assurance of installation of improvements. One of the following methods shall be used by the subdivider to guarantee that improvements required by these regulations can or will be installed in accordance with approved plans and specifications.

- A. **Certificate of Completion of Improvements** The subdivider may submit for approval to the Planning Commission a certificate stating that all improvements and installations to the subdivision required for its approval under the terms of these rules and regulations have been made, added, or installed and in accordance with these specifications.
- B. **Performance bond** If the subdivider cannot certify that all improvements and installations in the subdivisions have been completed, a performance bond shall be posted in favor of the city of Vilonia. Such performance bond shall specify the time of the completion of the improvements and installation and shall be in an amount determined by the city to be sufficient to complete the improvements and installations for the subdivider in compliance with these rules and regulations. The bond shall be issued by a surety company authorized to do business in the state of Arkansas.
- C. **Case deposit** The subdivider may provide a cash deposit in full amount as specified by the city as sufficient to complete the improvements and installations required to comply with these rules and regulations. Such cash deposit may be withdrawn in direct proportion to the amount of work completed as approved by the city.
- D. **Tri-party agreement** The subdivider may enter into a tri-party agreement with the city and project lender requiring that:

1. The funds for the required improvements will be set aside and held separate from the balance of the development financing.
2. The funds set aside will be dispersed only for the required public improvements and for no other purpose, and
3. The funds will be dispersed in direct payment for completion of the improvements if the applicant becomes in default under the contract for improvements.

E. **Irrevocable letter of credit** The subdivider/developer is permitted to provide an irrevocable letter of credit to the city of Vilonia pursuant to the following conditions:

1. The letter of credit will be for an amount equal to the total estimated cost of the improvements as agreed upon by the subdivider's engineer of record and the City Engineer, and the agreed upon amount shall be approved by the City Council.
2. The letter of credit will be irrevocable in accordance with A.C.A. 4-5-101 et seq. (1987) as amended and will list the city of Vilonia as the beneficiary of the irrevocable letter of credit.
3. The letter of credit will be in a form approved by the city's Attorney. In the event the subdivider is in default, the city shall be entitled to payment upon making demand for payment under the terms of the credit; further, the city shall be entitled to use all of the monies secured by the letter of credit to assure the cost of completion of the work in the subdivision as determined by the engineer representing the city of Vilonia.
4. The subdividers will not be entitled to any excess funds until the work in the subdivision has been completed.
5. The terms of the letter of credit shall be limited to the time estimate offered by the subdivider's engineer of record and agreed upon by the City Engineer. During the estimated time, periodic status reports shall be made to the City Engineer by the subdivider's engineer of record.
6. Time extensions may be granted. In those instances where sufficient cause is established by the subdivider which may justify an extension of time, the subdivider may formally apply for an extension which shall only be granted by the Planning Commission. An application for an extension of time must be made by the subdivider prior to default.



**10.2 Maintenance bond** Where a performance bond has been posted to ensure completion of the improvements a separate maintenance bond need not be provided. In such circumstances, the subdivider may extend the performance bond to cover the one year period of the maintenance bond. Where the subdivider has chosen the option of a cash deposit, certificate of completion of improvements, or tri-party agreement, however, the maintenance bond must be posted for a one year period. (Ord. No. 2012-3, Sec. 10.)

15.04.11 Inspection of improvements

**11.1** All projects shall be constructed according to the approved plans and specifications of a registered engineer. When the improvements required by these rules and regulations have been completed and installed, the registered engineer shall submit a letter to the city certifying improvements and installations have been made in accordance with approved construction plans, specifications, drawings and standards established by the city or the county and are functioning properly. Additional inspections shall be made in accordance with other applicable ordinances.

**11.2** The city shall then inspect or cause to be inspected those facilities, improvements and installations for conformance with plans and specifications. If such final inspection reveals that there are any defects or deficiencies in such improvements as installed, or that the improvements differ from the final engineering plans and specifications, the city shall notify the subdivision engineer and contractor in writing of such defects, deficiencies, or deviations. The subdivider shall at his expense correct such defects or deviations within six (6) months of the date of notification. When such defects, deficiencies or deviations have been corrected, the subdivider shall notify the city in writing that the improvements are again ready for final inspection. (Ord. No. 2012-3, Sec. 11.)

15.04.12 Maintenance bond

**12.1** Subdividers/developers shall furnish a maintenance bond to the city covering any defects in materials and workmanship for the required improvements installed by the developer that are under the jurisdiction of the city in the amount of fifty percent (50%) of the total cost of those improvements. The bond(s) shall be in full force and effect for not less than one (1) year from the date of a letter from the city certifying that all improvements have been accepted by the city, and further stating that any and all defects in materials and workmanship shall be corrected by the contractor by the end of the bond period. Work performed under the terms of the maintenance bond shall be approved by the city.

**12.2** All other public utilities installed in a development shall be subject to the administrative review and bonding procedures as set out by the respective public utilities and shall not be subject to the provisions of this section of these regulations. (Ord. No. 2012-3, Sec. 12.)

#### 15.04.13 Acceptance of public facilities, dedications, and recordation

**13.1 Acceptance and dedication** All public dedications of streets and public facility sites must be accepted by the City Council or the County Judge following execution of satisfactory guarantees for completion as described in this section of the regulation. This acceptance shall be accomplished in conjunction with Final Plat approval. Approval of Final Plats within the Vilonia city limits by the Planning Commission and filing of the Plat of Record with the Circuit Clerk and Recorder of Faulkner County shall not constitute formal acceptance by the city of all approved public improvements covered by the Plat. Those improvements not completed as of the date of approval of the Final Plat shall be accepted as public facilities when the city certifies that the construction has been approved, maintenance bonds furnished, and the plat filed of record.

**13.2 Recorded with the Circuit Clerk** The Final Plat can be recorded only after the plat has received a Certification of Final Approval for the city of Vilonia Planning Commission. Submittal for recordation to the Circuit Clerk shall be the subdivider's responsibility. The subdivider shall provide the city with copies of the recorded plat to be retained in city files. Final Plats shall be duly recorded within two (2) years of Final Plat approval by the Planning Commission or the plat shall be declared null and void.

**13.3 Notification of recordation** No building permits may be issued until proof of the recording by the subdivider of said approved Final Plat has been presented to the city giving plat book and page number or instrument number. (Ord. No. 2012-3, Sec. 13.)

#### 15.04.14 Enforcement

**14.1** No plat of any tract of land within the planning area jurisdiction of the city of Vilonia shall be accepted by the County Recorder for filing of record until the plat has been approved by the Planning Commission.

**14.2** It shall be the duty of the Planning Commission to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.

**14.3** No building permit shall be issued for construction of any building or primary structure located on a lot or plat subdivided or sold in violation of the provision of these regulations, nor shall any building permit be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) is less than four (4), for the final four (4) lots of a subdivision until all required public improvements have been completed.

**14.4** Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these regulations; to prevent unlawful construction; to recover damages; to restrain, correct, or abate a violation; or to prevent illegal occupancy of a building, primary structure, or premises.

**14.5** A violation of this ordinance shall be deemed a misdemeanor and shall be punishable by a fine. Any person, firm, or corporation who violates or refuses to comply with any provisions of this ordinance shall be fined not less than Twenty Dollars (\$20.00), nor more than One Hundred Dollars (\$100.00) for each offense. Each day that a violation continues to exist shall constitute a separate offense. (Ord. No. 2012-3, Sec. 14.)