2021

Municipal Code

A CODE OF THE GENERAL ORDINANCES OF THE CITY OF GENTRY, ARKANSAS

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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 and Initiative 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 "Gentry 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 Gentry, 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 Gentry, Arkansas.

COUNTY. The words **"the county"** or **"this county"** shall mean the county of Benton, 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 Gentry, 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 Gentry, 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 Gentry, 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 Gentry, 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 Gentry 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 Gentry 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 Gentry, 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 Gentry, 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 One Thousand Dollars ($1,000.00) or double that sum for each repetition of such offense or violation and if the act is continuous, not more than Five Hundred Dollars ($500.00) 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 AND INITIATIVE PETITIONS

Sections:

1.36.01 Referendum Petitions
1.36.02 Initiative Petitions

1.36.01 Referendum Petitions

A. All referendum petitions under Amendment No. 7 to the Constitution of the State of Arkansas must be filed with the Clerk/Treasurer within thirty (30) days after passage of any such ordinance.

B. Whenever a referendum petition is filed, the City Council shall give notice by publication for one insertion of a time not less than five (5) days after the publication of the notice at which it shall hear all persons who wish to be heard on the question of whether the petition is signed by the requisite number of petitioners. At the time named, the City 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 Benton County, Arkansas, within thirty (30) days to review its action.

C. If the City Council finds that the petition is signed by the requisite number of petitioners, it shall order a special election to determine by a vote of the qualified electors whether the ordinance shall stand or be revoked. The date for such election shall be not less than ten (10) days after the order therefore has been made by the Council, and such election shall be had and conducted as a general municipal election held in the city.

D. If an ordinance referred to the people is defeated at the polls, the City Council shall make note of the fact and shall expunge the ordinance from its files by marking through such as defeated with red ink. (Ord. No. 99-472, Sec. 1.)

1.36.02 Initiative Petitions

A. All initiative petitions under Amendment No. 7 to the Constitution of the State of Arkansas must be filed with the Clerk/Treasurer at least sixty (60) days before an annual general election in the city.

B. Whenever an initiative petition is filed, the City Council shall give notice by publication for one insertion of a time not less than five (5) days after the publication of the notice at which it shall hear all persons who wish to be heard on the question of whether the petition is signed by the requisite number of petitioners. At the time named, the City 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 Chancery Court of Benton County, Arkansas, within thirty (30) days to review its action.

C. If the City Council finds that the petition is signed by the requisite number of petitioners, it shall order the petition placed on the ballot at the next general election of the city.

D. An initiated measure placed on the ballot shall be declared adopted by the people of the city if a majority of the people voting in the election shall vote in favor of the initiated measure. All elections on an initiated measure shall be had and conducted as a general municipal election held in the city and the results of the election shall be declared in the same manner. (Ord. No. 99-472, Sec. 1.)

TITLE 2: CLASSIFICATION, ADMINISTRATION AND PERSONNEL

Chapters:

2.04 City Classification
2.08 Ward Boundaries
2.12 Social Security Coverage
2.16 City Council
2.18 Office of Mayor
2.20 Clerk/Treasurer
2.24 Code Enforcement Officer
2.28 City Attorney
2.32 Volunteer Fire Department
2.36 Police Department
2.40 District Court
2.44 Personnel Policies
2.48 Administrative Fees

CHAPTER 2.04 CITY CLASSIFICATION

2.04.01 City classification

2.04.01 City Classification

The City of Gentry, Arkansas, is hereby declared to be a city of the first class under Arkansas law, with all rights of a city of the first class attaching thereto. (Ord. No. 373, Sec. 1.)

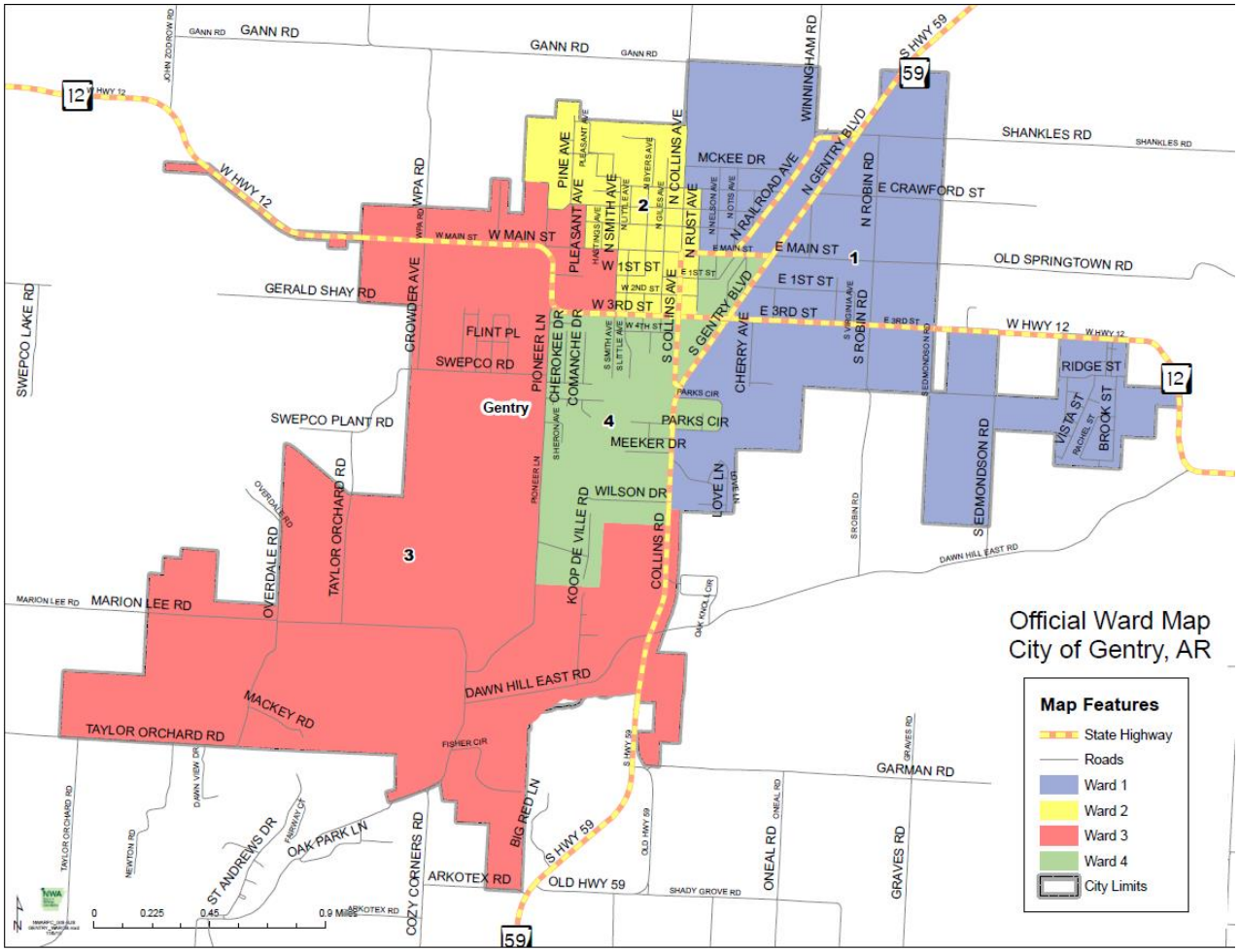
CHAPTER 2.08 WARD BOUNDARIES

Sections:

2.08.01 Divisions

2.08.01 Divisions

* See ward map



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
2.12.04 Waterworks and Sewer Commission

2.12.01 Contract

The Mayor and Clerk/Treasurer of the City of Gentry, Arkansas, are hereby authorized and directed to enter into an agreement with the State of Arkansas for the purpose of obtaining insurance coverage for all the non-uniformed employees of the City of Gentry, Arkansas, under the terms and provisions of the Federal Social Security Act. (Ord. No. 101, Sec. 1.)

2.12.02 Withholding Taxes from Wages

Commencing January 1, 1954, 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. 101, Sec. 2.)

2.12.03 City to match withholding

Commencing January 1, 1954, there is hereby appropriated from the general fund of the City of Gentry, 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. 101, Sec. 3.)

2.12.04 Waterworks and Sewer Commission

This ordinance will also cover the employees of the Gentry Waterworks and Sewer Commission. (Ord. No. 101, Sec. 5.)

CHAPTER 2.16 CITY COUNCIL

Sections:

2.16.01 Regular meetings
2.16.02 Special meetings
2.16.03 Order of business
2.16.04 Remote participation in council meetings during emergencies

2.16.01 Regular Meetings

All regular meetings of the Council shall be held at the municipal building on the first Monday of each month at 6:30 p.m. (Ord. No. 95-437, Sec. 1.)

2.16.02 Special Meetings

Special meetings of the Council may be held upon the call of the Mayor, whenever in his opinion it shall be necessary, or upon request of three members of the City Council by giving at least two (2) hours' notice of such special meeting by giving notice by phone or in writing which written notice shall be served personally or through the mail to all members of the City Council, which notice shall state the time of the meeting and the purpose thereof. (Ord. No. 340, Sec. 1.)

2.16.03 Order of Business

The usual order of business from time to time will follow the format set forth below:

A. Meeting called to order
   1. Invocation
   2. Roll call
   3. Review of minutes

B. Community comments
   1. Sr. Activities Center
   2. Main Street Gentry Chamber of Commerce

C. Unfinished business

D. New business

E. Committee reports and recommendations*
   1. Personnel
   2. Street & Alley
   3. Wastewater and Water Utilities
   4. Parks & Recreation/Cemetery
   5. Finance
   6. Fire
   7. Police
   8. Safety
   9. Library & Sr. Center
   10. Economic Development
   11. Planning Commission

   *Committee reports will be listed only for the committee(s) that met

F. Announcements
   1. Planning & Zoning Commission meeting

      a. City Sales & Use
         (1) General Fund
         (2) Street/ Alley
         (3) Library O&M

      b. County Sales & Use
         (Ord. No. 2011-673, Sec. 1.)

The order of business may be modified at specific meetings from time to time by the affirmative vote of a majority of the Council. (Ord. No. 11-673, Sec. 2.)

2.16.04 Remote participation in council meetings during emergencies

A. During times of emergency, as declared by the Governor of the State of Arkansas, the Benton County Judge, or the Mayor of Gentry, one or more members of the Gentry City Council and/or the Mayor (or the presiding officer in the absence of the Mayor) who desire to participate remotely (collectively, the "remote participants") may participate in City Council meetings via telephone, video, or other live connection, so long as reasonable provision is made for the public to hear the remote participants and so long as any participation in the meeting by the public can be heard by all councilmembers.

B. Remote participants shall be deemed to be present at the meeting for all purposes, including for determining a quorum and voting, and shall have the same right to participate in any matter, including any executive session, as if physically present.

C. Even when no emergency declaration by the Governor, the County Judge, or the Mayor is in effect, remote participation is permitted so long as at least 60% of all of the Council

members are physically present at the meeting. (Ord. No. 21-849)

D. Absent extenuating circumstances, remote participants shall notify the Mayor of their election to participate remotely no later than the Thursday before a regularly scheduled council meeting, and as soon as reasonably possible before any special council meeting. Reasonable efforts shall be made to make available to any remote participant the agenda and all pertinent materials that are to be discussed and/or acted upon.

E. If the Mayor of Gentry declares the emergency that triggers the application of these remote participation rules, the City Council may, by majority vote at the next meeting of the Council, decline to permit remote participation as contemplated herein. (Ord. No. 20-823)

CHAPTER 2.18 MAYOR

Sections:

2.18.01 Office of the Mayor
2.18.02 Mayor's Salary

2.18.01 Office of the Mayor

Effective January 1, 2023, the office of Mayor of the City of Gentry is designated a full-time position, with duties as prescribed by state law and as set forth by ordinance of the City Council. (Ord. No. 21-853)

2.18.02 Mayor's Salary

A. The salary for the office of Mayor shall be within the following range:

Base Annual Salary: $55,000.00
Maximum Annual Salary: $75,000.00

B. Upon the election or appointment of an individual to the office of Mayor, the Council shall determine an appropriate initial salary within the range prescribed above based on the qualifications and experience of the individual elected or appointed.

C. The initial salary set by the Council may be increased during the term for which the individual is elected or appointed, but it may not be decreased within said term except in accordance with the provisions of Arkansas law. (Ord. No. 21-875)

CHAPTER 2.20 CLERK/TREASURER

Sections:

2.20.01 Office of Director of Finance
2.20.02 Duties
2.20.03 Position
2.20.04 Office of City Clerk/Treasurer
2.20.05 Authority for adoption
2.20.06 Retirement

2.20.01 Office of Director of Finance

Effective June 2, 2014, the office of Director of Finance for the City of Gentry shall be created with the person performing those duties serving as a hired city employee. (Ord. No. 14-713, Sec. 1.)

2.20.02 Duties

The Director of Finance shall have primary responsibility for performing all statutory and common law duties of the City Clerk, except as specifically reserved for the City Clerk as hereinafter set forth. The Director of Finance is also designated as city representative to submit a monthly financial report to the Council. (Ord. No. 14-713, Sec. 2.)

2.20.03 Position

The position of Director of Finance shall be that of a non-uniformed city employee, reporting to the Mayor or the Mayor's designee from time to time and subject to the personnel policies of the City of Gentry as revised from time to time. The City of Gentry may promulgate a listing of duties or some of the duties to be performed by the Director of Finance from time to time, however in all cases such duties shall include duties related to responsibility for the city's finances, bank accounts, bookkeeping records and other functions. The salary for the Director of Finance shall be established in like manner with that of other non-uniformed city employees, and shall be a full time position. (Ord. No. 14-713, Sec. 3.)

2.20.04 Office of City Clerk/Treasurer

Effective June 2, 2014, the duties of the City Clerk shall be combined with those of City Treasurer. In general, the combined duties of these positions shall be limited to attending all regular and special Council meetings and acting as City Clerk for such meetings; preparing and finalizing minutes of such meetings; attending all regular and special Planning Commission and Board of Adjustment meetings and acting as City Clerk for such meetings; and preparing and finalizing the minutes therefore. The combined position of City Clerk/Treasurer shall be an elected position, with an annual salary.(Ord. No. 14-713, Sec. 4.)

2.20.05 Authority for Adoption

This ordinance is being adopted pursuant to the authority of the Home Rule Law, Act 266 of 1971, as amended (A.C.A. 14-43-601, et seq.), as interpreted by the Arkansas Supreme Court in the case of Besharse v. City of Blytheville, 254 Ark. 382, 493 S.W. 2d 708 (1973). (Ord. No. 14-713, Sec. 5.)

2.20.06 Retirement

The duly elected City Clerk shall be entitled to retirement benefits as City Clerk in accordance with the provisions of A.C.A. 24-12-121(a)(1). (Ord. No. 14-713, Sec. 6.)

CHAPTER 2.24 CODE ENFORCEMENT OFFICER

Sections:

2.24.01 Creation
2.24.02 Responsibilities and duties
2.24.03 Authority

2.24.01 Creation

There is hereby created and established the position of Code Enforcement Officer, a non-uniformed position, having various responsibilities as established and directed by the Mayor and/or Chief of Police from time to time. (Ord. No. 01-494, Sec. 1.)

2.24.02 Responsibilities and Duties

The Code Enforcement Officer shall enforce various city ordinances including but not limited to:

A. Animal control;

B. Matters related to health and sanitation, including but not limited to unsightly or unsanitary conditions within the city. (Ord. No. 01-494, Sec. 2.)

2.24.03 Authority

A. In connection with the performance of the code enforcement duties set forth herein, the Code Enforcement Officer is duly authorized to issue citations for the violation of municipal codes, ordinances and regulations imposed by the city.

B. While the Code Enforcement Officer has the authority to issue such citations, his or her authority is not exclusive and shall in no way limit or restrict the authority of other city employees to issue citations or otherwise perform their respective duties and obligations. (Ord. No. 01-494, Sec. 3.)

CHAPTER 2.28 CITY ATTORNEY

Sections:

2.28.01 Retirement
2.28.02 Compensation

2.28.01 Retirement

The City Attorney is hereby made eligible for retirement benefits based upon his monthly salary upon serving ten (10) years as City Attorney, upon reaching age sixty (60), or who shall serve as City Attorney for a period of not less than twenty (20) years, without regard to age. (Ord. No. 03-525, Sec. 1.)

2.28.02 Compensation

A. The City Attorney shall receive an annual salary of for services performed in connection with prosecution of city criminal cases in Benton County West District Court (exclusive of any

appellate work, for which additional compensation will be paid at the City Attorney's hourly rate), all effective January 1, 2013.

B. The City Attorney will be compensated for other legal services performed for the city at the rate of $125.00 per hour, effective January 1, 2013.

C. The City Council may increase such salary and/or hourly rate from time to time by ordinance or resolution. By this ordinance, the Council ratifies such salary as it has been established by resolution and paid from time to time prior to January 1, 2013. (Ord. No. 13-696, Secs. 1-3.)

CHAPTER 2.32 VOLUNTEER FIRE DEPARTMENT

Sections:

2.32.01 City property owners
2.32.02 Outside city
2.32.03 Charge per run
2.32.04 Reciprocal fire runs
2.32.05 Collection
2.32.06 Key boxes on commercial property

2.32.01 City property owners

No fire charges for city residences inside the city limits of the City of Gentry.

2.32.02 Outside city

No fire charge will be applicable for those property owners who are current on their annual fire dues at the time of such call. (Ord. No. 2006-582, Sec. 1.)

For other fire calls outside the City of Gentry, the following schedule of charges is established for non-members within the Gentry Fire District:

A. $100.00 per hour for each emergency vehicle utilized in such fire call;
B. $20.00 per hour for each fireman responding to such fire call; and (Ord. No. 18-780)
C. The actual replacement or repair cost for supplies, material, foam or other items used in responding to such call or for repairs to equipment damaged in response to such call. (Ord. No. 18-780, Sec. 2.)

2.32.03 Charge per run

The maximum charge per run for each property owner will be Five Thousand Dollars ($5,000.00), except that a claim for services in responding to a fire involving only personal property of a non-member shall not exceed Three Hundred Dollars ($300.00), A.C.A. 23-88-102. (Ord. No. 06-582, Sec. 3.)

2.32.04 Reciprocal fire runs

The charge assessed herein will not be applicable to reciprocal fire runs accorded to other fire districts or other entities. (Ord. No. 06-582, Sec. 4.)

2.32.05 Collection

The charges assessed herein shall be collected in accordance with Arkansas law, including but not limited to insurance reimbursement and/or lien enforcement, A.C.A. 20-22-901, et seq. (Ord. No. 06-582, Sec. 5.)

2.32.06 Key boxes on commercial property

A. Approved key boxes, (presently those manufactured by Knox Company) shall be installed in an accessible location with respect to all newly constructed commercial buildings in the City of Gentry. Such box shall be accessible by the Gentry Fire Department and shall contain keys for building access as required by fire officials.
B. All commercial buildings within the City of Gentry shall install approved key boxes on or before May 1, 2011. (Ord. No. 06-587, Secs. 1-3.)

CHAPTER 2.36 POLICE DEPARTMENT

Sections:

2.36.01 Established
2.36.02 Police Chief
2.36.03 Powers
2.36.04 Police officers
2.36.05 Gentry Drug Control Fund
2.36.06 Fees

2.36.01 Established

There is hereby created and established a Police Department headed by a Police Chief of the City of Gentry, Arkansas. (Ord. No. 310, Sec. 1.)

2.36.02 Police Chief

Said position of Police Chief shall be filled by a person appointed by the Mayor unless the City Council shall, by two thirds (2/3) majority of the total membership of the Council, vote to override the Mayor's action. (Ord. No. 310, Sec. 2.)

2.36.03 Powers

The Police Chief shall execute all process directed to him by the Mayor. It shall be his duty to suppress all riots, disturbances, and breaches of peace. To that end he may call upon the citizens to assist him to apprehend all persons in the act of committing any offense against the laws of the state or the ordinances of the city, and he shall bring them immediately before the proper authority for examination or trial. He shall have the power to pursue or arrest any person fleeing from justice in any part of the state and to receive and execute any proper authority for arrest and detention of criminals fleeing or escaping from any other place or state. (Ord. No. 310, Sec. 3.)

2.36.04 Police officers

It shall be the duty of the police officers to suppress all riots, disturbances, and breaches of the peace; pursue and arrest any person fleeing from justice in any part of the state; apprehend any and all persons in the act of committing any offenses against the laws of the state or the

ordinances of the city and forthwith bring the persons before the proper authority for trial or examination; and diligently and faithfully enforce at all times all such laws, ordinances, and regulations for the preservation of good order and the public welfare as the City Council may ordain. (Ord. No. 310, Sec. 4.)

2.36.05 Gentry Drug Control Fund

There is hereby established a special fund to be known as the Gentry Drug Control Fund.

A. The Gentry Drug Control Fund is a fund on the books of the Gentry Police Department authorized, created, and administered pursuant to Ark. Code Ann. § 5-64-505(i)(2).

B. The purpose of the Gentry Drug Control Fund is to fund law enforcement and prosecutorial activities aimed at curbing drug trafficking.

C. Additions to the Gentry Drug Control Fund may come from any source not prohibited by City Ordinance or state or federal law, such as court-ordered contributions by defendants in criminal cases; court-ordered forfeitures in criminal cases; donations from private sources; and any federal, state, or City funds available for such operations.

D. In administering the Gentry Drug Control Fund, the Police Department shall implement and follow accounting guidelines promulgated by the Legislative Audit Committee for the State of Arkansas.

E. The Chief of the Gentry Police Department shall be responsible for submitting to the Arkansas Drug Director on or before January 1 and July 1 of each year a report detailing any moneys received and expenditure made from the drug control fund during the preceding six-month period. (Ord. No. 21-840)

2.36.06 Fees

A. For every Benton County West District Court warrant served by a City of Gentry police officer on behalf of the City of Gentry, there is hereby imposed a warrant fee in the sum of Fifty Dollars ($50.00) per warrant. (Ord. No. 96-426, Sec. 1.)

B. For every bail or delivery bond taken and entered, the Gentry Police Department is hereby authorized to charge and collect a Ten Dollar ($10.00) fee. (Ord. No. 98-460, Sec. 1.)

CHAPTER 2.40 DISTRICT COURT

Sections:

2.40.01 Established
2.40.02 Installment payment of fines
2.40.03 Effective
2.40.04 Collection of fines

2.40.01 Established

The City Council of the City of Gentry, Arkansas, does hereby petition the Quorum Court of Benton County, Arkansas, to establish a District Court in Gentry, Arkansas. (Ord. No. 248, Sec. 1.)

2.40.02 Installment payment of fines

Pursuant to A.C.A. 16-10-209, all installment payments made by criminal defendants to the Benton County West District Court which are attributable to charges initiated by the City of Gentry, Arkansas, shall be allocated as follows:

A. All installment payments are initially deemed collections of restitution;
B. After restitution is fully collected, all installment payments shall be allocated fifty percent (50%) to court costs and fifty percent (50%) to fines; and
C. Whenever either court costs or fines are fully paid, all remaining installment payments shall be allocated to remaining amounts due. (Ord. No. 13-699, Sec. 1.)

2.40.03 Effective

The allocation of installment payments described above shall commence on or after the effective date of this ordinance. (Ord. No. 13-699, Sec. 2.)

2.40.04 Collection of fines

The District Court Clerk of Benton County District Court West is hereby designated as the person primarily responsible for the collection of fines assessed in District Court for the City of Gentry, Arkansas. (Ord. No. 13-709, Sec. 1.)

CHAPTER 2.44 PERSONNEL POLICIES

Sections:

2.44.01 Record retention policies

2.44.01 Record retention policies

A. General policies for maintenance of records

1. No records should be destroyed prior to their production pursuant to a *Freedom of Information Request.*

2. Accounting records

Accounting records are basically divided into the following groups:

a. Support documents

Support documents consist primarily of cancelled checks, invoices and bank statements. These records shall be maintained for a period of at least three (3) years and in no event shall be disposed of prior to being audited for the period in question.

b. Permanent records

Permanent records consist of journals, ledgers, subsidiary ledgers and fixed asset and equipment detail records. These records shall be maintained for a period of not less than seven (7) years, after which period the records may be destroyed after an audit has been made of the records. However, the following records shall be permanently maintained and never destroyed:

Ordinances
City Council minutes
Resolutions
Annual financial audits
Year-end financial statements.

3. Police Department records

1. Permanent records

Records related to crimes of violence (as defined by A.C.A. 5-32-203); closed city files for felony and Class A misdemeanor offenses, together with expungement orders shall be permanently maintained.

2. Other records

Accident reports; incident reports, offense reports; fine and bond records; parking meter records; radio logs and complaint cards; and employment records; payroll sheets, time cards and leave requests shall be maintained for three (3) years.

B. Destruction procedure

When documents are destroyed, destruction shall be documented in the following manner:

1. An affidavit is to be prepared stating which documents are being destroyed and to which period of time they apply, indicating the method of destruction (the "Destruction Affidavit").

2. The Destruction Affidavit is to be signed by the city employee performing the destruction and by one (1) Council member.

3. Prior to any documents being destroyed, the City Council shall by affirmative vote, approve such destruction, with both the vote of approval and the Destruction Affidavit being reflected in the minutes of the Council meeting at which such destruction was approved. (Ord. No. 08-628, Secs. 1-2.)

CHAPTER 2.48 ADMINISTRATIVE FEES

Sections:

2.48.01 City Hall
2.48.02 Gentry Library

2.48.01 City Hall

The following fees shall apply for the use of City facilities:

A. Copies - $0.25 per page.
B. Faxes - $1.00 per page.
C. Recording documents with Benton County Circuit Clerk – Recording fee charged by the County plus $10 handling fee per recorded document. (Ord. No. 21-862)

2.48.02 Gentry Library

The following fees shall apply for use of Library facilities:

A. Black and white copies – first 10 pages free; $0.25 for each additional page
B. Color copies - $0.25 per page
C. Overdue items - $0.05 per day, up to a maximum of $2.00
D. Lost/Damaged items - Replacement cost
E. Use of the Community Room - $50 cleaning deposit and $10 per hour
F. Use of the Activities Center - $50 cleaning deposit and $10 per hour. (Ord. No. 21-862)

TITLE 3: FISCAL AFFAIRS

Chapters:

3.04 Purchases
3.08 Council members Conducting Business with City
3.12 Single Transaction
3.16 Record Maintenance
3.20 Depository Board
3.24 Sales and Use Tax

CHAPTER 3.04 PURCHASES

Sections:

3.04.01 Purchases
3.04.02 Over $2,000.00
3.04.03 Competitive bidding process

3.04.01 Purchases

A. When Competitive Bidding Not Required

The City Council may purchase those goods and services listed in A.C.A. § 14-58-104 without soliciting bids. *A.C.A. § 14-58-104.*

B. Mayor's purchasing authority

The Mayor or the Mayor's duly authorized representative shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials and other things requisite for public purposes in and for the City of Gentry and to make all necessary contracts for work or labor to be done or material or other necessary things to be furnished for the benefit of the city, provided that no such purchase shall be in an amount exceeding the sum of $35,000 and further provided that such purchase has been previously approved by the City Council as an item or category of expense as set forth in the city's approved annual budget. *A.C.A. § 14-58-303.*

C. Purchases by reverse internet auction

The City Council is further authorized to make purchases of items other than purchases and contracts for construction projects and materials by participation in a reverse internet auction on the following conditions:

1. Bidder shall be provided instructions and individually secured passwords for access to the reverse internet auction by either City of Gentry or by the reverse internet auction vendor;

2. The bidding process shall be timed, and the time shall be part of the reverse internet auction specifications;

3. The reverse internet auction shall be held at a specific date and time;

4. The reverse internet auction and bidding process shall be interactive with each bidder able to make multiple bids during the allotted time;

5. Each bidder shall be continually signaled his or her relative position in the bidding process;

6. Bidders shall remain anonymous and shall not have access to other bidders or bids; and

7. The governing body shall have access to real-time data, including all bids and bid amounts.

8. The governing body is authorized to pay a reasonable fee to the reverse internet auction vendor.

9. The fee may be included as part of the bids received during the reverse internet auction and paid by the winning bidder or paid separately by the governing body.

10. The City Council retains the right to:

    a. Refuse all bids made during the reverse internet auction; and

    b. Begin the reverse internet auction process anew if the governing body determines it is in the best interest of the city.

11. For purposes of this section:

    Reverse internet auction means an internet-based process in which bidders:

    a. Are given specifications for items and services being sought for purchase by a municipality; and

    b. Bid against one another in order to lower the price of the item or service to the lowest possible level; and

    Reverse internet auction vendor means an internet-based entity that hosts a reverse internet auction.

D. Purchases for an amount in excess of $35,000

Except as provided under A.C.A. 14-58-104 where the amount of expenditure for any purpose or contract exceeds the sum of Thirty-Five Thousand Dollars ($35,000.), the Mayor or the Mayor's authorized representative shall invite competitive bidding on the purpose or contract by legal advertisement in any local newspaper.

1. Bids received pursuant to the advertisement shall be opened and read on the date set for receiving the bids in the presence of the Mayor or the Mayor's authorized representative.

2. The Mayor or the Mayor's authorized representative has exclusive power to award the bid to the lowest responsible bidder, and may reject any and all bids received.

3. The City Council by resolution may waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical or as provided under A.C.A. 14-58-104. (Ord. No. 13-695, Sec. 1.)

4. The City may accept bids in written or electronic form. *A.C.A. § 14-58-303.* (Ord. No. 21-852)

3.04.02 Sales without competitive bidding of items worth less than $20,000

The mayor or the mayor's duly authorized representative may sell or exchange any municipal personal property without competitive bidding if such personal property has a value of less than $20,000. No personal property shall be sold without receiving competitive bids therefor if the value thereof exceeds the sum of $20,000; provided, however, if the mayor shall certify in writing to the governing body that, in his opinion, the fair market value of such item or lot, to be disposed of in one unit, is less than $20,000, the item or lot may be sold without competitive bidding. *A.C.A. § 14-54-302*.(Ord. No. 228, 4; Ord. No. 00-486; Ord. No. 21-852)

State law reference- Authority of mayor regarding sale or exchange of city supplies, material or equipment, A.C.A 14-58-306. (Ord. No 21-852)

CHAPTER 3.08 COUNCILMEMBER CONDUCTING BUSINESS WITH CITY

Sections:

3.08.01 Permission
3.08.02 City ordinance

3.08.01 Permission

The members of the City Council of the City of Gentry, Arkansas, are hereby specifically permitted to conduct business with the City of Gentry, both individually and as owners or employees of any business or corporations in which they have an interest, directly or indirectly. (Ord. No. 285, Sec. 1.)

3.08.02 City ordinance

The Council members shall have the authority to conduct business with the city in amounts and under such circumstances not prohibited by city ordinance or state law. (Ord. No. 285, Sec. 2.)

CHAPTER 3.12 SINGLE TRANSACTION

Sections:

3.12.01 Definition of single transaction

3.12.01 Definition of single transaction

For purposes of this ordinance and Ord. No. 239, the term "single transaction" shall be 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 or mobile homes, are sold by a seller, each individual unit, whether part of a "fleet" sale or not, shall be deemed a single transaction.

B. The charges for utility services, which are subject to the city-wide Sales and Use Tax, and which are furnished on a continuous service basis, whether paid daily, weekly, monthly or annually, shall be computed in monthly increments, and each such monthly charge increment shall be considered to be a single transaction.

C. For sales of building materials and supplies to contractors, builders or other persons, a single transaction shall be deemed to be any single sale made on a single day 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 deemed a single transaction.

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 on a single day 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. 240, Sec. 2.)

CHAPTER 3.16 RECORD MAINTENANCE

Sections:

3.16.01 General policies
3.16.02 Destruction procedure

3.16.01 General policies

A. No records should be destroyed prior to their production pursuant to a Freedom of Information request.

B. Accounting records are basically divided into the following groups:

1. Support documents

   Support documents consist primarily of cancelled checks, invoices and bank statements. These records shall be maintained for a period of at least three (3) years and in no event shall be disposed of prior to being audited for the period in question.

2. Permanent records

   Permanent records consist of journals, ledgers, subsidiary ledgers and fixed asset and equipment detail records. These records shall be maintained for a period of not less than seven (7) years, after which period the records may be destroyed after an audit has been made of the records. However, the following records shall be permanently maintained and never destroyed:

   a. Ordinances;
   b. City Council minutes;
   c. Resolutions;

d. Annual financial audits; and
e. Year-end financial statements.

C. Police Department records

1. Permanent records

Records related to crimes of violence (as defined by A.C.A. 5-32-203; closed city files for felony and Class A misdemeanor offenses, together with expungement orders shall be permanently maintained.

2. Other records

Accident reports; incident reports; offense reports; fine and bond records; parking meter records; radio logs and complaint cards; and employment records, payroll sheets, time cards and leave requests shall be maintained for three (3) years. (Ord. No. 08-628, Sec. 1.)

3.16.02 Destruction procedure

When documents are destroyed, destruction shall be documented in the following manner:

A. An affidavit is to be prepared stating which documents are being destroyed and to which period of time they apply, indicating the method of destruction (the "Destruction Affidavit").

B. The Destruction Affidavit is to be signed by the city employee performing the destruction and by one (1) Councilmember.

C. Prior to any documents being destroyed, the City Council shall be affirmative vote, approve such destruction, with both the vote of approval and the Destruction Affidavit being reflected in the minutes of the Council meeting at which such destruction was approved. (Ord. No. 08-628, Sec. 2.)

CHAPTER 3.20 DEPOSITORY BOARD

Sections:

3.20.01 Established
3.20.02 Quorum

3.20.01 Established

The City of Gentry hereby establishes a Depository Board to consist of the Mayor, Clerk and the Councilmember Chair of the city's Finance Committee. Said Board is empowered with the authority to designate depositories and to supervise the depositing of municipal funds. (Ord. No. 12-693, Sec. 1.)

3.20.02 Quorum

This ordinance is adopted pursuant to the authority of A.C.A. 19-9-106 (Supp. 2011). A majority of the Board members shall be necessary to conduct business and to constitute a quorum. (Ord. No. 12-693, Sec. 2.)

TITLE 4: BUSINESS LICENSES AND REGULATIONS

Chapters:

4.04 Electric Franchise
4.08 Gas Franchise
4.12 Telephone Franchise
4.16 Cable TV Franchise
4.20 Occupational Licenses

CHAPTER 4.04 ELECTRIC FRANCHISE

Sections:

4.04.01 Contract
4.04.02 Terms
4.04.03 Street lighting
4.04.04 Facilities Usage Charge
4.04.05 Rates
4.04.06 Street lamp change
4.04.07 Other municipal areas
4.04.08 Franchise fee
4.04.09 Discounts
4.04.10 City is held harmless
4.04.11 Maintaining facilities
4.04.12 Sole use of the City
4.04.13 Rate changes
4.04.14 Binding
4.04.15 Copies

4.04.01 Contract

The said City of Gentry, Arkansas is hereby authorized and does contract with the Empire District Electric Company, a corporation, its successors or assigns for electric service and equipment to light the City's street, alleys and public ways, and electric service for light and power for the City's parks, other properties and public places. (Ord. No. 96-428, Sec. 1.)

4.04.02 Terms

The City and the Company mutually agree that this ordinance will constitute a contract and that all of its terms, conditions and provisions for payment shall be in effect for a period of one (1) year from the date of execution hereof as provided in Article 15, and shall be automatically extended for a further period of one (1) year from each successive expiration date unless one party shall notify the other in writing not less than sixty (60) days prior to any such expiration date of its desire to terminate this agreement; and further providing that this contract shall not be

effective for a total period exceeding ten (10) years, and further provided that the terms of 4.04.05 are not limited by the terms of 4.04.02. (Ord. No. 96-428, Sec. 2.)

4.04.03 Street lighting

The Company agrees to furnish and the City agrees to use and pay for the street lighting service described in SPL Street Lighting data sheet, designated Exhibit A, attached hereto and made a part hereof, and for any and all additional street lighting service subsequently agreed upon under the terms of this contract or any amendment hereto, according to the rates and conditions set out in the Municipal Street Lighting Service Schedule SPL, attached hereto and made a part hereof. (Ord. No. 96-428, Sec. 3.)

4.04.04 Facilities Usage Charge

When by agreement with the City, the Company shall install, own, operate and maintain street lights charged for under Schedule SPL, or is required to provide special or excessive electric facilities to serve City-owned street lighting systems served under Schedule SPL, there shall be charged, in addition to the rates hereinbefore set out, a Facilities Usage Charge, payable as herein provided, as mutually agreed upon by the parties. (Ord. No. 96-428, Sec. 4.)

4.04.05 Rates

It is agreed that the Facilities Usage Charge shall be computed at the rate set forth in Municipal Street Lighting Service Schedule SPL as now or in the future approved by competent authority having jurisdiction. Said rate shall be applied to the investment in Company-owned street lights and special or excessive electric facilities to serve City-owned street lights utilized by the City under Schedule SPL. The total of such investment by the Company is $38,956.00 and the total of the Facilities Usage Charge shall be $7,012.08 until additional street lights are requested by the City and installed by the Company and this contract amended by written agreement. Such Facilities Usage Charge shall be due and payable by the City of Gentry, Arkansas, to the Company so long as the street lights and/or special electric facilities herein referred to in 4.04.04 and it references shall be utilized by said City, but for a term of not less than ten (10) years from date hereof, and shall be payable as provided in said Schedule SPL. (Ord. No. 96-428, Sec. 5.)

4.04.06 Street lamp change

The Company agrees to change the location of any street lamp in use upon written request of the City provided the City shall pay the Company the actual cost thereof. (Ord. No. 96-428, Sec. 6.)

4.04.07 Other municipal areas

The Company shall furnish and the City shall take and pay for all electric service for municipal use, other than street lighting service as may be required from time to time by the City in its parks, buildings, properties and public places, according to the rates and provisions of the filed standard rate schedules of the Company, subject to the provisions of Municipal General Power and Lighting Service (Rider M) attached hereto and made a part hereof. (Ord. No. 96-428, Sec. 7.)

4.04.08 Franchise fee

The Company agrees to pay to the City during the term of this contract and at such times as may be mutually agreed upon a sum equal to four percent (4%) of the gross receipts collected by the Company from the sale of all electric energy sold to all of Company's customers within the present or future boundaries of the City of Gentry, Arkansas, under rate schedules as now or in the future approved by the Public Service Commission of Arkansas for residential and commercial service having a reserve capacity of 40 kilowatts or less, excluding schools, churches, and church schools. (Ord. No. 96-248, Sec. 8.)

4.04.09 Discounts

The discounts provided in the attached schedule and rider, and in all applicable rates, rules and regulations of the Company filed with competent authority having jurisdiction as now or hereafter promulgated, shall be allowed provided the City utilizes the Company's service for its entire requirements of electric or power service and the Company serves the City under the provisions of an electric franchise having an original term of not less than ten (10) years, and the amounts resulting from the above discounts and the payments made by the Company to the City shall be accepted by the City as full payment of any Occupation Tax, Franchise Tax, License Tax or any similar tax or charge imposed upon the Company by the City for the establishment, operation and maintenance of the Company's facilities within the City; provided, however, that said discounts and said payment shall not be taken in lieu of the City's right to collect motor vehicle license fees or any *ad volorem* tax on the Company's real estate and personal property. (Ord. No. 96-428, Sec. 9.)

4.04.10 City is held harmless

The Company agrees to protect the City and save it harmless from any and all loss, damage or expense to persons or property which is caused by the negligence of the Company in its use or maintenance of any and all equipment owned by it, and used to supply service under this contract

The City agrees to protect the Company and save it harmless from any and all loss, damage or expense to persons or property, which may arise due to the use of maintenance of any street lighting equipment owned by the City, unless such loss, damage or expense be the sole and proximate result of the company's negligence. (Ord. No. 96-428, Sec. 10.)

4.04.11 Maintaining facilities

The Company agrees to exercise reasonable care in maintaining the facilities to be maintained by it and in rendering the service to be rendered by it in the performance of this contract so that the said service and said facilities may be furnished and maintained in a satisfactory manner. (Ord. No. 96-428, Sec. 11.)

4.04.12 Sole use of the City

The City agrees for the term of this contract to utilize the Company's service for the purpose herein set forth, and that the electric service rendered the City hereunder shall be for its use alone, and shall not be resold, and that it will utilize no electric or power service from a source other than the Company. (Ord. No. 96-428, Sec. 12.)

4.04.13 Rate changes

The rates and charges to be paid by the City herein are subject to change and amendment by application of the company to the Public Service Commission of Arkansas or other regulatory authority having jurisdiction. (Ord. No. 96-428, Sec. 13.)

4.04.14 Binding

This contract supersedes all prior representations or agreements, either verbal or written, concerning matters herein contained, and shall inure to the benefit of and be binding upon the respective legal representatives, successors and assigns of the parties hereto. (Ord. No. 96-428, Sec. 14.)

4.04.15 Copies

Upon the passage and approval of this ordinance, two copies thereof shall be prepared by the Clerk, and shall be signed in the name of the City by the Mayor with the seal of the City affixed, attested by the Clerk, and shall also be signed for The Empire District Electric Company by a proper officer, with the seal of the Company affixed, attested by its Secretary, and thereupon same shall be a valid and binding contract between the said parties. One counterpart shall be delivered to the Clerk, placed and kept in the records of the City and the other counterpart shall be delivered to the Company. (Ord. No. 96-428, Sec. 15.)

CHAPTER 4.08 GAS FRANCHISE

Sections:

4.08.01 Franchise granted to Arkansas Western Gas Company
4.08.02 Rights of Grantee
4.08.03 Safety
4.08.04 City is not liable for damage
4.08.05 Rates shall be prescribed
4.08.06 Franchise fee
4.08.07 City is held harmless
4.08.08 Amendments

4.08.01 Franchise granted to Arkansas Western Gas Company

The City of Gentry (Grantor), hereby grants to the Arkansas Western Gas Company (Grantee) the right, privilege and authority within the present and all future expansions of the corporate limits of the City of Gentry to sell, furnish, and distribute natural gas to all inhabitants and consumers within the said corporate limits; and subject to the terms, conditions and stipulations mentioned in this ordinance, consents and the right, permission and franchise is hereby given to the Arkansas Western Gas company, a corporation organized and existing pursuant to the laws of the State of Arkansas, Grantee, and to its successors, lessees, assigns to lay, construct, equip, operate, repair, and maintain a system of gas mains, pipes, conduits, feeders and the appurtenances for the purpose of supplying and distributing natural gas (or substitute or supplemental fuels as approved by the Grantor) for fuel, power, and heat and for any other lawful purpose, to the residents or inhabitants of the said city. (Ord. No. 212, Sec. 1.)

4.08.02 Rights of Grantee

The main pipes and service pipes of the Grantee may be laid and maintained in the streets, avenues, alleys, roads, and highways, and other public places wherein the said City of Gentry, Arkansas, as now laid out, or as the same may hereafter be established, and when so laid in said streets, alleys, avenues, roads and highways, and other public places, the same shall be laid in accordance with the lines and grades as now established, or which may hereafter be established by said City of Gentry, Arkansas, provided however, that the Grantee shall comply with all ordinances, resolutions, regulations, or orders which are now in effect or which may be passed and become effective hereafter, governing the laying of pipes, excavating, refilling of ditches, the cutting, injuring and repairing of pavements; the safe guarding the public or individuals against injury occasioned by reason of acts of the Grantee; or any act of the Grantee permitted under this ordinance.

And provided further, that the Grantee shall furnish promptly to the proper authority any and all information relevant to major modifications in regard to the size, location or depth of any of the pipes, mains, conduits or service pipes in any form whatsoever and any other information in regard to its occupation of roads, highways, streets, avenues or public grounds of said city which they may demand, and the Grantee shall submit to the proper authority of the City of Gentry, Arkansas, a plat showing the proposed location of all future gas mains and regulators for approval, and that no mains shall be constructed, or no regulator station shall be established until such approval is had. It is understood that the city will require that distribution mains be placed in the public alleys insofar as it is practical to do so. (Ord. No. 212, Sec. 2.)

4.08.03 Safety

Grantee shall at all times keep and display the necessary danger signals and proper guards around all excavations and obstructions and shall keep sufficient space in good condition for the travel of vehicles on at least one side of all excavations and obstructions, and shall restore all openings on the highways, roads, streets, avenues, alleys and other public places to condition equally as good as before said openings or obstructions were made. When it is determined by Grantee it is necessary for the safety of the citizens to divert or detour traffic from the area of excavations, they shall notify city officials in order that proper precautionary measures may be taken. (Ord. No. 212, Sec. 3.)

4.08.04 City is not liable for damage

The Grantee herein shall do no injury to any street, avenue, alley, road, highway or other public place or bridge, stream or water course within the corporate limits of the said City of Gentry, Arkansas, and shall, in no manner disturb or interfere with any public or private sewer, water, or drainage system now or hereafter laid or constructed by the said City of Gentry, Arkansas, or by any authorized person, firm, or corporation without the consent in writing of the city officials of the said City of Gentry, Arkansas.

Nor shall any drainage system be laid or constructed so as to in any manner disturb or interfere with any gas mains or service pipes, which shall have been laid prior to the time of laying or constructing such drainage system, except in case of a conduit which must operate as a gravity conductor which could not be constructed without the change of gas lines, then, in that event Grantee shall be required to remove or relocate such mains as are required to facilitate planned improvements. (Ord. No. 212, Sec. 4.)

4.08.05 Rates shall be prescribed

Natural gas service shall be provided under the terms and condition herein specified and pursuant to the rules and regulations of the Arkansas Public Service Commission governing utility service, as well as Grantee's rules and regulations governing natural gas service on file with the Arkansas Public Service Commission and as interpreted and enforced by Grantee. All utility services shall conform with these rules and regulations, as well as any other applicable rules and regulations, federal or state laws, including but not limited to the Arkansas Plumbing Code, local code requirements and the safety requirements pursuant to the Federal Pipeline Safety Act.

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 lawfully approved or prescribed by the Arkansas Public Service Commission or any successor regulatory authority having jurisdiction thereof. Copies of rate increase filings as submitted by Grantee shall be furnished to the city simultaneously with submission to the Arkansas Public Service Commission as well as copies of decisions rendered by that body.

The Grantee shall have the right to make and enforce as a part of the conditions under which it will supply natural gas for heat, power, fuel or other lawful purposes as herein provided, all needful rules and regulations not inconsistent with law and the provisions of this franchise. (Ord. No. 212, Sec. 5.)

4.08.06 Franchise fee

Grantee shall pay to the city in each calendar year a sum equal to four percent (4%) of its gross sales of natural gas to all customers of the Grantee within the corporate limits of the City of Gentry, Arkansas; with said sum to be paid by the Grantee to the city in equal quarterly installments; with the Grantee to have thirty (30) days from the end of each quarter to compute and make the payments provided for therein. In consideration of the above payments to be made by the Grantee to the city the Grantee is hereby relieved from the payment to the city of all occupation taxes, meter taxes, privilege taxes, license fees, street and alley rentals and any and all other levies, licenses, taxes and fees of whatever kind, nature or character (except general and special ad valorem taxes) now in effect or hereafter put into effect by the city. City shall have the right to examine and verify, from the records of the Grantee, any data relating to gross revenues of Grantee from customers on which said franchise fee is due. (Ord. No. 212, Sec. 6.)

4.08.07 City is held harmless

The Grantee shall fully indemnify and save harmless the city from any and all claims for damage for which said city shall or might be made or become liable by reason of the granting of this franchise or for any negligence or carelessness on the part of said Grantee or because of any act or omission of the Grantee in the construction and operation of its system of mains and pipes. (Ord. No. 212, Sec. 7.)

4.08.08 Amendments

This franchise shall take effect and continue and remain in force perpetually as provided in Section 44 of Acts of 1935, No. 324, Acts of the State of Arkansas, as same may be amended from time to time, and upon the written acceptance by the Grantee of the terms and conditions of this franchise. (Ord. No. 212, Sec. 8.)

CHAPTER 4.12 TELEPHONE COMPANY

Sections:

4.12.01 Authority granted
4.12.02 Franchise fee
4.12.03 City is held harmless
4.12.04 Maintenance

4.12.01 Authority granted

The Continental 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 Gentry, Arkansas, (hereinafter referred to as the "City"), the plant constructions and appurtenances used in or incident to the giving of telephone service and to the maintenance of the 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 and the exercise within its inherent powers and by the Telephone Company and the conduct of its business, and said Telephone Company shall continue to exercise its right 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. 210, Sec. 1.)

4.12.02 Franchise fee

The Telephone Company shall pay to the City a sum equal to four percent (4%) of its local service revenue payable quarterly based on revenues for the preceding quarter. Said payments shall become due 45 days after the last day of said quarterly period. (Ord. No. 210, Sec. 2.)

4.12.03 City is held harmless

The poles, wires, and cables, and underground conduits, and other apparatus used by the Telephone Company, its successors and assigns, shall in the conduct of its business be so placed and maintained at all times as not to interfere with the travel on or use of said streets, alleys and public places of said City, and the Telephone Company, its successors and assigns, agree also to hold said City of Gentry, Arkansas, free and harmless of any and all damages arising from any abuse or negligence of said grant in this regard. (Ord. No. 104, Sec. 3.)

4.12.04 Maintenance

The Telephone Company, its successors or assigns, shall at all time after the granting of this ordinance keep and maintain its plant in first class condition, act of God, the public enemy, strikes, and other unavoidable accidents excepted, and shall furnish and render service to all individuals, firms or corporations within the corporate limits of the City of Gentry, Arkansas, in accordance with the reasonable rules and regulations and in compliance with the laws of the State of Arkansas. (Ord. No. 104, Sec. 4.)

CHAPTER 4.16 CABLE TV FRANCHISE

Sections:

4.16.01 Franchise granted
4.16.02 Franchise fee
4.16.03 Responsibility for permits and easements
4.16.04 Placement of poles and wires
4.16.05 Regulating fees
4.16.06 Agent
4.16.07 Modifications
4.16.08 FCC regulations

4.16.01 Franchise granted

William Backer, his successors, lessees and assigns are hereby granted the exclusive right and/or franchise to furnish direct wire reception of television programs to the citizens and residents of the City of Gentry, Benton County, Arkansas, by the means of the establishment of a master antenna, utilizing a master control unit and amplifier and relaying the television signals directly into the individual television reception sets for a period of fifteen (15) years from the effective date of this ordinance, said right shall continue upon the expiration of the fifteen (15) year period for periods of five (5) years unless written notice is presented by William Backer to the city or by the city to William Backer thirty (30) days prior to the expiration of the period concerned that either party does not wish the franchise to continue. This exclusive right and/or franchise is to include the right to erect and maintain such poles, wires, fixtures, etc. along the streets, avenues, alleys, roads and highways and other places of the city as may be necessary and convenient for its business as a televisions signal furnisher in supplying the citizens in said city and the public in general and to use and occupy for its television cables the streets, alleys, avenues, highways, roads, and other public places within said municipality for the purpose of erecting, constructing, laying, owning, leasing or otherwise, repairing, maintaining and operating such system, all such right and use to be and to continue on the conditions and terms stated herein, and providing further, that existing, or hereafter erected utility poles may be used with the permission of the owners thereof, and providing further, that the franchise holder shall run its cables underground wherever telephone, telegraph and/or light wires have been run underground. (Ord. No. 184, Sec. 1.)

Said franchise is recognized as being held by CoxCom, Inc., as successor in interest to William Backer. (Ord. No. 13-707, Sec. 1.)

4.16.02 Franchise fee

In consideration of the terms of this franchise, CoxCom, Inc., successors, lessees and assigns agree to pay the City of Gentry, Benton County, Arkansas, a sum of money equal to five percent (5%) of franchisee's gross subscriber revenues per year derived from installation of equipment in regular subscriber services in the franchise area. The terms "gross subscriber revenue" as used herein shall include regular installation fees and monthly income from regular subscriber services but shall not include revenue derived from advertising, leased channels, or special "pay TV" channels. (Ord. No. 13-707, Sec. 2.)

4.16.03 Responsibility for permits and easements

The City of Gentry, Arkansas, assumes no responsibility for securing any franchises, rights-of-way, permits or easements for the making and maintaining of such attachments over, across or along streets, alleys, roads or privately or publicly owned property or permission to make such attachments to the poles of others, but ComCox, Inc. assumes the duty and responsibility of securing the same. The permission granted herein is likewise subject to all laws, ordinances and regulations now in force or which may hereafter be enacted or promulgated by any government body or agency having jurisdiction. The City of Gentry, Arkansas, shall in no way be responsible for the construction, operation or performance of CoxCom, Inc.'s television system or any part thereof. (Ord. No. 176, Sec. 3.)

4.16.04 Placement of poles and wires

Said poles and wires shall be placed and maintained so as not to interfere with travel or use of the streets, avenues, alleys, roads, highways or other public places of the City of Gentry, Arkansas, and CoxCom, Inc., his successors, lessees and assigns, shall hold said City free and harmless from damages arising from any abuse or negligence of said company; that said poles and wires shall be placed so as not to interfere with the flow of water in any sewer, drain or gutter or with any gas or water pipelines, and this grant is made and is to be enjoyed subject to all such reasonable regulations and ordinances of a police nature as said City may authorize or may see proper from time to time to adopt, not destructive of the rights herein granted. (Ord. No. 176, Sec. 4.)

4.16.05 Regulating fees

CoxCom, Inc., his successors lessees and assigns be, and they are hereby, granted the authority, right and privilege to set, control and regulate the fees for such services to the individual consumer and user during the period provided for in 4.16.01 or any extensions or renewals thereof, subject to the approval of the City Council and any other state and/or federal regulatory agents controlling the same. Said fees are to be just and reasonable and not to exceed One Hundred Dollars ($100.00) for the initial installation to each individual consumer and user, and not to exceed the sum of Six Dollars and Twenty-Five Cents ($6.25) per month for one connection and not to exceed the sum of One Dollar ($1.00) for each extra connection to the same user. After the initial installation, as new stations become available, additional rates may be set by the franchise holder which shall be just and reasonable if necessary to take care of additional expense to the franchise holder, but all of which rates or increases thereof shall be subject to approval by the City of Gentry, Arkansas, City Council, or any or all other regulatory bodies, either state or federal, possessing supervisory powers over the franchise holder. Increases in the charges specifically designated above shall not be levied upon subscribers until authorized by the City Council of Gentry, Arkansas, after an appropriate public proceeding affording due process and notice. (Ord. No. 176, Sec. 5.)

4.16.06 Agent

CoxCom, Inc., his successors, lessees and assigns shall be required to maintain an agent physically located in the franchise areas, and such agent shall maintain a complete file, and this file shall be available for inspection by appropriate city officials of the City of Gentry, Arkansas, of any and all complaints received by the said CoxCom, Inc., his successors, lessees and assigns, concerning quality of service, equipment malfunctions and similar matters during each calendar year. (Ord. No. 184, Sec. 4.)

4.16.07 Modifications

Any modifications of the provisions of the franchise, compelled by a new and/or amended rule of the Federal Communications Commission, shall be incorporated into said franchise within one year of the adoption of that rule, or, at the time of franchise renewal, whichever comes first. (Ord. No. 176, Sec. 8.)

4.16.08 FCC regulations

A. The City will follow the FCC regulations in its regulation of the Basic Service Rates and Charges of the Company and any other cable television system operating in the city, notwithstanding any different or inconsistent provision in the franchise.

B. In connection with such regulation the City will ensure a reasonable opportunity for consideration of views of interested parties.

C. The Mayor or his designee is authorized to execute on behalf of the City and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC rate regulations in order to enable the City to regulate Basic Service Rates and Charges.

D. Consultant and costs

1. The City may utilize a rate consultant to advise it on proposed rate changes and to assist it in the procedures and the standards of review adopted by the FCC. A rate consultant may be any person who has sufficient background and experience, in the sole opinion of the City, to properly evaluate and analyze rates and charges.

2. All costs for the review of initial rates or late changes shall be paid by the cable operator upon demand of the City, unless contrary to applicable rules of the FCC governing these procedures or unless otherwise specifically preempted by state or federal law. The costs shall include, but not be limited to, rate consultants, attorney's fees and reasonable value of services (as determined by the City) rendered by the City and/or City employee, agents or representative of the City. (Ord. No. 93-382, Secs. 1-4.)

E. The City of Gentry hereby adopts the Federal Communications Commission's Report and Order known as FCC 93-177, together with such other and further rules and regulations as are adopted by the FCC from time to time relating to rule making and regulation of cable television rates. (Ord. No. 94-389, Sec. 1.)

CHAPTER 4.20 OCCUPATIONAL LICENSES

Sections:

4.20.01 License
4.20.02 Assessing and collecting fees
4.20.03 Term of license
4.20.04 Issuance of license
4.20.05 Operating without license

4.20.06 Violations
4.20.07 Debt to city
4.20.08 False information
4.20.09 Temporary license
4.20.10 Annual license
4.20.11 Mobile Vendors

4.20.01 License

The conducting and carrying on of all trades, businesses, occupations, vocations, callings and professions, except those specifically exempted by the laws of the state of Arkansas, and also excepting public utilities otherwise taxed by the City of Gentry, is hereby declared to be a privilege; and each and every person, firm or corporation conducting or engaging in any such trade, business, occupation, vocation, calling or profession, shall apply for and pay for a license in the amount of $25.00 per year. (Ord. No. 15-732)

4.20.02 Assessing and collecting fees

The Director of Finance or such other assigned City official or employee shall be responsible for assessing and collecting fees for the City. Upon payment of the proper fee, the individual collecting such fee is duly authorized to issue a license to the person, firm or corporation on behalf of which such fee was paid. A person, firm or corporation that seeks to renew an existing business license after December 31 shall be assessed a late fee of $25 for each month or portion thereof that said application is late.

4.20.03 Term of License

The period governed by any license shall be from January 1 or such later day in the calendar year as such license is issued, with each license expiring at 12 o'clock midnight on December 31 of each calendar year.

4.20.04 Issuance of License

The Director of Finance or such other assigned City official or employee shall issue a written license to the licensee upon proper application and payment. The license shall specify and designate the place where such business is to be conducted. In the event an occupation is carried on at two or more separate locations at the same time, a separate license fee shall be paid for each such location. In the event the occupation will be carried on in a residential structure in A-1, R-E, R-1, R-2, R-3, R-4, R-N, or R-O, the privilege license shall be issued only after any required conditional use permit for such location has been issued. (Ord. No. 15-732, Sec. 1; 21-843, Sec. 5)

4.20.05 Operating without license

It shall be unlawful for any person, firm or corporation whether as principal or agent, to commence, engage in or carry on any trade, business, occupation, vocation, calling or profession in the city without having first procured a license, and commencing, engaging in or carrying on of such trade, business, occupation, vocation, calling or profession in the city without having first

secured a license from the city to do so shall constitute a violation of this chapter, and each day that such activity is carried on without procuring such license shall constitute a separate offense. (Ord. No. 175, Sec. 5.)

4.20.06 Violations

Any person, firm or corporation whether principal or agent doing business within the limits of the City of Gentry without having paid the prescribed fee, in violation of the above section, shall be deemed in violation of this ordinance and guilty of a misdemeanor. Such violation of this ordinance is punishable by fine of not less than Five Dollars ($5.00), nor more than Five Hundred Dollars ($500.00). If the violation is continuous, the daily fine shall be no more than Two Hundred Fifty Dollars ($250.00) per day for each day of violation. (Ord. No. 175, Sec. 6.)

4.20.07 Debt to city

In addition to the penal provision contained in the foregoing section, the amount of license imposed by this ordinance shall be deemed a debt due the city, and the city shall have the right to file an action in any court of competent jurisdiction for the collection of such debt. (Ord. No. 175, Sec. 7.)

4.20.08 False information

Any person, firm or corporation required by this chapter to furnish certain information to the City Clerk/Treasurer who willfully furnishes false information for the purpose of defrauding the city of any portion of the fee rightfully due, or fails to furnish the information requested shall be deemed in violation of this ordinance, and upon conviction shall be fined double the amount of the license fee paid or due. (Ord. No. 175, Sec. 8.)

4.20.09 Temporary License

No temporary license will be issued. (Ord. No. 15-732, Sect. 1)

4.20.10 Annual license

Upon showing that the applicant is in compliance with such city, county or state ordinances, laws, statutes, rules and regulations, an annual privilege license shall be issued in accordance with the terms of this ordinance. (Ord. No. 95-420, Sec. 1.)

4.20.11 Mobile Vendor

A. Mobile Food Vendor Defined: A mobile food vendor is defined as a vehicle mounted food service establishment designed to be readily movable and in compliance with laws regarding the travel on highways and roadways in the state of Arkansas that is a self-contained RETAIL FOOD ESTABLISHMENT (as defined by the Arkansas State Board of Health) with permanently mounted fresh water holding tanks and waste holding tanks.

B. Limited Permit for Event operation on Public Property: A Limited Permit for Event operation on public property may be issued to mobile food vendors by the City of Gentry for operation at designated vendor locations in the City Parks on designated event dates. Only a limited number of such permits will be available as designated by the City from

time to time, and will be issued on a first come, first serve basis, on the following conditions:

a) The event organizer will charge and collect permit fees in accordance with the policy of the organizer.

b) The applicant has provided the City with a copy of applicant's valid permit to operate a Retail Food Establishment issued by the Arkansas State Board of Health.

c) The applicant must comply with the City Mobile Vending Rules and Regulations as in effect from time to time.

C. Limited Permit for Non-Event operation on Public Property: A Limited Permit for Non-Event operation on public property may be issued to mobile food vendors by the City of Gentry for operation at designated vendor locations on public property (streets and/or parks) in the City. Only a limited number of such permits will be available as designated by the City from time to time, and will be issued on a first come, first serve basis, on the following conditions:

a) The applicant has paid the City of Gentry a $50 annual permit fee. Permits expire December 31 each year.

b) The applicant has provided the City with a copy of applicant's valid permit to operate a Retail Food Establishment issued by the Arkansas State Board of Health, visibly displayed when the applicant is conducting business.

c) The applicant must comply with the City Mobile Vending Rules and Regulations as in effect from time to time.

D. Limited Permit for operation on Private Property: A Limited Permit for mobile food vendor operation on private property may be issued, upon providing the City evidence that the following requirements have been satisfied:

a) The applicant has paid the City of Gentry a $50 annual permit fee. Permits expire December 31 each year.

b) The applicant has provided the City Clerk with a copy of applicant's valid permit to operate a Retail Food Establishment issued by the Arkansas State Board of Health.

c) The applicant must comply with the City Mobile Vending Rules and Regulations as in effect from time to time.

d) The applicant must possess a written lease or other statement from the owner of each private property location, giving the mobile food vendor permission to operate on the property. If the operation will be at a fixed location, the property owner or applicant must provide a site plan for each proposed site upon which the mobile food vendor will be located.

e) The applicant agrees to locate only on private property zoned to allow for food and beverage sale and such location must otherwise comply with all zoning requirements of the zoning district (unless operated in conjunction with a public residential auction pursuant to the Mobile Vending Rules and Regulations).

f) The applicant agrees to locate on private property in such a manner that applicant will not cause an unsafe vehicular or pedestrian situation. (Ord. 15-722)

TITLE 5: HEALTH AND SANITATION

Chapters:

5.04 Maintenance of Real Property
5.08 Solid Waste Collection

CHAPTER 5.04 MAINTENANCE OF REAL PROPERTY

Sections:

5.04.01 Unlawful
5.04.02 Condemnation required
5.04.03 Definitions
5.04.04 Unsightly or unsanitary conditions on real property; order and notice to correct
5.04.05 Abatement by city
5.04.06 Enforcement of lien; notice
5.04.07 Guidelines
5.04.08 Penalties
5.04.09 Judicial declaration of nuisance
5.04.10 Adoption of Maintenance Code

5.04.01 Unlawful It shall be and is hereby declared unlawful for any person or persons, partnership, corporation, association or other entity to own, keep, maintain or occupy any house, building and/or structure within the corporate limits of the city of Gentry, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council. (Ord. No. 2007-611, Sec. 1.)

5.04.02 Condemnation required Any such house, building and/or structure which is found and declared to be a nuisance by resolution of the City Council will be condemned in order to insure its removal or other abatement of the nuisance as hereinafter provided. (Ord. No. 2007-611, Sec. 2.)

5.04.03 Definitions

As used in this article, the following definitions shall apply:

Clean-up lien means a lien securing the cost of work undertaken by the City to remove, abate, or eliminate a condition in violation of City codes. A clean-up lien may have priority against other lienholders.

Court lien means a lien securing the fines or penalties imposed by a court of competent jurisdiction against the owner of an unsafe and vacant structure or weed lot for failure to comply with applicable building codes which have been secured by a court lien by action of the City Council.

Priority clean-up lien means a clean-up lien for work undertaken by the city on an unsafe and vacant structure or weed lot that is given priority status over other lien holders following notice and hearing.

Unsafe and vacant structure means a structure located on previously platted and subdivided property that is not fit for human habitation and has been declared unsafe by the City Council in violation of city ordinances.

Weed lot means a previously platted and subdivided lot that is vacant or upon which an unsafe and vacant structure is located and that contains debris, rubbish, or grass which is higher than that permitted by city ordinance. (Ord. No. 07-611)

5.04.04 Unsightly or unsanitary conditions on real property; Order and notice to correct

A. Any police officer employed by the City of Gentry, the City attorney, or any code enforcement officer employed by the City, is hereby authorized to order the owner or lienholder of any real property within the City to cut weeds; to remove garbage, rubbish, and other unsightly or unsanitary articles and things upon the property; and to eliminate, fill up, or remove stagnant pools of water or any other unsanitary thing, place, or condition which might become a breeding place for mosquitoes, flies, and germs harmful to the health of the community. Whenever any such condition is found to exist, written notice shall be given to the property owner and/or lienholder to perform required remedial work within seven (7) business days.

B. The City shall provide no less than the minimal notice provided by Arkansas law. The notice required herein shall be published, mailed or delivered by the City Clerk, by a city police officer, a city code enforcement officer, or by the city attorney. For purposes of securing a lien, notice to owners shall be sufficient if sent to the address of record with the Benton County Treasurer or Collector. Further, in accordance with the provisions of Arkansas law regarding Additional Tools to Deal with Criminal, Nuisance and Vacant Properties, (Act 854 of 2007, Ark. Code Annot. § 14-54-903), notices shall be sent both by regular mail and by certified mail, return receipt requested. If the City wishes to secure a clean up lien, it shall further provide seven (7) business days' notice to lienholders before undertaking any work at the property, which notice shall be sent to the lienholder's address shown in the relevant land records.

   In the event Arkansas Code Annot. § 14-54-902 is applicable, in case the owner of the property is unknown or his whereabouts is not known or if he is a non-resident of the state, then a copy of the written notice shall be posed upon the premises. Before any action to enforce alien shall be had, the city clerk shall make an affidavit setting out the facts as to unknown address or whereabouts of non-residents. Thereupon, service of publications, as provided for by law against non-resident defendants may be had. An attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his last known place of residence if it can be found.

C. Owners and/or lienholders of land which shall be subject to orders requiring the removal of garbage, rubbish and other unsightly and unsanitary articles and things shall include, but shall not be limited to, owners and/or lienholders of lands which are subject to dumping of trash and litter by unknown parties and owners of lands which accumulate substantial quantities of litter and trash blown onto such lands from other lands.

D. It shall be unlawful for any person to fail or refuse to comply with any order and notice given pursuant to this section. (Ord. No. 07-610)

5.04.05 Abatement by city; Costs responsibility of Owner

If the owner or lien holder of any lot or other real property within the City of Gentry neglects or refuses to remove, abate, or eliminate any condition as provided for herein, after having been given seven (7) days' notice in writing to do so, then the City of Gentry is authorized to do whatever is necessary to correct the condition and to charge the costs thereof to the owner of the lot(s) or other real property.

The city shall have a lien against the property for the costs of abatement, including all administrative and collection costs. (Ord. No. 07-610)

5.04.06 Enforcement of lien; notice

The liens herein provided for may be enforced and collected at any time within ten (10) years after the lien has been filed in either one (1) of the following manners:

A. By an action for foreclosure in Benton County Circuit Court by the City of Gentry; or

B.

1. The lien amount determined after hearing, plus ten percent (10%) penalty for collection shall be certified by the City Council to the Benton County Tax Collector and shall be placed by the Tax Collector on the tax books as delinquent taxes and collected accordingly;
2. The amount, less three percent (3%) thereof, when so collected shall be paid to the City of Gentry by the Tax Collector.

C. The city shall file its lien with the Benton County Circuit Clerk no later than one hundred twenty (120) days after the city completes the clean-up work on the property.

D. The city may perfect its lien as a "clean-up" lien against the property if the property:

1. Contains an unsafe and vacant structure; or
2. Has been cited as a weed lot.

E. The clean-up lien amount shall equal costs, including administrative costs, that the city incurs to help bring the property into compliance with City ordinances because the owner or lienholder failed to remove or repair an unsafe and vacant structure or failed to correct the conditions that caused the property to become a weed lot within the time required by the notice.

F. If a court of competent jurisdiction, including but not limited to Benton County District Court - West, levies fines or penalties against the owner of an unsafe and vacant structure or weed lot for failure to comply with applicable Building Codes, then the City Council, by majority vote, from time to time, and subject to notice and hearing as hereinafter provided, may secure any outstanding court fines or penalties resulting from the owner's failure to clean-up an unsafe and vacant structure or weed lot with a court lien against the property for the full value of all the outstanding fines and penalties.

G. A court lien does not have first priority status over prior recorded liens and may be imposed in addition to clean-up liens.

H. Notice to owners shall be sufficient if sent to the owner's address of record with the Benton County Treasurer or Benton County Collector.

I. Notice to lienholders is sufficient if sent to the lienholder's address shown in the records of the Benton County Circuit Court Clerk.

J. The city is not required to give notice to holders of unrecorded liens or to unrecorded assignees of lien holders.

K. Any lien holder receiving notice under this Article shall, within seven (7) business days from receipt of the notice, send a written response to the City indicating whether the owner of the property is in default under the terms of the note or mortgage.

L. After the work has been completed, the City shall provide a second notice to the owner and lienholders of record of the total amount of the clean-up lien, including administrative and filing costs. However, the City is not required to give notice of court liens to prior lien holders.

M. Notice of the amount of a clean-up lien or a court lien may be combined with the notice of the hearing before the governing body to create and impose the clean-up or court lien.

N. The amount of any clean-up lien or court lien may be determined at a public hearing before the Gentry City Council, held after thirty (30) days' written notice by mail, return receipt requested, to the owner of the property if the name and address of the owner are known and to the lienholders of record (the City is not required to give notice to lien holders of court liens).

O. If the name of the owner cannot be determined, then the amount of the clean-up or court lien shall be determined at a public hearing before the Gentry City Council only after publication of notice of the hearing in a newspaper having a bona fide circulation in Benton County for one (1) insertion per week for four (4) consecutive weeks.

P. The determination of the Gentry City Council confirming the amount of any clean-up or court lien and creating and imposing any clean-up or court lien herein is subject to appeal by the property owner or by any lienholder of record in the Circuit Court of Benton County, filed within forty-five (45) days after the determination is made. If the owner of lienholder fails to appeal in this time, the lien amount shall be deemed fully perfected and not subject to further contest or appeal.

Q. The City of Gentry shall file its lien with the Benton County Circuit Clerk no later than sixty (60) days after the Council confirms the lien amount, or if the lien is appealed, within sixty (60) days after the city wins the appeal.

R. If the City of Gentry wishes to secure a first priority status for any clean-up lien created and imposed under this Article, it shall file an action with the Benton County Circuit Court, seeking a declaration that the clean-up lien is entitled to priority over previously recorded liens and naming the holders of the recorded liens as Defendants.

S. Priority status shall be awarded to the clean-up lien with respect to any previously recorded lien if the Court determines that the lienholder failed to exercise its rights to foreclose its lien when the obligation it secures becomes in default or has failed to pay the costs of the work undertaken by the City that comprise the clean-up lien. However, the priority amount shall be such an amount as the Court deems to be reasonable, and in any event shall be limited to:

1. No more than One Thousand Dollars ($1,000.00) for grass or weed cutting;
2. No more than Five Thousand Dollars ($5,000.00) to board and secure the property;
3. No more than Seven Thousand Five Hundred Dollars ($7,500.00) to demolish and structures on the property; and
4. No more than Fifteen Thousand Dollars ($15,000.00) for environmental remediation. (Ord. No 07-611, Sec. 6.)

5.04.07 Guidelines

In ordering the cutting and removal of weeds, grasses and trees, the Police, Code Enforcement Officer or City Attorney shall proceed by the following guidelines:

A. Except as otherwise provided, all lands, whether or not platted, and/or subdivided, which have never been cleared or developed and which remain in their natural state, may be maintained in their undeveloped, natural state, provided that an order authorized by this section may be issued for portions of such property as is necessary to abate vegetation which blocks pedestrian or vehicular vision or traffic, provided further that in the event such lands are put to any use, then such lands shall be maintained as is provided in subsection (B) below, and provided further that any inhabitant of the city may initiate a complaint to the city that a tract of land described in this subsection should be maintained as provided in subsection (B) below. If such complaint is received by the city, an investigation of the subject lands will be made. If the investigation results in a determination that the subject lands constitute a substantial health or aesthetic hazard to the inhabitants of the city because of their proximity to developed lands or for other reasons, the city shall order such lands maintained as is provided in subsection (B) below.

B. All lands, except those described in subsection (A) above, shall be maintained so that weeds and grasses thereon shall not exceed six (6) inches in height.

C. The owners and occupants of all lands, other than those described in subsection (A) above, shall maintain all unopened street rights-of-way, easements for utility, drainage, walking or other purposes, unopened alleys and opened alleys, other than the portion of same used for vehicular traffic, which adjoin said owners' or occupants' lands so that weeds and grasses shall not exceed six (6) inches in height. If any such right-of-way, easement or alley is adjoined by the lands of two (2) property owners, then each owner and occupant shall maintain such right-of-way, easement or alley to the midpoint thereof.

D. The owners and occupants of all lands shall remove or cause to be removed all dead or dying trees and dead parts of living trees from such lands when such dead or dying trees or dead parts of trees shall constitute a hazard to personal safety or property due to the imminent possibility of their falling upon or being blown upon public property or property of other owners, or when such trees because of disease or decay constitute a nuisance and/or

imminent health threat to other trees located on public property or property of other owners. (Ord. No. 07-610, Sec. 7.)

5.04.08 Penalties

In the event that the owner or occupant of any real property who is given notice or ordered to abate a condition pursuant to provisions of this chapter shall refuse or fail to so comply with such order or notice within the period of time established for compliance by such order or notice, said owner or occupant shall be deemed guilty of a misdemeanor and, upon conviction thereof , shall be punished as set forth in Section 1-9 of this Code, and each day of violation shall be deemed a separate offense.

5.04.09 Judicial declaration of nuisance

In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance by a court having jurisdiction of such matters, the City Council is hereby authorized to employ the City Attorney or his designee to bring such an action for said purpose in the name of the city, and the only notice to be given to the owner(s) and mortgagee(s) and/or lien holder(s) of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in Circuit Court. When any such house, building and/or structure has been declared to be a nuisance by a court of competent jurisdiction, the city hereby petitions the court to assess a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00) against the owner(s) of any house, building and/or structure found and declared to be a nuisance commencing thirty (30) days after such finding, and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Two Hundred Fifty Dollars ($250.00) for each said separate and distinct offense a fine of One Hundred Dollars ($100.00) is hereby imposed against the owner(s) of any such house, building and/or structure judicially found to be a nuisance for every day said owner(s) fails or refuses to abide by the orders of the court, the Code Enforcement Officer of the city or other person or persons referred to herein. The provisions contained in the immediately preceding sentence apply independently of any action as may be taken by the court judicially declaring the nuisance. (Ord. No. 07-611, Sec. 9.)

5.01.10 Adoption of Maintenance Code

A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Gentry, being marked and designated as the International Property Maintenance Code, 2003 Edition, as amended from time to time, as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the City of Gentry, Arkansas; for purposes of setting forth maintenance and care standards for building and structures as therein provided; and each and all of the regulations, provision, penalties, conditions and terms of said Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, and deletions and changes prescribed in the following section of this article. (Ord. No. 08-632, Sec. 1.)

A. The Code Official shall be the city's Building Official.

B. No inspection fees shall be scheduled at this time.

C. The time period for such referred to in the last sentence of the section is amended to six (6) months.

D. The Gentry Planning Commission shall serve as the Board of Appeals.

E. Except as hereinafter provided, all premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6) inches in height. All noxious weeds shall be prohibited. Weeds is defined to include all grasses, annual plants and vegetation, other than trees or shrubs provided, however that these terms shall not include cultivated flowers and gardens.

   This section shall not apply to areas zoned Agricultural and used for pasture and/or crop cultivation. Nor shall it apply to lands, whether or not platted and/or subdivided, which have never been cleared or developed and which remain in their natural state. However, portions of otherwise exempt property may be ordered mowed and maintained in accordance with otherwise applicable city standards to abate vegetation which blocks pedestrian or vehicular vision or traffic. Further, in the event of development of such property it shall be maintained in accordance with city standards.

F. No appliances, including water heaters, washing machines, dryers, refrigerators, freezers, televisions or other appliances shall be stored or discarded in any yard. (Ord. No. 08-632, Sec. 2.)

CHAPTER 5.08 SOLID WASTE COLLECTION

Sections:

5.08.01 Amendment to agreement with Allied Waste Services
5.08.02 Contract
5.08.03 Extra charges
5.08.04 Residential garbage carts
5.08.05 Collection rates

5.08.01 Amendment to agreement with Allied Waste Services

The City of Gentry hereby approves the terms and conditions of an Amendment to Sanitation Service Agreement with Allied Waste Services (Allied) for the collection, recycling, transfer and disposal of solid waste, a copy of which is attached hereto and incorporated herein as if set forth word for word, are hereby approved. (Ord. No. 16-747)

5.08.02 Contract

The mayor of Gentry, Arkansas, is hereby authorized and directed to execute the contract on behalf of the City of Gentry, and the Director of Finance is hereby authorized and directed to attest the contract. (Ord. No. 01-496, Sec. 2.)

5.08.03 Extra charges

In addition to the various solid waste collection fees as outlined, an additional Fifty Cents ($.50) per residence or business shall be added to each monthly bill and shall be utilized by the city for various solid waste fees and charges. (Ord. No. 05-562, Sec. 3.)

5.08.04 Residential garbage carts

A. Approved carts

Customers receiving residential garbage and trash service shall use only the residential garbage carts provided by the city and/or by the trash service provider. Use of trash cans, barrels or other containers other than the provided residential carts for trash collection purposes is prohibited.

B. Placement of carts

Residential garbage carts shall be placed at a collection point within two (2) feet of the curb, street, or alley line, where applicable, by 6:00 a.m. on morning regularly scheduled for garbage and trash collection, provided that garbage carts shall not be placed at the curb, street or alley more than twenty-four (24) hours before regular pickup, and shall be removed within twenty-four (24) hours thereafter. Container placement shall not constitute a violation if the regular pickup schedule is not followed by the collection service provider due to adverse weather or an observed holiday. Alternate collection points may be specified by the city or service provider at their discretion.

C. Storage/maintenance of carts

Residential garbage carts shall be stored away from the curb and behind the front line of the house (and behind the side line of the house facing the side street if a corner lot) except during the period allowed curbside for collection. Residential garbage carts shall be stored and maintained in a manner not likely to create a fire hazard; to not provide a nesting space for rodents or other vermin; and to not constitute a breeding site for insects. Trash cans or other waste and trash containers shall also be stored behind the front line of the house (and behind the side line of the house facing the side street if a corner lot). Residents seeking a variance from the required cart storage location may apply for a variance by completing and filing an application for variance with the City Code Enforcement Officer, who shall make the final determination of whether some exemption should be granted.

D. Violation

Each day's failure to comply with the provisions of this ordinance shall constitute a separate violation and shall be subject to the city's fines and other punishment as set forth in the city's code of ordinances. (Ord. No. 12-685, Secs. 1-4.)

5.02.08 Collection rates

A. Roll-cart residential rates

Residential collection rates shall be in the sum of $11.95 per month.

B. Non-roll cart/non-residential rates for 1 pick-up per week.

1.	1-yard – can hand stop	$20.91 per month
2.	2-yard container	$59.46 per month
3.	4-yard container	$118.42 per month
4.	6-yard container	$177.36 per month
5.	8-yard container	$236.31 per month

(Ord. No. 13-698, Sec. 1.)

TITLE 6: ANIMALS AND FOWL

Chapters:

6.03 Adoption of Dogs
6.04 Dogs
6.08 Vicious Dogs
6.12 Cats
6.16 Wild Animals and Reptiles
6.20 Livestock and Poultry

CHAPTER 6.03 ADOPTION OF DOGS

Sections:

6.03.01 Sterilization
6.03.02 Adoption fees and procedures
6.03.03 Proof of rabies vaccine

6.03.01 Sterilization

The City of Gentry Animal Shelter will not release any dog or cat over three (3) months of age which has not been sterilized, except in the circumstances allowed by Arkansas law. (Ord. No. 11-681, Sec. 1.)

6.03.02 Adoption fees and procedures

A. The adoption fee for an animal that has either previously been spayed or neutered or is exempt from such requirement under Arkansas laws is Thirty Dollars ($30.00), which fee includes the placement of a micro-chip for purposes of identification of the animal.

B. The Police Department retains discretion to deny adoption to any person or home deemed unsuitable for any given proposed adoption. (Ord. No. 11-681, Sec. 2.)

6.03.03 Proof of rabies vaccine

If the person adopting such animal is a resident of the City of Gentry or if the animal will be residing within the city limits, the adopting person must provide proof of current rabies vaccination within seven (7) days of taking possession of the animal. (Ord. No. 11-681, Sec. 3.)

CHAPTER 6.04 DOGS

Sections:

6.04.01 Running at large
6.04.02 Maintenance of premises; prevention of disturbing noises
6.04.03 Impoundment
6.04.04 Redemption and other disposition of impounded dogs
6.04.05 License
6.04.06 Animal bites

6.04.01 Running at large

An owner of a dog, whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such dog within an adequate fence or enclosure or within a house, garage, or other building, or shall confine such dog by chain or leash affixed to the dog's collar and attached to some substantial stationary object adequate to prevent the dog from running at large. It shall further be the duty of any owner or keeper of any dog to keep such dog under such control so as to:

A. Prevent such dog from becoming a danger to persons or property, or trespassing upon another person's property, and
B. Prevent such dog from running at large upon the streets, sidewalks, alleys, parks, or other public places in the city.

Any dog not confined as set forth herein shall constitute a public nuisance.
(Ord. No. 96-438, Sec. 1.)

6.04.02 Maintenance of premises; prevention of disturbing noises

The owner of a small animal shall maintain the owner's premises in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Pens in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors which would disturb any person residing within a reasonable distance of the premises, and the animals themselves should be restrained in such a manner that noise from the animals shall not disturb any person located within or residing within a reasonable distance from the animal. (Ord. No. 05-552, Sec. 1.)

6.04.03 Impoundment

A. Any vicious dog described which is not confined as required, any dog constituting a public nuisance as described in 6.04.01; any dog not wearing a collar to which is attached a metallic tag evidencing the currently effective vaccination against rabies; any dog which is not confined or controlled by a chain or leash as required; or any other animal impounded as a public nuisance shall be taken up by the Police Department or by the city's Animal Control Officer and impounded in an animal shelter, and there confined in a humane manner for a period of not less than five (5) days, unless earlier claimed by its owner and all requirements for release are satisfied. After such five (5) days, the animal may be disposed of in a humane manner if not claimed by the animal's owner.

B. Immediately upon impounding any animal carrying its owner's address, notice shall be sent by certified mail, return receipt requested, giving the animal's owner at least five (5) day's notice of the date of the proposed destruction of the animal. (Ord. No. 96-438, Sec. 2.)

6.04.04 Redemption and other disposition of impounded dogs

A. Upon impounding any animal carrying its owner's address, or whose owner's address is known by the city Animal Control Officer, written notice shall be provided by personal delivery or by any form of mail, postage prepaid, providing the owner with no less than five (5) days' notice (from the date of such written notice) that the animal(s) may be disposed of in a humane manner if not redeemed.

B. The owner of an impounded animal shall be entitled to resume possession of the impounded animal upon payment of a minimum impoundment fee of Twenty-Five Dollars ($25.00) for up to five (5) days impoundment, plus an additional Five Dollars ($5.00) per day for every day of impoundment in excess of five (5) days through the city Police Department. Prior to the time of redemption, the owner must submit satisfactory proof of ownership. In addition, if the animal does not have an imbedded microchip for identification, the owner shall pay an additional Fifteen Dollar ($15.00) fee for placement of the identification microchip. Further, if either the owner or the animal resides within the City of Gentry or if the animal will be residing within the city limits, the owner person must provide proof of current rabies vaccination within seven (7) days of taking possession of the animal. (Ord. No. 21-864)

C. Any animal impounded under the provisions of this chapter and not reclaimed by its owner within five (5) days, may be adopted pursuant to the provisions of this title.

D. Any animal impounded under the provisions of this chapter and not reclaimed by its owner within five (5) days, and not adopted by some other person, may be humanely destroyed or otherwise disposed of by the Police Department after such animal has been impounded for five (5) days. (Ord. No. 11-681, Sec. 2.)

6.04.05 License

A. The owner of each spayed/neutered dog being four (4) months of age or older, shall pay a triennial (3 year) license or privilege tax of Fifteen Dollars ($15.00), said amount being due the later of thirty (30) days after the dog enters the City limits; reaches the age of 4 months; or on expiration of the current license; and due every three years thereafter.

B. The owner of each unspayed/unneutered dog being four (4) months of age or older, shall pay a triennial (3 year) license or privilege tax of Fifty Dollars ($50.00), said amount being due the later of thirty (30) days after the dog enters the City limits; reaches the age of 4 months; or on expiration of the current license; and due every three years thereafter.

6.04.06 Animal bites

A. Definitions

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

Animal means any animal other than a dog which may be affected by rabies.

Dog or dogs means all members of the canine family.

Has been bitten means that an animal or dog has seized the person with teeth or jaws such that the skin of the person seized has been nipped or gripped, or has been wounded or pierced and includes contact of saliva with any break or abrasion of the skin.

Owner means any person having a right of property in a dog or animal or who keeps to harbors a dog or other animal, has it in his or her care, acts as its custodian, or knowingly

permits it to remain on or about the premises occupied by him or her. (Ord. No. 2010-665, Sec. 1.)

B. Notification of police
Any person who has been bitten by a dog or other animal, or the family of such person, the treating physician or a veterinarian that has knowledge of a person bitten by a dog or other animal shall immediately notify the Gentry Police Department.

C. Procedure following a biting incident
If a person is bitten by a dog or other animal, the following action shall be taken regarding the dog or other animal:

1. A dog or other animal that has bitten a person and whose owner cannot be immediately identified and cannot be confirmed to have current immunization for rabies shall be delivered to a licensed veterinarian for euthanasia. The animal's head shall then be delivered to an appropriate laboratory to determine if the animal was rabid.

2. If the owner can be identified, the animal will be delivered to a licensed veterinarian or other approved detention facility for confinement for at least ten (10) days at the owner's expense.

3. If the owner or other person having the care, custody or control over the animal shall fail or refuse to deliver it to a licensed veterinarian or approved detention facility, the Animal Control Officer shall take the animal into his custody and deliver it immediately to a licensed veterinarian or approved detention facility for confinement and observation as described herein at the owner's expense.

D. Return of non-rabid animal to owner
If a dog or other animal confined under this article does not develop rabies, it shall be returned to the person from whose custody it was taken, upon payment of the veterinarian's fee and other charges related to the observation and care.

E. Notice of rabid animal
If a dog or other animal confined under this article develops rabies, the person bitten by it and the county Health Department shall be notified immediately by the licensed veterinarian who made the finding of the rabid condition of the dog or other animal. (Ord. No. 10-665, Secs. 1-5.)

CHAPTER 6.08 VICIOUS DOGS

Sections:

6.08.01 Definitions
6.08.02 Confinement
6.08.03 Leash and muzzle
6.08.04 Signs
6.08.05 Dog fighting

6.08.06 Insurance
6.08.07 Penalties

6.08.01 Definitions

Owner means any person, firm, corporation, organization or department possessing or harboring or having the care and custody of a dog.

Provocation means taunting, striking or screaming at the animal or unauthorized entry into the premises where the animal is kept.

Unconfined A vicious dog is unconfined if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

Vicious dog means:

A. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety or human beings or domestic animals; or

B. Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this ordinance; or

C. Any dog which, without provocation, attacks or bites, or has attached or bitten, a human being or domestic animal; or

D. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting. (Ord. No. 295, Sec. 1.)

6.08.02 Confinement

The owner of a vicious dog shall not suffer or permit the dog to go unconfined. (Ord. No. 295, Sec. 2.)

6.08.03 Leash and muzzle

The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by the chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but will prevent it from biting any human or animal. (Ord. No. 295, Sec. 3.)

6.08.04 Signs

The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal. (Ord. No. 295, Sec. 4.)

6.08.05 Dog fighting

No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attach human beings or domestic animals. (Ord. No. 295, Sec. 5.)

6.08.06 Insurance

Owners of vicious dogs must within sixty (60) days of the effective date of this ordinance provided proof to the City Clerk of public liability insurance in the amount of at least Two Hundred Fifty Thousand Dollars ($250,000.00) for personal injuries, inflicted by his or her vicious dog, and Fifty Thousand Dollars ($50,000.00) for property damaged caused by his or her vicious dog. (Ord. No. 295, Sec. 6.)

6.08.07 Penalties

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and may be punished by a fine of not less than One Hundred Dollars ($100.00) and not more than One Thousand Dollars ($1,000.00), or imprisonment of not more than one (1) year in jail, or by both fine and imprisonment, and each day's violation shall be deemed a separate offense. In addition thereto, when a vicious animal bites a person and/or the owner of the animal pleads guilty, pleads no contest, or is found guilty of violating Chapter 6.03, the vicious animal may be ordered destroyed if not immediately removed from the city limits.

In addition any person found guilty of violating Chapter 6.03 shall pay all expenses, including shelter, food and veterinarian expenses, if any. (Ord. No. 295, Sec. 7.)

CHAPTER 6.12 CATS

Sections:

6.12.01 Vaccination
6.12.02 Time limit
6.12.03 Display
6.12.04 Violation
6.12.05 Cats at large
6.12.06 Definitions
6.12.07 Feeding of feral cats prohibited
6.12.08 Exceptions; affirmative defenses
6.12.09 Penalties

6.12.01 Vaccination

Each cat within the city limits of the City of Gentry, Arkansas, shall be required to have a rabies vaccination. (Ord. No. 189, Sec. 1.)

6.12.02 Time limit

It shall be the duty of the owner of each cat within the city limits of the City of Gentry, Arkansas, to secure said vaccination each year. (Ord. No. 189, Sec. 2.)

6.12.03 Display

It shall be the duty of each owner to display on their animal proof of said vaccination. (Ord. No. 189, Sec. 3.)

6.12.04 Violation

A violation of this ordinance shall constitute a misdemeanor. For the purposes of punishment each day that an owner fails to secure rabies vaccination of his animal shall be considered a separate offense. A person convicted of a violation of this ordinance shall be fined not less than Five Dollars ($5.00) nor more than Twenty-Five Dollars ($25.00) for each day on which the owner is in violation of this ordinance. (Ord. No. 189, Sec. 4.)

6.12.05 Cats at large

Any cat at large outside of the cat owner's home or yard is subject to being detained by Gentry Animal Control, Police or other City Personnel (collectively the "City"). During the period of such City detention, the detained cat may be subject to universal marking by methods including a "tipped ear"; "tattooed belly"; and/or installation of a microchip. Such detained cat may also, at the City's discretion, be subjected to such spay or neuter procedures as the City deems appropriate. (Ord. No. 15-727)

6.12.06 Definitions.

For the purposes of this Chapter:

> “Cat” means a domestic animal of the species *Felis catus*
>
> “Feed” means to intentionally make food available for animal consumption, such as by placing it on or near the ground within reach of said animal.
>
> “Feral cat” means a free-roaming cat that is not owned.

6.12.07 Feeding of feral cats prohibited.

Except as provided in Section 6.12.7, no person shall feed feral cats within the city limits of the City of Gentry.

6.12.08 Exceptions; Affirmative Defenses.

The prohibition in Section 6.12.07 does not apply to a City employee, veterinarian, or federal or state official who is acting pursuant to a lawfully authorized program to treat, manage, capture, trap, or remove animals.

It is an affirmative defense to prosecution under Section 6.12.07 if a person, in good faith, places food on residential property in which said person has a possessory interest for the purpose of feeding domestic pets, livestock, birds, or squirrels, or for legitimate gardening or agricultural purposes.

6.12.09 Penalties

A person who violates Section 6.12.07 shall be guilty of a misdemeanor and subject to a fine of $25. Each subsequent offense shall be punished by a fine of not less than $50 nor more than $500. (Ord. No. 19-799)

CHAPTER 6.16 WILD ANIMALS AND REPTILES

Sections:

6.16.01 Unlawful
6.16.02 Animals and reptiles
6.16.03 Other prohibitions
6.16.04 Transporting
6.16.05 Penalty

6.16.01 Unlawful

It shall be unlawful for any person to keep, maintain, sell or have in their possession or under their control within the City of Gentry, Arkansas, any poisonous reptile or any other dangerous or carnivorous wild animal or reptile. (Ord. No. 339, Sec. 1.)

6.16.02 Animals and reptiles

It shall be unlawful for any person to keep, maintain, sell or have in their possession or under their control within the City of Gentry any of the following specifically named animals or reptiles:

A. All poisonous animals, including rear-fang snakes
B. Apes: chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorillas); orangutans (Pongo); and siamangs (Symphalangus)
C. Baboons (Papoi, Mandrillus)
D. Bears (Ursidae)
E. Cheetahs (Acinonyx jubatus)
F. Alligators or crocodilians (Crocodilia)
G. Coyotes (Canis latrans)
H. Elephants (Elephas and Loxodonta)
I. Hippopotami (Hippopotamidae)
J. Hyenas (Hyaenidae)
K. Jaguars (Pantherea onca)
L. Leopards (Panthera pardus)
M. Lions (Panthera leo)
N. Lynxes (Lynx)
O. Monkey, old world (Crecopithecidae)
P. Piranha fish (Characidae)
Q. Pumas (Felis concolor), also known as cougars, mountain lion and panthers
R. Rhinoceroses (Rhinocero tidae)
S. Tigers (Panthera tigris)
T. Wolves (Canis lupus)

(Ord. No. 339, Sec. 2.)

6.16.03 Other prohibitions

Those animals and reptiles listed in the previous subsection are specific animals and reptiles prohibited, but his section is not limited to those animals and reptiles listed and any animal or reptile which meets the prohibition of 6.16.01, although not listed in 6.16.02, is also prohibited. (Ord. No. 339, Sec. 3.)

6.16.04 Transporting

This ordinance shall not apply to persons lawfully transporting these type animals or reptiles in commerce to a location outside the City of Gentry, Arkansas, but the animals or reptiles transported shall at no time be let out of the transport vehicle or kept for any period of time in the City of Gentry, Arkansas, except for the actual transport time. (Ord. No. 339, Sec. 4.)

6.16.05 Penalty

Any person, firm or corporation violating any provisions of this section shall be subject to a fine of no less than Five Dollars ($5.00) nor more than Five Hundred Dollars ($500.00) for each offense and/or imprisonment for not over thirty (30) days. If the act is continuous, each day shall be deemed a separate offense. (Ord. No. 339, Sec. 5.)

CHAPTER 6.16 LIVESTOCK AND POULTRY

Sections:

6.06.01 Unlawful
6.06.02 Severability
6.06.03 Violation
6.06.04 Running at large

6.16.01 Unlawful

It shall be unlawful to keep any pig, cow, horse, sheep, goat, dog livestock, animal or poultry in any building, pen, lot or enclosure within the corporate limits of the City of Gentry, Arkansas, except under the following conditions:

A. The building, pen, lot or enclosure in which said animal, livestock or poultry is kept shall be kept in a clean and sanitary condition at all times.

B. The said animal, livestock, poultry and premises shall be kept in such a manner that no obnoxious, offensive or repugnant odor shall emanate from said premises.

C. No building with a capacity, as hereinafter defined, for the keeping of more than 1,000 head of broilers or other young poultry or more than 150 head of laying hens or other grown poultry shall be constructed in the corporate limits of the City of Gentry, Arkansas, after the effective date of this ordinance.

D. Not more than an average of four (4) head of broilers or other young poultry nor more than an average of more than one (1) head of hens or other grown poultry for each four (4) square feet of floor space in the building in which such poultry is housed shall be maintained.

E. Not more than an average of one (1) head of horses, mules or cattle nor more than two (2) head of sheep, goats or pigs for each one-half acre of the livestock enclosure shall be kept.

F. No building with a capacity for keeping more than five (5) head of horses, mules or cattle nor more than five (5) head of sheep, goats or pigs shall be constructed in the corporate limits of Gentry, Arkansas, within a distance of two hundred (200) feet from a then existing residence after the effective date of this ordinance. (Ord. No. 119, Secs. 1-9.)

6.16.02 Severability

It is ascertained by the City Council that the provisions of this ordinance are separate and independent, and if any word, clause, sentence or section should be declared void by a court of competent jurisdiction, it shall not interfere with the remaining provisions thereof, which can be given effect without the invalid provision or provisions. (Ord. No. 119, Sec. 10.)

6.16.03 Violation

Any person or persons violating any of the provisions or sections of this ordinance shall upon conviction be deemed guilty of a misdemeanor and fined in any sum not less than One Dollar ($1.00), nor more than Twenty-Five Dollars ($25.00), and each day that such condition shall exist shall be considered a separate offense. (Ord. No. 119, Sec. 11.)

6.16.04 Running at large

It shall be unlawful for any person owning or having control of any chickens, turkeys, geese, ducks or other fowl to allow the same to run at large within the city. (Ord. No. 01-492, Sec. 1.)

TITLE 7: PUBLIC PEACE, SAFETY AND MORALS

Chapters:

7.04 Curfew
7.08 Loitering
7.12 Prohibited Weapons
7.16 Hydrants and Water Conservation
7.20 Fireworks
7.24 Civil Defense Agency
7.28 Yard Sales
7.32 Sexually Oriented Businesses
7.36 Key Boxes
7.40 Burning Certain Structures
7.44 Urban Forestry and Landscape

CHAPTER 7.04 CURFEW

Sections;

7.04.01 Juvenile curfew
7.04.02 Exceptions
7.04.03 Parental responsibility
7.04.04 Enforcement procedure
7.04.05 Penalties

7.04.01 Juvenile curfew

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

A. 12:00 a.m. on Friday and Saturday nights. (Ord. No. 2009-652, Sec. 1.)
B. 11:00 p.m. on all other nights. (Ord. No. 369, Sec. 1.)

7.04.02 Exceptions

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

A. When accompanied by a parent of such minor.

B. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of such exercise.

C. In case of reasonable necessity for a juvenile remaining on the streets, but only after the juvenile's parent has communicated to the person designated by the Chief of Police to receive such notifications the facts establishing the reasonable necessity relating to specified streets at a designated time for a described purpose including

points of origin and destination. A copy of the communication, or of the police record thereof, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received and of the names and addresses of the parent and juvenile, shall be admissible evidence.

D. When returning home from and within one (1) hour after the termination of a school or city-sponsored activity, or an activity of a religious or other voluntary association, thus encouraging, as in other exceptional situation, responsible conduct on the part of juveniles involved in such activities and striking a fair balance for any conflicting interests.

E. When engaging in the duties of *bona fide* employment or traveling directly, without undue delay or detour from home to the place of employment, or from the place of employment to the home.

F. When the minor is in a motor vehicle for the purpose of interstate travel, either through, beginning or ending in Gentry. (Ord. No. 369, Sec. 1.)

7.04.03 Parental responsibility

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

A. Police procedures shall be refined in light of experience and may provide that the police officer may deliver to a parent or guardian thereof a juvenile under appropriate circumstances.

B. When a parent or guardian has come to take charge of the juvenile, and the appropriate information has been recorded, the juvenile shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the juvenile, then the juvenile shall be released in accordance with Arkansas and federal law.

C. In the case of a first violation by a juvenile, the Police Department shall by certified mail or direct service, send and/or deliver to a parent written notice of the violation with a warning that any subsequent violation will result in full enforcement of the Curfew Ordinance, including enforcement of parental responsibility and of applicable penalties. (Ord. No. 369, Sec. 2.)

7.04.04 Enforcement procedure

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

In determining the age of the juvenile and in the absence of convincing evidence, a police officer shall use his or her best judgment in determining age. (Ord. No. 369, Sec. 3.)

7.04.05 Penalties

A. If, after the warning notice pursuant to 7.01.03 of a first violation by a juvenile, a parent violates 7.01.04 (in connection with a second violation by the juvenile), this shall be treated as a first offense by the parent. For parental offenses, a parent may be fined not less than One Hundred Dollars ($100.00), nor more than Five Hundred Dollars ($500.00)
B. Any juvenile who shall violate any of the provisions of the Curfew Ordinance more than three (3) times shall be reported by the Chief of Police to the juvenile authorities as a juvenile in need of supervision and the Chief of Police shall refer the matter to the Benton County Prosecuting Attorney and/or the Arkansas Department of Human Services and/or other appropriate authorities. (Ord. No. 369, Sec. 4.)

CHAPTER 7.08 LOITERING

Sections:

7.08.01 Loitering unlawful
7.08.02 Permission
7.08.03 Fine
7.08.04 Warning

7.08.01 Loitering unlawful

Hereafter it shall be unlawful for any person under the age of seventeen (17) years to loiter upon the public streets, alleys or other public places when unaccompanied by their parents, within the corporate limits of the City of Gentry after the hour of 10.00 p.m. (Ord. No. 117, Sec. 1.)

7.08.02 Permission

All persons under the age of seventeen (17) must have written permission from their parents or guardian, to be upon the streets, alley or other public places after the hour stated in 7.08.01 of this ordinance. (Ord. No. 117, Sec. 2.)

7.08.03 Fine

Any person under the age of seventeen (17) years who shall be found guilty of violating 7.28.01 and 7.02.02 of this ordinance and shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not to exceed Five Dollars ($5.00). (Ord. No. 117, Sec. 3.)

7.08.04 Warning

It shall be the duty of any police officer to warn any violators of the first offence and take their names and report that violation to parents of the violator of this ordinance, and to the Mayor of the City of Gentry warning the said violator that there would be no further warnings of said violation. For the second offense, the Mayor would assess the penalties of this ordinance as herein provided. (Ord. No. 117, Sec. 4.)

CHAPTER 7.12 PROHIBITED WEAPONS

Sections:

7.12.01 Firearms
7.12.02 Fine

7.12.01 Firearms

It shall be unlawful for any person within the City of Gentry, Arkansas, to discharge any firearm, explosive, air rifle or B-B gun at such time, or in such manner as to kill, or injure, or endanger any person, or to damage or endanger the property of any person, unless such discharging of such firearm, explosive, air rifle or B-B gun be done in defense of home, person, or property of the person so discharging such firearm, explosive, air rifle or B-B gun, or in defense of the home, person, or property of another person. (Ord. No. 99, Sec. 1.)
Cross bows and bows and arrows are to be included in these items. (Ord. No. 260, Sec. 1.)

7.12.02 Fine

Any person violating this ordinance shall be fined in any sum not exceeding Fifty Dollars ($50.00). (Ord. No. 260, Sec. 1.)

CHAPTER 7.16 HYDRANTS AND WATER CONSERVATION

Sections:

7.16.01 Using hydrants
7.16.02 Fine
7.16.03 Power of Mayor
7.16.04 Voluntary conservation
7.16.05 Restrictive conservation
7.16.06 Mandatory conservation
7.16.07 Penalties

7.16.01 Using hydrants

It is hereby declared that without obtaining a permit from the Mayor or the Water Department of the City of Gentry, it is unlawful to hook up to a fire hydrant or any other city water outlet within the City of Gentry, Arkansas, and obtain water when it is not needed for firefighting or other emergency situation. (Ord. No. 354, Sec. 1.)

7.16.02 Fine

Any person found guilty of violating this ordinance can be fined up to Five Hundred Dollars ($500.00) for each offense. (Ord. No. 354, Sec. 2.)

7.16.03 Power of Mayor

The Mayor is hereby empowered to enact and repeal restrictive and mandatory water conservation procedure. (Ord. No. 93-379, Sec. 1.)

7.16.04 Voluntary conservation

During periods of voluntary water conservation, the public is urged to limit the watering of lawns, shrubs, plants, trees and gardens between the hours of 7:00 p.m. and 8:00 a.m. at locations with even numbered addresses on even numbered days of the month and at odd numbered addresses on odd numbered days of the month. (Ord. No. 93-379, Sec. 2.)

7.16.05 Restrictive conservation

Under restricted water conservation the watering of shrubs, plants, trees and gardens are permitted at locations with even numbered addresses on even numbered days of the month and at odd numbered addresses on odd days of the month (also between 7:00 p.m. and 8:00 a.m.)

The following use of water is prohibited:

A. Lawn watering; washing of motor vehicles, trailers, airplanes or boats (not applicable to commercial car washes); filling swimming pools or foundations; and washing of building exteriors; commercial irrigations.

B. The use of water from fire hydrants at any time for construction purposes, fire drills, or routine hydrant testing is prohibited. Only non-potable water may be used for dirt compaction, earth moving operations, or street based course construction.

C. The washing of sidewalks, walkways, driveways, patios, parking lots, hard-surfaced tennis courses, and other hard surfaced areas the hosing of by use of water directly from faucets or other city sources is prohibited. (Ord. No. 93-379, Sec. 3.)

7.16.06 Mandatory conservation

During periods of mandatory water conservation, the following uses of water from city sources is prohibited:

A. All lawn and turf watering, watering of shrubs, plants trees, and gardens, all washing of motor vehicles, trailers, airplanes, boats or building exteriors except at commercial carwashes and licensed commercial dealerships. Licensed commercial dealerships shall limit washing to Tuesday and Friday only.

B. Filling swimming pools or outdoor fountains or operation of outdoor fountains.

C. Commercial irrigation, football fields, baseball fields and soccer fields.

D. Washing of sidewalks, walkways, driveways, patios, parking lots, tennis courts and other hard surface area, or dust control.

E. The use of water from hydrants at any time for construction purposes, fire drills, or routine hydrant testing is prohibited. Only non-potable water may be used for dirt compaction, earth moving operations or street base course construction. (Ord. No. 93-379, Sec. 4.)

7.16.07 Penalties

Any resident of Gentry who violates restricted or mandatory water conservation measures shall be issued a warning ticket upon first offense. After a warning has been given, subsequent violations, upon conviction, shall be subject to a fine of up to Five Hundred Dollars ($500.00) per offense.

Any user of water outside the city limits of Gentry who violates restricted or mandatory water conservation shall be assessed a surcharge of up to Five Hundred Dollars ($500.00) for each day in which a violation occurs. (Ord. No. 93-379, Sec. 5.)

CHAPTER 7.20 FIREWORKS

Sections:

7.20.01 Unlawful
7.20.02 Permissible items
7.20.03 Specific items
7.20.04 Burn ban
7.20.05 Motor vehicles

7.20.01 Unlawful

Except as hereinafter provided, it shall be unlawful for any person to possess, store, offer for sale, sell at retail, set off, ignite or otherwise explode any firecrackers or other fireworks by whatever name called within the city limits; provided that the use of fireworks for public display shall be exempt from the restrictions herein upon the certification of the Fire Chief that the display does not pose a fire danger or would be disruptive of the public peace and tranquility. (Ord. No. 03-516, Sec. 1.)

7.05.02 Permissible items

Permissible items of fireworks, defined in A.C.A. 20-22-708, may be sold at retail from June 20 through July 10 of each year. Any seller of such fireworks shall first obtain a privilege license from the City of Gentry. (Ord. No. 03-516, Sec. 2.)

7.20.03 Specific items

Roman candles, rockets, helicopter type rockets, bottle rockets or other airborne fireworks of any nature shall not be discharged within the city limits. Other non-airborne fireworks may be discharged on private property within the city limits of the City of Gentry between the hours of 8:00 a.m. and 12:00 midnight on the 4th of July. (Ord. No. 03-516, Sec. 3.)

7.20.04 Burn ban

The discharge of such fireworks shall not occur in the event a burn ban is in effect in Benton County on the 4th of July. Nor shall such fireworks be discharged upon any street, road, alley, parking lot or other public property; within any park nor within six hundred (600) feet of any church, public school or establishment at which gasoline is sold; nor within two hundred (200) feet of where fireworks are stored, sold or offered for sale. (Ord. No. 03-516, Sec. 4.)

7.20.05 Motor vehicles

No person shall ignite or discharge any permissible articles of fireworks within, or throw the fireworks from a motor vehicle while therein, nor shall any person place or

Throw any ignited article of fireworks into or at a motor vehicle or at or near any person or group of people. (Ord. No. 03-516, Sec. 5.)

CHAPTER 7.24 CIVIL DEFENSE AGENCY

Sections:

7.24.01 Policy and purpose
7.24.02 Definitions
7.24.03 Powers of the mayor
7.24.04 Director of Civil Defense
7.24.05 Duties of director
7.24.06 Duties
7.24.07 Mutual aid arrangements
7.24.08 Appropriations and authority to accept services, gifts, grants, and loans
7.24.09 Utilization of existing services and facilities
7.24.10 Political activity prohibited
7.24.11 Civil Defense personnel

7.24.01 Policy and purpose

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

1. To create a city Civil Defense Agency;

2. To provide for the rendering of mutual aid to other cities within the State of Arkansas, and those adjoining states, and to cooperate with the state government with respect to carrying out Civil Defense functions.

B. It is further declared to be the purpose of this ordinance and the policy of this city that all Civil Defense functions of this city be coordinated to the maximum extent with the comparable functions of the state government including its various departments and agencies, of other cities and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of this city's manpower, resources, and facilities for dealing with any disaster that may occur.

C. It is further declared to be the purpose of this ordinance and the policy of the city to organize its Civil Defense organization in conformity with the Arkansas Civil Defense Plan as directed by Act 511 of 1973, which is cited as "The Arkansas Emergency Services Act of 1973". (Ord. No. 322, Sec. 1)

7.24.02 Definitions

As used in this chapter, "Civil Defense" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action, or by fire, flood, earthquake, or other natural causes. These functions include, without limitation, firefighting services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical, and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services (civilian

war aid), emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions. (Ord. No. 115-B, Sec. 2)

7.24.03 Powers of the Mayor

The Mayor of the city shall be responsible for and have general direction and control of the Civil Defense of this city. In addition to the powers and duties the Mayor now has, he shall have such additional powers granted and conferred by this ordinance not inconsistent with other ordinances of this city. (Ord. No. 115-B, Sec. 3)

7.24.04 Director of Civil Defense

The Mayor, with the consent of the City Council, is hereby authorized to appoint a Director of Civil Defense, who shall perform such duties as are imposed upon him by this ordinance, and as are delegated to him by the Mayor when not contrary to other ordinances of this city. (Ord. No. 115-B, Sec. 4)

7.24.05 Duties of Director

The Director shall coordinate the activities of all organizations for Civil Defense within this city and shall maintain liaison with and cooperate with the Civil Defense agencies and organizations within the state and with the state government. (Ord. No. 115-B, Sec. 5)

7.24.06 Duties

A. In performing his duties under this ordinance, the Mayor, or the Director of Civil Defense when such authority is delegated to him by the Mayor, is authorized to cooperate with the state government, with other cities and counties, and with private agencies in all matters pertaining to the Civil Defense of this city and of the state.

B. In performing his duties under this ordinance and to affect its policy and purpose, the Mayor is further authorized and empowered:

    1. To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this ordinance within the limits of the authority conferred upon him herein, with due consideration of the plans of the state government;
    2. To prepare a comprehensive plan and program for the Civil Defense of this city, such plan and program to be integrated into and coordinated with the Civil Defense plans of the state government and of other cities and counties within the state to the fullest extent;
    3. In accordance with such plan and program for the Civil Defense of this city, to institute training programs and public information programs, and to take all other preparatory steps including the partial or full mobilization of Civil Defense organization, in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of Civil Defense personnel in time of need;
    4. To make such studies and surveys of the industries, resources, and facilities in this city as may be necessary to ascertain the capabilities of the city for Civil Defense, and to plan for the most efficient emergency use thereof;

5. On behalf of this city, to enter into mutual aid arrangements with other cities and counties within this state and also with Civil Defense agencies or organizations in other states for reciprocal Civil Defense aid and assistance in case of disaster too great to be dealt with unassisted. Such mutual aid arrangements may be made subject to the approval of the Governor, or of the State Director of Civil Defense;
6. To delegate any administrative authority vested in him under this chapter, and to provide for the sub-delegation of any such authority;
7. To cooperate with the Governor and the Arkansas Office of Civil Defense and other appropriate state offices and agencies, and with the officials and agencies of other cities and counties within the state pertaining to the Civil Defense of the state including the direction or control of:
    a. black-outs and practice blackout, air-raid drills, mobilization of Civil Defense forces, and other tests and exercises,
    b. warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith,
    c. the effective screening or extinguishing of all lights and lighting devices and appliances,
    d. shutting off water mains, gas mains, electric power connections and the suspension of all other utility services,
    e. the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior and subsequent to drills or attack,
    f. public meetings or gatherings, and,
    g. the evacuation and reception of the civilian population. (Ord. No. 115-B, Sec. 6)

7.24.07 Mutual aid arrangements

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

B. The Director of the organization for Civil Defense, may, subject to the approval of the Governor, enter into mutual aid arrangements with Civil Defense agencies or organizations in other states for reciprocal Civil Defense aid and assistance in case of disaster too great to be dealt with unassisted. (Ord. No. 115-B, Sec. 7)

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

A. Whenever the state government or any agency or officer thereof shall offer to this city, services, equipment, supplies, materials, or funds by way of gifts, grants, or loans, for purposes of Civil Defense, the city, acting through the Mayor, may accept such offer and upon such acceptance, the Mayor may authorize any officer of the city to receive such services,

equipment, supplies, materials, or funds on behalf of this city, and subject to the terms of the offer.

B. Whenever any person, firm, or corporation shall offer to this city services, equipment, supplies, materials, or funds by way of gift, grant or loan, for purposes of Civil Defense, the city acting through the Mayor, may accept such offer and upon such acceptance the Mayor of the city may authorize any officer of the city to receive such services, equipment, supplies, materials, or other funds on behalf of the city, and subject to the terms of the offer. (Ord. No. 115-B, Sec. 8)

7.24.09 Utilization of existing services and facilities

A. In carrying out the provisions of this ordinance, the Mayor is directed to utilize the services, equipment, supplies and facilities of existing departments, offices, and agencies of the city, to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the Mayor, and to the Civil Defense organizations of the city upon request. (Ord. No. 115-B, Sec. 9)

B. There is hereby adopted by the City Council of Gentry, Arkansas, for the purpose of establishing an effective and efficient emergency management operation for the protection of life and property and recovery assistance for the citizens of Gentry, Arkansas, the Emergency Operations Plan, Gentry Disaster Plan and By-Laws of the Gentry Civil Defense organization, save and except such portions as are hereinafter deleted, modified, or amended, or which copies have been and now are filed in the office of the Recorder/Treasurer and the same are adopted and incorporated as fully as if set out in full herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the implementation and governing of the Gentry Civil Defense. (Ord. No. 322, Sec. 2.)

C. The line of succession of the authority in the implementation of the Emergency Operations Plan is as follows:

1. Mayor
2. City Clerk
3. Civil Defense Director
4. Department Heads, i.e., Police and Fire (Ord. No. 322, Sec. 3.)

7.24.10 Political activity prohibited

No organization for Civil Defense established under the authority of this ordinance shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes. (Ord. No. 115-B, Sec. 10)

7.24.11 Civil defense personnel

No person shall be employed or associated in any capacity in the Civil Defense organization of this city established under this ordinance who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or of this State, or in this city or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in this organization for Civil Defense shall,

before entering upon his duties, take an oath in writing before a person authorized to administer oaths in the state which oath shall be substantially as follows:
I, , do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Arkansas against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States or of this state by force or violence; and that during such time as I am a member of the Civil Defense agency of the city, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United State or of this state by force or violence." (Ord. No. 115-B, Sec. 11)

CHAPTER 7.28 YARD SALES

Sections:

7.28.01 Definition and exemption
7.28.02 Permit
7.28.03 Obstructing traffic
7.28.04 Details of permit
7.28.05 Signs
7.28.06 Fine

7.28.01 Definition and exemption

Sales regulated by this ordinance what are commonly known as yard sales, carport sales, garage sales, porch sales, patio sales and any other sales from a residence. Home businesses permitted under the zoning ordinances of the City of Gentry and properly licensed as a home business are exempt from the provisions of this ordinance only with respect to their particular home business. (Ord. No. 98-467, Sec. 2.)

7.28.02 Permit

Any person conducting a home sale pursuant to this ordinance shall obtain a permit for the privilege of conducting said sale. Permits shall be obtained from Gentry City Hall. Each person applying for a permit shall give his/her name, address, and location of such sale and such other information as is reasonably necessary for the proper regulation of home sales in Gentry, Arkansas. Sales are restricted to four (4) days in duration and shall not be held on the same premises more than four (4) times in any one (1) year period. The fee for each permit issued shall be Five Dollars ($5.00). (Ord. No. 11-679, Sec. 1.)

7.28.03 Obstructing traffic

It shall be unlawful for any person obtaining a permit pursuant to this ordinance to conduct such home sale in a place or in a manner which blocks or obstructs the vehicular traffic or in any way creates a hazardous driving condition. The Chief of Police or his officers shall have authority to

revoke the home sale permit of any person who conducts a sale in a manner which blocks or obstructs vehicular traffic or creates a hazardous driving condition. The revocation of such permits shall not preclude any other penalties under this ordinance, under the City of Gentry Code or ordinances or under state law. (Ord. No. 98-467, Sec. 4.)

7.28.04 Details of permit

Any person obtaining a permit pursuant to this ordinance shall be required to display the permit in a conspicuous fashion on the premises in which the home sale is conducted. The permits issued under this ordinance shall be prepared in triplicates with the original being issued to the person conducting the home sale and one copy going to the Gentry Police Department and one copy to be retained at the Gentry City Hall. The Mayor, the Director of Finance and/or such other persons as may be designated by the Mayor from time to time shall be vested with the responsibility for the issuance of the permits and for the proper filing of the permits in the Gentry City Hall. The permits issued hereunder shall specify the dates on which the sale is to be conducted. (Ord. No. 98-467, Sec. 5.)

7.28.05 Signs

Any person conducting a yard sale, carport sale, garage sale, porch sale, patio sale or any similar properly permitted sale from a residence, may post a sign or signs advertising such sale on the day or days of such sale, on condition that any sign posted include the address of the sale, and otherwise comply with the following requirements and conditions:

1. Such sign(s) may be posted in the following locations on the day(s) of such sale:

a) On the premises of the sale;

b) On other private property in the City, on condition that the person conducting such sale has written permission for placement of the sign on such private property.

2. Such sign(s) may not be posted:

a) On any State highway right of way;

b) On any public utility pole or street sign;

c) On any tree, shrub or other plant located in the right of way of any public road street or highway.

3. The dimensions of any such sign shall not exceed 6 square feet. Neither the sign no its supporting post may be taller than 48” from the ground. Placement of any sign may be on a 2” x 2” stake, but shall not be accomplished by use of a “T” post. Placement of any such sign shall not be in such a manner to obstruct the view of any intersection.

4. Any posted garage sale sign shall include the name(s) of the person(s) holding the garage sale permit and shall reflect the street address of the sale.

5. Each garage sale sign shall be removed by the person holding such sale no later than midnight on the day of or the last day of such sale, whichever is later. (ord. No 11-679 & 14-04.09)

7.28.06 Fine

Violations of this ordinance shall be a misdemeanor and the fine for any violation shall be Twenty-Five Dollars ($25.00) for the first offense and Fifty Dollars ($50.00) for any subsequent offenses. Each day of such sale in violation of this ordinance shall constitute a separate offense. (Ord. No. 98-467, Sec. 7.)

CHAPTER 7.32 SEXUALLY ORIENTED BUSINESSES

Sections:

7.32.01 Purpose and intent
7.32.02 Definitions
7.32.03 Classification
7.32.04 Special use
7.32.05 Penalties
7.32.06 Not rendered illegal

7.32.01 Purpose and intent

It is the purpose of this ordinance to regulate sexually oriented businesses to promote the health, safety and general welfare of the citizens of the city, and to establish reasonable uniform regulations of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market, unless otherwise restricted by law. (Ord. No. 04-538, Sec. 1.)

7.32.02 Definitions

Adult arcade

Any place to which the public is permitted or invited wherein coin operated or slug-operated or electronically, electrically, or mechanically controlled image-producing devises are maintained to show images to five or fewer viewers at one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

Adult bookstore or adult video store

A commercial establishment whose principal business purposes is to offer for sale or rental for any form of consideration any one or more of the following:

Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas.”

Adult cabaret

A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

A. Persons who appear in a state of nudity; or

B. Live performances which are characterized by the exposing of “specified sexual activities” or “specified anatomical areas;” or

C. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction of “specified sexual activities” or “specified anatomical areas.”

Adult motion picture theater

A commercial establishment where, for any form of consideration, firms, motion pictures, video cassettes, slides, or similar photographic reproductions, are regularly shown, excluding those which are rated by the Motion Picture Association of America, which emphasize “specified sexual activities.”

Adult theaters

A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appearing in a state of nudity of live performances which are characterized by the exposure of “specified sexual activities” or “specified anatomical areas.”

Nudity or state of nudity

A. The appearance of the bare human buttocks, anus, male genitals, female genitals, or female breast.

B. A state of dress which fails to opaquely cover a human buttocks, anus, male genitals, female genitals, or female breast.

Person

An individual, proprietorship, partnership, corporation, association or other legal entity.

Sexually oriented activities

A. Human genitals in a state of sexual stimulation or arousal.

B. Acts of human masturbation, sexual intercourse, or sodomy.

C. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

Specified anatomical areas

A. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola; and

B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Residential district

Any land within the city limits of Gentry, Arkansas zoned as R-1, R-2, R-3, R-4, R-E, R-N, or R-0. (Ord. No. 04-538, Sec. 2., 21-843, Sec. 6)

7.32.03 Classification

Sexually oriented businesses are classified as follows:

A. Adult arcade;
B. Adult bookstores and adult video stores;
C. Adult cabarets;
D. Adult motion picture theaters;
E. Adult theaters.

(Ord. No. 04-538, Sec. 3.)

7.32.04 Special use

Sexually oriented businesses shall not be allowed in any zoning district except C-2 where they may be allowed as a "special use" (as defined by and subject to the requirements of the city's Zoning Ordinance), subject to the following:

A. No sexually oriented business may be operated within 1,000 feet of:

1. a church;
2. a public or private elementary, middle school secondary or post-secondary school, pre-school or child care facility;
3. a public park; family recreation center as defined in A.C.A. 5-27-226; bowling alley; or skating rink;
4. a hospital, medical or chiropractic center or service facility;
5. properties listed on the National Register of Historical Place or local historic districts as identified by the Arkansas Historic Preservation Program;
6. another sexually oriented business.

B. No sexually oriented business may be operated within 100 feet of any single family or multiple family residence.

C. No sexually oriented business may be operated within 100 feet of the boundary of a residential district.

D. For the purposes of subsections (A), (B), and (C), measurements shall be made in a straight line, without regard to intervening structures or objects from the nearest property line of the sexually oriented business to the nearest property line of any church, public or private elementary, middle school, secondary or post-secondary school, pre-school or child care facility, public park, family recreation center, bowling alley, skating rink, hospital, medical or chiropractic center or service facility, residential district or any single family or multiple family residential use, hospital, properties listed on the National Historic Register or local historic districts as identified by the Arkansas Historic Preservation Program, or any other sexually oriented business.

E. The zoning ordinance shall be amended to classify sexually oriented businesses as a special use in a C-2 Zone. (Ord. No. 04-538, Sec. 4.)

7.32.05 Penalties

A. Any person operating or causing to be operated any sexually oriented business in violation of any part of this ordinance, upon conviction, is punishable by a fine not to exceed Five Hundred Dollars ($500.00).

B. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed Two Hundred Fifty Dollars ($250.00) for each day that the same is unlawfully continued.

C. A person who operates or causes to be operated a sexually oriented business in violation of this ordinance will be subject to a suit for injunction as well as prosecution for criminal violations. (Ord. No. 04-538, Sec. 5.)

7.32.06 Not rendered illegal

A lawfully operating sexually oriented business shall not be rendered illegal by the subsequent location of a church, a public or private school, a pre-school, a child care facility, a public park, a family recreation center, a bowling alley, a skating rink, a hospital, medical or chiropractic center or service facility, a residential zoning, or a subsequent residential use. (Ord. No. 04-538, Sec. 6.)

CHAPTER 7.36 KEY BOXES

Sections:

7.36.01 Commercial buildings

7.36.01 Commercial buildings

The owner of all commercial buildings within the City of Gentry having a sprinkler system for fire suppression or a fire alarm shall install approved key boxes (presently those manufactured by Knox Company) in accordance with the instructions of the Fire Chief on or before May 1, 2011. (Ord. No. 11-674, Sec. 1.)

CHAPTER 7.40 BURNING CERTAIN STRUCTURES

Sections:

7.40.01 Process
7.40.02 Permit
7.40.03 Inspection
7.40.04 Approval
7.40.05 Instructions
7.40.06 Cleanup
7.40.07 Other reasons
7.40.08 Fine

7.40.01 Process

The purpose of this ordinance is to provide a process by which for citizens of Gentry may obtain, for qualified structures, an authorization and permit for burning of dilapidated structures on their own property, which are or will become fire hazards, such as, but not limited to, barns, sheds, and chicken houses. (Ord. No. 10-658, Sec. 1.)

7.40.02 Permit

Any person desiring to burn a structure on their property for the reason that it is or will become a fire hazard, which structure is located within the incorporated area of the City of Gentry, shall apply for a permit from the Fire Chief, or his designee, to destroy such structure by burning it. The permit application shall include the name of the owner of the property; the address of the

property; any mortgagee or other person having an interest in the structure proposed to be burned; and shall generally describe the structure to be burned. The application shall also be accompanied by a notarized statement that there is no insurance on the structure and shall be accompanied by a Twenty-Five Dollars ($25.00) application fee. (Ord. No. 10-658, Sec. 2.)

7.40.03 Inspection

Upon an application being made, the Gentry Fire Chief or his designee, shall have the property inspected by someone certified under Regulation 21 of the regulations of the Arkansas Pollution Control & Ecology Commission related to asbestos. Such inspection shall be made

A. To determine whether the structure proposed to be burned and the surrounding property is a current fire hazard or likely to become one;
B. To determine the presence of hazardous materials, including specifically but not limited to asbestos; and
C. To determine if other circumstances exist regarding the structure which otherwise makes it unsuitable for destruction by burning.

In the event the city does not have an employee qualified to make the inspection related to asbestos, the cost for such inspection shall be billed to and paid by the applicant prior to issuance of the burn permit. In the event that one or more conditions exist which would prevent a permit being issued which can be corrected, the Fire Chief, or his designee, shall notify the applicant of the problem and allow correction (if reasonably possible) and shall thereafter inspect the structure and surrounding area as described above to see if the issue has been corrected. In no case shall a permit be issued if the structure contains asbestos. (Ord. No. 10-658, Sec. 3.)

7.40.04 Approval

Upon the approval of the Fire Chief, or his designee, and the payment of a burn permit fee of Two Hundred Fifty Dollars ($250.00) by the applicant, the applicant will be issued a permit to allow the structure to be burned in compliance with the other provisions of this ordinance. A copy of the approved permit will be immediately sent by the Fire Chief, or his designee, by regular mail to the Arkansas Department of Environmental Quality-Air Division, 5301 Northshore Drive, North Little Rock, AR 72118-5317 (or such other future address of the division or its successor). (Ord. No. 10-658, Sec. 4.)

7.40.05 Instructions

After receiving the burn permit, the applicant may set fire to the structure approved for burning on a date and time approved by the Fire Chief, beginning no earlier than ten (10) days after and no later than thirty (30) days prior to setting fire to the structure to schedule the approved burning so that the Fire Department may schedule to be present during the burn.

Prior to setting fire to the structure on the scheduled day, the applicant must then contact the Fire Department to obtain approval to burn that day. The Fire Chief will give approval unless weather conditions or other circumstances dictate that burning would not be appropriate at that time. The applicant shall follow any instruction given by the Fire Department, including specifically, but not limited to, those related to attending the fire and having appropriate fire control measures in place. In the event that permission to set fire to the structure approved for burning is not given by the Fire Department, they shall communicate to the applicant the reason that such permission is denied.

A permit may be extended by the Fire Chief for up to thirty (30) days upon request by the applicant. The Burn Permit Fee pays for the Fire Department to "stand by" during so much of the burn as the Fire Chief or his designee deems prudent. In the event the Fire Chief or his designee deems it necessary to engage in protective fire suppression activities, including but not limited to spraying water on the building being burned or on adjoining property, or in the event the fire spreads or threatens to spread out of control and fire suppression activities are then commenced, the applicant shall be responsible for payment of all Fire Department charges at standard time and equipment rates. (Ord. No. 10-658, Sec. 5.)

7.40.06 Cleanup

Within thirty (30) days after the structure is burned, the Fire Chief, or his designee, shall return to the site of the structure to inspect the area to ensure that appropriate cleanup work has been performed and completed. (Ord. No. 10-658, Sec. 6.)

7.40.07 Other reasons

Any person desiring to burn a structure on his property for any reason other than the structure is a current or future fire hazard shall first obtain permission for such burning from the Arkansas Department of Environmental Quality (or its successor agency) and thereafter shall otherwise follow the requirements of this ordinance. (Ord. No. 10-658, Sec. 7.)

7.40.08 Fine

The burning of a structure in violation of this provision shall subject the violator to a fine of up to Five Hundred Dollars ($500.00). A violator of his subsection who has also violated state law shall be subject to prosecution for the violation of state law as well, at the discretion of the City Attorney, or appropriate administrative action by the Arkansas Department of Environmental Quality (or its successor agency). (Ord. No. 10-658, Sec. 8.)

CHAPTER 7.44 URBAN FORESTRY AND LANDSCAPE

Sections:

7.44.01 Definitions
7.44.02 Authority
7.44.03 Tree Board
7.44.04 Tree planting, maintenance and removal
7.44.05 Tree protection
7.44.06 Violations and penalties
7.44.07 Exemptions

7.44.01 Definitions

As used within this ordinance, the following terms shall have the meanings set forth in this section:

Arboriculture – the art and science of tree care including, but not limited to planting, pruning, fertilization, pest control, support, protection and removal.

Approved tree list – a listing of tree species and varieties selected as being suitable to growing conditions of Gentry, developed and maintained by the Tree Board.

Commercial property – includes all property and land uses zoned as commercial, to include industrial, wholesale, retail, service and food service establishments.

City-managed property – includes street rights-of-way, alleys, parks, public grounds, parking areas, green ways, easements, and other properties owned, managed or maintained by the City of Gentry.

Dripline – an imaginary vertical line extending downwards from the outermost tips of tree branches to the ground.

Hazardous – any part of a tree that is defective, diseased, damaged, decayed or located so as to be a danger to public safety, health or welfare.

Public tree – any tree located on public and/or city-managed property.

Topping – the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the crown of the tree, considered harmful to tree health.

Tree Board – an advisory committee of the City of Gentry to address issues regarding public trees and commercial landscaping. (Ord. No. 10-666, Sec. 1.)

7.44.02 Authority

The City of Gentry shall have the authority to regulate, conduct and oversee the planting, maintenance, and removal of trees on city-managed property to ensure public safety, and to preserve the aesthetics, health and environmental benefits of public trees. The city shall have the authority to cause the removal of any dead, diseased or hazardous tree or tree parts within the city when a potential hazard to public safety and welfare exists. Each city department shall have the authority to implement this ordinance on properties for which it is responsible. (Ord. No. 10-666, Sec. 2.)

7.44.03 Tree Board

The City of Gentry Parks Advisory Committee shall serve as a Tree Board. The Tree Board shall have the responsibility and duty to serve the city and community of Gentry by providing education, recommendations and plans for the planting, care and removal of trees on public and city-managed properties, and recommendations for landscaping of commercial properties. The Tree Board shall assist city departments in the development of a tree management plan and guidelines addressing the planting, care and removal of trees on public and city-managed properties. The Tree Board shall apply for and maintain certification of Gentry as a Tree City U.S.A., by the National Arbor Day Foundation. The Tree Board shall also investigate, solicit and manage funding for the planting and care of trees on public property. (Ord. No. 10-666, Sec. 3.)

7.44.04 Tree planting, maintenance and removal

Planting, maintenance and removal activities on public trees shall meet current arboricultural practices described in the American National Standards Institute ASC A300 standards for tree care operations. City Department, contractors, community organizations and individuals performing tree related activities on city-managed property are required to adhere to these standards. The practice of topping is not approved on public trees and is strongly discouraged as a practice for

private tree. Trees planted on city-managed property shall be selected from the approved tree list developed and maintained by the Tree Board.
(Ord. No. 10-666, Sec. 4.)

7.44.05 Tree protection

Public trees may not be planted or removed without the appropriate or required permission. Attachment to public trees of any rope, wire, sign, structure or harmful device is not allowed, with the exception of temporary, seasonal decorations. Exposure of chemical substances, toxic or injurious to the health, growth and vitality of any public tree is not allowed. Public utilities should exercise reasonable care and utilize work practices within the dripline of public trees to avoid damage and injury during the installation and maintenance of its facilities. No person or business shall allow vehicles or equipment to cause damage or injury to public trees by physical damage, land alteration, or chemical contamination. It shall be unlawful for any person or business to plant, prune, remove, spray, or otherwise treat public trees without the prior consent of appropriate city personnel in each instance. (Ord. No. 10-666, Sec. 5.)

7.44.06 Violations and penalties

It is unlawful and shall be a misdemeanor to violate the provisions of this ordinance, including failure to comply with any notice and decision of the City Council following appeal. If, as the result of violation of this ordinance, the injury, mutilation, or death of a public tree is caused, the actual cost of repair, replacement, or the appraised dollar value of such public tree shall be borne by the party in violation. The value of public trees will be appraised in accordance with the current edition of the Council of Tree and Landscape Appraisers *Guide for Plant Appraisal*. Each public tree affected and each action take in non-compliance with this ordinance shall constitute a separate violation. (Ord. No. 10-666, Sec. 6.)

7.44.07 Exemptions

In accordance with related city ordinances, state law or franchise agreements, public utilities may be exempt from certain provisions of this ordinance. (Ord. No. 10-666, Sec. 7.)

TITLE 8: VEHICLES AND TRAFFIC

Chapters:

8.04 Adoption of State Laws
8.08 Non-Operating Vehicles
8.12 Master Street Plan Map
8.16 Speed Limits
8.20 Bicycles and Skateboards
8.24 Parking and One-Way Streets
8.28 Obstruction of View
8.32 Re-Naming Street
8.36 Careless Driving
8.40 Vacating Streets
8.44 Engine Brake
8.48 Golf Carts

CHAPTER 8.04 ADOPTION OF STATE LAWS

Sections:

8.04.01 Adoption of state laws

8.04.01 Adoption of state laws

The City of Gentry, Arkansas, hereby adopts and incorporates by reference those laws described above as the Arkansas Criminal and Traffic Laws. Notwithstanding such adoption, charges for violation of such law may be brought under either this ordinance or directly pursuant to Arkansas law. (Ord. No. 377, Sec. 1.)

CHAPTER 8.02 NON-OPERATING VEHICLES

Sections:

8.08.01 Definitions
8.08.02 Prohibited from areas
8.08.03 Exceptions
8.08.04 Violations

8.08.01 Definitions

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

Motor vehicle means a car, automobile, truck, bus, tractor truck, van or the vehicle licensed to travel upon the roads of the state, or subject to licensing for travel or intended as a carrier for goods and persons from point-to-point which uses power derived from a motor or engine, including but not limited to an internal combustion engine or electric motor.

Non-operating motor vehicle means a motor vehicle with one or more of the following characteristics:

A. The engine or motor is inoperative.

B. The wheels or any of them are removed.

C. The vehicle has one or more flat tires.

D. Major operating components of the vehicle are missing, such as the windshield glass, door glass, fenders, gauges, steering wheel, tie rods, springs, drivetrain, gearbox, rear end or any parts connected with the steering mechanism that of the motor vehicle, or the seats are removed.

E. Any of the major operating components of the vehicle such as those listed in (D) above, are in such a damaged condition as to render the motor vehicle inoperative.

F. The motor vehicle does not have current registration. (Ord. No. 12-688, Sec. 3.)

8.08.02 Prohibited from areas

It is unlawful for a non-operating vehicle to be situated upon the following premises except as otherwise provided:

A. All public streets, roads, alleys and other public property.

B. On any residential property where such non-operating vehicle shall be exposed to public view. For purposes of this section **public view** means that such vehicle is visible from other private or public property. Further, such vehicle shall be deemed within **public view** notwithstanding that it may be wholly or partially covered by tarp, car cover or any other covering material. A vehicle shall not be deemed within **public view** if it is stored within a solid privacy fence at least six (6) feet in height or if such vehicle is stored within an enclosed garage or other enclosed structure. (Ord. No. 12-688, Sec. 3.)

8.08.03 Exceptions

Nothing in this article shall be construed to apply to:

A. Any motor vehicle that can be started and moved under its own power on demand.

B. Motorcycles and motorbikes.

C. Antique automobiles, provided the vehicle has been registered as an antique and has a properly a fixed antique license plate as required by law.

D. Temporarily disabled motor vehicles provided they are restored to running condition within thirty (30) days from the date of disablement. (Ord. No. 12-688, Sec. 3.)

8.08.04 Violations

A person shall be deemed in violation of this chapter if:

A. Such person owns or has registered to him a non-operating motor vehicle that is in a prohibited area as set forth herein.

B. Such person owns or is the tenant of real property on which the non-operating motor vehicle is placed, parked or found resting, which is a prohibited area as set forth in this chapter.

C. It shall be a prima facie case that the registered owner of a motor vehicle in question, is in fact the owner of the motor vehicle. (Ord. No. 12-688, Sec. 3.)

CHAPTER 8.12 MASTER STREET PLAN MAP

Sections:

8.12.01 Planning map

8.12.01 Planning map

A Planning Area Map and Land Use and Master Street Plan Map for the City of Gentry, Arkansas, prepared by the Gentry Planning Commission and adopted by it on March 26, 1979, at public hearing held September 11, 1978, are hereby adopted. Three copies of the maps above referred to are on file in the office of the City Clerk and are available for public inspection. (Ord. No. 192, Sec. 1.)

CHAPTER 8.16 SPEED LIMITS

Sections:

8.16.01 Speed limits of city streets
8.16.02 Passing on city streets
8.16.03 Speeds on special streets

8.16.01 Speed limits

The speed limits on city streets and roads shall be thirty (30) miles per hour unless otherwise posted or ordained. (Ord. No. 08-633, Sec. 1.)

8.16.02 Passing on city streets

Unless expressly marked by a white dashed line, no passing shall be allowed on any city streets. (Ord. No. 2008-633, Sec. 2.)

8.16.03 Speeds on special streets

A. The speed limit on North West Giles from Third Street north to the end of said North West Giles shall be and hereby is established to be fifteen (15) miles per hour. (Ord. No. 270, Sec. 1.)
B. The speed limit on Pine Street from Highway 12 to the north end of said Pine Street shall be and hereby is established to be twenty (20) miles per hour. (Ord. No. 294, Sec. 1.)
C. The City Council hereby establishes a 25-mile-per-hour speed limit on those portions of Dawn Hill East Road that are within City Limits within the following zone: commencing at the western boundary of the city limits of Gentry bordering Dawn Hill East Road, which point is approximately 894 feet west of the intersection of Dawn Hill East Road and Cozy

Corner Road for the west end of said zone; and proceeding eastward to the intersection of Dawn Hill East Road and Marion Lee Road for the east end of said zone. (Ord. No. 20-825, Sec. 1.)

CHAPTER 8.20 BICYCLES AND SKATEBOARDS

Sections:

8.20.01 Sidewalk

8.20.01 Sidewalk

It shall be unlawful to ride a bicycle, skateboard, roller skates, roller blades and similar apparatus upon any sidewalk adjacent to Main Street between Railroad Avenue on the east and Giles Avenue on the west. Otherwise, in all cases any such apparatus shall yield to pedestrians and to persons utilizing wheelchairs or similar devices. (Ord. No. 12-688, Sec. 4.)

CHAPTER 8.24 PARKING AND ONE-WAY STREETS

Sections:

8.24.01 Main Street parking zone restrictions
8.24.02 Penalties for violations
8.24.03 Semi-tractors/trailers
8.24.04 No parking
8.24.05 Off-street parking requirements
8.24.06 Fines and penalties
8.24.07 One-way streets

8.24.01 Main Street parking zone restrictions

A. Vehicles may not be parked on Main Street, Gentry, Arkansas between Collins Avenue on the west and the Kansas City Southern Railroad tracks on the east, for more than two (2) hours without being moved. This parking restriction shall apply 365 days per year.

B. Vehicles having a GVWR of 30,000 lbs. or more shall not be allowed to park on Nelson Avenue, Rust Avenue or Collins Avenue for the one block area from between the alley ½ block North of Main Street to the alley ½ block south of Main Street except for short term delivery parking.

C. Each two (2) hour period violated shall constitute a separate offense. Any other parking violation shall also constitute a separate offense. (Ord. No. 11-676, Sec. 1.)

8.24.02 Penalties for violations

Any person, firm or corporation violating the provisions 8.06.01 of this ordinance may be subject to an administrative parking fine of not less than Five Dollars ($5.00). However, any parking fine may alternatively be levied in accordance with the provisions of 1.08.01. (Ord. No. 11-676, Sec. 2.)

8.24.03 Semi-tractor/trailers

A. The parking of semi-tractor/trailers on residential streets in Gentry, Arkansas, is hereby declared to be prohibited.

B. Any person violating this ordinance shall be subject to a fine not to exceed Five Hundred Dollars ($500.00). Each day a violation of this ordinance occurs will constitute a separate violation. (Ord. No. 359, Sec. 1-3.)

8.24.04 No parking

Ord. No. 94-392

It shall be a violation of city ordinance to park on North Collins Avenue from Main Street to McKee Drive, unless such parking is in a designated paved parking area off of the actual street surface.

This parking restriction shall be in effect seven (7) days a week, twenty-four (24) hours per day.

Ord. No. 09-654
It shall be a violation of city ordinance for any vehicle to park on either side of South Smith Street between Arkansas Highway 12 West and 4th Street at any time, 7 days a week, 24 hours a day, 365 days per year, for any reason or purpose.

Appropriate no parking signage shall be affixed and upon a violation of such parking restriction, the person in such violation shall be subject to a fine for illegal parking as set forth in the Gentry Municipal Code.

Ord. No. 10-660
It shall be a violation of city ordinance for any vehicle to park on either side of the south 155 feet of Orchard Drive at any time, seven (7) days a week, twenty-four (24) hours a day, 365 days per year, for any reason or purpose.
Appropriate no parking signage shall be affixed and upon a violation of such parking restriction, the person in such violation shall be subject to a fine for illegal parking as set forth in 82-94 of the Gentry Municipal Code.

8.24.05 Off-street parking requirements

Generally, no parking space shall be designed so that a vehicle is required to back into a public street for egress. The only exceptions are as follows:

A. One and two-family residences; and

B. Three and four-family residences in those instances where two parking spaces per unit are provided, with at least one of those spaces consisting of an attached enclosed garage. The design of those units must be such that no more than two (2) garages may be adjacent to one another.

C. When parking spaces are provided in front of multi-family housing (unless (B) exception applies) they must be set back at least five (5) feet from the street right-of-way line. In addition, the area between the street right-of-way line and the parking must be planted with grass, shrubs or ground cover. (Ord. No. 2008-627, Secs. 1-2.)

8.24.06 Fines and penalties

A. Any person who as driver or owner shall allow any automobile to remain parked in a restricted parking zone for a period of time greater than that allowed, or who allows parking in a manner otherwise prohibited by city ordinance or by Arkansas law, shall be deemed to be in violation of the city code and the driver thereof may be issued a traffic citation or a parking ticket.

B. After the expiration of forty-eight (48) hours from the time of issuance of any such parking ticket for a parking violation, a plea of guilty may only be entered before the municipal judge at the time and place specified in the summons or ticket, and upon entering any such plea of guilty of upon conviction after a plea of innocence, the violator shall be fined in an amount as set by the city and imposed by the court. (Ord. No. 96-429, Sec. 1.)

8.24.07 One-way streets

The S.W. 2nd Street, from Giles Street to Little Street, be and is hereby designated as a one-way street with traffic traveling only to the west. The one-way restriction shall be effective 24 hours per day, 365 days per year. (Ord. No. 96-436, Sec. 1.)

CHAPTER 8.28 OBSTRUCTION OF VIEW

Sections:

8.28.01 Prohibition
8.28.02 Penalty

8.28.01 Prohibition

It is hereby declared to be unlawful to construct, maintain, or permit to remain any sign, any fence, or structure or bushes or other plants, or any other object or thing of any nature whatsoever on any property within the City of Gentry, Arkansas, that obstructs the view, at a height more than three (3) feet above the level of the adjacent street pavement of any motorist traveling on the street or any motorist trying to enter the street. (Ord. No. 367, Sec. 1.)

8.28.02 Penalty

Any person violating this ordinance shall be subject to a fine not exceeding Two Hundred Fifty Dollars ($250.00), but each day the condition is allowed to remain shall constitute a separate offense. (Ord. No. 367, Sec. 2.)

CHAPTER 8.32 RE-NAMING STREETS

Sections:

8.32.01 Re-named

8.36.01 Re-named

The City of Gentry hereby renames the following described numbered streets within the City of Gentry which are north of Main Street, as follows:

N. First Street – re-named to Arkansas Street
N. Second Street – re-named to Benton Street
N. Third Street – re-named to Crawford Street
N. Fifth Street – re-named to Eureka Street
N. Sixth Street – re-named to Fulton Street
N. Seventh Street – re-named to Grant Street
(Ord. No. 99-476, Sec. 1.)

CHAPTER 8.36 CARELESS DRIVING

Sections:

8.36.01 Careless manner
8.36.02 Unlawful acts
8.36.03 Fine

8.36.01 Careless manner

It shall be unlawful for any person to drive or operate any vehicle in such a careless manner as to evidence a failure to keep a proper lookout for other traffic, vehicular or otherwise, or in such a manner as to evidence a failure to maintain proper control on the public thoroughfares or private property within the city limits of the City of Gentry. (Ord. No. 09-647, Sec. 1.)

8.36.02 Unlawful acts

It shall be unlawful for any person to operate or drive any vehicle on the public thoroughfares or private property within the City of Gentry, in violation of the following prohibited acts:

A. Improper or unsafe lane changes on public roadways;

B. Driving onto or across private property to avoid intersections, stop signs, traffic control devices, or traffic lights;

C. Driving in such a manner or at such a speed, so as to cause a skidding, spinning, or sliding of tires or a sliding of the vehicle;

D. Driving too close to, or colliding with, parked or stopped vehicles, fixtures, persons, or objects adjacent to the public thoroughfares;

E. Driving a vehicle which has any part thereof, or any object, extended in such fashion as to endanger persons or property;

F. To operate any vehicle in such a manner which would cause a failure to maintain control;

G. To operate or drive a vehicle wherein or whereon passengers are located in such a manner as to be dangerous to the welfare of such passengers; or

H. To operate a vehicle in any manner, when the driver is inattentive, and such inattention is not reasonable and prudent in maintaining vehicular control.

(Ord. No. 09-647, Sec. 2.)

8.36.03 Fine

A person who violates this section shall be subject to a fine in an amount not less than Fifty Dollars ($50.00), and not to exceed Two Hundred Fifty Dollars ($250.00). (Ord. No. 09-647, Sec. 3.)

CHAPTER 8.40 VACATING STREETS

Sections:
8.40.01 Vacating streets

8.40.01 Vacating streets

Ord. No. 333	Pierson Avenue
Ord. No. 2012-691	Street within 1.67-acre parcel on Exhibit A

CHAPTER 8.44 ENGINE BRAKES

Sections:

8.44.01 Use of engine brakes prohibited
8.44.02 Affirmative defense
8.44.03 Penalty
8.44.04 Posted

8.44.01 Use of engine brakes prohibited

It shall be unlawful for any person to use or engage or cause to be used or engaged within the City of Gentry, Arkansas any compression release engine brake mechanism designed to aid in the braking or deceleration of a vehicle, other than an emergency vehicle, the use of which results in excessive, unusual, or explosive noise from such vehicle.

8.44.02 Affirmative defense

It shall be an affirmative defense to a violation of this ordinance that the driver reasonably believed the use of engine brakes to be necessitated by an emergency situation.

8.44.03 Penalty

Violation of this ordinance is punishable by a fine of up to $250.00 for a first offense and of up to $500 for second and subsequent offenses.

8.44.04 Posted

Signs shall be posted on all major roadways entering the City of Gentry, Arkansas advising motorists that the use of engine brakes is prohibited within the City. (Ord. No. 20-826)

CHAPTER 8.48 GOLF CARTS

Sections:

8.48.01 Golf carts permitted on city streets
8.48.02 Operating rules
8.48.03 Location
8.48.04 Modification prohibited

8.48.01 Golf carts permitted on city streets

A person twenty-one years of age and older who owns a golf cart may operate the golf cart without a driver's license on the streets of Gentry, Arkansas, except that golf carts may not be operated on streets that are also designated as state or federal highways or county roads. Golf carts may cross state or federal highways or county roads at legal intersections.

8.48.02 Operating rules

While operating a golf cart, drivers must:

1. Yield to all motor vehicles, pedestrians, and cyclists, and avoid obstructing traffic.
2. Refrain from driving in excess of twenty (20) miles per hour.
3. Abide by the manufacturer's passenger-capacity limits.
4. Ensure that all passengers remain seated.
5. Operate only during daylight hours (between sunrise and sunset) unless the golf cart is equipped with operational headlights, brake lights, and turn signals.
6. Maintain a reflective caution triangle affixed to the rear of the golf cart.
7. Obey all generally applicable traffic laws except as modified in this chapter.

8.48.03 Location

Golf carts may not be operated on the following streets/locations:

1. State Highway 12 (West Main Street from John Zodrow Road to Shaffer Road; Pioneer Lane from West Main Street to West 3rd Street; West 3rd Street; East 3rd Street).
2. State Highway 59 (South Gentry Boulevard; North Gentry Boulevard).
3. State Highway 59 Spur (Railroad Avenue from North Gentry Boulevard to East MainStreet).
4. State Highway 59 Business (South Collins Avenue; East Main Street).
5. In any designated school zone while the school-zone lights are flashing.

8.48.04 Modification prohibited

Golf carts may not be modified to travel or accelerate more quickly than the manufacturer's stock configuration or so as to circumvent, remove, or disable any of the manufacturer's safety features. (Ord. No. 20-827)

TITLE 9: STREETS AND SIDEWALKS

Chapters:

9.04 Street Naming and Building Numbering

CHAPTER 9.04 STREET NAMING AND BUILDING NUMBERING

Sections:

9.04.01 Purpose
9.04.02 Street numbering map
9.04.03 Street names
9.04.04 Centerlines and street name prefixes
9.04.05 Address numbering responsibility and assignment

9.04.01 Purpose

The purpose of this ordinance is to establish a system for assigning street names and address numbers which will assist city officials, residents and visitors in traveling to and identifying individual streets, buildings and place in an easy and logical manner so that both public and private purposes can be accomplished efficiently. (Ord. No. 12-688, Sec. 6.)

9.04.02 Street numbering map

The Gentry Street Numbering Map will be a part of this ordinance and it will contain the ordinance number and the signatures which appear on this document. This map will show centerlines, a block numbering grid specifying number ranges between gridlines, street names and lot lines. (Ord. No. 12-688, Sec. 6.)

9.04.03 Street names

For purposes of this ordinance, the word "Street" includes all roadways open for general public travel.

A. All streets running east and west and located south of Main Streets shall be identified as numbered streets, First Street, Second Street, etc.

B. All streets running east and west and located north of Main Street, shall be identified as named streets (typically by name of an Arkansas County in alphabetical sequence).

C. All streets which begin and end on a common street at two different points without any other access shall be identified as Loop or Circle.

D. Cul-de-sac or dead-end streets having only one point of access shall be identified as Court, Place, or Terrace.

E. Streets which wind or meander through several blocks in varying directions shall be identified as Boulevard, Drive, Trail or Way.

There shall be no limitations to the individual names assigned to each street type except that duplicate names and names which could be misunderstood when spoken shall not be allowed to avoid confusion and possibly fatal consequences during emergency situations. (Ord. No. 188, Sec. 3.)

9.04.04 Centerlines and street name prefixes

A. Collins Avenue and Main Street are designated as centerline streets. These centerlines identify the beginning point for address numbering which will begin with 100 at the centerline and increase outward north, south, east and west in ranges of 100 numbers between grid lines as shown on the Street Numbering Map. Each grid line will be 528 feet in each direction. The centerlines also create four quadrants, NE, SE, NW and SW.

B. On numbers streets, NE First Street, SW Fourth Street, etc., N and S prefixes shall be used in identifying street running north or south of the Main Street centerline. E and W prefixes shall be used to identify the segments of Main Street running east and west of the Collins Street centerline. (Ord. No. 94-391, Sec. 10.)

9.04.05 Address numbering responsibility and assignment

A. Individual address numbers will be determined by the 911 mapping official or such official's designee for Gentry. Address numbers for new construction will be assigned and marked on the building permit when it is issued. When new subdivisions are developed address numbers will be assigned to each lot immediately following final plat approval. (Ord. No. 94-391, Sec. 2.)
B. Address number will be even on the north and east sides of the street and odd on the south and west sides of the street. The interval between numbers throughout the block will be determined by the 911 mapping official or designee. (Ord. No. 94-391, Sec. 5.2)
C. In all instances address numbering shall be in accordance with the 911 mapping official or designee, or in the absence of any such action in accordance with the mandate of the City Inspector. (Ord. No. 94-391, Sec. 2.)
D. Where grid lines do not match street alignments on existing or new developments, the nearest grid line should be used to determine which number series to extend to the street corner. (Ord. No. 188, Sec. 5.)

TITLE 10: UTILITIES

Chapters:

10.04 Sewer Regulations
10.08 Sewer and Water Rates
10.12 Municipal Ownership
10.16 Cross-Connection Program

CHAPTER 10.04 SEWER REGULATIONS

Sections:

10.04.01 Definitions
10.04.02 Scope
10.04.03 Use of public sewers required
10.04.04 Building sewers and connections
10.04.05 Use of public sewers
10.04.06 Wastewater Contribution Permit
10.04.07 Protection from damage
10.04.08 Power and authority of Inspectors
10.04.09 Penalties

10.04.01 Definitions

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

Approving authority shall refer to the Mayor or his designated agent.

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 (20^0) degrees C, expressed in milligrams per liter (mg/1).

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal

Garbage shall mean the solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from handling, storage, and sale of produce.

Industrial wastes shall mean the liquid wastes from industrial processes, trade or business as distinct from domestic or sanitary sewage.

Inspector shall mean the person or persons duly authorized by the city Mayor to inspect and approve the installation of building sewers and their connections to the public sewer system.

Owner shall mean the “person” or “persons” who possess any interest in the structure or property to which such ownership relates.

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

pH shall mean the logarithm of the reciprocal of the gram ionic hydrogen equivalents per liter of solution.

Pretreatment and treatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The processes by which reduction or alteration takes place can be physical, chemical or biological processes, or process changes, or by any other means, except as prohibited by 40 CFR, Section 403.6(d).

Public sewer shall mean a sewer in which all owners of abutting properties have substantially equal right and which controlled by the City of Gentry.

Publicly Owned Treatment Works (POTW) shall mean a treatment works as defined by the Act; (33 U.S.C. 1291) owned by the City of Gentry. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the City of Gentry who are, by contract or agreement with the city, users of Gentry's POTW.

Sanitary sewer shall mean a sewer in which sewage is carried, and to which storm, surface, and groundwaters are not intentionally admitted.

Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industries.

Sewage Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.

Sewer shall mean a pipe or conduit for carrying sewage.

Shall is mandatory; **may** is permissive.

Slug shall mean any discharge of water, sewage or industrial wastes 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 flows during normal operation.

Storm-drain or storm sewer shall mean a sewer which carries storm and surface water and drainage, but excludes sewage and untreated industrial wastes, other than non-contact cooling water.

Suspended solids shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

Toxic pollutant shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of Clean Water Act, Section 307(a) or other Acts.

User shall mean any person who contributes, causes or permits the contribution of wastewater into the city's POTW. (Ord. No. 233, Sec. 1.)

10.04.02 Scope

The scope of this ordinance shall include general requirements and prohibitions in respect to the connection, use, protection and maintenance of all sewers forming a part of the sanitary sewerage system of the City of Gentry, and this ordinance does establish regulations limiting the discharge of all wastes into the sanitary sewer system which could or would cause damage or obstruction of the sewage collection system, which would damage or interfere with the operation of the sewage treatment plants, which would be detrimental to the quality of the effluent and/or the environment, which would contaminate the resulting sludges preventing the opportunity to recycle or reclaim the, or which would cause unreasonable maintenance, attention and expense to either the collection system or the treatment facilities of the POTW. Further, this ordinance provides penalties for violations of the regulations established herein. (Ord. No. 233, Sec. 2.)

10.04.03 Use of public sewers required

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Gentry, 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 Gentry, Arkansas, or in any area under the jurisdiction of the city, any sewerage 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, septic tank, cesspool, or other facility intended or used for the disposal of sewerage.

D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and located within three hundred (300) feet of a public sewer shall, at his own expense, install suitable toilet facilities therein, and connect such facilities to such accessible public sewer.

E. Other than building sewers and collector building sewers, all sewers constructed by owners to connect the building drains of structures to a public sewer shall be located within public easements or rights-of-way, shall be constructed by such owner to the standards required by the approving authority for public sewers and shall be subject to use by other users of the public sewers if permitted by the Approving Authority. No sewer shall be constructed within any public easement or right-of-way nor connected to a public sewer without approval by the Approving Authority. (Ord. No. 233, Sec. 3.)

10.04.04 Building sewers and connections

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereon without first obtaining a written permit from the Approving Authority.

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 or his agent shall make application to the Approving Authority. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Approving Authority.

C. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building except as follows:

    1. Where multiple buildings are constructed in an apartment complex or condominium on a single lot or tract of land which cannot be subsequently subdivided and sold in parcels, the individual buildings may be connected to a collector building sewer provided that only one person is responsible for maintenance of the building sewer.

    2. Temporary buildings, mobile homes, or similar portable structures may be connected to a building sewer installed to serve a previously constructed permanent building provided that both the permanent and temporary buildings are located on the same lot.

E. Old building sewers or portion thereof may be used in connection with new buildings only when they are found, on examination and tested by the Inspector, to meet all requirements of this ordinance.

F. The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe 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 of Gentry and the State of Arkansas.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Inspector. Pipe laying and backfill shall be performed in accordance with current American Society for Testing Materials specifications, except that no backfill shall be placed until the work has been inspected by the Inspector.

H. No person shall make connection 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 Building and Plumbing Codes or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the approving authority before installation.

J. The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be accomplished under the supervision of the Superintendent or his representative.

K. All excavations for building sewer installation shall be adequately guarded with barricades and 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 approving authority.

10.04.05 Use of public sewers

A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, or non-contact cooling water or unpolluted industrial process waters into any sanitary sewer but such waters shall be discharged into such sewers as are specifically designated as storm sewer or into a natural outlet. The discharge into any storm sewer or into a natural outlet of any waters which may have a deleterious effect upon the receiving stream is prohibited.

B. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW, or will have an adverse effect on the receiving stream, or will violate any of the provisions of this ordinance. These general provisions apply to all users of the city's POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user shall not contribute any of the following substance to any POTW:

1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or to be injurious in any other way to the POTW or to the operation thereof. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides and other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

2. Any wastewater having a pH lower than 6.0 or having a pH greater than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW;

3. Any solid or viscous material which could cause an obstruction to the flow in the sewers or in any way interfere with the treatment process. Examples of such materials include, but not limited to, ashes, wax, paraffin, cinders, sand, mud, straw, shavings, wood and sawdust, bones, paunch manure, hair, hides, or fleshings,

entrails, whole blood, feathers, lime slurries, beer and distillery slops, grain processing wastes, grinding compounds and residues from grinding operations, acetylene generation sludge, chemical residues, acid residues, plastics, tar, asphalt residues, and food processing bulk solids.

4. Any pollutants, including chlorine and oxygen demanding pollutants, released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or concentration or quantities or pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

5. Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature that raises the wastewater temperature of the influent to the POTW to more than 20ºC, and in no case any wastewater with a temperature in excess of 40ºC measured as it enters the POTW.

6. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to prevent entry into the sewers for maintenance and repair.

7. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the POTW.

8. Any garbage that has not been properly shredded.

9. Any substance which will cause the POTW to violate its NPDES permit or the receiving stream water quality standards.

10. Any substance which may cause the POTW effluent or any other produce of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse, or to interfere with the reclamation process. In no case, shall a substance discharge to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Federal Water Pollutant Control Act, as amended 33 U.S.C. 1251, et seq., any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or Arkansas State Criteria applicable to sludge management.

11. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

12. Any wastewater containing any radioactive wastes.

13. Any wastewaters containing materials which exert or cause unusual concentrations of solids or composition, as for example, unusual concentrations of inert suspended

solids such as, but not limited to, Fuller's earth, lime slurries and lime residues, or unusual concentrations of dissolved solids such as, but not limited to, sodium chloride, calcium chloride and sodium sulfate.

14. Any septic tank sludge, except that such sludge may be discharged by permitted haulers at locations designated for this purpose.

15. Any wastewater which causes a hazard to human life or creates a public nuisance.

C. No person shall discharge or cause to be discharged to the POTW any wastewater containing the following substances:

1. Any heavy metal in excess of the following limits:

Element	Max Limits (mg/l)
Arsenic	0.05
Barium	2.00
Boron	1.5
Cadmium	0.1
Chromium (total)	0.2
Copper	2.0
Lead	0.1
Manganese	0.1
Mercury	0.0001
Nickel	2.0
Selenium	0.02
Silver	0.1
Zinc	1.0
Total metals	5.0

2. Any significant trace of the following that would constitute a hazard to human health, have an adverse effect on the water quality of the receiving stream or interfere with the operation of the POTW:

Antimony	Uranyl ion
Beryllium	Rhenium
Bismuth	Strontium
Cobalt	Tellurium
Molybdenum	Herbicides
Fungicides	Pesticides
Tin	

3. Cyanide, measured as total cyanide, in connection in excess of 0.5 mg/1.

4. Phenols or other taste or odor producing substances in such concentrations that exceed the limits which may be established by the city as necessary to comply with state or federal regulations.

5. Greases, oils, fats, or waxes, whether emulsified or not, in concentrations in excess of one hundred (100) mg/1.

6. Sulfides in concentrations in excess of 5.0 mg/1.

7. Materials which exert or cause BOD concentrations in excess of 200 mg/1, COD concentrations in excess of 400 mg/1, or suspended solids concentrations in excess of 200 mg/1 without paying the treatment surcharge specified in subsection "L" of this section. (Ord. No. 316, Sec. 1.)

D. No user shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with the limitations of any pollutant-specific limitation developed by the city, state, or federal government.

E. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Upon request by the Approving Authority, a detailed plan showing facilities and operating procedures to provide this protection shall be submitted to the Approving Authority for review and approval. In the case of any accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include the cause of the discharge, the location of discharge, type of waste, concentration and volume, and corrective actions taken. The user shall submit to the Approving Authority within five (5) days following the accidental discharge a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to person or property, nor shall such notification relive the user of any fines, civil penalties, or other liabilities which may be imposed by this ordinance.

F. The storage of any material in areas served by public sewers or 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 these works or treatment processes, or constitute a hazard to human beings or animals, or the receiving stream shall be subject to review by the Approving Authority, who at his or her 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 into the public sewers, which waters contain the substances or possess the characteristics enumerated in the preceding subsections, and which, in the judgment of the Approving Authority may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise creates a hazard to life or constitutes a public nuisance, the Approving Authority may

1. reject the wastes,
2. require pretreatment to an acceptable condition for discharge into the public sewers, and/or,
3. require control over the quantities and rates of discharge.

If the Approving Authority permits the pretreatment or equalization of waste flows to be discharged into the public sewer, the design and installation of the plants and equipment shall be subject to the review and approval of the Approving Authority and subject to the requirements of all applicable codes, ordinance, and laws. (Ord. No. 316, Sec. 2.)

H. Grease, oil, and grit interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Approving Authority 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. Where required by the Approving Authority, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary matters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed to be in accordance with plans approved by the Approving Authority. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

When directed to do so by the Approving Authority, the owner of any property discharging industrial wastes shall, at his expense, obtain a representative sample of his wastewater and have the appropriate physical, chemical, and biological tests performed on this sample by a qualified testing laboratory acceptable to the approving authority. 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 Approving Authority by the laboratory stating the results of the tests.

K. All measurements, tests, and analyses 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 manhole. In the event that no special manhole has been provided, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. 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. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD, COD, and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas the pH’s are determined from grab samples taken periodically.)

L. With reference to waters or wastes described in subsection C (7) of this section, which are proposed to be discharged into the public sewers, it is determined by the board that the

discharge of such waters or waste having an excessive BOD, COD, and suspended solids content creates an added expense in the operation and maintenance of the city's sewer works and such discharge should be accompanied by payment of a surcharge to compensate for such added expense. Excessive BOD is hereby defined as those wastewaters containing in excess of two hundred (200) mg/1 BOD, excessive COD is hereby defined as those wastewaters containing in excess of four hundred (400) mg/1 COD, and excessive suspended solids content is hereby defined as those wastewaters having in excess of two hundred (200) mg/1 suspended solids, each determined in accordance with the latest edition of "Standards Methods for the Examination of Water and Wastewater." Said surcharge shall be five (5) percent of the monthly wastewater treatment charge, over and above the monthly charge based upon flow, for each 50 mg/1 or any part thereof of the BOD in excess of 200 mg/1, for each 100 mg/1 or any part thereof of COD in excess of 400 mg/1, and for each 50 mg/1 or any part thereof of suspended solids above 200 mg/1. The added surcharge shall be computed separately for BOD or COD, whichever is larger, and for suspended solids. (Ord. No. 316, Sec. 3.)

10.04.06 Wastewater Contribution Permit

A. It is the purpose of this section to achieve the following:

1. To protect the operation of the POTW
2. To prevent the inadequate pollutants from passing through the POTW,
3. To insure the City of Gentry's compliance with all aspects of its NPDES permits. (Ord. No. 233, Sec. 7.)

B. All industrial or commercial users who wish to connect to, or contribute to, the POTW shall obtain a Wastewater Contribution Permit from the approving authority before connecting or contributing to the POTW. All existing significant industrial or commercial users connected to or contributing to the POTW shall apply for a Wastewater Contribution Permit within thirty (30) days after the effective date of this ordinance.

At the direction of the Approving Authority, the Wastewater Contribution Permit may contain: limits of maximum and average wastewater characteristics; limits on average and maximum rate and time of discharge, or requirements for flow regulation and equalization, requirements for installation and maintenance of inspection and sampling facilities; specification for self-monitoring programs which will include sampling locations, frequency of sampling, number, types, and parameters for tests and reporting schedule; compliance schedules; other conditions as deemed necessary by the Approving Authority to insure compliance with the ordinance. All costs of sampling and testing for the self-monitoring program are to be borne by the user. (Ord. No. 316, Sec. 4.)

C. Users required to obtain a Wastewater Contribution Permit shall complete and file with the Approving Authority an application in the form prescribed by the Approving Authority. Proposed new users shall apply for such permit at least ninety (90) days prior to connecting to or contributing to the POTW. Upon receipt of the application, the Approving Authority will evaluate the data furnished and, if the data is acceptable, may issue a Wastewater Contribution Permit, after payment of the required permit fee as determined by the Approving Authority, according to the following guidelines:

The permit fee shall not be less than Ten Dollars ($10.00) nor greater than One Hundred Dollars ($100.00) per year. The fee shall be determined by

1. The complexity of the permit,
2. The number of user reports to be evaluated,
3. The amount of spot checking required.

(Ord. No. 316, Sec. 5.)

D. Wastewater Contribution Permits shall be issued for a specific time not to exceed two (2) years.

The user shall apply for permit reissuance a minimum of sixty (60) days prior to the expiration of the existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limits or requirements in 10.04.05 are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

E. Wastewater Contribution Permits are issued to a specific user for a specific operation and therefore are not to be transferred or reassigned or sold to a new owner, new use, different premises or new or changed operation without approval of the Approving Authority. (Ord. No. 233, Sec. 7.)

10.04.07 Protection from damage

A. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works.

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 approving authority. (Ord. No. 233, Sec. 8.)

10.04.08 Power and authority of Inspectors

A. The Approving Authority, Inspector and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with provisions of this ordinance. The Approving Authority or his representative 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 to the sewers or waterways or facilities for waste treatment.

B. While performing the necessary work on a private property referred to in subsection (A) of the duly authorized person shall observe all safety rules applicable to the premises. (Ord. No. 233, Sec. 9.)

10.04.09 Penalties

A. Any person found to be violating any provision of this ordinance or regulations, except 10.04.08, shall be served by the Approving Authority 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 state in such notice, permanently cease all violations. The user may in writing deliver to the Approving Authority within five (5) days of receipt of such notice a request for a hearing before the Approving Authority at which hearing the user shall be given an opportunity to show cause why the notice should be rescinded or modified. (Ord. No. 233, Sec. 10.)

B. Any person who shall continue any violation beyond the time limit provided for in subsection (A) of this section and/or any person who shall be found to be violating the provisions of 10.04.08 of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not more than the maximum allowable under the laws of the State of Arkansas for each violation and if the act is continuous in nature, in any sum not more than the maximum allowable under the laws of the State of Arkansas. (Ord. No. 316, Sec. 6.)

C. Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

D. In cases of repeated violations, the Approving Authority may revoke the permit for discharge of wastes into the sewer system and effect the discontinuation of water or sewer service, or both. (Ord. No. 233, Sec. 10.)

CHAPTER 10.08 SEWER AND WATER RATES

Sections:

10.08.01 Sewer rates
10.08.02 Water rates within the city
10.08.03 Water rates outside the city
10.08.04 Utility charges
10.08.05 Connection of sewer lines
10.08.06 Water shut-off
10.08.07 Billing

10.08.01 Sewer rates

The sewer service charges shall be based on water usage and determined by applying the following schedule of rates, reflective on and after the bill due January 10, 2022: (Ord. No. 21-859)

A. Monthly charges for all customers situated within the corporate limits of the City.

(1) For the first 1,000 gallons or portion thereof	$8.53 (minimum)
(2) For the next 4,000 gallons or portion thereof	$3.14 per thousand gallons
(3) For the next 45,000 gallons or portion thereof	$2.40 per thousand gallons
(4) For all usage in excess of 50,000 gallons	$1.55 per thousand gallons

B. Monthly charges for all customers situated outside the corporate limits of the City.

(1) For the first 1,000 gallons or portion thereof	$14.14 (minimum)
(2) For the next 4,000 gallons or portion thereof	$3.96 per thousand gallons
(3) For the next 45,000 gallons or portion thereof	$2.40 per thousand gallons
(4) For all usage in excess of 50,000 gallons	$1.55 per thousand gallons

10.08.02 Water rates within the city

A. Minimum water rates for the first 1,000 gallons or portion thereof, shall be based upon meter size, and the monthly minimums shall be as follows, based upon meter size:

i)	5/8" x 3/4"	-	$14.98
ii)	1"	-	$20.97
iii)	1 ½"	-	$26.95
iv)	2"	-	$43.41
v)	3"	-	$164.69
vi)	4"	-	$209.61
vii)	6"	-	$315.53
viii)	8"	-	$434.15

B. For portions of 1,001- 15,000 gallons	$5.84 per thousand
For portions of 15,001 - 50,000 gallons	$5.61 per thousand
For portions of 50,001 - 300,000 gallons	$5.39 per thousand
For portions of 300,001 - 1,000,000 gallons	$4.95 per thousand
For portions of 1,000,001 - 5,000,000 gallons	$4.57 per thousand
For quantities in excess of 5,000,000 gallons	$3.01 per thousand

10.08.03 Water rates outside the city

A. A Minimum water rates for the first 1,000 gallons or portion thereof, shall be based upon meter size, and the monthly minimums shall be as follows, based upon meter size:

i)	5/8" x 3/4"	-	$35.93
ii)	1"	-	$50.30
iii)	1 ½"	-	$63.54
iv)	2"	-	$104.21
v)	3"	-	$395.22
vi)	4"	-	$502.90
vii)	6"	-	$754.50
viii)	8"	-	$1,041.96

B.	For portions of 1,001- 15,000 gallons	$9.96 per thousand
	For portions of 15,001 - 50,000 gallons	$8.08 per thousand
	For portions of 50,001 - 300,000 gallons	$6.21 per thousand
	For portions of 300,000 - 1,000,000 gallons	$5.39 per thousand
	For portions of 1,000,001 - 5,000,000 gallons	$4.81 per thousand
	For quantities in excess of 5,000,000 gallons	$3.01 per thousand

C. Additional Water Rate Assessment. An additional assessment of $1.50 per active meter (whether inside or outside the City) will be collected for purposes of raising additional funds to assist with the water wholesaler's capital improvement fund.

10.08.04 Utility charges

A. New deposits All new deposits for water and sewer service in the city from the effective date of this ordinance shall be collected prior to the connection of any new service as follows:

1.	Residential customer deposit fee	$100.00
2.	Commercial customer deposit fee	$125.00

B. Unauthorized tampering or damage

1. If, after service has been disconnected, the customer in any way tampers with the water meter or reconnects or attempts to reconnect the water meter, then the city may remove the meter. If the meter is removed, there shall be a Twenty-Five Dollars ($25.00) fee to reinstall the meter along with any fine as provided for unauthorized tampering. The fee must be paid prior to the re-installation taking place.

2. In the event of meter damage, the following policies shall be follows:

    a. First offense – no charge to customer, but a written warning will be mailed advising the customer of the policy and of possible future consequences;
    b. Second offense – one-half of replacement cost shall be charged to the customer;
    c. Third or further offenses – full replacement cost shall be charged to the customer;
    d. Failure to pay any of the charges provided for herein will result in the disconnection of service. (Ord. No. 05-562, Sec. 1.)

C. Connection fees. The connection fee for any connection will be quoted to the user on a case-by-case basis, taking into account the City's cost determination, including administrative costs. (Ord. No. 18-779)

1. Boring costs. Boring fees are in addition to connection fees. Any boring or crossing fees will be assessed on a case-by-case basis, taking into account the City's cost determination, including administrative costs. (Ord. No. 18-779)

E. Fire Hydrant Usage

1. Use of water from fire hydrant water meters shall be assessed the following fees (said fees being in addition to the actual water purchased through such usage):

    a. Daily Fee - $10 per day
    b. Weekly Fee - $25 per week
    c. Monthly Fee - $100 per month

2. In addition to such Fee, the user is responsible for damage or loss to the meter; is liable for damage to the hydrant or related equipment; and must otherwise comply with the terms of a written Meter Service Contract with the City as established from time to time. (Ord. No. 21-865)

10.08.05 Connection of sewer lines

The owner or customer shall be responsible for the installation and connecting of the residential or commercial property sewer lines within the city sewer system (whether inside or outside the city limits). The installation and connection shall be inspected by the Building Official of the Water and Sewer Department to determine that all work has been done in compliance with city and state health standards. All installation and connections must be inspected and approved by the Building Official prior to any of the work being covered or buried. The owner or customer of the property shall pay to the city the sum of Six Hundred Dollars ($600.00) for the inspection by the Building Official, which fee shall be paid prior to the inspection. (Ord. No. 06-593, Sec. 1.)

10.08.06 Water shut-off

A. The user is the person or entity in whose name the water meter is registered with the city for water service.
B. In the event of a water shut-off for no-payment, a reconnect fee will be assessed in the sum of Forty Dollars ($40.00) which must be paid prior to service being re-established. (Ord. No. 95-418, Sec. 1; Ord. No. 21-866, Sec. 3)

10.08.07 Billing

A. Charges for Service: None of the facilities afforded by the City water and sewer system shall be furnished without a charge being made therefor. Operation of the water system shall be on a fully metered basis. Meters shall be installed at each water connection, and all bill for water services shall be rendered in the net amount due.

B. Payment for Service: Utility Services bills shall be timely paid. In the event a bill is not paid on or before the tenth day of the month following the month during which the Utility Services were provided [or by close of business on the first business day of the 10th falls on a weekend or City observed holiday], a ten percent (10%) penalty shall be added to the amount due. The Finance Director shall have discretion to waive the penalty for good cause. (Ord. No. 20-822)

C. Disconnect Policy: If any Utility Services bill is not paid by close of business on the 21st day of the month following the month during which the Utility Services were provided [or by close

of business on the first business day if the 21st falls on a weekend or City observed holiday], including any applicable penalties, the City may disconnect and discontinue Utility Services for that account.

D. Reconnect Fees: In the event Utility Services have been disconnected, a $40.00 reconnect fee will be added to the sums due. All sums due must be paid before service to that account will be reconnected.
(Ord. 15-724)

E. Proration: If an account is voluntarily terminated within ten (10) days of the start of a given billing cycle, and if the water usage on the account is below the monthly minimum, referenced in the effective water-rate ordinance, as of the date of termination, the utility service charges for that cycle shall be prorated based on actual usage. (Ord. No. 20-835)

Chapter 10.12 OWNERSHIP

Sections:

10.12.01 Acquisition
10.12.02 All facilities
10.12.03 Eminent domain
10.12.04 Attorney and engineer

10.12.01 Acquisition

The City of Gentry, Arkansas, shall acquire and purchase all that part of the Benton County Water Company's facilities now serving the City of Gentry or so much thereof as said City of Gentry may deem advisable. (Ord. No. 102, Sec. 1.)

10.12.02 All facilities

Such acquisition shall include all or any part of the water works system, now owned and operated by the Benton County Water Company, including, but not limited to, pumps, easements, water lines and any and all other facilities deemed necessary to the efficient operation of a water works system. (Ord. No. 102, Sec. 2.)

10.12.03 Eminent domain

The City of Gentry, by the proper officials is authorized and empowered to proceed to acquire such facilities, owned and operated by the Benton County Water Company by condemnation under the power of eminent domain granted to such city under A.C.A.18-15-301. (Ord. No. 102, Sec. 3.)

10.12.04 Attorney and engineer

The City of Gentry is authorized and empowered to employ an attorney or attorneys and an engineer or engineers for the purpose of carrying out the provisions of this ordinance; provided that said engineer shall assess and appraise the true value of such property of the Benton County Water Company as the City of Gentry deems advisable to acquire hereunder. (Ord. No. 102, Sec. 4.)

CHAPTER 10.16 CROSS-CONNECTION PROGRAM

Sections:

10.16.01 Intent
10.16.02 Purpose
10.16.03 Definitions
10.16.04 Operating criteria
10.16.05 Facilities requiring backflow protection
10.16.06 Approval of backflow prevention devices
10.16.07 Non-compliance
10.16.08 Ownership
10.16.09 Installation and costs
10.16.10 Testing and maintenance

10.16.01 Intent

In compliance with the State of Arkansas *Rules and Regulations Pertaining to Public Water Systems*, Section VII. E, the City of Gentry finds it necessary for the health, safety and welfare of the people served by the water division of the city utilities department to adopt cross-connection control standards which establish the requirements for the design, construction and maintenance of connections to the public water supply. These standards are supplemental to and do not supersede or modify the Arkansas State Plumbing Code and its latest revisions under which the city operates. (Ord. No. 95-413, Sec. 1.1)
Cross-reference – Arkansas State Plumbing Code adopted 1979.

10.16.02 Purpose

The purposes of this ordinance are:

A. To provide for the protection of the public potable water supply.
B. To isolate at the service connection any actual or potential pollution or contamination within the consumer's premises and
C. To provide a continuous, systematic and effective program of cross-connection control. (Ord. No. 95-413, Sec. 1.2)

10.16.03 Definitions

Backflow shall mean the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable supply of water from any source other than its intended source.

Backflow preventer shall mean a device or means to prevent backflow.

Double-Check Valve Assembly (DC) means an assembly composed of two (2) single, independently acting, approved check valves, including tightly closing shutoff valves located at each end of the assembly and suitable test cocks for testing the water-tightness of each check valve.

Reduced-Pressure Principle Backflow Prevention Assembly (RP) means a device containing a minimum of two (2) independently acting, approved check valves, together with an automatically

operated pressure differential relief valve located between the check valves. The assembly will include two (2) cut-off valves and four (4) test cocks. (Ord. No. 95-413, Sec. 1.3)

10.16.04 Operating criteria

It is the primary responsibility of the water purveyor and/or City of Gentry to evaluate the hazards inherent in supplying a consumer's water system, i.e., determine whether solid, liquid or gaseous pollutants or contaminants are, or may be, handled on the consumer's premise in such a manner as to possibly permit contamination of the public water system. When a hazard or potential hazard to the public water system is found on the consumer's premises, the consumer shall be required to install an approved backflow prevention assembly at each public water service connection to the premises in accordance with this ordinance's requirements. The type of device shall depend on the degree of hazard involved. The type of protective device required shall depend on the degree of hazard as described in AWWA Manual M-14 or as described below. Where more than one type of protection is possible, the actual method utilized shall be at the discretion of the water purveyor and/or City of Gentry to physical inspection of the hazard.

A. In the case of any premises where there is an auxiliary water supply, there shall be no physical connection between said auxiliary water supply and the consumer's water system which is served by the public water supply system. Where such connections are found, disconnections shall be accomplished and the public water system shall be protected against the possibility of future reconnection by an approved reduced-pressure-principal backflow prevention device at the service connection.

B. In the case of any premises where this is water or a substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double-check valve assembly.

C. In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved reduced-pressure principal backflow prevention assembly (RB).

D. In case of any premises where this are "uncontrolled" cross-connections, either actual or potential, the public water system shall be protected by an approved reduced-pressure principle backflow prevention assembly (RP) at the service connection.

E. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey, the public water system shall be protected by the installation of an approved reduced-pressure principal backflow prevention assembly (RB) at the service connection. (Ord. No. 95-413, Sec. 1.4)

10.16.05 Facilities requiring backflow protection

The following is a partial list of facilities which may require reduced-pressure principal backflow prevention assemblies (RB) at the service connection. Requirements are based upon the degree of hazard afforded the public potable water system.

1. Automatic car washes
2. Auxiliary water systems
3. Exterminators
4. Facilities with boilers or chilled water systems
5. Fire systems
6. Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes and clinics
7. Irrigations systems
8. Laboratories (industrial, commercial, medical and school)
9. Laundries
10. Radiator shops
11. Restricted, classified or other closed facilities
12. Sand and gravel plants
13. Wastewater treatment plants, pump stations and storm water pumping facilities
14. Waterfront homes, facilities and industries
15. Swimming pools
16. Others, as found with high hazards

The following is a partial list of facilities which may require double check valve assemblies:

1. Apartments
2. Beauty parlors and barber shops
3. Doctors and dental offices
4. Greenhouses and nurseries
5. Hotels and motels
6. Laundry and cleaners
7. Restaurants and food handlers
8. Service stations
9. Others, as found with suspected low hazards

(Ord. No. 95-413, Sec. 1.6)

10.16.06 Approval of backflow prevention devices

Any backflow prevention assembly required herein shall be a type in compliance with AWWA specifications C506-78 or its latest revision, the Arkansas Department of Health Regulation and the water purveyor and/or the City of Gentry. (Ord. No. 95-413, Sec. 1.7)

10.16.07 Non-compliance

A. In emergency situations when the public potable water supply is being contaminated or is in immediate danger of contamination the water service will be discontinued by the water purveyor and/or superintendent.

B. No water service connection shall be installed on the premises of any consumer unless the public potable water system is protected as required by this ordinance.

C. Delivery of water to premises of any consumer may be discontinued by the water purveyor and/or the City of Gentry, if any protective device required by this article has not been installed, or is defective, or has been removed or bypassed. Discontinued water service shall

not be resumed until conditions at the consumer's premise have been abated or corrected to the satisfaction of the water purveyor and/or superintendent.

D. Upon discovery of a violation of this code, written notice shall be given to the consumer. If violations are not corrected by date and time as stated on the notice, the water supply will be discontinued and the violation may be referred to the Water Commission for further action.

E. For the purpose of making any inspections or discharging the duties imposed by this article, the water purveyor and/or the City of Gentry, the State Health Department, and/or Plumbing Inspector shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to his premises of water from the public water supply, shall be considered as having stated his consent to the entry upon his premise of the water purveyor and/or superintendent the State Health Department and/or Plumbing Inspector for the purpose stated herein. (Ord. No. 95-413, Sec. 1.8)

10.16.08 Ownership

The consumer shall purchase, own and maintain all backflow prevention assemblies installed at the point of delivery to the consumer's water systems. (Ord. No. 95-413, Sec. 1.9)

10.16.09 Installation and costs

Customers of the city water division requiring backflow prevention devices shall pay all costs associated with installation of the appropriate size and type of device under private contract. New installations shall be completed prior to the "final" plumbing inspection so that the device can be included as part of the inspection. Devices shall be installed above ground in a location that is readily accessible for maintenance and testing and should be located not less than twelve (12) inches nor more than thirty (30) inches above ground. (Ord. No. 95-413, Sec. 1.10)

10.16.10 Testing and maintenance

The consumer will be responsible for the annual testing of the backflow prevention assembly by contract with a certified backflow assembly tester. The consumer will annually furnish water purveyor and/or the city with a certificate of such satisfactory testing by the anniversary date of the installation of the assembly. In instances where the water purveyor, the city, and/or Plumbing Inspector deems the hazard to be great enough, testing may be required at more frequent intervals, costs of which would be borne by the consumer. Any maintenance fees required as a result of inspections or testing shall be paid by the consumer through private contract. Records of inspections, testing or repairs shall be kept by the water purveyor and/or the city and made available to the State Health Department.

All new construction within the City of Gentry shall be effective upon passage of this ordinance. All existing consumer premises shall be in compliance with this ordinance by January 1, 1996. (Ord. No. 95-413, Sec. 1.11.)

TITLE 11: BUILDINGS AND CONSTRUCTION

Chapters:

11.04 Building Permit
11.08 Plumbing Code
11.12 Electrical Code
11.16 Fire Prevention Code
11.20 Housing Code
11.24 Cellular Towers
11.28 Mechanical Code
11.32 Building Code
11.36 Plants and Factories
11.40 Construction of Structures in Flood Zone Area
11.44 Energy Code

CHAPTER 11.04 BUILDING PERMIT

Sections:

11.04.01 Building permit
11.04.02 Building permit fee
11.04.03 New construction
11.04.04 Non-Residential permit surcharge

11.04.01 Building permit

The owner of any land situated in the corporate limits of the city shall neither construct nor allow construction, placement, removal, or demolition, on such land of any building or structure of a type set forth in subparagraphs (A) through (G) below without having obtained a building permit from the city. The aforementioned permit will likewise be required in the event of remodeling, repair or alteration of such structures, but only if said permit is required by the Southern Standard Building Code, or if the cost of such remodeling, repair or alteration exceeds thirty percent (30%) of the present value of said structure.

A. Single family residence
B. Multi-family residence
C. Swimming pool
D. Carports
E. Garages
F. Portable buildings
G. Any building in which, or from which, any business, commercial enterprises, or manufacturing process is to be conducted, or which is to be used for related storage or warehousing purposes. (Ord. No. 293, Sec. 1.)

11.04.02 Building permit fee

The building permit fee, when required for any remodeling, repairing or alteration of any existing structure, shall be Twenty-five Dollars ($25.00) per inspection. (Ord. No. 21-867, Sec. 1.)

11.04.03 New construction

A. No building permit shall be issued for new construction until a survey has been performed for the lot or property on which such construction is to take place, or the property boundaries have otherwise been duly identified through location and flagging of the survey markers for such property.
B. No building permit shall be issued for construction or remodeling of improvements which construction or remodeling in any way extends the land area of the improvement until a survey has been performed or the boundary markers duly located. (Ord. No. 93-383, Sec. 1.)

Building permit fees for all new construction or other construction which is based upon a square foot basis shall be calculated according to the following schedule:

Square feet	Cost per foot	Base rate + coast per foot
75 or less		$25.00 total fee
76 to 999	$0.20	$25.00 + CPSF
1,000 to 1,999	$0.17	$200 + CPSF for footage exceeding 1,000
2,000 or greater	$0.15	$370.00 + CPSF for footage exceeding 2,000

However, the maximum charge per construction project shall be in the sum of $3,000.00, regardless of footage. (Ord. No. 94-399, Sec. 1. 21-867 Sec. 2)

11.04.04 Non-residential permit surcharge

A. Pursuant to the provisions of Acts 474 and 785 of 1999, the City of Gentry hereby charges a surcharge on all non-residential construction permits in the amount of Fifty Cents ($.50) per each One Thousand Dollars ($1,000.00) of construction. However, the maximum surcharge for any construction project permitted shall be One Thousand Dollars ($1,000.00).
B. Funds collected pursuant to this section shall be remitted monthly to the Department of Finance and Administration, except that five percent (5%) of the sums charged shall be retained by the city for cost of administration. (Ord. No. 99-479, Secs. 1-2.)

CHAPTER 11.08 PLUMBING CODE

Sections:

11.08.01 Adoption of Plumbing Code
11.08.02 Amendment
11.08.03 Plumbing permit fees
11.08.04 Applications
11.08.05 Bond required
11.08.06 Street openings
11.08.07 Hazardous conditions
11.08.08 Penalties

11.08.01 Adoption of Plumbing Code

A certain document, three copies of which are on file in the office of the City Clerk of the City of Gentry, being marked and designated as the Arkansas Plumbing Code, 2003 Edition, as amended from time to time, including appendix Chapters B, C, D, E, F, G, H, I, J, K, as published by the International Code Council, Inc., be and is hereby adopted as the Plumbing Code of the City of Gentry, Arkansas; for the control of building and structures as herein provided; and each and all of the regulations, provision, penalties, conditions and terms of said Plumbing Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, and deletions and changes prescribed in the following section of this article. (Ord. No. 05-556, Sec. 1.)

11.08.02 Amendment

Said Plumbing Code is hereby amended to provide that commencing three (3) feet outside of the building, any sewer line must be no less than four inches (4") in diameter and constructed of schedule 40 or stronger material. (Ord. No. 05-556, Sec. 2.)

11.08.03 Plumbing permit fees

The fee schedule for plumbing permit fees shall be a minimum fee of Twenty-Five Dollars ($25.00), which shall include the fee for one (1) inspection. All additional inspections will be assessed a fee of Twenty-Five Dollars ($25.00) per inspection. (Ord. No. 21-867, Sec. 3.)

11.08.04 Applications

Before any plumbing work in the City of Gentry is commenced, the person installing same shall apply to the Building Official, or other designated official and obtain a permit to do such work. Only those persons authorized to do plumbing may be issued permits. A permit may be issued to a property owner to install plumbing in a single-family residence provided the property owner does the work himself and the building is owned and occupied as the home of said owner. Applications for permits shall be made on suitable forms provided by the Building Official. (Ord. No. 300, Sec. 1.)

11.08.05 Bond required

Every master plumber doing business in the City of Gentry shall execute and deliver to the city a bond with a surety bonding company in the sum of One Thousand Dollars ($1,000.00) to indemnify the city or any citizen for any damage caused by the failure of such master plumber to comply strictly with the provisions of this ordinance. No plumbing permit shall be issued to any master plumber unless this bond has been delivered to the city and is in full force and effect. (Ord. No. 116, Sec. 5.)

11.08.06 Street openings

A. All openings made in the public streets or alleys to install plumbing must be made as carefully as possible and all materials excavated from the trenches shall be removed or placed where the least inconvenience to the public will be caused.

B. All openings must be replaced in precisely the same condition as before the excavation started and all rubbish and material must be removed at once, leaving the street or sidewalks clean and in perfect repair.

C. All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the opening at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to person or property. (Ord. No. 116, Sec. 6.)

11.08.07 Hazardous conditions

A. The Water Department and the Building Official are hereby authorized to discontinue or cause to be discontinued all water service or services to any and all premises, lands, buildings or structures where it is found that an immediate hazard exists to the purity or potability of the city water supply by reason of the requirements of the State Plumbing Code and the City Plumbing Code and the regulations of the State board of health having not been complied with.

B. The Water Department and the Building Official are hereby authorized and directed to take such steps as necessary to determine all potential hazards to the purity or potability of the city water supply which exist. Upon determining the potential hazards, it shall be the duty of the department and the Building Official to immediately cause notice to go to the owner or such other person responsible for the premises, specifying the hazards, and notifying the person that if the hazard is not corrected within thirty (30) days from the date of the notice, all water services shall be discontinued thereafter until the requirements of the State Plumbing Code, and the regulations of the State Board of Health have been complied with.

11.08.08 Penalties

Any person, firm or corporation found guilty of violating any of the provisions of this ordinance shall be subject to a fine of not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00), together with the costs of such prosecution. Each day during which violation continues shall be a separate offense. (Ord. No. 116, Sec. 7.)

CHAPTER 11.12 ELECTRICAL CODE

Sections:

11.12.01 Definitions
11.12.02 Adoption of Code
11.12.03 Enforcement of article; inspections
11.12.04 Emergency disconnection
11.12.05 Licenses generally
11.12.06 Duties of Electrical Inspector
11.12.08 Electrical permits
11.12.09 Appeals
11.12.10 Standards and methods enumerated

11.12.01 Definitions

Electrical contractor means any person engaged in the business of installation of electrical wiring, and who holds a current and valid master electrician's license, as issued by the state or holds such other electrical license as is duly recognized by the city.

Electrical wiring means those installations as covered by the scope of the National Electrical Code, 1993 Edition, and such future editions as amended from time to time.

Inspector means the Building Official or any of his duly authorized assistants.

11.12.02 Adoption of Code

A. The National Electrical Code,1993 Edition, with such further revisions and amendments as may be made in the future, issued by the National Fire Protection Association, and as hereafter amended and modified from year to year is hereby adopted as the minimum standard for electrical wiring in the city and compliance with the National Electrical Code and such other requirements as are contained in this code shall be *prima facie* evidence of minimum approved methods for the safeguarding of persons and property from hazards arising from the use of electricity.

B. All installations of electrical equipment and wiring within the city shall be in conformance with the applicable provisions set forth in the current edition of the National Electrical Code. Electrical equipment of a type accepted by a nationally recognized safety testing laboratory, such as the Underwriters' Laboratory, Inc., for listing shall be approved if it is so listed by such a laboratory and is approved by the Electrical Inspector.

C. The National Electrical Safety Code, issued by the Institute of Electrical and Electronics Engineers, Inc. and approved by the American National Standards Institute, as amended from time to time, is hereby adopted as the minimum standards for the safeguarding of persons during the installation, operation, or maintenance of electric supply and communication lines and associated equipment, and compliance herewith shall constitute the minimum standards for protecting the safety of employees and the public.

11.12.03 Enforcement of article; inspections

A. There is hereby created the office of Electrical Inspector. The Inspector shall have held a state journeyman or Master Electrician license for at least two years prior to becoming an Inspector or shall hold an Electrical Residential Inspector's certificate duly issued by the Southern Building Code Congress International, Inc. Such assistant Electrical Inspectors as may be necessary shall be appointed.

B. Should the Inspector be a licensed contractor, he may continue to carry his contractor's license but may not use such or be actively engaged in the electrical wiring business within the city, except as otherwise stated by specific ordinance.

11.12.04 Emergency disconnection

A. Every person owning or controlling electrical wires for transmission of light, heat or power, shall, in time of fire or in case of severe storm or any other emergency wherein lives or property of the citizens of the city may be endangered by the operation of such wires and apparatus, upon notice by either the Electrical Inspector, the Mayor, Chief of

the Fire Department or Chief of Police, disconnect such dangerous wires from the current or service as designated by the official.

B. The Electrical Inspector shall notify the owner, contractor, and/or the communications or electric service companies of any poles, wires, cables or apparatus so places as not to meet the requirements of the National Electrical Safety Code, and all such wires, lights, cables, poles or electrical apparatus now existing as well as those hereafter constructed and placed shall be maintained to meet such requirements. The owner, contractor and/or communications or electric service company shall be given reasonable time in which to correct such conditions after being notified by the Electrical Inspector of a violation, provided any line, cables or apparatus dangerous to life or property may be corrected pursuant to the terms of subsection (A).

11.12.05 Licenses generally

A. The city shall recognize unexpired electrical licenses duly issued by the state and unexpired electrical licenses duly issued by the city. The city shall not issue license to any person or entity not holding a valid city licenses on January 31, 1993. City licenses will not be renewed after January 31, 1994.

B. Any individual who would be exempt under A.C.A. 20-31-103(a)(4) desiring to perform his own electrical work personally shall not be required to make the required bond or to obtain the required license, but shall be required to obtain the regular permit for that particular job. Such work done by an individual must be done by him personally on his own particular job and not be a way of performing a service to the public generally.

11.12.06 Duties of Electrical Inspector

A. It shall be the duty of the Electrical Inspector to administer and provide strict enforcement of this code and all the ordinances of the city relating to electric wiring and the construction, installation, repair, alteration, and maintenance of electric wiring, apparatus and fixtures. The Inspector shall have the power and it shall be his duty to inspect, or re-inspect, all overhead, underground, and interior wires and apparatus conducting electrical current for any of the purposes set forth in the Electrical Code. When such conductors, wiring, or apparatus are found to be unsafe or hazardous to life or property, he shall notify in writing the person owning, using or operating the same, to place them in a safe condition within thirty (30) days, or such shorter time as is directed by the Inspector, but not less than forty-eight hours, and it shall be their duty to do so. If the owner, use or operator of such defective wiring shall refuse or fail to comply with the requirements of the Inspector and correct all defects as directed within the specified time, then the city may levy a Twenty-Five Dollar ($25.00) fine against the owner and/or electrical contractor involved, for each day and for each violation involved, until the defects are corrected.

B. Upon the failure to correct the defect, the Inspector may notify in writing the service company, firm or individual furnishing the electrical current to such defective wiring or equipment to cease to supply electrical correct to the same. Upon receipt of such notice, the service company, firm or individual furnishing electric current to such defective wiring or equipment shall, within twenty-four (24) hours, disconnect the service or feed wires

and cease to supply current to the defective installation until the inspector shall have given notice that the defects have been corrected.

11.12.07 Electrical permits

A. Required; issuance

No person shall do, or cause to be done, any interior or exterior electrical wiring, or any electrical construction, electrical installation, or alteration of any electrical wiring, apparatus or fixtures within the city without having first obtained an electrical construction permit for the work from the Inspector or his agent. Electrical permits shall be issued only to electrical contractors or to individuals in the limited circumstances set forth in this section. Under emergency conditions or at times when the city's offices are not open, permit requests may be delayed no longer than until the city's officer are reopened.

B. Refusal

The Inspector may refuse to issue a permit for the installation of electric wiring, as provided in this section, or for any additions or extensions to any electric wiring in or on any building where, in his judgment, the wiring done or proposed to be done is unsafe or not in accordance with the provisions of this code.

C. Not required for certain work

Permits shall not be required for maintenance work or for repair work if the maintenance and repair work does not require alteration or rearrangement of electrical installation.

D. Fees and charges

1. For residential electrical permits, there shall be a minimum fee of $25, which shall include the fee for one (1) inspection. All additional inspections will be assessed a fee of $25 per inspection.
2. For commercial electrical permits, there shall be a minimum fee of $50 for a commercial project having only one service panel. Additional service panels will require a fee of $50 per service panel. (Ord. No. 21-867, Sec. 5.)

E. Unlicensed property owners permitted under certain conditions

Property owners shall be allowed to purchase electrical permits and install electrical wiring, equipment, and apparatus for power, lighting, and heating on their own property, without being licensed, under the following conditions and regulations:

1. The property must be owned solely by the person doing the wiring. The property cannot be owned by a partnership, firm, or corporation.
2. The property must be occupied or intended to be occupied on a full-time basis by the property owner. Duplexes and multi-family dwellings shall not be eligible under this section even though the owner plans to occupy part of the building.
3. The property owner cannot be assisted by any other person, excluding family members, who is not properly licensed.

4. The property owner shall obtain an electrical permit before starting the project; shall pay the required inspection fee; shall call for inspections and comply with correction orders in accordance with the requirements for licensed contractors.
5. Electrical wiring done by property owners shall comply with all applicable codes.

Where work for which a permit is required is started or commenced prior to obtaining a permit, the permit fee shall be doubled. The paying of the doubled fee shall not relieve any person from fully complying with the requirements of this code nor from any other penalties prescribed in this code. In the sole discretion of the Inspector, the Inspector may levy a Twenty-Five Dollars ($25.00) administrative fee payable to the city for failure to obtain the required permit, or alternatively be subject to the penalties.

11.12.09 Appeals

A. Any electrical contractor or property owner may appeal the decision of the Electrical Inspector regarding the issuance or denial of permits, inspections, or compliance orders to the City Council. The decision of the City Council shall be the final authority at the city level.
B. In exercising its appeal powers, the Council may reverse, affirm or modify the order, decision, interpretation or determination of the Electrical Inspector. Mere economic hardship which is self-created shall not be considered a valid or sufficient basis for granting a reversal or modification of the decision or order.

11.12.10 Standards and methods enumerated

A. The National Electrical Code is hereby adopted by the city as the authority to govern the installation of all electrical wiring, equipment, and heating within the city's jurisdiction and all electrical work done within this jurisdiction shall conform to the installation standards of the National Electrical Code, except as modified by any contrary provision of this code.
B. The following electrical installations and wiring methods shall be required by the city as a part of their code:
    1. All meter loops installed for single-family, multiple-family dwellings and commercial buildings within the city's jurisdiction shall be attached to the building, except for the following exceptions:
        a. Mobile homes and mobile home courts.
        b. Buildings or property where C.T. metering is used. In new subdivision having underground services and pad mount transformers, underground meter pedestals shall be allowed at the lot line.
    2. The minimum meter loop and panel size that shall be allowed on new single-family dwellings shall be 100 amps with a minimum number of spaces in the entrance panel being 20; a minimum of a one-inch trade size conduit shall be installed from the entrance panel into the attic area for future wiring installation.
    3. Overhead service meter loops shall have a minimum of a two-inch rigid steel conduit for the mast riser if the riser extends through the roof or if the service drop is to be attached to it.
    4. Driven ground rods shall be a minimum of five-eighths inches by eight feet if made of galvanized metal. A minimum of a #6 copper grounding wire shall be installed on all service equipment. Ground wire will be sized to load on larger

services. Grounding wire will run continuously from service equipment to a ground rod and shall be installed in conduit for protection against physical damage. On services rated AR over 200 amps, a ground rod and minimum of #4 copper ground wire shall be installed for each additional 200 amps or fraction thereof of total rating.

5. The raceway on underground services shall be a minimum trade size, rigid or PVC conduit, or two inches and shall extend from meter base to a point one foot below the grade level and shall be fastened to the wall at the minimum of two places.
6. Electrical metallic tubing (E.M.T.) conduit shall not be allowed to be used underground unless encased in concrete.
7. Meter bases on all services shall be so positioned that the top of the meter base is six feet from the finished grade level.
8. All underground service and feeder conductors shall be installed in rigid steel or rigid PVC conduit when conductors pass under driveways, parking lots, sidewalks, patios, or other concrete structures.
9. Split-buss type of panels shall not be allowed to be used for service entrance panels.
10. A legend of all branch and feeder circuits that originate within a panel shall be posted on the panel cover.
11. Aluminum wire shall not be used for electrical service having a capacity rating of less than 100 amps. (Ord. No. 201717-753)
12. No branch circuit shall be installed with an overcurrent device that is rated more than the rating of the conductor.
13. In residential wiring, all electrical equipment or apparatus, with the exception of disposals, hood fans, and portable appliances, that contain a motor as part of their operation shall be installed on a separate branch circuit.

CHAPTER 11.16 FIRE PREVENTION CODE

Sections:

11.16.01 Adoption
11.16.02 Amendments

11.16.01 Adoption

A certain document, three copies of which are on file in the office of the City Clerk of the City of Gentry, being marked and designated as the Arkansas Fire Prevention Code, Volume I, Fire, 2002 Edition, as amended from time to time, including Appendix Chapters B, C, D, E, F, G, as published by the International Code Council, Inc., be and is hereby adopted as the Fire Code of the City of Gentry, Arkansas; for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, and deletions and changes prescribed in the following section of this article. (Ord. No. 05-558, Sec. 1.)

11.16.02 Amendments

A. Bottom plates

Bottom plates (whether interior or exterior) that are affixed to a slab or other concrete floor shall utilize pressure treated lumber, which shall comply with the Building Code's requirements for preservative-treated wood. Plates and studs shall be affixed utilizing fasteners approved by the manufacturer for the preservative utilized for that particular wood. In the alternative, approved metal plate material may be used.

B. Wood truss modification
Manufactured wood trusses and other engineered wood products shall not be modified except as approved in writing by the engineer or engineering firm that signed off on the original design. (Ord. No. 08-624, Sec. 1.)

CHAPTER 11.20 HOUSING CODE

Sections:

11.20.01 Adoption of Code
11.20.02 Housing Official
11.20.03 Housing Board of Appeals
11.20.04 Duties of Housing Official
11.20.05 Right of entry
11.20.06 Fair Housing Standards

11.20.01 Adoption of Code

There is hereby adopted by the City Council of Gentry, Arkansas, that certain health and housing standards known as the Southern Standard Housing Code, 1965 Edition, of the Southern Building Code Congress, of which not less than three (3) copies have been and are now filed in the office of the Clerk of the City of Gentry, Arkansas, and the same are 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 on all dwellings and premises within the corporate limits of Gentry, Arkansas. (Ord. No. 146, Sec. 1.)

11.20.02 Housing Official

The office of Housing Official is hereby created. The Building Official shall be responsible for the enforcement of this ordinance. (Ord. No. 146, Sec. 2.)

11.20.03 Housing Board of Appeals

There is hereby created a Board of Housing appeals which shall consist of five (5) members appointed by the Mayor and subject to confirmation of the City Council. One member shall be appointed to serve one (1) year, two members to serve two (2) years, and two members to serve three (3) years.

This Board shall act by a majority vote of the members present. Said Board shall have the power and be required to hold public hearings in deciding appeals where it is alleged there is an error in law or fact in any order or decision of the Housing Enforcing Official in the enforcement of this ordinance. (Ord. No. 146, Sec. 3.)

11.20.04 Duties of the Housing Official

It shall be the duty of the Housing Official to enforce all laws and provisions specified in the 1965 Edition of the Southern Housing Code. (Ord. No. 146, Sec. 4.)

11.20.05 Right of entry

The Housing Official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building structure, or premises at any reasonable hour. (Ord. No. 146, Sec. 5.)

11.20.06 Fair Housing Standards

Any housing unit offered for sale or rent to the general public through any public advertising media must be made equally available to all persons regardless of race, creed, color, national origin, age or sex. (Ord. No. 194, Sec. 1.)

A. limited to:

1. No more than one thousand dollars ($1,000) for grass or weed cutting;
2. No more than five thousand dollars ($5,000) to board and secure the property;
3. No more than seven thousand five hundred dollars ($7,500) to demolish any structures on the property; and
4. No more than fifteen thousand ($15,000) for environmental remediation.

CHAPTER 11.24 CELLULAR TOWERS

Sections:

11.24.01 General Application Requirements
11.24.02 Design Standards
11.24.03 Planning Commission Approval Requirements
11.24.04 Abandonment and Dismantling

The purposes of these regulations are:

(1) To provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communications services within the community;

(2) To provide for such facilities in coordination development of the City's Comprehensive Plan; and

(3) To allow for such facilities with the intention for furthering the public health; safety and general welfare.

Preapplication Conference. Applicants are required to advise the Planning Commission in regular or special session of proposed tower construction, in order to discuss proposals, to allow for early coordination, and to identify those items that are in conformance/nonconformance with the Comprehensive Plan, Zoning Ordinance, and the provisions of these regulations.

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

Alternative cellular antenna tower.

(1) The term "alternative cellular antenna tower" means manmade trees, clock towers, bell towers, steeples, light poles and similar alternative-design mounting structures that accommodate, camouflage, minimize or conceal the presence of cellular antennas or cellular antenna towers that are constructed primarily for the purpose of accommodating cellular antennas or cellular antenna towers or are reconstructed for the purpose of accommodating cellular antennas or cellular antenna towers.

a. The term "alternative cellular antenna tower" does not include existing structures erected for another primary purpose, but which subsequently have cellular antennas attached to or located within them, without any reconstruction of the original structure.

For the provisions of these regulations, an alternative cellular antenna tower is considered a cellular antenna tower.

b. Antennas or related equipment means transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.

c. Cellular antenna tower means a tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

d. Cellular telecommunications service means a retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

e. Co-location means locating two or more transmission antennas or related equipment on the same cellular antenna tower.

f. Guyed cellular antenna tower means a type of wireless transmission tower that is supported by thin guy wires.

g. Lattice cellular antenna tower means a self-supporting tower with multiple legs and cross bracing of structural steel.

h. Monopole cellular antenna tower means a slender self-supporting tower on which wireless antennas can be placed.

i. Personal communications service has the meaning as defined in 47 USC 332(c).

j. Uniform application means an application to construct a cellular antenna tower submitted to the Gentry Planning Commission in conformity with the requirements of this article.

11.24.01: General Application Requirements.

Cellular antenna towers for cellular telecommunications services or personal communications services may be allowed in any Zoning District within the City, but only after application to the Planning Commission for a conditional use permit; Planning Commission review; and approval by the Planning Commission of a conditional use permit. The following regulations shall apply:

(1) Applicability. Every entity or individual that is engaged in the business of providing the required infrastructure to said entity, that proposes to construct a cellular antenna tower shall submit a completed application to the Planning Commission. Where the Planning Commission finds that circumstances or conditions relating to the application of an alternative cellular antenna tower are such that one or more of the requirements of the uniform application listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the Planning Commission may modify or waive such requirement of the uniform application, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver. The Planning Commission shall not regulate the placement of antennas or related equipment on an existing structure. However, every entity choosing to locate an antenna or related equipment on an existing structure shall file with the Planning Commission the name and address of the entity, the structure upon which the entity plans to place antennas or related equipment and the information set forth in subsections (2) e, f, and t of this section.

(2) Application requirements. Applications for the construction of personal communications services shall include the following:

a. The full name and address of the applicant.

b. The applicant's articles of incorporation ,if applicable.

c. A geotechnical investigation report signed and sealed by a professional engineer registered in the state that includes boring logs and foundation design recommendations.

d. A written report prepared by a professional engineer or land surveyor of findings as to the proximity of the proposed site to flood hazard areas.

e. Latitude/longitude coordinates with associated reference datum, and clear directions to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions.

f. A copy of the lease or sale agreement for the property on which the tower is

proposed to be located, including the portion of the agreement that specifies, in the case of abandonment, a method that the entity will follow in dismantling and removing the proposed cellular antenna tower, including a timetable for removal.

g. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.

h. A site development plan, signed and sealed by a professional engineer licensed in the state, that shows the proposed location of the tower and all easements and existing structures within 500 feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within 200 feet of the access drive, including the intersection with the public street system. Additionally, the development plan shall show a survey, prepared by a surveyor licensed in the state.

i. A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in the state, indicating the height of the tower and the placement of all antennas. The tower is exempt from other City planning or zoning regulations regarding structure height.

j. The tower and foundation design plans and a description of the standard according to which the tower was designed, signed and sealed by a professional engineer registered in the state.

k. A map, drawn to a scale no less than one inch equals 200 feet, that identifies every structure and every owner of real estate within 500 feet of the proposed tower.

l. A statement that every person who, according to the records of the county circuit clerk, owns property within 500 feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:

    1. Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction;
    2. Given the telephone number and address of the city planning department;
    3. Informed of his right to participate in the Planning Commission's proceedings of the application.

m. A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners.

n. A statement that the mayor has been notified, in writing, of the proposed construction and a copy of the notification.

o. A statement that a written notice of durable material at least two feet by four feet in size, stating that the applicant proposes to construct a telecommunications tower on this site and including the addresses and telephone numbers of the applicant and the Planning Commission, has been posted in a visible location on the proposed site.

p. A statement that notice of the location of the proposed construction has been published in at least one daily circulation local newspaper with circulation in the city and county.

q. A legal description and layman's description of the area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved.

r. A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure, including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities.

s. A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.

t. A grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:

1. All of the area within the city's then-existing city limit boundaries; and

2. A one-mile area outside the boundaries of the City's then-existing boundaries if that area contains either existing or proposed construction sites for cellular antenna towers.

(3) Application fee. An applicant for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall pay an application fee as currently established or as hereafter adopted by resolution of the city council from time to time.

(4) Processing of application. Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall be processed as follows:

a. The Planning Commission shall review the uniform application to determine whether it is in agreement with the comprehensive plan and locally adopted zoning regulations.

b. At least one public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the opportunity to be heard. Notice of the time and place of such hearing shall be published at least once in a daily circulation local newspaper with circulation in
the city and county, provided that one publication occurs at least 15 days before the occurrence of such hearing.

c. Notice of the hearing shall be posted on the site at least 15 days in advance of the hearing. The notice shall consist of a written notice, of durable material at least two feet by four feet in size, stating that the applicant proposes to construct a

telecommunications tower on this site and including the addresses and telephone numbers of the applicant and the planning department. Notice of the proposal shall also be posted on the property nearest to the public road. This notice shall consist of a written notice, of durable material at least two feet by four feet in size, stating that the applicant proposes to construct a telecommunications tower near this site and including the addresses and telephone numbers of the applicant and the planning department.

d. Notice of the hearing shall be given at least 15 days in advance of the hearing, by certified mail, return receipt requested, to the owner of every parcel of property within 500 feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed. The notice shall include a map of the location of the proposed construction and the telephone number and address of the planning department and shall inform the addressee of his right to participate in the Planning Commission proceedings on the application. Records maintained by the county circuit clerk may be relied upon conclusively to determine the identity and address of said owner. In the event a property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group that administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.

e. Upon holding the hearing, the Planning Commission shall, within 75days commencing from the date the application is received by the Planning Commission, or within a date specified in a written agreement between the Planning Commission and the applicant, make its final decision to approve or disapprove the uniform application. If the Planning Commission fails to issue a final decision within 75 days, and if there is no written agreement between the Planning Commission and the applicant regarding a specific date by which the Planning Commission will issue a decision, it shall be presumed that the Planning Commission has approved the applicant's uniform application.

f. If the Planning Commission disapproves of the proposed application, it shall state the reasons for disapproval on the record during the Planning Commission meeting and may make suggestions which, in its opinion, better accomplish the objectives of the comprehensive plan and the locally adopted zoning regulations. No permit for construction of a cellular or personal communications services antenna tower shall be issued until the Planning Commission approves the uniform application or the 75-day time period has expired, whichever occurs first.

(Ord. No 18-769)

11.24.02. Design standards. The applicant shall provide information demonstrating compliance with the requirements contained herein. Potential sites that should be considered (in order from most preferred to least preferred) include existing utility towers, industrial zones, agricultural zones, government buildings and properties, commercial zones and residential zones. Where the Planning Commission finds that circumstances or conditions relating to the particular application are such that

one or more of the requirements listed below are not necessary or desirable for the protection of the surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more of the requirements unreasonable, the Planning Commission, or its duly authorized representative, may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

(1) Monopole, lattice and guyed towers. Monopole, lattice, and guyed cellular antenna towers shall be permitted by special use permit.

(2) Minimum lot size. Regardless of the minimum lot sizes listed in the specific zoning districts, or the city subdivision ordinances, the lot size may be the minimum necessary to comply with the objectives and standards of this section.

(3) Setbacks. Setbacks for all structures constructed in connection with guyed or lattice cellular antenna towers, except fences and/or guy wires, shall be a minimum distance from the property line or lease line equal to at least the height of the tower, but not less than 50 feet. All structures constructed in connection with a monopole or alternative cellular antenna tower shall comply with the applicable setback requirements established for other structures within the applicable zoning district. Alternative cellular antenna towers that are to be located as part of a utility service facility (e.g., power pole or telephone pole) shall comply with setback requirements applicable to such utility service facilities, if any.

(4) Height. A cellular antenna tower may be constructed to a maximum height of 200 feet regardless of the maximum height requirements listed in the specific zoning district. This also applies to any tower taller than 15 feet constructed on the top of another building or structure, with the height being the overall height of the building/structure and tower together, measured from the grade to the highest point. The Planning Commission may allow antennas greater than 200 feet in height upon review of the applicant's justification that the additional height is reasonably necessary.

(5) Construction standards. The cellular antenna tower shall be constructed in compliance with the current ANSI/EIA/TIA 222-Fstandardandanyother applicable state and/or federal standards.

(6) Illumination. Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.

(7) Staffing. The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall be only from approved access points.

(8) Fencing. Woven wire or chain link (80 percent open) or solid fences made from wood or other materials (less than so percent open) shall be used to enclose the site. Such fences shall not be less than four feet and no more than eight feet in height, and may be located within the front, side, or rear yard.

(9) Screening. Screening shall be provided by evergreen trees, with a minimum height of six feet, planted in a staggered pattern at a maximum distance of 15 feet on center.

The screening shall be placed in an area between the property line, or lease line, and a ten-foot setback. Screening shall be required when located in or adjacent to a residential zone. Minimum size for evergreens will be 2½- inch ball and burlap. Plants under this provision must be guaranteed for a period of three years.

(10) Signs. There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs that are required by a federal, state or local agency. Such signs shall not exceed six square feet in area.

(11) Number of service providers. All new non-alternative cellular antenna towers shall be designed and constructed to accommodate a minimum of three service providers. Alternative cellular antenna towers should accommodate at least one additional service provider.

(12) Lease agreements. All option and site lease agreements shall not prohibit the possibility of collocation, and in the case of abandonment, shall include a method that the entity will follow in dismantling and removing the proposed cellular antenna tower, including a timetable for removal.

11.24.03 Planning Commission Approval Requirements.

Approval or disapproval of the proposal shall be based upon an evaluation of the proposal's agreement with the comprehensive plan and zoning regulations, subject to the following regulations:

(1) The Planning Commission shall not regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions to the extent that the proposed facility complies with the regulations of the FCC concerning radio frequency emissions.

11.24.04. Abandonment and Dismantling.

Any cellular antenna tower including, but not limited to, guyed, lattice and monopole cellular antenna towers, alternative cellular antenna towers, antennas and related equipment, (hereinafter referred to as structure) shall be deemed abandoned when such structure is removed from or no longer in service for a period in excess of 60 days. At the point in time any structure is considered to be abandoned within the meaning of this section, the structure shall be disassembled and removed from the property upon which it is located within 60 days thereafter.

CHAPTER 11.28 MECHANICAL CODE

Sections:

11.28.01 Adoption
11.28.02 Amendments
11.28.03 H.V.A.C. ducts and plenums
11.28.04 Permits

11.28.01 Adoption

A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Gentry, being marked and designated as the Arkansas Mechanical Code, 2003 Edition, as amended from time to time, including Appendix Chapters A, as published by the International Code Council, Inc., be and is hereby adopted as the Mechanical Code of the City of Gentry, Arkansas; for the control of building and structures as herein provided; and each and all of the regulations, provision, penalties, conditions and terms of said Mechanical Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, and deletions and changes prescribed in the following section of this article. (Ord. No. 05-557, Sec. 1.)

11.28.02 Amendments

In the event heating and air-conditioning or other equipment is located in the attic, stair access (by pull down or permanent stairs) shall be provided. (Ord. No. 05-557, Sec. 2.)

11.28.03 H.V.A.C. ducts and plenums

A. All ducts, both supply and return, shall be of light gauge galvanized sheet metal of thickness required by the Arkansas Mechanical Code (the sole exception being certain sheetrock line portions of the building structure as approved by the designated City Building Official.

B. Installation of flexible non-metallic duct and flexible metallic duct material is prohibited, with the following exception:

When a suspended ceiling is to be installed, the final connections, not to exceed six (6) feet in length, may be flexible duct material or as approved by the City Building Official.

C. All types of wiring, including thermostat, non-metallic cable, and alarm system wiring, shall not be installed anywhere in the duct system.

D. Duct board material is not approved and shall not be used for any part of a plenum or duct system.

E. All joints and connections must be mechanically fastened (sheet metal screws or other approved fasteners), and sealed with welds, gaskets or mastic.

F. Ducts shall be suspended at least twelve (12) inches above all ceilings to be insulated.

G. Return air platform, plenum, duct or space shall be lined and sealed so as to be made airtight. (Ord. No. 99-477, Sec. 1.)

11.28.04 Permits

A. The minimum fee for HVAC permits shall be $25, which shall include one (1) inspection. Each additional inspection will be assessed an additional $25 fee.
B. The Code Enforcement Officer may assess a $25 administrative penalty for failure to obtain the required permit in addition to or in lieu of other penalties under this Code. (Ord. No. 21-868)

CHAPTER 11.32 BUILDING CODE

Sections:

11.32.01 Adoption of Building Code
11.32.02 Adoption of Residential Building Code
11.32.03 Office of Building Official
11.32.04 Qualifications
11.32.05 Duties
11.32.06 Liability
11.32.07 Right of entry
11.32.08 Definitions
11.32.09 Fire limits established
11.32.10 Inspections
11.32.11 Owner's failure to comply
11.32.12 Additional charge for re-inspection

11.32.01 Adoption of Building Code

A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Gentry, being marked and designated as the Arkansas Fire Prevention Code, Volume II, Building, 2002 Edition, as amended from time to time, including Appendix Chapters D and E, as published by the International Code Council, Inc., be and is hereby adopted as the Building Code of the City of Gentry, Arkansas; for the control of building and structures as herein provided; and each and all of the regulations, provision, penalties, conditions and terms of said Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, and deletions and changes prescribed in the following section of this article. (Ord. No. 05-554, Sec. 1.)

11.32.02 Adoption of Residential Building Code

A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Gentry, being marked and designated as the Arkansas Fire Prevention Code, Volume III, Residential, 2002 Edition, as amended from time to time, without its Appendix, as published by the International Code Council, Inc., be and is hereby adopted as the Residential Building Code of the City of Gentry, Arkansas; for the control of building and structures as herein provided; and each and all of the regulations, provision, penalties, conditions and terms of said Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, and deletions and changes prescribed in the following section of this article. (Ord. No. 05-555, Sec. 1.)

11.32.03 Office of Building Official

A. The office of Building Official is hereby created and the executive official in charge shall be known as the Building Official.

B. The Building Official shall be appointed by the City Council of Gentry. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.

C. During temporary absence or disability of the Building Official the appointing authority shall designate an acting Building Official. (Ord. No. 161, Sec. 2.)

11.32.04 Qualifications

He shall be in good health, physically capable of making the necessary examinations and inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction, alterations, removal, and demolition. (Ord. No. 161, Sec. 3.)

11.32.05 Duties

A. He shall receive applications required by this code, issue permits and furnish the prescribed certificates. He shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the Building Code. He shall, when requested by proper authority, or when the public interest so required make investigation in connection with matters referred to in the Building Code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions to secure the necessary safeguards during construction, or he shall issue such notices or orders as may be necessary.

B. Inspections required under the provisions of the Building Code shall be made by the Building Official or his duly appointed assistant. The Building Official may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the building code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.

C. The Building Official shall keep comprehensive records of applications, or permits issued, of certificates issued, of inspections made of reports rendered, and of notices of orders issued.

D. All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Building Official without his written consent.

E. The Building Official shall make written reports to his immediate superior once each month, or oftener if requested, including statements of permits and certificates issued, and orders promulgated. (Ord. No. 161, Sec. 4.)

11.32.06 Liability

Any officer or employee, or member of the Board of Adjustments and Appeals, charged with the enforcement of this code, acting for the city in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or

employee because of such act performed by him in the enforcement of any provision of this code shall be defended by the Department of Law until the final termination of the proceedings. (Ord. No. 161, Sec. 5.)

11.32.07 Right of entry

The Building Official, in the discharge of his official duties, and, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour. (Ord. No. 161, Sec. 6.)

11.32.08 Definitions

Municipality as used in the Building Code shall be held to mean the City of Gentry.
Corporation Counsel as used in the Building Code shall be held to mean the attorney for the City of Gentry. (Ord. No. 161, Sec. 7.)

11.32.09 Fire limits established

The fire limits of the City of Gentry, Arkansas, are hereby established as follows: The entire incorporated area of the City of Gentry, Arkansas. In other words it shall be all the legally described land, with all improvements thereon, which lie within the corporate limits (city limits) of the City of Gentry, Benton County, Arkansas. (Ord. No. 161, Sec. 8.)

11.32.10 Inspection

A. Whenever the Building Official, or his authorized agent, in the discharge of his duties, deems it desirable to make an inspection of premises in the city in order to determine the existence of violations of any provision of this code, he shall be allowed entrance to the premises for these purposes if any of the following conditions exist:
    1. Entry is by permission or at the request of the occupant of the premises or of the person in apparent charge;
    2. Where an imminent danger to health, welfare, or safety exists; or
    3. Following an accident where an immediate inspection is required to determine if an imminent danger to health, welfare, or safety exists.

    If entry is refused or delayed by the occupant or person in apparent charge of the premises, or if the conditions stated in subsection (A) of this section do not exist, then the city authority or its authorized agent may apply to the proper magistrate or other judicial or law enforcement official for a search warrant to authorize entry into the designated premises for the purpose of making an inspection to determine the existence of a violation of any provision of this code pertaining to the health, welfare or safety of the public.

B. Probable cause for purposes of a search warrant shall be that the inspection is a routine inspection; that the applicant for the warrant has knowledge of a violation of this code or facts that indicate a violation; that the inspection is for the purpose of inspecting after alteration, remodeling or improvements; that the inspection is to check conditions after an accident; or the inspection is for the purpose of checking the conditions existing in any building or structure requiring a license upon application for a renewal of such license. All warrants for inspection shall be in compliance with state and federal law. Following the issuance of a search warrant, the Building Official shall have authority to reenter the premises at any reasonable time during business or daylight hours after the period specified for compliance to determine whether there has been compliance with any order for correction.

11.32.11 Owner's failure to comply

Any person who shall fail to correct any defects in his work or to meet the required standards after having been given notice of the unfit conditions by the Building Official within a reasonable time shall be refused any other permit until such defects have been corrected. Such person shall be subject to revocation of his license for continual defective work or to conviction for violation of the provisions of this chapter. Upon failure to comply with this chapter, the Building Official shall have the authority, after due notice, to cut out the electric current in the locality concerned.

11.32.12 Additional charge for re-inspection

If any building or structure fails for any reason to pass the Building Official's inspection and the Building Official has to re-inspect the building or structure, there will be an additional charge of Five Dollars ($5.00) for each inspection. Any and all fees shall be paid by the person to whom the permit is issued.

CHAPTER 11.40 PLANTS AND FACTORIES

Sections:

11.09.01 Definitions
11.09.02 Permit
11.09.03 Fine

11.40.01 Definitions

Deceased remains of animals, fowls or poultry which are unfit for human consumption will include, but will not be confined to: poultry offal, poultry offal meal, feather meal, cattle (or beef) offal, hog (or pork) offal, meat offal meal, dead dogs, dead cats, or any inedible tallow derived from any source including the before mentioned items. (Ord. No. 143, Sec. 1.)

11.40.02 Permit

Any person, firm, or corporation desiring to apply to the City Council for a permit to construct, erect or operate such plants or factories, as above described and which will render, process, treat, heat, blend, manufacture, unload or store the deceased remains of animals, fowls, or poultry which are unfit for human consumption, is required to give notice by publication in some newspaper published in Benton County, Arkansas, and which has wide-spread circulation in the City of Gentry, Arkansas. Two weekly publications are required and the last publication must appear in an issue of the newspaper which is dated at least ten (10) days in advance of the next regular meeting of the City Council. (Ord. No. 143, Sec. 2.)

11.40.03 Fine

Any person, firm, or corporation which violates the provision of this ordinance shall upon conviction in the Mayor's court of the City of Gentry, Arkansas, be deemed guilty of a misdemeanor and shall be fined a sum not less than Twenty Dollars ($20.00) for any one specific violation of this ordinance, and not more than Twenty-Five Dollars ($25.00) for any one specific violation of this ordinance, and double that sum for each repetition of such violation, and that each day that said violation shall continue shall be considered a separate offense. (Ord. No. 143, Sec. 3.)

CHAPTER 11.44 CONSTRUCTION OF STRUCTURES IN FLOOD ZONE AREA

Sections:

11.44.01 Permit requirements
11.44.02 Application
11.44.03 Review of application
11.44.04 Reviewing proposed development
11.44.05 Reviewing permit applications
11.44.06 Reviewing subdivision proposals
11.44.07 Water supply systems
11.44.08 Sewage systems
11.44.09 Subdivision proposals
11.44.10 Base flood elevation data
11.44.11 Flood insurance risk premium rates
11.44.12 Riverine situations
11.44.13 Flood carrying capacity
11.44.14 Mobile homes
11.44.15 Flood Hazard Boundary Map
11.44.16 Definitions

11.44.01 Permit requirements

No person shall erect, construct, enlarge, alter, repair, improve, move, or demolish any building or structure without first obtaining a separate permit for each building or structure from the designated responsible person.

No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate permit has been obtained from the designated responsible person for each change.

No mobile-home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home from the designated responsible person. (Ord. No. 200, Sec.1.)

11.44.02 Application

To obtain a permit, the applicant shall first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the designated responsible person before the issuance of a permit will be considered. (Ord. No. 200, Sec. 2.)

11.44.03 Review of application

The Building Inspector, hereinafter referred to as the responsible person, is appointed as the “person” responsible for receiving applications and examining the plans and specifications for the proposed construction or development.

After reviewing the application, the responsible person shall require any additional measures which are necessary to meet the minimum requirements of this document. (Ord. No.200, Sec. 3.)

11.44.04 Reviewing proposed development

The responsible person shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. (Ord. No. 200, Sec. 4.)

11.44.05 Reviewing permit applications

The responsible person shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall:

A. be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure,
B. be constructed with materials and utility equipment resistant to flood damage, and
C. be constructed by methods and practices that minimize flood damage. (Ord. No. 200, Sec. 5.)

11.44.06 Reviewing subdivision proposals

The responsible person shall review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that

A. all such proposals are consistent with the need to minimize flood damage within the flood-prone area,
B. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
C. adequate drainage is provided to reduce exposure to flood hazards.
(Ord. No. 200, Sec. 6.)

11.44.07 Water supply systems

The responsible person shall require within flood-prone areas new, and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems. (Ord. No. 200, Sec.7.)

11.44.08 Sewage systems

The responsible person shall require within flood-prone areas

A. new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into floodwaters and
B. on-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding. (Ord. No. 200, Sec. 8.)

11.44.09 Subdivision proposals

The responsible person shall require that all subdivision proposals and other proposed new developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data. (Ord. No. 200, Sec. 9.)

11.44.10 Base flood elevation data

The responsible person shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state, or other source, until such other data has been provided by the administrator, as criteria for requiring that

A. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level, and
B. All new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated or floodproofed to or above the base flood level. (Ord. No. 200, Sec. 10.)

11.44.11 Flood insurance risk premium rates

For the purpose of the determination of applicable flood insurance risk premium rates within Zone A on a community's FHBM, the responsible person shall

A. Obtain, or require the applicant to furnish, the elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement,
B. Obtain, or require the applicant to furnish, if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed, and
C. Maintain a record of all such information. (Ord. No. 200, Sec. 11.)

11.44.12 Riverine situations

The responsible person shall notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator. (Ord. No. 200, Sec. 12.)

11.44.13 Flood carrying capacity

The responsible person shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. (Ord. No. 200, Sec. 13.)

11.44.14 Mobile homes

The responsible person shall require that all mobile homes to be placed within Zone A on the community's Flood Hazard Boundary Map shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that

A. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than fifty (50) feet long requiring one additional tie per side.
B. Frame ties be provided at each corner of the home with five additional ties, per side at intermediate points and mobile homes less than fifty (50) feet long requiring four additional ties per side, and
C. All components of the anchoring system be capable of carrying a force of 4,800 points, and
D. Any additional to the mobile home be similarly anchored. (Ord. No. 200, Sec. 14.)

11.44.15 Flood Hazard Boundary Map

The Flood Hazard Boundary Map issued by the Federal Insurance Administration for this community dated May 2, 1975, with Panel Number 01, and any officially published revisions to this map, is adopted as the official map for the enforcement of this document. Zone A on this map delineates the area within which the requirements of this document will be enforced. (Ord. No. 200, Sec. 15.)

11.44.16 Definitions

Unless specifically defined below, words or phrases used in this document shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this document its most reasonable application.

Base flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters.
B. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood plain or **flood-prone area** means any land area susceptible to being inundated by water from any source.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Habitable floor means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

Mobile home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes, but is not limited to, the definitions of "mobile home" as set forth in regulations governing the Mobile Home Safety and Construction Standards Program (24 CFR 3282.7(a)).

Person includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Structure means, for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either

A. Before the improvement or repair is started, or
B. If the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic place.

Variance means a grant or relief by a community from the terms of a flood plain management regulation. (Ord. No. 200, Sec. 16.)

CHAPTER 11.48 ENERGY CODE

Sections:

11.48.01 Adopted

11.48.01 Adopted

The City of Gentry hereby adopts and incorporates by reference, for the purpose of establishing rules and regulations for energy efficient standards for new building construction, this code known as the 2011 Arkansas Energy Code, being particularly the 2011 Arkansas Energy Code edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended, of which not less than three (3) copies of this ordinance, as well as, three (3) copies of the 2011 Arkansas Energy Code, have been and now are filed in the office of the Clerk of the City of Gentry, Arkansas, and the same ordinance 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 Gentry, Arkansas. (Ord. No. 12-694, Sec. 1.)

TITLE 12: PARKS AND RECREATION

Chapters:

12.04 Park Regulations
12.08 Park Fees
12.12 Animals In Parks

CHAPTER 12.04 PARK REGULATIONS

Sections:

12.04.01 Hours
12.04.02 Parking
12.04.03 Alcoholic beverages
12.04.04 Dogs in the park
12.04.05 Prohibited items and activities
12.04.06 Fishing
12.04.07 Pets
12.04.08 Vehicles
12.04.09 Cemetery

12.04.01 Hours

A. The Gentry City Parks shall be closed from 11:00 p.m. to 5:00 a.m. (except for the Flint Creek Nature Area which shall be closed from Dusk to Dawn (sun is 6 degrees below the horizon).

B. During the time period set forth in (A), all facilities of the Gentry City park shall be closed, and any unauthorized use of the those facilities during said time shall be a violation of this ordinance.

C. Any person found to be in violation of this ordinance shall be fined a sum of not less than Five Dollars ($5.00) nor more than Twenty-Five Dollars ($25.00) for each violation. (Ord. No. 266, Secs. 1-3)

12.04.02 Parking

A. Parking on the grass in the Park is prohibited [except when expressly allowed by the City].

B. Any person violation this ordinance shall be subject to a fine of up to One Hundred Dollars ($100.00) for each offense. (Ord. No. 341, Sec. 1-2)

12.04.03 Alcoholic beverages

A. It shall be unlawful to possess or consume alcoholic beverages within the Gentry City Park.

B. Any person violating this ordinance shall be subjected to a fine of up to Two Hundred Fifty Dollars ($250.00) and/or imprisonment of up to thirty (30) days. (Ord. No. 342, Sec. 1-2)

12.04.04 Dogs in the park

A. The date of the city's Independence Day Activities can range from July 2nd to July 6th of any given year. Accordingly, the City Council of the City of Gentry hereby bans all dogs from city parks from July 2nd through July 6th of each year.

B. The date of the city's Fall Festival can range from the second to third Saturday of any given year. Accordingly, the City Council of the City of Gentry hereby bans all dogs from city parks on the second and third Saturday of each year. (Ord. No. 08-637, Sec. 1.)

12.04.05 Prohibited items and activities

The following items and/or activities are prohibited: Camping; Open Fires; Hunting; Firearms; Swimming; Boating; Fireworks (except those sponsored by the City); Seining; Glass Containers; Littering; Unauthorized cutting or removal of trees or vegetation; Horses (except in the Flint Creek Nature Area). (Ord. 15-733, Sec. 3)

12.04.06 Fishing

Fishing must be in compliance with Arkansas Game and Fish Rules and Regulations. Rod and Reel Fishing only. Creel Limit - 3 fish per person. (Ord. 15-733, Sec. 4)

12.04.07 Pets

When pets are allowed, they must be on a leash at all times. All waste must be picked up and removed. (Ord. 15-733, Sec. 5)

12.04.08 Vehicles

Unauthorized motor vehicles are not allowed on grass, trails or sidewalks. (Ord. 15-733, Sec. 6)

12.04.09 Cemetery

A. Placement of monuments and/or markers shall not be made without proper notification to the City for accurate site identification. Any and all markers shall be placed within the space shown on the cemetery plat as directed by the City. Any monument, marker or decoration extending above ground level, shall be placed at the "headstone", in-line with adjacent markers. Any marker placed outside of the "headstone" area shall be set to grade.

B. Caskets shall be placed within a vault.

C. Up to two internments are allowed within the same space as long as one of the following applies; casket within a vault plus a cremation or two cremations. In the instance of a burial and cremation:

1. Cremation internment must follow casket internment; and

2. Cremated remains shall be placed at a minimum depth of 24 inches.

D. No trees or other plantings may be planted nor fences or other obstacles be erected.

E. Opening and closing of graves shall be performed by the City and/or its designee.

F. All decorations may be subject to removal by the City or its designee, at minimum, two times per year, May 1st and November 1st, to maintain a high standard of care and safety. All decorations and/or flowers placed on the grave for Memorial Day, not attached to the "headstone", will be removed one week after Memorial Day for maintenance.

G. The City reserves the right to remediate any issues it deems necessary for the purposes of maintaining the proper care and safety of the cemetery grounds and visitors; and to change, amend, alter, repeal, rescind or add to these rules and regulations as it deems appropriate. (Ord. No. 15-735)

CHAPTER 12.08 PARK FEES

Sections:

12.02.01 Reserved pavilion fees
12.02.02 Reserved softball ball park fees
12.02.03 Cemetery space Fees

12.08.01 Reserved pavilion fees

Fees for reserving use of a park pavilion in order to insure its availability for a particular time and date shall be in the sum of $25.00 for a half day reservation; and $50.00 for a full day reservation. (Ord. 15-733, Ord. No. 21-869)

12.08.02 Reserved softball ball park fees

Fees for reserving use of the softball park (located across the street North of the Fire Station) in order to ensure its availability for a particular time and date shall be in the sum of $50.00 for a full or part day reservation. (Ord. No. 21-869)

12.08.03 Cemetery space fees

Cemetery spaces may be purchased from the City for $300.00 per space. Payment in full is required at the time of purchase. Purchase must be completed prior to burial or monument placement. (Ord. No. 15-735)

CHAPTER 12.12 ANIMALS IN PARKS

Sections:

12.03.01 Dates of celebrations in the parks
12.03.02 Banning of animals
12.03.03 Exemptions

12.12.01 Dates of celebrations in the parks

A. The date of the city's Independence Day activities can range from July 2nd to July 6th of any given year.
B. The date of the city's Fall Festival can range from the second to third Saturday of October of any given year. (Ord. No. 14-717, Secs. 1-2.)

12.12.02 Banning of animals

Subject to the exceptions set forth in 12.12.03, the City Council of the City of Gentry hereby bans all mammals, reptiles, captive birds and other creatures from city parks during the city's annual Independent Day and Fall Festival celebrations. (Ord. No. 14-717, Sec. 3.)

12.12.03 Exemptions

Certain approved vendors provide camel rides, pony rides, and provide supervised interaction with and exhibition of various other mammals, reptiles, captive birds and other creatures. The activities, exhibition and presence in the park of creatures sponsored by such vendors are exempted from the restrictions and prohibitions of this ordinance. (Ord. No. 14-717, Sec. 4.)

TITLE 13 PLANNING

Chapters:

13.01 Planning Commission
13.02 Comprehensive Plan
13.03 Planning Area Map

CHAPTER 13.01 PLANNING COMMISSION

Sections:

13.01.01 Commission special meetings

13.01.01 Commission special meetings

A. The Planning Commission may call special meetings from time to time for the purpose of engaging in Planning Commission business.
B. Any individual or entity requesting a special Planning Commission meeting or requesting a matter to be heard at such a special meeting shall first pay a $875 special meeting fee to the city. (Ord. No. 21-873)
C. The special meeting fee shall be non-refundable unless the Planning Commission declines to hold the requested special meeting or unless a quorum fails to appear for the special meeting. (Ord. No. 94-403, Sec. 1.)
D. The Gentry Planning Commission is authorized to provide for remote participation by Commissioners during times of emergency, as defined in Section 2.16.04.A. (Ord. No. 20-823, Sec. 5.)

CHAPTER 13.02 COMPREHENSIVE PLAN

Sections:

13.02.01 Introduction
13.02.02 Summary of major recommendations
13.02.03 Physical development proposals
13.02.04 Analytic information
13.02.05 Conclusion
13.02.06 Amendment

13.02.01 Introduction

The Gentry Planning Commission has formulated the Comprehensive Plan to:

A. Provide a basis for making decision concerning the future growth and development in the community and surrounding planning area;
B. To coordinate and give direction to public and private development; and
C. To protect the public interest in a manner that will not stifle individual initiative and creativity.

The Planning Commission and the City of Gentry recognizes the need to encourage a logical and orderly development of the lands within its corporate limits and the extraterritorial jurisdiction it has statutory authority to control.

The Comprehensive Plan is a long-term policy and legal tool to be used as a guide to the future development of the area, and as such, it provides a consistent framework within which individuals and public officials can make their own development decisions, knowing that they are all working toward common, compatible goals. The Plan sets for the how our physical environment should be developed for the health, safety, convenience, prosperity and welfare of all the people in the community.

The Planning Commission also recognizes that Gentry cannot plan in a void. It must be aware of surrounding communities; development plans, and plan and act accordingly.

It is for these purposes that the Comprehensive Plan has been developed and adopted.

(Ord. No. 03-510, Sec. 1.)

13.02.02 Summary of major recommendations

In an effort to attain the type of development desired by community leaders and citizens alike, the following recommendations are made:

A. Retain the rural residential nature of the community through proper development regulations.
B. Grouped commercial services should be located to provide economical operation of a business and convenience to the community.
C. The city should designate an area for industrial land uses only, through regulatory land use controls. This will protect the industries that choose to locate in Gentry.
D. The preservation of agricultural lands through the proper use of regulatory mechanisms is critical to retain the rural nature of the community.
E. Ensure protection of the community's natural environment and open space through careful land use management techniques and controls.
F. Develop a Master Street Plan that adheres to Federal Functional Classification Guidelines, that contributes to logical development of the community, the safe and efficient movement of people and goods, and relates to the inter-regional highway, rail and air transportation system. In addition, the Master Street Plan should strive to support and enhance the rural nature of the city.
G. Plans for community facilities should be developed in a coordinated and timely manner. Prompt action should be taken to guarantee that an adequate amount of land is preserved to suit the purposes of each of these community facilities.
H. The community leaders should become actively involved in urging the entire community to take action to improve the over-all appearance of their community.
(Ord. No. 03-510, Sec. 2.)

13.02.03 Physical development proposals

A. Land use recommendations

Residential

Several goals surface as paramount in the development and growth of the residential environment in Gentry. These include:

1. Provision of a safe living environment that offers quiet, privacy, and a rural flavor;
2. Provision of quality affordable housing of good design at low and medium densities, developed compactly and accessible by an adequate street system to avoid costly utility and infrastructure extensions;
3. Protection of residential areas from incompatible adjacent land uses;
4. Stabilization of property values; and

5. Provision of multi-modal access to residential areas.

To achieve these objectives, it is essential to:

1. Develop residential areas at relatively low densities that will preserve the rural nature of Gentry.
2. Develop residential areas that will accommodate appropriate medium and/or high-density units;
3. Develop, adopt and use subdivision and zoning regulations as well as building and housing codes;
4. Require development to be connected to utilities and utilize zoning as a means to guide the outward progression of development;
5. Encourage appropriate mixed land uses within residential neighborhood, while avoiding creation of isolated pockets of residential development;
6. Protect residential neighborhoods from inappropriate non-residential influences through the design of streets which discourage through-traffic, and the use of regulatory controls;
7. Use land which provides for the most efficient and effective use of available investments in public utilities and services; and
8. Adopt a Master Street Plan to guide traffic movement and to develop differing categories of streets.

Office

In continuing with the primary goal of retaining the rural characteristics of Gentry, the office district has as its goals;

1. Provision of an area or areas for offices. Together with community facilities and compatible residential uses, this district becomes a buffer between commercial and strictly residential uses; and
2. Provision of multi-modal access to office districts;

To obtain these goals, the following actions must be taken;

1. The office district should be encouraged to locate on major streets on the fringe of residential neighborhoods in convenient proximity to living area;
2. Office uses within this district should be limited in size so as to avoid large concentrations of traffic;
3. Sufficient off-street parking should be required, however, not to the extent that it will cause high ratios of impervious ground cover; and
4. Residential-office districts may encourage adaptive reuse of residential structures, thereby helping to prevent blight. This type of development should be encouraged by the city.

Commercial

Again, the goal of retaining the rural aspects of the community remains a priority. Other goals to be met in commercial land use area;

1. Provision of accessible, convenient, and attractive commercial locations, while avoiding over-zoning of the area for commercial development;
2. Location of commercial development at the intersection of arterial streets for convenient access and to discourage strip commercial development;
3. Identification of areas within the community for future commercial development;
4. Encouragement of attractive, safe and sanitary commercial development;
5. Discouraging the indiscriminate mixing of commercial development; and
6. Provision of multi-modal access to commercial area.

In order to realize these goals, the city must take the following actions:

1. Adopt a zoning ordinance and subdivision regulations to guide commercial development to desired locations and provide the standards to which that development will be built;
2. Encourage planned, integrated commercial areas by discouraging spot commercial development in residential neighborhoods and the stringing out of commercial development along streets;
3. Adopt a Comprehensive Plan which identifies potential commercial locations;
4. Adopt codes to insure safe and sanitary development;
5. Through zoning, restrict the location of commercial development to major streets on the fringe of residential neighborhoods,
6. Restrict non-commercial uses from locating in commercially zoned areas;
7. Assure traffic safety by guaranteeing sufficient off-street parking, off-street loading facilities, and well-located ingress and egress points;
8. Provide adequate physical screen and area to serve as a buffer between the commercial use and abutting residential areas; and
9. Encourage attractiveness by designing areas to integrate with residential areas though the generous use of landscaping.

Industrial

The chief goals for industrial development are:

1. Provision of sites which are level, well-drained and located adjacent to major thoroughfares;
2. Allocate land insufficient quantity so that industrial growth can continue to the benefit of both industry and the community. This will ensure that industrial land is protected from encroachment by non-industrial uses;
3. Provide for ample utilities and services to support industrial development; and
4. Encourage multi-modal access to industrial areas;

These goals can be achieved through the following operations:

1. Adopt development regulations to provide for quality development;
2. Reserve suitable land for future industrial growth through adoption of a Comprehensive Plan;
3. Provide adequate services, utilities and accessibility;
4. Develop or seek programs that will provide alternative transportation modes;
5. Insulate industrial sites from other activities by location or buffers; and
6. Require provisions of ample off-street parking and loading space.

Agriculture

Preservation of agricultural lands as a valuable resource and a critical part of the economic system of Gentry is of the utmost importance. As a crucial element in retaining the rural nature of the community, it is doubly important to preserve agricultural lands.

This objective can be met simply by adhering to the Comprehensive Plan, the Land Use Map, and all other regulatory mechanisms.

Open-space system and environmental protection

The challenge of creating a settlement that is in harmony with its natural surroundings and provides a healthful environment for people cannot be stressed enough. Two overriding principles have emerged with this challenge.

1. The first is to recognize that the existing natural systems that have evolved are not without their own capacities to serve human settlement.
2. The second principle concerns impacts. Some natural systems are more able than others to sustain the impact of human settlement and use.

A series of basic policies to ensure protection of our natural environment and open space have developed from these two principals:

1. Large parks and open spaces should be established so as to take advantage of, as well as protect, natural processes and unique landscape features and to provide for an assortment of outdoor recreational and other activities;
2. Environmentally critical areas of land and water should be protected from incompatible uses and from pollutants generated by urbanization in the area;
3. Wooded areas that serve a functional purpose in climate, noise, light, and pollution control should be preserved as part of an urban forest and open-space system;
4. Vulnerable urban development should not be located in areas of natural hazards to life and property such as floods, slides, earthquakes, and unstable soils.
5. Development using on-site sewage treatment should be prohibited from areas of unsuitable soil and geological conditions; and
6. Present and future water supply drainage basins should receive only urban development compatible with protection of water quality.

B. Circulation

To establish an effectual manner of circulation of people and goods throughout the community and to provide access to all pieces of land an efficient well-balanced system of streets and roads is required. The various streets and the quantity and type of traffic they handle have a substantial impact on the adjoining and surrounding property.

The following are traffic policy goals and the action necessary to achieve them:

1. Logical development of the community requires:
    a. Easy access to public facilities from all properties;
    b. Protection of public assembly areas and neighborhood play grounds from through traffic;
    c. The separation of different or incompatible land use are through wide right-of-way; and
    d. Providing adequate access to industrial and commercial sections of the community by way of routes avoiding residential neighborhoods.
2. Safe and efficient movement of people and goods requires:
    a. Provision of pedestrian walkways and sidewalks within neighborhoods and along major streets where required for public safety.
    b. That an assortment of streets be provided, specifically designed to serve the variety of particular traffic needs in the area;
    c. That each thoroughfare and its parking be designed with adequate capacity to accommodate anticipated traffic; and
    d. That thoroughfares be planned so that industrial and commercial traffic is kept off residential streets.

Additionally, the circulation system should relate to the interregional highway, rail, and air transportation system. It should be located and designed to serve but not disrupt existing and future work and living areas and shopping/leisure centers. In return, land use areas, densities, and activity centers should be located in anticipation of transportation service requirements.

Since the various streets and the traffic they handle have a great impact upon the adjacent and surrounding property, it is recommended that streets should be classified into the Functional Classification System and designed in accordance with the functions they perform in the network.

Urbanized and Small Urban Area
Functional Classification System Characteristics

Functional System	General Characteristics
Expressway/freeway	Serves statewide and interstate travel. Serves virtually all the urbanized area. Provides an integrated continuous statewide network.
Principal arterial	Serves the major traffic movements within urbanize areas such as between central business districts and outlying residential areas, between major inter-city communities, or between major suburban centers. Serves a major portion of the trips entering and leaving the urban areas, as well as the majority of the through traffic desiring to bypass the central city. Provides continuity for all rural arterials which intercept the urban areas.

Urbanized and Small Urban Area
Functional Classification System Characteristics

Functional System	General Characteristics
Minor arterial	Serves trips of moderate length at a somewhat travel lower level of mobility that principal arterials. Provides access to geographic areas smaller than those served by the higher systems. Provides intra-community continuity but does not penetrate identifiable neighborhoods.
Collector	Collects traffic from local streets and channels it into the arterial system. Provides both land access and traffic circulation within residential neighborhoods, commercials, and industrial areas.
Local	Comprises all facilities not on higher systems. Provides access to land and higher systems. Through traffic usage is discouraged.

C. Community Facilities

Public Recreation Facilities

The primary goal of recreation policy is the provision of a recreational program to serve all residents of the area, while preserving scenic areas and open space for the public and enjoyment.

This can be achieved by:
1. Properly distributing recreational areas and facilities throughout the community;
2. Situating recreational areas and facilities on suitable land;
3. Locating appropriate recreational areas and facilities, whenever possible, near or adjacent to other public facilities; and
4. Diversifying recreational areas and facilities in physical character, type, size, and extent of development.

Fire Stations

The public fire protection system must afford maximum security from fire loss while minimizing costs of service and fire insurance.

The community can realize this goal by:

1. Locating fire stations on adequate sites and directly adjacent to major streets and expressways for the utmost accessibility to development within its service area and the least amount of friction to adjacent land uses;
2. Avoid duplication of fire station service areas to lower community fire protection costs;
3. Work directly and cooperatively with other area fire departments that also serve the community.

D. Civic Beautification

A set of urban design proposals to improve the image and aesthetic quality of the community is the primary goal of civic beautification.

This goal can be reached through various regulatory tools, such as:

1. A sign/billboard ordinance;
2. A historic preservation ordinance;
3. An overlay district on the approaches to the community; and
4. Preservation of plant and wildlife habitats and species as required by zoning codes.

E. Utilities Plan

Water Distribution System

The primary goals for the water distribution system include:

1. Provide sufficient quantity of high quality water for the domestic needs of community residents.
2. Have available surplus capacity to provide for low water use industry as well as for fire protection purposes.

To realize these goals, the following actions should take place:

1. Developers will be responsible for the construction of water system improvements required to provide the level of service determined to be necessary by the City of Gentry.
2. Provide excess capacity in each development for future extension.

Sewage Collection and Treatment System

The main goals for the sewage collection and treatment system are:

1. Provide the entire community with a wastewater collection and disposal method which will insure a healthy and attractive living environment for the community.

2. Assure that the most effective method of wastewater treatment is provided the Gentry community.

To achieve these goals, the city should: Maintain control of the sewage collection and treatment system so as to better monitor and provide for a safe and clean system and living environment. (Ord. No. 03-510, Sec. 3.)

13.02.04 Analytic Information

Current demographic statistics for the community.

Gentry	Pop	Units
1980	1468	585
1990	1726	684
2000	2165	842

Benton County	Pop	Units
1980	78,115	32,206
1990	97,499	41,444
2000	153,406	64,281

(Ord. No. 03-510, Sec. 4.)

13.02.05 Conclusion

In theory, a Comprehensive Plan is a statement of a government's determination as to how its jurisdictional area should be developed and appear at some future date. In the City of Gentry's case, it puts forth goals for land use such as retention of the rural character of the community, preservation of agricultural lands, and encouragement of urban growth patterns that will protect the community's natural environment and open space.

To achieve these goals, governments must be able to plan the future use of land to see that the plan is carried out. In actuality, such a plan must inevitably restrict, provide for, and guide development where it is appropriate. Land use regulations may perform these functions. They provide development guides and standards, establish certain restraints on development, and offer inducements to encourage better design and land use.

Zoning can provide considerable enforcement of the Comprehensive Plan. It is the most common and most powerful land use regulation employed by local governments. Zoning acts as a guide for development when it designates specific areas for specific uses. For example, this allows for all types of income classes in residential

areas to occur in appropriate locations within the community. It can also encourage commercial and industrial development to occur at a time and place that the government deems suitable. In addition, zoning may be used as a means to prevent urban encroachment by surrounding communities, thereby preserving the rural character of the community.

Subdivision regulations establish the legal and substantial process of subdivision and set forth design standards relating to suitability of land, public access, conformance to plans, streets and easements, utilities sediment control, and so forth. These regulations may also be employed by local government as a means to achieve Comprehensive Plan goals. These regulations may be used, in conjunction with the county, in the community's extraterritorial jurisdiction, to control, residential development.

While zoning and subdivision regulations give local governments power to regulate land use, governments should also be open to the use of new urban development tools.

The Comprehensive Plan, then, is a forward looking document, with the power of zoning and subdivision regulations behind it. In addition to these implementation tools, the Plan has the power of human resources behind it, whether they are in the form of the Planning Commission, elected officials, or the general citizenry. These actors should consult and use the Plan frequently and diligently. It should be updated routinely to reflect changes in attitudes of those it is intended to serve. By effective use of the Comprehensive Plan, and its implementing tools, the City of Gentry can continue to encourage a logical and orderly development of land within its corporate and planning limits. Furthermore, the community can continue to strive for and maintain that high quality of life it enjoys at this moment. (Ord. No. 03-510, Sec. 5.)

13.02.06 Amendment

The City of Gentry hereby adopts and incorporates by reference the First Amendment to the City of Gentry, Arkansas comprehensive Plan dated November 29, 2012, in the form attached hereto as Exhibit "A." (Ord. No. 12-692, Sec. 1.)

CHAPTER 13.03 PLANNING AREA MAP

Sections:

13.03.01 Adopted

13.03.01 Adopted

The map entitled City of Gentry Planning Area Boundary – 2013 which is attached hereto and made a part hereof, and the description thereof, which follows, both of which have been approved by the Gentry Planning Commission, be and are hereby approved and adopted. (Ord. 13-706, Sec. 1.)

TITLE 14: ZONING

Chapters:

14.04 Zoning Ordinance
14.08 Flood Damage Prevention Program
14.12 Accepting, Vacating and Re-Zoning Property
14.16 RV Parks and Campgrounds

CHAPTER 14.04 ZONING ORDINANCE

Sections:

14.04.01 Purpose
14.04.02 Title
14.04.03 Definitions
14.04.04 Zoning map
14.04.05 General provisions
14.04.06 Districts
14.04.07 Non-conforming structures and uses of land
14.04.08 Off-street parking requirements
14.04.09 Signs
14.04.10 Special provisions
14.04.11 Mobile homes
14.04.12 Administration and enforcement
14.04.13 Board of Adjustment
14.04.14 Amendments
14.04.15 Procedure for Zoning Annexed Lands

14.04.01 Purpose

It is the intent of this zoning ordinance to divide the city into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for trade, industry, residence and other specified uses; to regulate the intensity of the use of lot areas and to regulate and determine the area of open spaces surrounding such buildings; to establish building lines and the location of buildings designed for specified industrial, business, residential and other use within such area; to fix standards to which buildings or structures shall conform therein; to prohibit uses, buildings or structures incompatible with the character of such districts, respectively; to prevent additions to and the alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder; to limit congestion in the public streets by providing for the off-street parking and loading and unloading of vehicles; providing for the gradual elimination of non-conforming uses of land, building and structures; and prescribing penalties for the violation of this ordinance; to lessen congestion in the streets, to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to conserve the taxable value of land and buildings throughout the city; to promote the public health, safety, and general welfare; and for other purposes. (Ord. No. 308, Sec. I.)

14.04.02 Title

This ordinance may be known and may be cited as the City of Gentry Zoning Ordinance No. 308, 1989 which replaced Ord. No. 186 of 1979. (Ord. No. 308, Sec. II.)

14.04.03 Definitions

For the purpose of this ordinance, certain terms and words are hereby defined; words used in the present tense shall include the future (and past tenses), words used in the singular number shall include the plural number, and the plural the singular; the word "building" shall include the word "structure;" and the word "lot" shall include the word "plot;" and the word "shall" is mandatory and not directory.

Accessory buildings and uses
An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to, or customarily found in connection with, and (except as otherwise provided in this ordinance) located on the same lot as, the use of the main building or principal use of the land. An accessory use is one which is clearly incidental to, or customarily found in connection with, and on the same lot as, the main use of the premises. When "accessory" is used in the text, it shall have the same meaning as accessory use.

Acreage
Any tract or parcel of land which has not been subdivided and platted.

Alley
A public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Apartment
A room or suite of rooms in a multi-family structure which is arranged, designed, used or intended to be used as a housekeeping unit for a single family.

Automobile junk or salvage yard
An area outside of a building where motor vehicles are disassembled, dismantled, junked, or wrecked, or where motor vehicles not in operable condition or used parts of motor vehicles are stored.

Basement
A story partly or wholly underground. Where more than one-half of its height is above the average level of the adjoining ground, a basement shall be counted as a story for the purpose of height measurement.

Billboard
Any structure or portion thereof upon which are signs or advertisements used on an outdoor display. This definition does not include any bulletin boards used to display official court or public office notices, or signs advertising the sale or lease of the premises on which the sign is located.

Buildable area
The buildable area of a lot is the space remaining after the minimum open space requirements of this ordinance have been complied with.

Building
Any structure including a roof supported by walls, designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property and forming a construction that is safe and stable; the word "building" shall include the word "structure."

Building, height of
The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the structure, exclusive of chimneys, ventilators, or other extensions above the roofline that are not intended for occupancy or internal usage by persons.

Building line
A line drawn on plats and other property description maps delineating the area within which a structure can be built.

Building, main or principal
A building in which is conducted or intended to be conducted, the main or principal use of the l lot on which said building is located.

Carport
A structure attached or made a part of the main structure, and which is open to the weather on at least two sides, intended for the use of sheltering not more than two motor-driven vehicles.

Child-care center
Any place, home or institution which receives five or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree of the custodial persons, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities.

Clinic, dental or medical
A facility for the examination and treatment of ill and afflicted human outpatients; provided, however, that patients are not kept overnight except under emergency conditions.

Court
An open unoccupied space, other than a yard, on the same lot with a building and bounded on two or more sides by such building.

Curb grade
The established elevation of the curb in front of the building measured at the center of such front. Where no curb grade has been established, the city shall establish such curb grade or its equivalent for the purpose of this ordinance.

District, zoning
Any section, sections, or divisions of the city for which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are uniform.

Drive-in commercial uses
Any retail commercial use providing considerable off-street parking and catering primarily to the vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.

Dwelling

Any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers, mobile homes, or travel trailers.

Dwelling, attached
A dwelling having any portion of one or more walls in common with adjoining dwellings.

Dwelling, detached
A dwelling having open space on all sides.

Dwelling, mobile home
A detached residential dwelling unit designed for transportation on streets or highways on its own wheels or on flatbed or other trailers and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations.

Dwelling, multiple-family
A dwelling designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, or motels.

Dwelling, one-family
A detached residential dwelling unit designed for and occupied by one family only and being securely attached to a permanent foundation.

Dwelling, townhouse or row house
Two or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one family.

Dwelling, two-family
A dwelling designed to be occupied by two families living independently of each other.

Dwelling units
One or more connected rooms established for owner occupancy, rental or lease, and physically separate from any other rooms or dwelling units in the same structure and containing independent cooking and sleeping facilities.

Emergency facilities
Any fire station, police station or ambulance facility providing emergency services to the public.

Family
One or more persons related by blood or marriage, including adopted children, or a group of not to exceed four persons not all related by blood or marriage, occupying premises and living as a single, non-profit housekeeping unit, as distinguished from a group occupying a boardinghouse or lodging house, hotel, club, or similar dwelling for group use. A family may include domestic servants employed by said family.

Fence
A manmade barrier constructed to provide privacy or visual separation between one ownership and another.

Flood area

The sum of the gross horizontal areas of all of the floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings.

Garage, private
An accessory building or a part of a main building used for storage purposes only for vehicles and personal belongings, used solely by the occupants and their guests of the building to which it is accessory.

Garage, public or repair
A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.

Gasoline or service station
Any building, structure, or land used primarily for the dispensing and sale of fuels, oils, accessories, or minor maintenance and repair services but not including painting, bodywork, major repairs, or automatic washing facilities.

Home occupation
A non-residential use carried on within a dwelling, which is clearly subordinate to the residential use and which does not outwardly change the residential character of the use, lot or structure. (Ord. No. 2008-641, Sec. 2.)

Hospital
An institution providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including related facilities such as laboratories, facilities and staff offices which are an integral part of the facilities.

Hotel
A building or part thereof occupied as a more or less temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which rooms no provisions for cooking is made, and in which building there is usually a kitchen and public dining room for the accommodation of the occupants and guests. This definition does not include an auto or trailer court or camp, sanatorium, hospital asylum, orphanage, or building where persons are housed under restraint.

Kennel
Any lot or premises on which four or more dogs, more than six months of age are kept for personal use or boarding.

Lot
A parcel of land occupied or intended for occupancy by a use permitted in this ordinance including one main building together with its accessory building, and the open spaces and parking spaces required by this ordinance and having its principal frontage upon a street.

Lot, area
The total horizontal area included within the lot.

Lot, corner
A lot abutting upon two or more streets at their intersection.

Lot, depth

The horizontal distance between the front and rear lot lines measured at right angles to the lot width at a point midway between the side lot lines.

Lot, double frontage
A lot which is an interior lot extending from one street to another and abutting a street on two ends.

Lot, interior
A lot other than a corner lot.

Lot lines
The lines bounding a lot as defined herein.

Lot line, front
In the case of an interior lot, the line separating said lot from that street which is designed as the front street in the request for a building permit.

Lot line, rear
The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

Lot line, side
Any lot line other than a front or rear lot line as defined herein.

Lot of record
A lot or parcel of land, the deed to which has been recorded in the office of the county recorder of Benton County prior to the adoption of this ordinance.

Lot width
The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Manufactured home
A detached single-family dwelling unit fabricated on or after June 15, 1976, in a off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built incompliance with the Federal Manufactured Housing construction and Safety Standards Code. This code means the standard for construction, design and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, et seq. as mandated in the United States of American and as administered by the United States Department of Housing and Urban Development.

Mobile home
A movable or portable structure built prior to June 15, 1976, the effective date for the Federal Mobile Home construction and Safety Act of 1974, which is larger than 320 square feet, and designed to be used as a year-round residential dwelling unit. A mobile home which is to be located in a mobile home park shall meet all of the specifications and standards as required for such mobile home parks, and each individual mobile home must be anchored in compliance with the design load requirements of the Building Code of the City of Gentry, Arkansas. A mobile home which is to be placed in an approved mobile home subdivision must be placed upon poured footings

and piers or perimeter foundations constructed to Building Code specifications and completely enclosed (no exposed piers), and all transport elements such as wheels, axles, trailer or transport hitches and exterior light systems attached for highway usage must be removed. Furthermore, all such mobile homes shall provide on-site an all-weather off-street parking space, and the placement of the mobile home must be such that it conforms with all bulk and area requirements of the zoning district.

Mobile home park
Land or property containing a minimum of two acres which is used or intended to be used or rented for occupancy by mobile homes or movable sleeping quarters of any kind.

Motel
A motel or motor court is a business comprised of a building or group of buildings so arranged as to furnish overnight accommodations for transient guests.

Non-conforming use
Any building or land lawfully occupied by a use at the time of passage of this ordinance which does not conform with the use or area regulations of the district within which it is located.

Nursing home
Any premises where more than three persons are lodged and furnished with meals and nursing care.

Open space
An unoccupied space open to the key on the same lot with the building and occupied by no structure or portion of structure whatever.

Parking lot
An off-street facility including parking spaces and drives and aisles for maneuvering, and providing access and for entrance and exit, developed in a way to accommodate the parking of automobiles.

Parking space, off-street
An off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides.

Porch
A roofed projection out from the wall or walls of a building and commonly open to the weather in part.

Principal use
The specific primary purpose for which land, a building, or structure is used or intended to be used.

Public utility
Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation drainage, water or sanitary sewage.

RV Park
A parcel of land developed specifically for RV rental spaces on a temporary basis, and consisting of not less than two (2) acres. (Ord. No. 201616-743, Sect. 2)

Satellite television receiving dishes, ground mounted
A device commonly parabolic in shape, mounted at a fixed point on the ground for the purpose of capturing television signals transmitted via satellite communications facilities and serving the same or similar function as the common television antenna. Said devices are herein defined as accessory structures.

Service station
See gasoline service station.

Setback
The distance between the lot line and the building line.

Sign
A sign is any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature of an announcement, direction, advertisement, or other attention directing device. The following shall not be included in the application of the regulations herein:

A. Signs not exceeding one square foot in area in bearing only property numbers, post box number(s), names of occupants, or premises or other identification of premises not having commercial connotations;

B. Flags and insignia of any government except when displayed in connection with commercial promotion;

C. Legal notices, identification, informational or directional signs erected or required by governmental bodies;

D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;

E. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

Sign area
The area within a line including the outer extremities of all letters, figures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in the sign area.

Sign, off-site
A sign other than an on-site sign.

Sign, on-site
A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Story
That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between the floor and ceiling next above it. A half story

is a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of each story.

Street
Any public or private thoroughfare which affords the principal means of access to abutting property.

Street line
The right-of-way line of a street.

Structural alterations
Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

Structure
Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground.

Travel trailer
The travel trailer unit is a dependent temporary single-family dwelling built on a chassis not exceeding eight (8) feet wide and thirty-two (32) feet long designed for short term occupancy and frequent travel, requiring park services for utility and sanitary facilities. The unit may be self-propelled or towed behind a vehicle without a special permit required.

Travel trailer park
A unified development under private ownership designed primarily for transient service, on which travel trailers, pickup coaches, and self-propelled motorized vehicles are parked or situated for short term occupancy. The owner shall provide park services for utility and sanitary facilities.

Use
The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

Yard
An open space on the same lot with a building unobstructed from the ground upward and measured as the minimum horizontal distance between the lot line and the main building.

Yard, front
A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has it least dimension.

Yard, rear
A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line in the rear of the main building or any projection other than steps, unenclosed porches, or entry ways.

Yard, side
A yard between the main building and the side line of the lot and extending from the front lot line to the rear yard and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

Zoning lot
A parcel of land that is designated by its owner or authorized agent as a tract, all of which is to be used, developed, or built upon as a unit under a single ownership. A zoning lot may consist of any standard lot or a combination of lots and any legally recorded portion of a lot that existed prior to the passage of this ordinance. When determining the front, rear and side yard setbacks for a zoning lot, the required distance shall be measured from the exterior boundaries of said zoning lot. (Ord. No. 308, Sec. 3.)

14.04.04 Zoning map

The City of Gentry's Official Zoning Map, a copy of which is attached as Exhibit "a" hereto and its legal description, a copy of is attached hereto and incorporated herein by reference, is hereby adopted as the city of Gentry's Official Zoning Map. Three copies of said map is on file in the office of the City Clerk and is available during regular business hours for inspection. (Ord. No. 06-585, Sec. 1.)

14.04.05 General provisions

A. All streets, alleys and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, or railroad rights-of-way where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

B. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which the building or land is located.

C. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located. Exceptions are roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment to operate and maintain the building, and firewalls, skylights, towers steeples, flagpoles, chimneys, smokestacks, radio and television aerials or antennas, wireless masts, water tanks, or similar structures. These exceptions may be erected above the height limits herein prescribed, but, when erected, they shall not extend more than twenty-five (25) feet above the height limits of the district in which located. Aerials or antennas designed to aid home television or radio reception may be erected to a height not to exceed sixty (60) feet from the ground level, provided they are attached to the building or erected in the rear yard area.

D. No structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which it is located.

E. No space of a lot defined by this ordinance as part of a side yard, rear yard, front yard, court or other open space may (by reason of a change in ownership or otherwise) be counted or calculated to comply with a yard, court or other open space requirement of or for any other building.

An open terrace, not roofed over, may occupy a front yard provided the unoccupied portion of the front yard has a depth of not less than fifteen (15) feet. A one-story bay window may project into a front yard not more than three (3) feet. Overhanging eaves, including gutters, may project over the minimum required side yard not more than eighteen (18) inches.

The minimum side yards or other open spaces, including lot areas per family required by this ordinance for each and every building existing at the time of passage of this ordinance, or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building.

F. Every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot as herein defined and in no case shall there be more than one such building on one lot unless otherwise provided in this ordinance.

G. Any separate tract of record at the time of the adoption of this ordinance that does not meet the requirements of this ordinance for yards, courts, or other area of open space may be utilized for single residence purposes, provided the requirements for such yard or court area, width, depth or open space is within seventy percent (70%) for that required by the terms of this ordinance. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

H. No building shall be constructed or erected upon a lot, or parcel of land, which does not abut upon a public street or permanent easement of access to a public street, which easement shall have a minimum width of twenty-five (25) feet, unless an easement of lesser width was of record prior to the adoption of this amended ordinance.

I. No wall, fence or shrubbery shall be erected, maintained or planted on any lot which obstructs or interferes with safe traffic visibility on a curve or at any street intersection within a triangle formed between the corner and a point twenty-five (25) feet down each street along the street right-of-way line.

J. A dwelling shall not be erected in the I Industrial District; however, the sleeping quarters of a watchman or caretaker are permitted.

K. Nothing in this ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this ordinance, and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within two years from the date of passage and publication of this ordinance.

L. An area indicated on the official zoning map as a public park or recreation area, public utility area, cemetery, public school site, or semi-public open space, shall not be used for any other purpose, and when the use of the area is discontinued, it shall automatically be zoned R-1, until otherwise zoned.

M. Any area annexed to the city shall, upon such annexation, be automatically zoned A-1, until otherwise zoned. (Ord. No. 308, Sec. V.)

14.04.06 Districts

A. In general

The City of Gentry, Arkansas, is hereby divided into the zoning districts listed below. No use permitted in one district shall be permitted in any other district unless so provided in this chapter.

A-1 Agricultural
R-1 Low Density Residential
R-2 Medium Density Residential
R-3 High Density Residential
R-4 Manufactured Homes and Mobile Homes
R-N Residential Neighborhood
R-O Residential Office
C-1 Low Density Commercial
C-2 General Commercial
I Industrial
M-U Mixed Use
R-E Residential Estate
SP Special Plan

B. Application

As to any use proposed for a zoning district which is not expressly permitted or prohibited within that district, the Planning Commission shall determine whether the use shall be allowed within the district and shall consider the following factors:

1. The character of uses expressly permitted in the district.
2. The traffic flow which would be created by the proposed use.
3. Any possible air, water or noise pollution.
4. Parking and access requirements of the proposed use.
5. Any necessary extension of utilities.
6. Existing neighborhood uses including those now within the district for which the use is proposed.
7. The expected impact of the proposed use on the aesthetic character of the City of Gentry, Arkansas.

C. Zoning district, character and description

Residential districts

These districts are designed to provide a suitable environment for residential and family life including accommodations for recreation areas, schools, churches, community facilities and public utilities. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element. Residential areas should be protected from encroachment by incompatible uses.

1. A-1 Agricultural

The Agricultural District is designed to provide for the compatible existence of agricultural activities within the city's corporate boundaries so that agricultural uses are protected as a

valuable natural resource and do not unduly disturb the desirable functioning of residential, commercial, industrial or other uses.

2. R-E Residential Estate District
   The Residential Estate District is designed to protect the enjoyment, privacy and value of single-family dwellings on large lots. For such district, the minimum lot area is one (1) acre. (Ord. No. 2006-580, Sec. 2.)

3. R-1 Low Density Residential
   The Low Density Residential District is intended to provide for the development of medium and large lot family residences and related recreational, religious and educational facilities normally required for a balanced and attractive residential area.

4. R-2 Medium Density Residential
   This district provides for the development of small single-family and two-family residences.

5. R-3 High Density Residential
   This district provides for development of single-family through multi-family residences including a wide variety of housing types including rooming houses and boardinghouses.

6. R-4 Mobile Home District
   This district provides for lower cost housing through the location of mobile homes or manufactured homes in the City of Gentry in rental park settings, or in subdivisions which provide for ownership of both the home and the lot. The district should be located so that it does not adversely affect established residential patterns and densities in the city, but it should also have the public utilities, community facilities, and other public services that will provide a healthful living environment with all the normal amenities of Gentry's other residential districts. Unless otherwise prohibited, R-1, R-2 and R-3 uses are permitted in R-4 districts. (Ord. No. 08-626, Sec. 1.)

7. R-O Residential Office District
   This district provides for the harmonious blending of residential and low activity commercial and professional office uses having more of a residential that a commercial character in building types, open space, traffic circulation, and parking arrangements. This district is also provided as a buffer for the stabilization of residential land use on the fringe of high activity commercial and industrial areas and to protect adjacent residential areas from commercial and industrial encroachment. All residential uses are allowed in this district including the following and other similar commercial uses:

   Accountants
   Architects
   Chiropractors
   Craft and art studios (two to four students)
   Dressmaking
   Engineers
   Hairstylists
   Light retail

Multi-family units at R-3 standards
Offices
Photographers
Physicians
Public facilities
Realtors
Single-family units
Surveyors

8. R-N Residential Neighborhood District. The intent of the Residential Neighborhood District is to evoke the look and feel of a traditional small-town neighborhood by providing for single-family residences on smaller lots than are permitted in the R-1 Low Density Residential or R-2 Medium Density Residential Districts. (Ord. No. 21-860)

9. Legally established businesses, occupations or professions which have been granted a conditional use permit or occupation license at the time of the effective date of these regulations in a residential structure may be continued pursuant to the terms of that permit or license until it is abandoned for a period of twelve (12) months. This shall not be construed to approve continuation of any activity constituting a common law nuisance, or activity prohibited by the statutes or ordinance applicable to the area. (Ord. No. 08-641, Sec. 1.)

Mixed use district
This is a special district designed to enhance Gentry's historic Main Street by allowing mixed residential and commercial use along Main Street, bounded by Smith Avenue on the west and by Railroad Avenue on the east. (Ord. No. 06-579, Sec. 1.)

Commercial districts
These districts are designed to provide an appropriate environment from low to high density retail commercial and industrial activities.

1. C-1 Low Intensity Commercial District
   This district provides for the development of retail commercial activity which does not generate high traffic volume or large parking requirements. Retail stores which depend upon high volume consumer patronage are expressly forbidden. Permitted uses include the following and other similar uses.

   Barber shops
   Beauty shops
   Churches
   Cleaning service
   Repair services
   Public facilities

2. C-2 General Commercial District
   This district provides for the development of all types of retail commercial activity and a wide range of retail uses and personal services normally accessible to the public by automobile.

3. I Industrial District
   This district provides for general manufacturing and industrial activities including manufacturing, wholesaling, warehousing, storage, assembling, packaging, and related uses.

4. Residential use in Mixed Use District
   Residential use is permitted in the Mixed Use District, which shall be granted by a conditional mixed use permit within the district on a building by building basis, as follows:

   The application The building owner shall first submit a proposed residential use application and plan for the building in question to the Planning Commission. Absent a finding of unusual and extraordinary circumstances, the residential use plan shall include provision for:

   a. At least one (1) parking spot per unit behind the building in question;

   b. Building Inspector certification that the proposed use is in accordance with applicable building codes;

   c. The front of the building shall maintain a "store front" appearance;

   d. That the proposed usage otherwise appears compatible with the area surrounding the property for which the conditional mixed-use permit is requested;

   e. The proposed residential use shall be in compliance with Main Street parking limitations; and

   f. The proposed usage shall otherwise be in compliance with applicable building and safety codes.

   The Conditional Mixed-Use Permit
   The conditional mixed-use permit is a conditional use permit that may be granted by the Planning Commission, after due consideration of the building owner's residential use application and plan. In determining whether to grant the conditional mixed-use permit, the Planning Commission shall ensure that the following minimum standards are met:

   a. At least one (1) parking spot per unit behind the building in question;

   b. Building Inspector certification that the proposed use is in accordance with applicable building codes;

   c. The front of the building shall maintain a "store front" appearance;

   d. That the proposed usage otherwise appears compatible with the area surrounding the property for which the conditional mixed-use permit is requested, including architectural and use compatibility;

   e. The proposed residential use shall be in compliance with Main Street parking limitations; and

f. The proposed usage shall otherwise be in compliance with applicable building, safety, water and fire codes.

Upon making determination that the proposed residential use plan is satisfactory, the Planning Commission shall authorize the issuance of a conditional mixed-use permit, which permit will authorize residential usage of the building in accordance with the residential use plan. (Ord. No. 06-579, Sec. 1.)

Specific Plan District

The Specific Plan (SP) district provides a means by which individualized zoning standards can be created for defined areas in which conventional zoning cannot achieve desired results. The SP district may be applied as either a base zone or an overlay zone depending on the defined area's needs and the scope of any proposed project(s) within the defined area. Any proposed change in use in the SP district constitutes a REZONING and must be accompanied by a Specific Plan, which is a small-area plan document designed with community input. Each Specific Plan has its own non-transferable set of regulations which may combine some or all of the following elements for a defined area into one document: zoning standards, list of acceptable land uses, design guidelines, infrastructure plan, phasing plan, and other elements as appropriate.

1. Planning commission approval.
   Any rezoning of property within the SP District shall be presented to the Planning Commission for consideration. Upon Planning Commission approval, any such change in use shall be effective only upon adoption of an Ordinance approving such rezoning.

2. Specific Plan uses and requirements.

   a. All legal existing uses or legal uses made of such property from and after January 1, 2016 are allowed within the SP District.

   b. In the event of a proposed change in usage within the SP District, the owner of the property in question must consent to the proposed change in usage.

   c. The Planning Commission shall be presented with a written USAGE PLAN, that includes the following items:

      i. The legal description of the parcel subject to the proposed change;

      ii. A map or aerial photo of the parcel subject to the proposed change and the area

      iii. immediately surrounding it, showing sufficient topographic data to indicate clearly the character of the terrain; waterways; and the location of existing development;

      iv. A map, drawing or plan depicting the proposed new use of the plan, including a sketch of proposed improvements;

      v. A detailed description of the proposed new usage, including the following information:

1. Minimum lot area (in square feet);
2. Minimum lot width at building line (in feet);
3. Maximum lot coverage (percent);
4. Setbacks from all sides (in feet);
5. Height restrictions (in feet);
6. A list of land uses allowed by right or by condition;
7. A map depicting the location and configuration of all infrastructure and public facilities proposed within property. Such facilities include but are not limited to roads, sewers, lift stations, drainage facilities, fire stations, police substations, parks, libraries, communications equipment, and similar facilities;
8. A written and illustrated document, describing in detail any design guidelines for the development, including but not limited to architectural style, materials, colors, themes, streetscapes, public realm elements, and similar issues; and
9. Other elements as appropriate such as grading plans, wildlife mitigation plans, open space management plans, hazardous materials remediation plans, etc.

3. Procedures for obtaining SP rezoning approval.

   a. Notice of Hearing for such rezoning application shall be conspicuously posted on the property and published in a newspaper having circulation in Benton County, Arkansas, for a period of not less than 14 days prior to a public hearing which will be held by the Planning Commission for the purpose of considering the proposed rezoning. The initial public hearing should include a presentation in which the proponent of the rezoning provides possible development or redevelopment scenarios. Additional public meetings, workshops, focus group meetings, open house events, and presentations may be scheduled as requested by the Planning Commission. needed by the Planning and Development Department Director or designee. All meetings shall be advertised at least 14 days in advance via prominent signage, letter or email announcements, or any other means deemed practical and appropriate by the Planning Commission.

   b. Following such public hearing, the Planning Commission shall investigate or charge City personnel and/or outside contractors or professionals to investigate existing conditions and previous plans in order to determine feasible future development scenarios. Thereafter, but no sooner than the next regular Planning Commission meeting, may the Planning Commission take action on the rezoning request.

   c. Prior to the meeting at which the Planning Commission will consider taking action on the SP rezoning request, sufficient notice of a public hearing for rezoning shall be furnished in accordance with the Gentry Municipal Code and Arkansas law. The SP rezoning request must clarify whether the rezoning will change the base zone or add an overlay to the existing base zone. The Planning Commission shall take one of four actions: send the rezoning request to the City Council with a positive recommendation; send the rezoning request to the City Council with a negative recommendation; send the rezoning request to the City Council with no recommendation; or hold the rezoning request in committee pending additional information or clarification. The Planning Commission may require additional public meetings or plan revisions prior to issuing a recommendation.

d. City Council Consideration. Upon receiving the SP recommendation from the Planning Commission and reviewing the SP rezoning request and Specific Plan document, the City Council shall consider an ordinance rezoning the lands in question. The City Council shall take one of three actions: approve the SP request as recommended by the Planning Commission; approve the SP request with amendment(s); or deny the SP request.

4. Procedures for amending a Specific Plan parcel or tract.

Changes to a parcel or tract rezoned pursuant to a Specific Plan should occur within the framework of the Specific Plan. If, at any time, any individual, organization, business, and/or City department find it necessary or desirable to amend the approved Specific Plan, a plan modification may be requested. Such request shall be made in writing to the Planning Commission, which will determine whether the requested modification meets the criteria of a minor modification or major modification. All modifications must be consistent with the intent of this ordinance.

a. Minor Modifications. Minor modifications may be granted on vote of the Planning Commission and do not require notice, hearing or Council approval. For a requested modification to be classified as minor, the modification must alter one or more provisions of the Specific Plan and must not: expand the types of land uses specifically allowed in the approved Specific Plan; change the character, function, or number of streets approved in the Specific Plan; create any foreseeable significant increase in traffic volume or result in any foreseeable negative impacts on traffic flow; or create any significant change to the nature or character of the approved Specific Plan.

b. Major Modifications. Major modifications may be tentatively approved by the Planning Commission, with the further requirement of Council approval by Ordinance. A modification that would result in any of the following will be deemed major: expansion of the types of land uses specifically allowed in the approved Specific Plan; change in the character, function, or number of streets approved in the Specific Plan; foreseeable significant increase in traffic volume or foreseeable negative impacts on traffic flow; or any significant change to the nature or character of the approved Specific Plan. Additionally, the Planning Commission may elect to follow the method for major modification approval for any modification of any lesser magnitude, particularly if such modification is deemed to be in the public interest.

c. Prior to the Planning Commission's review of the SP district modification request, sufficient notice of a public hearing for rezoning shall be furnished in accordance with state law and per the public hearing procedure outlined in the City of Gentry City Code for a change in zoning. After reviewing the major modification request, the Planning Commission may grant the request, which will then be presented to the City Council for final approval. If the Planning Commission denies the major modification request, the applicant may appeal the decision to the City Council by submitting a notice of appeal to the Gentry Director of Finance no more than thirty (30) days from the date of the Planning Commission's decision. The appeal shall be placed on the agenda of the next scheduled meeting of the City Council. The City Council's decision on the appeal issue is final. Minor and major modifications shall

be considered unique and shall not set precedent for other SP districts or developments.

d. Changes to the Specific Plan Document. The text and any affected maps, diagrams, and/or images contained within the Specific Plan document shall be amended to reflect any modification(s) to the Specific Plan.

5. Specific Plan availability.
All Specific Plans approved and adopted by the City Council shall be maintained on file in the City offices and as printed documents and shall be available for public inspection during regular business hours. Individuals, businesses, and/or organizations desiring printed copies of a specific plan may do so for a reasonable administrative fee per printed page.

6. Zoning map designation for SP district.
All Zoning Map designations for the SP District shall be noted on the official Zoning Map by the designation "SP,". In the event of adoption of Specific Plan zoning for a property or parcel, its location should be shown on the official Zoning Map and the ordinance number assigned to it upon adoption by the City Council. (Ordinance No. 19-793)

7. Permitted uses by zoning district table
The following table indicates allowable uses by an "X", "SUP", or "PA" opposite the use and under the column for each zone in which the use is allowed. An "X" indicates the use is allowed. An "SUP" indicates the use is permitted only in special cases when it will not adversely affect surrounding property because it can, in some circumstances, more intensely dominate an area. A "PA" denotes that the proposed zoning requires prior Planning Commission and/or City Council Approval.

Appendix B

Permitted Uses Residential Zoning Districts

	A-1	R-E	R-1	R-2	R-3	R-4	R-N	R-O	SP
Single-family	X	X	X	X	X	X	X	SUP	PA
Single-family mfg. home					SUP	X			PA
Single-family zero lot line				SUP	X	X		SUP	PA
Single-family attached				X	X	X		SUP	PA
Townhouses					X	X		SUP	PA
Duplexes				X	X	X		SUP	PA
Multi-family dwellings					X	X		SUP	PA
Manufactured Home subdivisions						X			PA
Mobile or Manufactured Home parks						X			PA
Rooming/boardinghouse					X	X			PA
Church, places of worship	SUP	SUP	SUP	X	X	X	SUP	X	PA
Child Care Center				SUP	SUP	SUP			PA
Club or lodge, private				SUP	SUP	SUP			PA
Community building			SUP	SUP	SUP	SUP	SUP	X	PA
Hospital health center					SUP	SUP			PA
Nursing/Assisted Living or similar facility	X				SUP	SUP		SUP	PA
Park	X	X	X	X	X	X	X	X	PA
School, nursery, day care for children				SUP	SUP	SUP		X	PA
School, public or parochial	X			SUP	X	SUP		X	PA
Antique shop						SUP			PA
Field crops/gardens	X	X	X	X	X	X	X	X	PA
Accessory uses as defined in Art. X that are accessory to permitted uses in the district	X	X	X	X	X	X	X	X	PA
Emergency Facilities	X	X	X	X	X	X	X	X	PA
Mobile Food Vendor	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	PA
Farmers' Market[1] [1]As defined by the Arkansas Dept. Of Health and Arkansas Agriculture Dept.	X								PA

Permitted Uses **Commercial and Industrial Districts**

	R-O	C-1	C-2	I	SP
Aircraft Landing Strip	SUP	SUP	SUP	SUP	PA
Automotive Body Shop			X		PA
Automotive Car Wash		X	X	X	PA
Automotive Retail Sales (*For such sales in a C-1 zone, there shall be no vehicle auction sales, no vehicle painting and no vehicle motor or body repair)		X*	X		PA
Automotive Service Station (painting, motor or body repair NOT allowed)		SUP	X	X	PA
Banking	SUP	X	X		PA
Barber or Beauty Shop	SUP	X	X		PA
Bulk storage, goods and materials (All exterior storage of goods and materials must be within the confines of the structure or enclosed entirely by sight-proof fence at least 6 feet in height, unless adjacent to rail siding facilities.)	SUP	X	X	X	PA
Child Care Center	SUP	X	SUP		PA
Clinic, Dental, Medical, Osteopathic, Pharmacy, Hospital or similar licensed health care provider	SUP	X	X	X	PA
Club or Lodge	SUP	X	X		PA
Dry Cleaners or Laundry		X	X		PA
Eating Establishment		X	X	X	PA
Emergency Facilities	X	X	X	X	PA
Farmers' Market* *As defined by the Arkansas Dept. of Health and Arkansas Agriculture Dept.		X	X	X	PA
Fresh produce sales		X	X	X	PA

	R-O	**C-1**	**C-2**	**I**	**SP**
Florist shop or greenhouse		SUP	X	X	PA
Funeral home, mortuary, crematorium		SUP	X		PA
Hotel or motel			X		PA
Mobile Food Vendor	SUP	X	X	X	PA
Metal Recycling/Auto Salvage				SUP	PA
Park	X	X	X	X	PA
Professional Offices	X	X	X	X	PA
Public Building/Facilities	SUP	X	X	X	PA
Retail Establishment	SUP	SUP	X	X	PA
School, nursery or daycare facility	SUP	X	SUP	SUP	PA
Single Family Home	SUP	SUP	SUP	SUP	PA
Studio, musical or photographic	X	X	X		PA
Processing Plant				SUP	PA
Theater, indoor		SUP	X		PA
Warehouse/inside storage		SUP	SUP	X	PA
Wholesale establishment		SUP	X	X	PA
Recreational Facility	SUP	SUP	SUP	SUP	PA
Nursing Home/ Assisted Living or similar licensed care facility	SUP	X	X		PA
Single Family zero lot line	SUP	SUP	SUP	SUP	PA
Single Family attached	SUP	SUP	SUP	SUP	PA
Townhouses	SUP	SUP	SUP	SUP	PA
Duplexes	SUP	SUP	SUP	SUP	PA
Multifamily Dwellings	SUP	SUP	SUP	SUP	PA

(Ord. No 19-795)

Additionally:

1. Any non-operative motor vehicle shall be stored behind a privacy fence or similar structure where it is out of view or inside a building;

2. Any vehicle awaiting detailing, repairs (whether major or minor) or otherwise not presently for sale shall be stored behind a privacy or similar structure where it is out of view or inside a building; and

3. There shall be allowed on such property no more than one vehicle per 400 square feet of usable lot area (total lot area less the number of square feet occupied by any building on the lot). (Ord. No. 04-539, Sec. 2.)

D. Yard and area requirements

No lot or yard shall be established or reduced in dimension or area in any district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in the following table. All uses not specifically listed below, e.g. community facilities, public utilities, etc., shall meet the most restrictive area, yard and height requirements listed below for the zoning district in which they are located.

a. There shall be a minimum side yard requirement on one side of the dwelling to allow each detached dwelling unit to be offset on the lot to create a more usable side yard. However, where lots are platted for zero lot line use any lot located adjacent to any other residential zone or use must provide a side yard of at least eight feet on the side directly abutting the zone.

b. For unattached sides only.

c. This area includes both private and common area.

d. When a side yard is required, the lot width shall be increased by an amount equal to the width of the required side yard.

e. For unattached sides only.

f. Minimum lot width shall be increased by ten feet for each dwelling unit exceeding four, up to a maximum required width of 200 feet.

g. By special permit.

h. For non-owner occupancy.

i. The lot must adjoin a public street.

j. When abutting residential property, the side yard and rear yard setback requirements are hereby modified with respect to “portable buildings” as follows:

a. A “portable building” is hereby defined as a building having a floor area of not more than two hundred (200) square feet which is not constructed on or attached to a permanent foundation, whether constructed on-site or preassembled, and which is not intended for or used as habitable space and which does not exceed the height of the residence on that lot or sixteen (16) feet, whichever is less. (Ord. No. 2004-532, Sec. 1.)

b. A portable building may be situated within five (5) feet of a side yard or backyard boundary (but may not be situated in front of a line parallel with the front of the residence or other principal structure on such lot), so long as such building does not interfere with any existing utility and on condition that such portable building is otherwise in compliance with all applicable Building Codes and regulations. (Ord. No. 13-705, Sec.2.)

Zone		Lot Area Sq. Ft.	Lot Area Per Family	Lot Width	Front Yard	Int	Ext. Back to Side	Corner Back to Rear	Rear	Max. Stories	Height Ft.
A-1	**Single Family**	1 acre	1 acre						25		
	Single M.H	5 acres									
R-E	**Residential Est.**	1 acre	1 acre	125	50	25	25	25	25	3	45
R-1	**Single-Family**	9,000	9,000	70	25	10	25	15	10	2 ½	35
R-2	**Single-Family**	7,500	7,500	60	25	7	25	15	7	2 ½	35
	S.F. Attached	6,500	6,500	45	25	10 [b]	25	15	10[b]	2 ½	35
	S.F. Zero Lot [g]	6,500	6,500	40	25	10[a]	25	15	10[a]	2 ½	35
	Duplex	9,000	4,500	70	25	7	25	15	7	2 ½	35
R-3	**Single-Family**	6,000	6,000	50	25	5	20	15	5	2 ½	35
	S.F. MFG'd	6,000	6,000	50	25	5	20	15	5	2 ½	35
	S.F. Attached	6,500	6,500	45	25	7[b]	20	15	7[b]	2 ½	35
	S.F. Zero Lot	6,500	6,500	40	25	7[a]	20	15	7[a]	2 ½	35
	Duplex	9,000	4,500	70	25	7	20	15	7	2 ½	35
	Townhouses	4,500	4,500	22	25	7[e]	20	15	7[e]	2 ½	35
	Multi-Family	10,000	2,500	70	25	10	20	15	10	2 ½	35
R-4	**M.H Subdivision**	5 acres	5,000	45	25	10	20	15	10	1	15
	M.H. Park	2 acres	4,000	40	25	10	20	15	10	1	15
	Single M.H.	5 acres	6,000	50	25	5	20	15	5	1	15
R-N	**Residential Neighborhood**	5,000	5,000	50	25	7	10		10	2 ½	35
R-O	**S.F. Attached**	6,500	6,500	45	25	5	20	15	5	2 ½	35
	Duplex	9,000	4,500	22	25	7	20	15	7	2 ½	35
	Townhouses	4,500	4,500	22	25	7	20	15	7	2 ½	35
	Other R-O Uses	10,000		50	25	8&20 [j]	25		25	2	30

C-1	**Commercial**	10,000		50	25	0&15 [j]			25	3	30
C-2	**Commercial**	10,000		50	25	0&15 [j]			25	2	36
I	**Industrial**	1 acre		150	25	12&50 [j]	25	25	25		

E. Special uses and permits

1. General
   Some uses are special and may or may not be appropriate within certain zoning districts because of the unique operational or physical characteristics of the use. Consideration must be given to each application for a special use to insure that reasonable conditions and restrictions can be provided to protect the character and integrity of the area in which the use is being requested.

2. Uses restricted to specific districts
   Uses which are listed as special uses may be located only in the districts designated in accordance with the application and review procedures in this section.

3. Uses permitted in any district
   The following uses are permitted in any district but must each be applied for in accordance with the application and review procedures in this section:

   Cemetery or mausoleum
   Greenhouse
   Hospital or sanatorium
   Aircraft landing field
   Radio transmitting station and tower
   Removal of gravel, topsoil, or similar neutral material
   Public utility structure.

4. Placement or construction of certain portable and/or temporary structures

   a. The construction, placement, erection or other use of any trailer, modular building or portable structure for commercial purposes (hereinafter collectively referred to as "Portable Structure"), is hereby prohibited, subject to the exceptions set forth below in this paragraph.

   b. Prior to the placement, erection or other use of any portable structure (other than those identified in subparagraph (d) below), its usage must be approved upon application for a special use permit.

   c. If such portable structure will be located in a commercial or industrial zone (other than a temporary construction structure) for a period of more than six months, its usage must first be approved upon application for a special use permit and the portable structure must meet all applicable commercial codes and city ordinances, including without limitation those regulations

pertaining to structure, design, electrical, plumbing, other utilities and landscaping.

d. Portable structures for use solely as temporary construction offices, temporary storage buildings or temporary security structures may be located within the City of Gentry by temporary permit to be signed by the Mayor and the Housing Official, which permit shall specify the location and type of such portable structure and shall specify the duration of its use. In no event shall such duration exceed thirty (30) days beyond the completion of such construction. (Ord. No. 93-384, Sec. 2.)

5. Application and review procedures

a. An application for a special use permit must be filed by the owner of the property with the City Clerk. The application must identify:

(1) Name and address of applicant;
(2) Type of use proposed;
(3) Location of the site of the intended use;
(4) Owners of adjacent properties; and
(5) Any other information pertinent to the use being requested.

b. The City Clerk shall publish a notice of a public hearing by the Planning Commission on the proposed special use in a newspaper of general circulation in the City of Gentry at least fifteen (15) days prior to the public hearing. The public hearing notice will state the day, date, time and location of the public hearing.

c. The city shall post a sign which states, “Special use permit requested for this property,” in a prominent place within the street right-of-way at the front of the property. The sign must be at least two feet by two feet with letters four (4) inches high and must also display a copy of the application and the public hearing notice in a weatherproof container.

d. At the public hearing the Planning Commission shall determine the nature and condition of all adjacent uses and structures and whether the proposed use will cause no change, an improvement, or an adverse effect upon the adjacent property relative to traffic volume, noise, sight, sound, aesthetic value, and economic value.

e. If an application for a special use permit is approved, the conditions of approval shall be listed on the permit which shall also include any time limit on the approved duration of the special use.

f. All special use permits shall be reviewed one year from the time of issue and annually thereafter by the Planning Commission. A special called review of a special use permit may be initiated by a written complaint by citizen of Gentry which must cite specific violations of the conditions

of the permit. The holder of the special use permit shall be notified of all annual and special reviews by certified mail at least fifteen (15) days prior to the review. The holder of the permit is also responsible for submitting his or her correct mailing address to the City Clerk immediately upon changing mailing addresses. Any permitted special use found not to be in conformance with the conditions of the permit shall be revoked by the City Clerk if the owner does not bring the use into compliance within thirty (30) days of the annual review of special called review.

g. The following uses are permitted in any district without special permit: Emergency facilities
(Ord. No. 93-12-13; Ord. No. 94-406; Ord. No. 99-474; Ord. No. 01-491; Ord. No. 02-499; Ord. No. 04-532; Ord. No. 04-539.) (Ord. No. 308, Sec. VI.)

14.04.07 Non-conforming structures and uses of land

A. Non-conforming use of land Where, on the effective date of adoption of this ordinance, a lawful use of land exists under the terms of these zoning regulations as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions: No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this zoning ordinance. If any such non-conforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

B. Non-conforming structures

1. Where a lawful structure exists at the effective date of adoption or amendment of this zoning ordinance that could not be built under the terms of these regulations by reasons of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

    a. Such structure, upon approval of the Board of Zoning Adjustment, may be remodeled to maintain the premises in a safe and usable condition.

    b. Should a structure be destroyed by any means to an extent of more than sixty percent (60%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this zoning ordinance.

    c. Such structure, upon the approval of the Board of Adjustment, may be added to if said addition meets the area requirements of the land use

zoning district in which the structure is located, provided said use of the structure is in conformance with this zoning ordinance.

C. Non-conforming use of structures

If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this zoning ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this zoning ordinance in the district in which it is located shall be structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

2. Any non-conforming use may be extended to any portion of a structure arranged or designed for such non-conforming use at the time of adoption or amendment of this zoning ordinance, but no such use shall be extended to occupy any land outside such building.

3. If no structural alterations are made, any non-conforming use of a structure or structure and premises may be changed to another non-conforming use provided that the Board of Adjustment shall determine that the proposed use is equally appropriate to the district as the existing non-conforming use.

4. Any non-conforming use, once changed to a conforming use, shall thereafter conform to the regulations for the district in which such structure is located and all new uses shall be conforming uses.

5. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.

6. Should a structure containing a non-conforming use be destroyed by any means to an extent of more than sixty percent (60%) of its replacement cost at the time of destruction, the owner may request the permission of the Board of Adjustment to reconstruct the structure and to continue the non-conforming use. The Board of Adjustment may grant or deny a request to reconstruct such a structure. In granting a request to reconstruct the structure, the Board may require conformance to yard requirements, on-lot parking space, adequate screening from adjacent uses and such other items deemed appropriate to the district in which located. (Ord. No. 308, Sec. VII.)

14.04.08 Off-street parking requirements

A. General requirements

1. All parking spaces required by this article shall be paved with a sealed pavement surface and maintained so that no dust is caused by continued use.

2. Parking spaces used with an existing building on the effective date of this ordinance are counted, as is, but shall not be counted to serve additions to the building or any new building, unless the spaces meet the requirements of this section.

3. Total parking space requirements for mixed uses shall be the total of all uses calculated according to the square footage which each use occupies.

4. A parking space shall not be substituted for a loading space nor a loading space for a parking space.

5. Except for one and two-family residences, no parking space shall be designed so that a vehicle is required to back into a public street for egress.

6. Parking spaces adjacent to residential zones shall be screened from the view of the residential zone(s) by a barrier of vegetation or fencing which is opaque and not less than five (5) feet or more than seven (7) feet high and maintained in good condition.

B. Parking area requirements

1. Automobile parking spaces shall be a minimum size of nine (9) feet by twenty (20) feet.

2. Handicapped parking spaces shall be a minimum of fifteen (15) feet by twenty (20) feet which includes a five-foot striped access aisle. Two handicapped spaces may share a single access aisle within a total space of twenty-five (25) feet by twenty (20) feet.

3. Residential driveways shall not exceed twenty-five (25) feet in width. Commercial driveways shall not exceed thirty-five (35) feet in width. These requirements are exclusive of curb returns.

4. When parking spaces are provided in the front yard of multi-family housing they must be set back at least fifteen (15) feet from the street right-of-way line. In addition, the area between the street right-of-way line and the parking must be planted with grass, shrubs or ground cover.

5. All parking spaces shall be on the same lot which the use or building occupies, except for churches as explained in the parking spaces required table below.
6. When calculating parking requirements any fraction over one-half (½) shall be considered as one additional space.

7. For any use not covered below, the Planning Commission shall determine the user demand and the amount of off-street parking required.

C. Parking spaces required

The following table lists the required parking space for the uses identified:

User group	**Spaces per condition**
All residential uses	2 each dwelling unit. (Ord. No. 10-659, Sec. 1.)
Auditoriums, churches*, halls funeral homes and theaters	1 each 3 seats based upon maximum seating capacity and 1 per each employee.
Building materials sales of retail floor area	1 each employee and 1 per each 400 sq. ft.
City property	The city may use joint parking facilities for a maximum of 50% of the required spaces if they are located within 400 ft. of the facility in question. (Ord. No. 98-459, Sec. 1.)
Convalescent, nursing and rest homes	1 each 6 beds, 1 per each 4 employees and 1 per each staff or visiting doctor.
Motels and rooming houses	1 each guest room.
Office buildings, lodges and private clubs**	1 east 300-sq. ft. of gross floor area excluding storage and service areas.
Retail sales space	1 each 200-sq. ft. of retail or public space, whichever is greater.
Restaurants**	1 each 50 sq. ft. of dining area.
Industrial, wholesale and and warehousing	1 each employee of largest shift and 1 per each truck to be stored on premises.

*Churches may use joint parking facilities for a maximum of 50% of the required spaces if they are located within 400 feet of the sanctuary.

**When dining facilities are included with other uses, additional parking spaces will be added according to restaurant parking standards.

D. Off-street loading and unloading requirements

1. One off-street loading space shall be provided for buildings whose principal use is the handling and selling of retail goods with a gross floor area up to and including 10,000 sq. ft. One additional space will be required for each additional 10,000 sq. ft. of gross floor area.

2. One off-street loading space shall be provided for buildings whose principal use is manufacturing, repair, wholesale and similar uses with a gross floor area up to and

including 10,000 sq. ft. One additional space will be required for each additional 40,000 sq. ft. of gross floor area.

3. Loading spaces for trailer trucks shall be 12 x 50 feet with a 14-foot height clearance and shall be designed with an adequate maneuvering area and an appropriate means of truck access to a street or alley.

E. Parking and storage of commercial vehicles and trailers

Commercial vehicles and trailers of all types, including travel, camping, hauling and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:

1. No more than one commercial vehicle per family living on the premises shall be permitted and, in no case, shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.

2. No trailer (either camping, hauling, travel or other type) shall be parked or stored for more than one week unless the trailer is located behind the front yard building line. A camping or travel trailer shall not be used for permanent occupancy while it is parked or stored in any area within the incorporated limits. (Ord. No. 98-459.)

14.04.09 Signs

A. Intent and purpose

The City Council of the City of Gentry recognizes the valid use of signs for advertising and identifying locations within the community. The City Council also recognizes that unrestricted use of signs can create visual pollution, traffic hazards and general disarray of the community, and for these reasons feels it necessary to limit the use of signs within Gentry. The intent and purpose of this section is to provide for the use of signs in a way that will accommodate the use while at the same time protect the public interest and the community.

B. Signs permitted within zoning districts

1. All districts – Those signs excluded from the definition of signs in this ordinance.
    a. Any sign used in conjunction with or necessary for the provisions of a public facility; a public or private school; or a church.
    b. Any sign lawfully posted pursuant to the provisions of 7.28.05 of the City of Gentry Municipal Code (pertaining to garage sale signs).
2. R-1, R-2, R-3, R-N, R-E districts
    a. Real estate and building construction signs not to exceed 32 sq. ft. and ten (10) feet in height, and
    b. Subdivision name signs when used as an architectural or landscape feature of the subdivision.
3. C-1 and C-2 districts
    a. Real estate and building construction signs not to exceed 32 sq. ft. and ten (10) feet in height, and

b. Business signs attached to and within two (2) feet of any wall housing the business. Such signs shall not protrude above the roofline or beyond any wall surface, and
c. One freestanding onsite sign not to exceed 100 sq. ft. and the height limitations of the district in which it is located. Such signs shall not obstruct the vision of incoming or outgoing traffic.

4. I District
   a. Real estate and building construction signs not to exceed 32 sq. ft. and ten (10 feet in height;
   b. Business signs attached to and within two (2) feet of any wall housing the business. Such signs shall not protrude above the roofline or beyond any wall surface, and
      a. One freestanding onsite sign not to exceed 150 sq. ft. and the height limitations of the district. Such signs shall not obstruct the vision of incoming or outgoing traffic. (Ord. No. 308, Sec. IX.)
5. A-1 District
   a. One freestanding onsite sign for an existing or allowed onsite business, not to exceed 100 square feet and the height limitations of the district in which it is located. Such signs shall not obstruct the vision of incoming or outgoing traffic. (Ord. No. 2017-756, Sec. 1)

C. No Discrimination against Non-Commercial Signs or Speech. The owner of any sign which is otherwise allowed within the City of Gentry may substitute non-commercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech or favoring of any particular non-commercial message over any other noncommercial message. This provision shall prevail over any more specific provision to the contrary. This provision does not create a right to increase the total amount of signage on a parcel or to allow the substitution of an off-site commercial message in place of an on-site commercial message.

Severability. If any portion of the Gentry Municipal Code or any regulation contained therein is held to be invalid or unconstitutional by a court of competent jurisdiction, it is the City of Gentry's specific legislative intent that such provision or regulation is deemed severed from the City of Gentry's Municipal Code and such provision should in no way affect or diminish the validity of the remainder of the City Code or any other sign regulation set forth therein.

14.04.10 Special provisions

A. Nonresidential Accessory Structures in areas zoned R-1; R-2; R-3; R-4; R-E; R-N; and R-O. An Accessory Structure is a nonresidential improvement separate and apart from and not structurally connected to the residential structure on a property (a sidewalk, driveway of similar non-erected connection shall not constitute a structural connection). Accordingly, the term "Accessory Structure" for purposes of this Section shall include sheds, barns, buildings, carports, pergolas, gazebos, shops, swimming pools, storm cellars and other buildings or structures. For purposed of this Section the term "Accessory Structure" does not include driveways or sidewalks.

a. Placement. An Accessory Structure may be placed in compliance with the setbacks required by the Zoning Ordinance. Not less than 3' of clear space shall exist between each Accessory Structure and between any Accessory Structure and the primary residence or primary building on such parcel. The total area of all structures on a parcel (including Accessory Structures) shall not exceed 50% of the total lot area. However, the Board of Adjustment may grant a variance from these restrictions from time to time in such instances as will not be contrary to the public interest and when unnecessary hardship would otherwise result.

b. Privacy Fence Construction Requirement. In the event a parcel is one acre or less in size, and if construction of an Accessory Structure will result in the total area of all structures on the parcel constituting 30% or more of the total parcel area, then the owner shall be required to construct a 6-foot privacy fence around those portions of the parcel situated behind the primary residence (and as approved by the Planning Commission in instances of a corner lot or similar circumstances).

c. Modified setback requirements for Portable Buildings. The side yard and rear yard setback requirements are hereby modified with respect to A Portable Buildings as follows:

i. A Portable Building is hereby defined as a building having a floor area of not more than 120 square feet which is not constructed on or attached to a permanent foundation, whether constructed on-site or preassembled; which is not intended for or used as habitable space; and which does not exceed the height of the residence on that lot or 12 feet, whichever is less.

ii. A Portable Building may be situated within five (5) feet of a side yard or backyard boundary [but may not be situated in front of a line parallel with the front of the residence or other principal structure on such lot], so long as such building does not interfere with any existing utility and on condition that such Portable Building is otherwise in compliance with all applicable building codes and regulations. (Ord. No. 16-743, Sect. 1)

B. Fences

An ornamental fence, hedge or wall not more than 3 ½ feet in height may project into or enclose any required front or side yard. Ornamental fences, hedges or walls may project into the side yard from the front building line of the structure to the rear lot line, provided such fence and walls do not exceed a height of six (6) feet.

C. Flammable liquids and gases

Flammable liquids and gasses shall comply with the Arkansas Fire Prevention Code.

D. Height restrictions

Public, semi-public, or public service buildings, hospitals, institutions, churches and schools, when permitted in a district, may be erected to exceed the height limits specified for the district, provided all required yards are increased by one (1) foot for each foot of building height above the height limit specified on the yard and are requirements table.

E. Home occupations

1. An occupation may be carried on in a residential structure in A-1, R-E, R-1, R-2, R-3, R-4, or R-N only after issuance of a Home Occupation Permit in accordance with the procedures hereinafter set forth. Home Occupations are divided into two classes,

Type A and Type B, and may be permitted in accordance with the following provisions:

2. **Type A – Home Occupations, subject to initial administrative approval**
   In the event a proposed home occupation meets all of the following requirements, the permit will initially be approved by the City Clerk, Mayor or other city staff.
   a. The home occupation is located completely within the principal dwelling unit.
   b. The home occupation is solely operated by the owner(s) and occupant(s) of the dwelling. No non-resident persons are employed.
   c. The home occupation is not primarily a retail sales operation. (Incidental sales such as shampoo or cosmetics are permitted).
   d. The home occupation does not occupy more than twenty-five percent (25%) of the gross habitable ground floor area of the principal dwelling unit.
   e. The home occupation does not display merchandise or have outside storage of equipment or materials.
   f. The home occupation does not alter the external appearance of the principal dwelling unit.
   g. The home occupation does not create noise, vibration, glare, fumes, electromagnetic interference, odors, or air pollution outside the principal dwelling unit.
   h. The home occupation has no more than one non-illuminated business identification sign mounted flush to the dwelling unit, not more than two square feet in area.
   i. The home occupation does not involve the storage of hazardous materials, other than substances of a type and quantity customarily associated with a home or hobby.
   j. The home occupation will not cause more than one customer vehicle to be parked in the vicinity of the principal dwelling unit at a time.
   k. The home occupation does not involve the external or visible manufacturing of goods on site.

Following issuance of a Type A permit, if for any reason the applicant fails to meet any of the requirements for a Type A Permit, administrative approval will be revoked and the applicant will be required to present an application to the Planning Commission for a Type B permit.

3. **Type B**
   Type B home occupations are those occupations that do not meet one or more of the requirements of a Type A home occupation and/or by their nature, have characteristics that may not be suitable for a residential structure or area. Type B home occupations must be approved by the Planning Commission through the conditional use procedure. However, Type B home occupations must meet the following requirements to be considered for a conditional use permit:
   a. Traffic generated by the proposed use must not negatively impact the safety, ambiance and characteristics of the residential neighborhood.
   b. The home occupation does not create noise, vibration, glare, fumes, electromagnetic interference, odors, or air pollution outside the principal dwelling unit.

c. The home occupation is mot primarily a retail sales operation. (Incidental sales such as shampoo or cosmetics are permitted).
d. The home occupation does not involve the storage of hazardous materials, other than substances of a type and quantity customarily associated with a home or hobby.
e. If the home occupation employees any person not a resident of the home, such non-resident employee shall not be permitted to park at the residence during business hours.

4. Types of permitted home occupations;
   a. Dressmaking, sewing and tailoring
   b. Painting, sculpturing, writing or similar artistic endeavors
   c. Activities conducted primarily by telephone, computer, facsimile or mail
   d. Tutoring (no more than two students at a time)
   e. Music instruction (no more than two students at a time)
   f. computer programming
   g. Architectural or engineering services (no more than one client to generally meet at a time)
   h. Marketing of personal care or home care products with no stock in trade on the premises
   i. Similar home based occupations as approved by the Planning Commission which are consistent with the intent of the Zoning Code.
   j. Bed and breakfast (Type B only)
   k. Tourist home (Type B only)
5. Prohibited home occupations:
   a. Eating and drinking establishments
   b. Kennels
   c. Commercial sales or leasing of vehicles
   d. Rest home
   e. Clinic, doctor or dentist office
   f. any use requiring a building code upgrade (such as an upgrade from residential to commercial standards) to accommodate the home occupation.
6. **Hobbies**
   Hobbies conducted solely within the confines of a structure with no external impact whatsoever, are not considered home occupations even if occasional items are sold on the premises or transported away from the premise for sale.
7. **Fee**
   Any application for home occupation permit shall be accompanied by payment of an initial fee in the sum of Twenty-Five Dollars ($25.00).
8. **Term**
   Home occupation permits shall be issued for an initial one year term. Thereafter, the permit shall be subject to annual review, without a further application fee. (Ord. No. 08-641, Sec. 3.)

F. Service station pumps
   i. Service station pumps and pump islands may occupy the required yards; provided, however, that they are not less than fifteen (15) feet from all property lines.

G. Mining, excavation and material storage

Mining, including extraction of clay, gravel or sand; quarrying of rock or stone, earth-moving and excavation; depositing of construction material, clay, earth, gravel, minerals, rocks, sand or stone on the ground shall not be construed to be a permitted use in any district unless and until a special use permits issued by the Planning Commission, except for the following defined extractions and deposits:

1. Excavations for the foundations or basement of any building or for a swimming pool for which a building permit has been issued, or deposits on the ground of any building construction materials to be used in a structure for which a building permit has been issued.
2. Grading of any parcel of land for a permitted use where no bank is left standing and exposed of more than ten (10) feet in vertical height.
3. Grading in a subdivision which has been approved by the city in accordance with the city's subdivision regulations.
4. An extractive operation existing and operating as such on the effective date of this ordinance.

The Planning Commission may grant special use permits, revocable and valid for specific periods of time to permit mining or extraction from, or deposits on the ground of rock, stone, gravel, sand, earth, minerals, or building or construction materials. (Ord. No. 308, Sec. X.)

14.04.11 Mobile homes

A. Mobile home subdivisions Mobile home subdivisions, which shall be established in the R-4 Residential zone only, provide an opportunity for mobile home ownership of structure and lot for those mobile homes approved by the Department of Housing and Urban Development under Title VI of Public Law 93-383, USC 5401 et seq. All mobile homes so located within an approved subdivision must have the date plate attached to the unit specifying, "This mobile home is designed to comply with the Federal Mobile Home Construction and Safety Standards in force at the time of manufacture." Mobile home subdivision shall fully comply with the regulations of this ordinance and further be governed by the subdivision ordinance of the City of Gentry. Furthermore, individual mobile homes located within a mobile home subdivision must be converted to permanent structures as defined in this ordinance.

B. Mobile home parks All new mobile home parks that are established or existing mobile home parks which are expanded after the effective date of this ordinance shall comply with all of the regulations and standards contained in this section.

Mobile home parks shall be established only in the R-4 Residential Zone. Parks shall be established on large, well-drained tracts of land and no parcel of land containing less than two (2) acres shall be used for a mobile home park.

1. Development standards Mobile home parks shall be developed to provide a desirable residential environment appropriate to the needs and desires of the occupants. Mobile home spaces should be harmoniously and efficiently organized in relation to topography, existing trees and shrubs, and other natural features. A stylized uniform pattern in lining up units should be avoided. The mobile home park shall conform to the following standards:

a. Each mobile home space shall contain not less than 4,000 sq. ft. minimum area. Spaces may be irregular in shape, but each mobile home space shall be not less than forty (40) feet in width and of adequate shape to provide off-street parking for two (2) automobiles.

b. The minimum front yard setback shall be twenty-five (25) feet to the front lot line of the mobile home park. Additionally, each mobile home unit shall be set back at least twenty (20) feet from all internal drives and access routes through the mobile home park.

c. The minimum distance between mobile homes shall be twenty (20) feet, and under no circumstances shall there be more than eight (8) mobile home spaces developed in any one (1) acre of the mobile home park.

d. Mobile home parks must have an area set aside and improved for recreational purposes. All parks shall develop a recreational area equal to eight percent (8%) of the total land area of the park.

e. Internal streets and drives shall be designed for safe and convenient access to all mobile home spaces. All such internal drives shall be privately owned, built and maintained. Such roadways shall be at least twenty (20) feet in width and shall be constructed with a bituminous or concrete surface.

f. No building or structure erected or stationed in the mobile home park shall have a height greater than one story or fifteen (15) feet.

g. There shall be at least two paved off-street parking spaces for each mobile home space which shall be on the same site or located in grouped parking bays specifically designed for this purpose close to the site served.

2. Approval procedure

a. All licenses and permits as required by the City of Gentry in this or other applicable ordinances shall be fully complied with before the park is open to tenants. The owner or developer shall submit a letter of intent and the preliminary plans for development of the mobile home park to the Planning Commission for review and approval prior to preparation of a final plat to insure conformity with plans and regulations. The preliminary plans submitted shall include an approval by the Water and Sewer Commission, the Power and Light Company, the Gas Company, and any other utilities or city governmental departments that may become involved in the final development of the site. The mobile home park owner and developer shall submit evidence indicating that he is responsible for the complete cost of the development including site preparation, streets, mobile home spaces, installation of all utilities, driveways, parking areas, park facilities and recreational facilities.

b. After review of the letter of intent, preliminary plans, and other information submitted by the developer, the Planning Commission may approve these plans if it finds that all appropriate regulations have been complied with. After approval by the Planning Commission, the developer shall cause to be prepared a final plat of the proposed mobile home park lot. This plat shall be prepared by a registered professional engineer in accordance with the land subdivision and development code of the City of Gentry. A building permit for construction of the park cannot be issued until a final plat has been approved for the mobile home park site.

3. Manufactured homes

The establishment, location, and use of manufactured homes as scattered-site single-family residences shall be permitted by special use permit in the R-3 districts and by right inR-4 zoning districts, subject to all requirements and limitations applying generally to such residential use in each of the respective districts, and provided such homes shall meet all of the following requirements and limitations:

a. The home must be a double section or larger multi-section unit and shall meet all requirements as defined in 14.04.10 and must possess all necessary building and occupancy permits and other certifications required by the city for a dwelling unit.

b. The home must be appropriately sited on the lot, with the front of the home oriented to the front of the lot, and all required setbacks (front, side and rear) of the zoning district in which the home is located must be met without any exceptions or variances.

c. The home shall be attached and anchored to a permanent foundation in conformance with manufacturer's installation specifications.

d. The home shall be covered with an exterior material customarily used on site-built residential dwellings, and such material shall extend over the top of the foundation unless said foundation is constructed of solid brick, stone or masonry material.

e. The home shall have a roof composed of a material customarily used on site-built residential dwellings, such as asbestos, fiberglass, shake, asphalt or tile, which shall be installed onto a surface appropriately pitched for the materials used.

f. (Ord. No. 308, sec. XI.)

14.04.12 Administration and enforcement

A. Administrative official

This ordinance shall be administered by the Code Enforcement Officer designated by the City Council and assisted as provided by the City Council. The Code Enforcement Officer shall see that the ordinance is enforced through proper legal channels. Appeals from decisions of the Code Enforcement Officer shall be made to the Board of Adjustment.

The Code Enforcement Officer is empowered to carry out and conduct activities essential to the proper administration and enforcement of this ordinance including, but not limited to, the following:

1. Permits
   To issue building permits and certificates of occupancy when such applications are in compliance with this ordinance. To refuse such applications and written notice with reasons when not in compliance with this ordinance.

2. Collections
   To collect fees for building permits, variances, appeals, amendments, and special permits in accordance with this ordinance.

3. Records
   To make and keep all records necessary including records of the issuance and denial of all building permits and certificates of occupancy, receipt of complaints of violations of this ordinance and action taken and to file these records in the City Clerk's office.

4. Inspections
   To inspect any building or land to determine whether any violation of these regulations has been committed.

5. Enforcement
   To enforce these regulations and take all necessary steps to remedy any condition found in violation. The City of Gentry may enjoin any individual or property owner who is in violation of this ordinance to prevent or correct such violation. Any individual aggrieved by a violation of this ordinance may request an injunction against any individual or property owner in violation of this ordinance or may mandamus any official to enforce the provisions of this ordinance.

6. Advisements
   To keep the Mayor, City Council, Planning Commission, and Board of Adjustment advised of all matters, other than routine, which relate to the administration and enforcement of these regulations.

B. Building permits
It shall be unlawful to commence the construction, reconstruction, moving, demolition or structural alteration of any building until the Building Official has issued a building permit for such work. No permit shall be issued unless the proposed construction or use is in full conformity with this ordinance and other applicable building laws, ordinances and regulations. Applications for building permits shall contain the owner's name and address, the builder's name and address, the address of the construction company, the total square footage of construction and the total estimated cost for materials and labor. The permit application shall have on it, or be accompanied by, a plan drawn to scale and including the size of the lot, setback lines and easements, the location of the building on the lot and any other information required by the Building

Official to adequately describe the work intended. Building permits shall expire six (6) months from the date of issue unless work is in progress.

a. No building permit shall be issued for new construction until a survey has been performed for the lot or property on which such construction is to take place, or the property boundaries have otherwise been duly identified through location and flagging of the survey markers for such property.

b. No building permit shall be issued for construction or remodeling of improvements which construction or remodeling in anyway extends the land area of the improvement until a survey has been performed or the boundary markers duly located in accordance with (a) above. (Ord. No. 93-383, Sec. 1.)

C. Certificate of occupancy and compliance

No building hereinafter erected or structurally altered shall be used, occupied, or changed in use until a certificate of occupancy and compliance is issued by the Building Official, stating that the building or proposed use complies with all applicable building laws and the provisions of this ordinance. A record of all certificates shall be kept by the Code Enforcement Officer. A certificate of occupancy and compliance may be revoked by the Code Enforcement Officer when it is found that the building or land does not conform to the use or condition, if any, in the certificate. Each day a use continues after a certificate is revoked constitutes a separate offense and shall be punished as provided herein.

D. Penalty for violation

Any individual, group or corporation who violates any provisions of this ordinance or fails to comply thereafter with any of the requirements thereof, or who builds or alters any building in a violation of any detailed statement of submitted and approved plans hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than One Hundred Dollars ($100.00). Each day a violation is allowed to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, engineer, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and, upon conviction thereof, shall be fined as provided above.

E. Amendments

Two types of amendments to this zoning ordinance are recognized, a revision in textual provisions of the ordinance and a change in zoning district boundaries:

1. Amendment to text

The City Council or the Planning Commission may initiate an amendment to the text of the zoning ordinance. The Planning Commission shall review any amendments initiated by either body and shall conduct a public hearing on the proposed textual amendment in accordance with the notice and hearing and approval procedures below. Following the public hearing, upon a favorable vote, a recommendation shall be submitted to the City Council for adoption by ordinance. In the event of an

unfavorable vote, the Planning Commission shall not make a recommendation to the City Council.

2. Change in district boundary
   The City Council, a property owner of the Planning Commission itself, can initiate a change in a zoning district boundary by submitting a petition for rezoning to the Planning Commission. When a change is being proposed by the Planning Commission or City Council, the owner or owners of the property under consideration shall be invited to the Planning Commission meeting prior to official submission to inform them of the proposed changes and solicit their views. All petitions shall contain:

3.
   a. Owner's name and address
   b. Legal description of the property to be rezoned;
   c. Layman's description of the property with street address or other common location reference known to the general public;
   d. Existing and proposed zoning classification;
   e. A scaled drawing of the property with proposed zoning boundary, nearest public street and adjacent property owners; and
   f. Reason for request with explanation of surrounding land uses.

F. Notice
   The Planning Commission must conduct a public hearing on any petition for changing district boundaries before it can be considered for adoption by the City Council. A notice of the public hearing shall be published in a newspaper of general circulation in the City of Gentry at least one time fifteen (15) days prior to the hearing. Fifteen (15) days prior to the hearing, the City Clerk shall have a sign, which contains a copy of the notice and petition in a clear weatherproof container stating the day, date, time and place for the hearing, placed in a conspicuous place in the street right-of-way to the property. The city shall provide the sign which shall be at least four (4) feet square and have the words, "Rezoning Petition on this Property" in black letters two (2) inches high at the top of a white sign. A letter or hand delivered notice shall also be sent, fifteen (15) days prior to the hearing, to each adjacent property owner including property owners across streets and alleys.

G. Hearing and approval
   If all the procedural requirements above are satisfied, the Planning Commission and City Council shall proceed a follows:

   1. The Planning Commission shall conduct the public hearing on the proposed amendment to the ordinance or official zoning map.

   2. Following the public hearing, the proposal may be approved as submitted or as modified by a majority vote of the Planning Commission to recommend adoption by the City Council.

3. If the Planning Commission disapproves the proposal, within fifteen (15) days of the decision a letter shall be sent to the applicant stating the reasons for disapproval. No further action is taken by the Planning Commission or the City Council when a petition is disapproved.

4. A petitioner may appeal a Planning Commission disapproval to the City Council by a written request to the City Clerk. The appeal must be made within fifteen (15) days of the disapproval and must state why the Planning Commission's decision is believed to be in error.

5. The City Council may adopt, by ordinance, or reject a recommended amendment by a majority vote or may return the proposal of the Planning Commission for further study and recommendation.

6. The City Council may also adopt, by ordinance, a recommended or appealed proposal with any modifications considered appropriate by a majority vote.

7. The Planning Commission shall not reconsider any application for zoning amendment until twelve (12) months have elapsed from the final date of disapproval unless a motion to reconsider passes by at least a seventy-five percent (75%) vote of the full Planning Commission. If such a motion is approved, the minutes shall reflect the reasons for reconsideration.

H. Fees

All applications for zoning changes must be accompanied by a deposit of a handling and processing fee of Seventy-Five Dollars ($75.00) with the City Clerk before any action on the petition can be initiated. This fee shall not be refundable, regardless of approval or denial. (Ord. No. 308, Sec. XII.)

14.04.13 Board of Adjustment

A. Creation and appointment

A Board of Adjustment is hereby created which shall constitute the Planning Commission as a whole. Their terms shall run concurrently with their appointment to the Planning Commission. On the effective date of this ordinance, the members of the Planning Commission that was legally in existence immediately prior to such date shall be constituted as members of the Board of Adjustment.

1. Officers

A chairman and vice-chairman shall be elected annually by the Board from among its membership. The chairman, or in his absence the vice-chairman, shall preside at all meetings, shall decide all points of order or procedure, and, as necessary, shall administer oaths and compel the attendance of witnesses.

2. Rules and meetings

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this zoning ordinance.

Meetings shall be held on a regular schedule and at such other times as the Board may determine. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or if failing to vote, indicating such fact, it shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the City Clerk. The concurring vote of a two-thirds majority of the total Board members shall be necessary to revise any order or decision of the Enforcement Officer or to decide on any matter upon which it is required to pass under this ordinance.

B. Powers and duties The Board of Adjustment shall have all the powers and duties prescribed by law and by this ordinance, which are more particularly described as follows:

1. Administrative review To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this zoning ordinance. The Board may affirm or reverse, in whole or in part, said decision of the administrative official.

2. Variances To authorize upon appeal in specific cases such variance from the terms of this zoning ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this zoning ordinance would result in unnecessary hardship. A variance from the terms of this zoning ordinance shall not be granted by the Board of Adjustment unless and until:

   a. The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district; that literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this zoning ordinance; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by this zoning ordinance to other lands, structures, or buildings in the same district.

   b. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

   c. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that

the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

d. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this zoning ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

e. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this zoning ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this zoning ordinance.

f. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this zoning ordinance in said district.

3. Special exceptions In addition to the powers and duties specified above, the Board shall also have the following powers and duties to hold public hearings and decide the following special exceptions:

a. Permit the extension of a zoning district boundary where the boundary divides a lot held in a single ownership at the time of adoption of this ordinance.

b. Interpret zoning district boundaries where uncertainty exists as to the boundaries of the zoning districts or when the street or property lines existing on the ground are at variance with those shown on the zoning district map.

c. Vary the parking regulations by not more than fifty percent (50%) where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this ordinance.

d. Permit a change in the use or occupancy of a non-conforming use, provided the use is within the same or more restricted classification as the original non-conforming use.

C. Procedure for appeals

1. Application
Appeals to the Board may be taken by any person aggrieved or by any officer, department, or board of the city affected by any decision of the administrative official. All appeals and applications made to the Board shall be made in writing

on forms prescribed by the Board within ten (10) days after the decision has been rendered by the administrative official.

2. Public hearing and notice
   The Board shall fix a reasonable time for the public hearing of an appeal, give public notice of the time and place thereof, as well as due notice to the parties in interest, and decide same within a reasonable time. Said public notice shall be published at least once not less than seven (7) days preceding the date of such hearing in a newspaper of general circulation in the city. The public notice shall give the particular location of the property on which the appeal is requested, as well as a brief statement of what the appeal consists of. At a public hearing any party may appear in person, by agent, or by an attorney.

3. Effect of appeal
   An appeal shall stay all proceedings of the action appealed from, unless the person affected by such appeal certifies to the Board, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or a court of record on application, and notice to the person from whom the appeal was taken.

4. Time limit on permits
   No order permitting the use of a building or premises, or the alteration or erection of a building, shall be valid for a period longer than sixty (60) days unless such use is established or the erection or alteration is started within such period.

5. Fee
   The fee for any appeal or application to the Board shall be Thirty-Five Dollars ($35.00), which shall not be refundable unless the appeal is based upon interpretation and the appellant wins – in which instance the fee is refundable. Each month all fees, collected by the administrative official during the preceding month, shall be deposited with the City Clerk.

6. Appeals from the Board of Adjustment
   Any person or persons, or any board, taxpayer, department, board or bureau of the city aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of Arkansas. (Ord. No. 308, Sec. XIII.)

14.04.14 Amendments

A. City Council amendment The City Council may from time to time amend this ordinance on its own motion, on petition from a property owner, or on recommendation by the Planning Commission. Amendments will go through the following procedure:

   1. The Planning Commission shall hold a public hearing on a proposed amendment. Notice of the public hearing shall be published in a newspaper of

general circulation in the city, at least one time fifteen (15) days prior to the hearing. The Planning Commission shall also notify the adjoining property owners of the proposed amendment by mail fifteen (15) days prior to the meeting.

2. Following the public hearing, the proposed amendment may be recommended as presented or in modified form by a majority vote of the entire Planning Commission.

3. Following its adoption of a recommendation, the Planning Commission shall certify such recommended amendment to the City Council for its adoption.

4. The City Council may return the proposed amendment to the Planning Commission for further study or recertification, or by a majority vote of the enter membership, may by ordinance adopt the recommended amendment submitted by the Planning Commission. However, nothing in this ordinance shall be construed to limit the City Council's authority to recall the said amending ordinance by a vote of a majority of the City Council.

5. Following adoption by the City Council, the adopted amending ordinance shall be filed in the office of the City Clerk.

B. Fee Before any action shall be taken as provided in this section, any private party or parties proposing a change in the zoning regulations or district boundaries shall deposit with the Clerk/Treasurer the sum of Twenty-Five Dollars ($25.00) to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the City Council.

14.04.15 Procedure for Zoning Annexed Lands

A. Prior to consideration by the City Council of any ordinance annexing any lands to the City of Gentry, the Planning Commission shall hold a public hearing regarding the appropriate zoning of the said lands in the event of annexation. Notice of the public hearing shall be published at least one time in a newspaper of general circulation within the City at least fifteen (15) days prior to the hearing. The Planning Commission shall also notify the adjoining property owners of the hearing by mail at least fifteen (15) days prior to the hearing.

B. Following the public hearing, the Planning Commission shall make and certify to the City Council a recommendation as to the most appropriate zoning for the said lands in the event of annexation.

C. In connection with its consideration of the annexation of the said lands, the City Council may either adopt the Planning Commission's recommendation as to the proposed zoning of the lands by ordinance; modify the zoning recommendation and adopt the recommendation as modified; or return the zoning recommendation to the Planning Commission for further study and recommendation. (Ord. No. 20-829)

CHAPTER 14.08 FLOOD DAMAGE PREVENTION PROGRAM

Sections:

14.08.01 Statutory authority
14.08.02 Findings 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

14.08.01 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 Gentry, Arkansas, does hereby ordain as follows. (Ord. No. 12-684, Sec. 1.)

14.08.02 Finding of fact

A. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of Gentry, Arkansas, in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Benton County, Arkansas, and incorporated areas, dated June 5, 2012, with an effective Flood Insurance Rate Map (FIRM) dated June 5, 2012.

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. 12-684, Sec. 2.)

14.08.03 Statement of purpose

The purpose of this ordinance is to promote the public health, safety and general welfare, to prevent adverse impacts from any floodplain development activities, and to minimize public and

private losses due to flooding events in identified Special Flood Hazard Areas. This ordinance advances the stated purpose through provisions designed to:

A. Protect human life and health;

B. Protect natural floodplains against unwise development;

C. Eliminate adverse impacts of necessary floodplain development;

D. Minimize expenditure of public monies on flood control projects;

E. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

F. Minimize prolonged business interruptions due to flooding events;

G. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in Special Flood Hazard Areas;

H. Minimize future flood blight areas to help maintain a stable tax base; and

I. Provide for notice to potential buyers when property is in a Special Flood Hazard Area. (Ord. No. 12-684, Sec. 3.)

14.08.04 Lands to which this ordinance applies

The ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of the City of Gentry, Arkansas. (Ord. No. 12-684, Sec. 4.)

14.08.05 Methods of reducing flood losses

This ordinance uses the following methods to accomplish the stated purpose:

A. This ordinance restricts or prohibits structures or uses in Special Flood Hazard Areas that adversely impact health, safety or property during flooding events;

B. This ordinance requires protection against flood damage for structures or uses vulnerable to floods at the time of initial construction, or after substantial improvement of the structure, or after substantial damage has occurred;

C. This ordinance controls the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation and transport of flood waters;

D. This ordinance controls floodplain development (structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, 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 regulates the construction of flood barriers which unnaturally divert floodwaters or which may adversely impact other lands. (Ord. No. 12-684, Sec. 5.)

14.08.06 Flood Damage Prevention Code adopted by reference

There is hereby adopted by reference a Flood Damage Prevention Code for City of Gentry, Arkansas, dated June 5, 2012. The code shall include:

ARTICLE 1 DEFINITIONS
ARTICLE 2 ADMINISTRATION
ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

Three (3) copies of the referenced code shall be filed in the office of the Mayor and shall be available for inspection and copying by any person during normal office hours. (Ord. No. 12-684, 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. 12-684, 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 governing body; and

C. Be deemed to neither limit nor repeal any other powers granted under state statutes. (Ord. No. 12-684, 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. 12-684, 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. 12-684, 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.

A. The Floodplain Administrator must enforce the provisions of this ordinance and is authorized to:

1. Issue cease and desist orders on non-compliant floodplain development projects;

2. Issue citations for non-compliance;

3. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties; and

4. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this ordinance.

B.

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. 12-684, Sec. 11.)

CHAPTER 14.12 ACCEPTING, VACATING AND RE-ZONING PROPERTY

Sections:

14.12.01 Accepting

14.12.01 Accepting

Ord. No. 2013-697	Part of Sec. 4, Twp 18 N, Range 33 West
Ord. No. 2013-700	Final Plat of College Hill 2nd Addition
Ord. No. 2013-703	County Case CC 2013-05, Robert and Wanda Meyer
Ord. No. 2013-704	Part of Lot 24 of Hornbeck Height Addition

Ord. No. 2014-710	Part of SW ¼ of Sec. 34, Twp 19 N, Range 33 West
Ord. No. 19-794	Rezoning land located within the City
Ord. No. 19-798	Rezoning land located within the City
Ord. No. 19-811	Accepting annexed wards

CHAPTER 14.16 RV PARKS AND CAMPGROUNDS

Sections:

14.16.01 Legislative Intent
14.16.02 Definitions
14.16.03 Review Process
14.16.04 Location of Recreational Vehicle Parks
14.16.05 Park Dimensional Requirements
14.16.06 Park Development Standards
14.16.07 Utilities Underground
14.16.08 Refuse Disposal
14.16.09 Sewage/Sanitary Disposal Station

14.16.01 Legislative Intent

The intended function of RV parks is to provide temporary sites for RVs, tents and similar accommodations for camping, vacationing, recreation, extended work-related projects, travel or related purposes. The restrictions included in this Ordinance are intended to ensure that RV parks do not become de facto mobile home parks with placement of "permanent" RV units. A single RV occupied by the park manager is specifically recognized as being exempt from this requirement. (Ord. No. 21-854)

14.16.02 Definitions

A. **Recreation Vehicle (RV)**. Any vehicular unit, powered or unpowered, primarily designed and intended for use as temporary living quarters for recreational, camping or travel use. Recreational vehicles include camping trailers, motor homes, conversion vans/buses, pick-up mounted campers/shells, travel trailers, and self-contained trailers. For purposes of this Ordinance, tents shall also be considered to be recreational vehicles.

B. **RV Park**. A parcel of land developed specifically for RV rental spaces on a temporary basis. Uses within RV parks are limited to rental spaces and directly-related accessory uses as described elsewhere in this section.

C. **Campsite**. An individual space within an RV park intended for the accommodation of an RV or other camping unit.

D. **Sanitary Facilities**. Toilets, urinals, lavatories, showers, utility sinks, drinking fountains, and the building containing these facilities.

E. **Sanitary Waste Station**. A facility used for removing and holding for disposal of waste from self-contained camping vehicle sewage holding tanks.

F. **Service Building**. Any structure housing sanitary facilities, manager office, laundry room, convenience store, or any other camping related accessory uses. Laundry, general store, and other commercial uses should be for the convenience of RV park patrons, available primarily to guests of the RV park, rather than the general public.

14.16.03 Review Process

A. An initial Application to develop and operate an RV park shall be submitted to the Planning Commission for consideration, so long as proposed in an A-1, R-4, C-1, C-2, I, or SP Zone. If the proposed site is located within an R-4, C-1, C-2, I, or SP Zone, the process for a Special Use Permit shall be followed. If GRANTED, the issued RV Park Use Permit shall not be subject to review, unless the RV park closes to the public or otherwise ceases operation as an RV park for a period of 12 continuous months.

B. In considering the application for issuance of an RV Park Use Permit, the Planning Commission shall take into consideration the following use factors:

1. the character of uses expressly permitted in the district;

2. the traffic flow which would be created by the proposed use;

3. any possible air, water or noise pollution resulting from such use;

4. parking and access requirements in connection with the proposed use;

5. any necessary extension of utilities;

6. existing neighborhood uses including those currently within the district for which the use is proposed; and

7. the expected impact of the proposed use on the aesthetic character of the City of Gentry, Arkansas.

C. The RV Park Use Permit should be granted if, on consideration of the use factors, the Planning Commission determines that the proposed RV park usage would be consistent with the stated purposes of the City of Gentry's Zoning Ordinance; and such proposed usage is otherwise in compliance with the regulations governing placement and issuance of RV Park Use Permits.

D. Development or expansion of an RV park or the letting of any camping spaces prior to approval of the RV Park Use Permit is prohibited.

E. Occupancy of the RV park premises without a Certificate of Occupancy is prohibited.

14.16.04 Location of Recreational Vehicle Parks

Applications for an RV Park Use Permit may be considered for locations situated in Zones A-1, R-4, C-1, C-2, I, or SP, where the principal characteristic or activity in that location is:

A. Agricultural or open space;

B. Commercial uses;

C. Industrial uses; or

D. Manufactured Home placement.

14.16.05 Park Dimensional Requirements

A. Park Size. Minimum of two (2) acres.

B. Lot Frontage. Minimum of 100'.

C. Campsite area. Minimum of 1,200 square feet, with a minimum width of 20' and a minimum depth of 40'.

D. Density. Gross density shall not exceed 30 units per acre.

14.16.06 Park Development Standards

A. Roadways and Interior. RV park roads shall be improved with "SB2" or better base material and crowned to facilitate drainage away from the traveling lanes. One-way streets shall have a minimum width of eleven feet and two-way streets shall have a minimum width of twenty-two feet. Street layout must be approved by the Building Inspector and Fire Chief. The RV park owner is responsible for the maintenance of all streets, roads and all other improvements on the property.

B. Parking. Each campsite must contain an improved surface parking, such as asphalt or concrete, at the minimum dimensions of 10' x 50'. No campsite occupants or visitors shall be permitted to park on unimproved surfaces.

C. Campsite separation. Campsites shall be laid out so that separation between RVs shall be not less than 25' from parking pad to parking pad under any circumstances.

D. Right of Way ("ROW") Access. There shall be no direct access to campsites from the public ROW.

E. Open Space. Not less than 10% of the gross site area shall be provided for recreation or open space. Recreational facilities can be included to meet this requirement.

F. Buffers. Along property lines where adjoining property is an actual residential use or is zoned for any type residential use, the Planning Commission may require a buffer area with a depth of not less than 25'. This area shall not be used for any purpose other than to serve as a passive buffer between the campground and adjoining residential property. The Planning Commission may also require installation of an opaque screening fence along all or some portion of the exterior property lines with a height of four feet forward of front yard setback lines, and a height of six feet in all other locations. Along property lines where adjoining land is neither zoned residential or in residential use the minimum buffer area depth shall be 10', with no screening fence required.

G. Awnings/Skirting/Etc. There shall be no removal of wheels or hitches (except as necessary for emergency repair), installation of skirting/underpinning, or erection of any awnings,

porches, carports, etc.; unless such installations are clearly temporary in nature. There shall be no permanent electricity/water/sewer hook ups for any RV site in the RV owner's name. All utilities will be provided in the name of the Park owner.

H. Site Number. Each space shall be identified by a sign with letters/numbers a minimum of three inches tall, posted in a conspicuous location on the space.

14.16.07 Utilities Underground

All public utilities constructed within the RV park shall be underground.

14.16.08 Refuse Disposal

Collection, storage and disposition of refuse shall be handled with individual receptacles at each campsite; shared dumpsters placed throughout park; or some combination of the two. Dumpsters must be screened. Garbage containers must have lids. No burning of refuse shall be permitted in any RV park. Refuse shall be collected not less than one (1) time per week.

14.16.09 Sewage/Sanitary Disposal Station

A. Every RV park shall provide a sanitary disposal station OR each campsite shall offer "full-service hook-ups" which shall include sewage disposal connection for the sole purpose of removing and disposing of waste from RV holding tanks. Design and operation of such stations and connections shall be subject to approval by the City of Gentry; Benton County; and/or the Arkansas Department of Health or such other agency, whether one or more, having jurisdiction.

B. RV park water and sewage facilities shall be installed and operated according to City Water and Sewer System standards. (Ord. No. 21-854)

TITLE 15 SUBDIVISION REGULATIONS

Chapters:

15.04 Subdivision Regulations

CHAPTER 15.04 SUBDIVISION REGULATIONS

Sections:

15.04.01 Purpose
15.04.02 Authority
15.04.03 Jurisdiction
15.04.04 Definitions
15.04.05 Procedures for informal plat approval
15.04.06 Procedures for subdivision plat approval
15.04.07 Minimum design standards
15.04.08 Improvements
15.04.09 Administration
15.04.10 Access Requirements for Residential Property Divisions

15.04.01 Purpose

The purpose of these regulations is to set forth the procedures, requirements and minimum standards governing the subdivision of land under the jurisdiction of the Gentry Planning Commission, referred to as the Planning Commission hereafter. (Ord. No. 238, Sec. 1.)

15.04.02 Authority

These subdivision regulations are adopted pursuant to Act 186 of 1957 General Assembly of the State of Arkansas as amended. (Ord. No. 238, Sec. 2.)

15.04.03 Jurisdiction

The territorial jurisdiction of these regulations include the lands within the corporate limits of the City of Gentry, Arkansas and the surrounding area within the Gentry Planning Area except as limited by Act 186 of 1957 as amended. (Ord. No. 238, Sec. 3.)

15.04.04 Definitions

For the purpose of these regulations, certain terms used herein are defined as follows:

Building set-back line – a line usually parallel to the street right-of-way indicating the limit beyond which buildings or structures may not be erected.

Easement – a grant by a property owner to the public, a corporation or persons of the use of a strip of land for specific purposes.

Improvements – street grading and surfacing, curbs and gutters, water main and lines, sanitary and storm sewers, culverts and bridges and other utilities and related items.

Lot – a portion of a subdivision or any parcel of land intended as a unit of transfer of ownership or for development.

Parcel – an area under one ownership

Plan, city – the comprehensive plan made and adopted by the Planning Commission and accepted by ordinance or resolution by the City Council indicating the general locations recommended for the various land uses, major streets, parks, public buildings, and other public improvements.

Plan, master street – a plan for streets made and adopted by the Planning Commission and accepted by the City Council by ordinance or resolution classifying certain streets within the planning area jurisdiction according to their function.

Plat – a map or drawing and accompanying material indicating the layout and design of a proposed subdivision prepared by a developer for consideration and approval by the Planning Commission. Such plats may be the initial sketch, the preliminary plat of the final plat.

Street

A. **Freeway-expressway** – a multi-lane, divided or undivided roadway facility, with grade separation designed to provide for inter-and intra-city traffic movements. The right-of-way for a freeway-expressway will vary generally ranging from 100 – 500 feet.

B. **Arterial street** – a street designed to carry through traffic into or out of a community. It is usually a multi-lane undivided facility, with ingress-egress controlled, and with intersections at grade. The minimum right-of-way for an arterial street shall be eighty (80) feet.

C. **Collector street** – a street designed to collect traffic from local streets and feed it into the arterial system. It provides both direct and indirect access to abutting property. The minimum right-of-way for a collector street shall be sixty (60) feet.

D. **Local service street** – streets designed to provide access or service to abutting property. These streets are developed within the framework of the arterial and collector street system and may exist in several forms.

    1. **Alleys** – are minor public ways with a minimum twenty (20) foot right-of-way used primarily for service access to the back or side or properties otherwise having access on a street. Alleys should not be used as the principal means of access to property.

    2. **Cul-de-sac** – a local street having only one outlet and terminating with a turnaround having sufficient radius to provide for easy movement.

    3. **Dead-end streets (cul-de-sac)** – are permanent dead-end streets with a minimum fifty (50) foot right-of-way designed with a turnaround at the end with a fifty (50) foot radius.

    4. **Local residential streets** – with a minimum fifty (50) foot right-of-way are primarily for access to abutting residential property and are designed to discourage their use by through traffic.

    5. **Marginal access streets** – with a minimum fifty (50) foot right-of-way are minor local streets which parallel arterial streets or other rights-of-way providing access to abutting property and protection from through traffic.

Subdivider – a person, firm or corporation undertaking to develop a subdivision as defined in these regulations. (Ord. No. 238, Sec. 4.)

Subdivision – a division of a lot, tract or parcel of land into two or more lots or other division of land for the purpose of transfer of ownership or development, extension of utilities, dedication of easements or rights-of-way, whether immediate or future, including all changes in street or lot lines; provided, however, where no new streets or easements of access are involved, the following shall not be included in this definition and may be processed as an informal plat:

A. The combination of recombination of portions of previously platted lots where the total number of lots is not increased and the original lot areas are not decreased below minimum lot sizes as prescribed by the Gentry Zoning Regulations; or

B. The division of land into parcels of five (5) acres or more where access to each of the new tracts will be from an existing public road, street or highway. (Ord. No. 05-565, Sec. 1.)

C. The following are exceptions and are not to be considered subdivision:

1. Commercial re-division
The division of a previously approved commercial subdivision that was previously approved in such a form and fashion that common area maintenance, utilities and other matters have been properly addressed, and the proposed re-division is otherwise in accordance with city requirements for commercial development.

2. Residential division
The division of a lot that has not been split in the preceding twenty-four (24) months; and

a. The new resulting lots (not more than two (2)) and any improvements on such lots conform with the city's planning and zoning ordinances and are otherwise in conformity with the city's ordinance; and

b. The new resulting lots have convenient public access and all infrastructure required by law or ordinance. (Ord. No. 05-572, Sec. 2.)

15.04.05 Procedures for informal plat approval

A. Application

Informal plats and other submittals for a tract split or property line adjustment that does not constitute a subdivision of land as defined in this Chapter shall be submitted to City Hall or the City Building Inspector no later than close of business ten (10) days prior to the Planning Commission meeting at which such items will be presented for discussion, consideration or approval. Size and number of copies shall be as directed by the City Building Inspector. Plats submitted for approval shall bear the notarized signatures of the owner(s) and shall be accompanied by the required fees.

B. Criteria for Approval

The Planning Commission will approve informal plats based on the following criteria:

1. Compliance with applicable City ordinances including those related to lot size, setback requirements, parking, easements, access, zoning, master street plan, etc.

2. Adequate access of resulting lots to public roads, utilities, and other infrastructure.

3. Inclusion of all required information on submitted plat.

4. Other appropriate considerations based on the unique nature and location of the property to be divided or resized and any existing or proposed structures or development.

C. Plat Recordation

Upon receiving approval from the Planning Commission, such approval shall be indicated on the plat by the signature of the Planning Commission chairperson. The City will then submit the approved plat for recording upon receipt of payment from the applicant for the requisite recording fees.

D. Plat Requirements

The following information shall be included on any informal plat submitted to the City:

1. Name(s) and address(es) of the site owner(s).

2. Names, addresses, parcel numbers, and property lines of all property owners adjacent to the exterior boundaries of the site.

3. Accurate depiction of each lot being created or tract being resized, including:

    a. General layout

    b. Area in acreage to the nearest 1/100th acre

    c. A unique number or letter

    d. Building setback lines

    e. Location of all existing structures

    f. Location of existing utilities, wells, springs, and septic systems, including drain fields if known

    g. Location and name of all bordering streets

    h. Location of all known easements, including name of easement holder, purpose of easement, and book and page number for the easement.

4. Written legal description for each lot being created or tract being resized.

5. North arrow, appropriately sized scale (graphic and written), and legend.

6. Title block indicating the name and type of project, firm or individual preparing the drawing, scale, date, and revisions.

7. Vicinity map showing the location of the property to be subdivided within the City's Planning Area.

8. Signature lines for Planning Commission approval and owner certification for recording.

9. Written description of any requested waivers or variances.

10. Any other information as deemed necessary for project review by the City Code Officer or Planning Commission.

E. Time Limit

Approval of informal plats is conditioned upon recordation of the approved plat and all required deeds and other instruments of conveyance necessary to accomplish the approved tract split or property line adjustment within one year from the date of approval.

Prior to the expiration of the one-year period, an applicant may request the Planning Commission to extend the period for up to one additional year. The applicant must show good cause why the task could not reasonably be completed within the initial one-year period. To receive approval for an extension, the applicant shall comply with all applicable zoning and development requirements that have been adopted subsequent to the original approval.

Approval of any tract split or property line adjustment that has not been accomplished completed within one year from the date of approval or any approved extension period shall be rendered null and void. (Ord. No. 20-833)

15.04.06 Procedures for subdivision plat approval

A. Conformance to official plans

Any subdivision of land which is covered by these regulations shall conform to the Comprehensive Development Plan and all other official plans and ordinances.

Sketch plans, preliminary plats, final plats or other drawings, documents or submittals related to subdivision plat approval shall be submitted to the city's Director of Finance no later than close of business ten (10) days prior to the Planning Commission meeting at which such items will be presented for discussion, consideration or approval. (Ord. No. 05-565, Sec. 2.)

B. Sketch Plan

The sketch plan is a submission designed to acquaint city officials with the subdivider's intent to develop and to acquaint the subdivider with the various plans, ordinances, design considerations and available or needed improvements.

1. When a developer intends to subdivide or develop land within the Gentry Planning Area a sketch plan (10 copies) may be filed with the city's Director of Finance at least ten (10) days prior to the next regular meeting of the Planning Commission.

2. The sketch plan should contain the following information:

a. Location of all bordering streets;
b. General location of all proposed streets within the subdivision;
c. General size and shape of lots;
d. Ownership of surrounding property;
e. Location of existing utilities;
f. Legal description of property;
g. General location of problem areas such as floodplain, wetland and rock outcrop;
h. General description of tree cover; and
i. Location map showing relationship to the City of Gentry.

3. Said sketch plan will then be discussed at such regular Planning Commission meeting and general comments and direction will be provided by the Planning Commission with respect to changes, modifications or additions that should be included with the preliminary plat. (Ord. No. 2005-565, Sec. 3.)

C. Preliminary plat

1. Annexation requirement for lands outside the City of Gentry
In the event Gentry public sewer is available to or will be utilized for all or some portion of the lands described on the preliminary plat, the following requirements shall be met:

a. Prior to submission of the preliminary plat to the Planning Commission, the described lands shall be annexed into the corporate limits of the City of Gentry by appropriate petition, vote and/or order;

b. The described lands shall be accepted into the city by ordinance if such acceptance is required by the annexation process utilized in that instance; and

c. The described lands shall be zoned (or re-zoned) by the Planning Commission and Council into the zone(s) deemed most appropriate considering the geographic location, proposed usage and other factors pertinent to zoning determinations, after public notice and hearing.

2. Waiver
In the event circumstances exist such that the Planning Commission makes a determination that annexation of the described lands is either impossible or impracticable, a waiver of the annexation requirement may be obtained upon satisfaction of following conditions:

a. A determination by the Planning Commission that annexation of the described lands is either impossible or impracticable;

b. The proposed preliminary plat must provide for development in such a manner that the development would conform with the various zoning requirements for one or more zones that the Planning Commission deems best suited to the described lands had they been annexed into the city; and

c. The proposed waiver must be approved by City Council resolution. (Ord. No. 05-566, Sec. 1.)

3. The subdivider shall submit to the Planning Commission an application for preliminary plat approval and six (6) copies of the preliminary plat together with the supporting data at least ten (10) days prior to the meeting of the Planning Commission at which consideration is requested. The preliminary plat and approval shall include the following information:

    a. The name of the subdivision and the subdivider.
    b. A written legal description of the property.
    c. The current zoning of such property, if any.
    d. The names, addresses and telephone number of the owner, developer, surveyor and engineer. (Ord. No. 05-565, Sec. 2.)
    e. The scale of the plat shall be 1"=200 ft., 1"=100 ft., or 1"=50 ft. depending upon the size of the property.
    f. The date of the plat and application.
    g. A vicinity map showing the location of the property to be subdivided within the city's Planning Area.
    h. The location and size of all existing utilities and proposed utilities to be utilized by the subdivision. Engineering certification will be required with respect to the adequacy and suitability of existing (or upgraded) utilities with respect to the additional service requirements of the subdivision. (Ord. No. 05-565, Sec. 3.)
    i. The location, name and kind of surface of each existing and/or platted streets and utility easements, public open spaces and permanent buildings within the subdivision.
    j. The topography at two foot intervals for grades less than ten percent (10%) and at five (5) foot intervals for grades ten percent (10%) and more.
    k. Identify intended use for lots on which other than residential uses are proposed.
    l. Building setback lines.
    m. A drainage report executed by an engineer duly licensed by the State of Arkansas, including information related to current drainage conditions of the property and addressing drainage changes that will be caused by the development. Such report shall include a certification by the engineer that the proposed development will not adversely effect drainage with respect to either the upstream or downstream properties. (Ord. No. 05-565, Sec. 4.)
    n. Street, sidewalk and curb design shown and designed in accordance with the city's subdivision and street ordinances. (Ord. No. 05-572, Sec. 2.)
    o. Standard street lights shall be installed at each intersection and along one side of each street at an interval to be determined by the Planning Commission.
    p. Signatures of Authorities having jurisdiction over Utility, Street and Fire issues are required. (Ord. No. 17-759, Sec. 2)

4. Review and acceptance

a. If a proposed preliminary plat fails to meet all requirements, it may be disqualified by the Planning Commission and shall not be re-submitted for consideration by the Planning Commission until the deficiencies have been addressed by the developer. Otherwise, approval of the preliminary plat will be evidenced by the signature of the chairman or acting chairman of the Planning Commission. (Ord. No. 2005-565, Sec. 5.)

b. If the subdivider desires to immediately develop only a portion of the total area, the Planning Commission shall require preliminary plat approval for the entire area and final plat shall be required only for the portion of the total are intended for present development, with additional final plat approval for the other portions of the area if they are developed.

i. In the event the developer decides to develop the subdivision in phases, then a preliminary plat for each such phase shall be presented for consideration and approval. Phased Final Plat approval will then be limited to the area covered by each preliminary plat, which must include all required utility dedications [which may extend beyond the preliminary plat lots]. Streets "stubbed out" for future development must meet all fire code requirements. In such event, each phase must meet all preliminary plat requirements, including compliance with applicable plumbing, electrical, water, sewer and other applicable building codes and City Ordinances.
In the event a preliminary plat for the entire subdivision has previously been approved and the developer then decides to seek final plat approval in phases, the initial preliminary plat shall be rendered void, and the developer must submit a new preliminary plat for each such phase. (Ord. No. 17-759, Sec. 1)

ii. The approval of the preliminary plat shall be effective for a period of one year and thereafter as long as work is actively progressing on the installation of required improvements. If the final plat has not been submitted for approval within this period, a preliminary plat must again be submitted for approval.

D. Final plat

1. After approval of the preliminary plat and the installation of improvements as hereinafter specified, the subdivider shall submit to the Planning Commission an application, and an original, and six (6) copies of the final plat for final approval together with certificates and other supporting information. Such submission shall be made at least ten (10) days prior to the meeting at which consideration is requested.

2. The final plat shall be at a scale of 1" =200 ft., 1" =100 ft., or 1" =50ft. depending upon the size of the property.

3. The final plat shall show and contain the following information:

a. Name of subdivision.
b. Boundaries of subdivision; its legal description.
c. Names and addresses of owner, developer, and surveyor or engineer.
d. Acreage in subdivision tract.
e. Date, north arrow and graphic scale.
f. Location and description of all monuments.
g. Location and names of all streets, highways, alleys, parks or public purpose areas if any and easements with dimensions and proper engineering description within the proposed subdivision.
h. Location of all streets, utility easements and areas for public uses, if any, to be dedicated.
i. Front building setback lines with dimensions.
j. Dimensions and number of all lots and the number or letter or all blocks within the proposed subdivision.
k. Bearings in degrees and minutes of all lots, blocks or street lines which are not at 90° angles.
l. Copy of restrictive covenants.
m. Street curvature characteristics.
n. The required drainage report must be received and certified.
o. The final plat must reflect the engineer's certification with respect to the adequacy and suitability of new and existing utilities to service the subdivision, which certification must be signed and dated. (Ord. No. 05-572, Sec. 3.)

4. Supporting data (include on final plat)

   a. Certificate of ownership and dedication.
   b. Certificate of accuracy –engineer or surveyor.
   c. Certificate of approval of water and sewer system by State Health Department and/or the City Water Superintendent.
   d. Certificate of approval of streets and utilities by city official.
   e. Certificate of approval of building setback dimensions by City Building Inspector.
   f. Certificate of approval for recording by Planning Commission
   g. Certificate of plat acceptance by City Council and any other pertinent information or data.

5. Discrepancies – If boundary discrepancies are found the Planning Commission may require at the subdividers expense a re-survey of the proposed subdivision.

6. Approval – The Planning Commission shall approve or disapprove the final plat within thirty (30) days after its submission. If disapproved, the reason therefore shall be recorded in the minutes of the Planning Commission and shall be transmitted to the applicant in writing. Failure of the Planning Commission to act within sixty (60) days from the date of the application shall be deemed approval of the plat. (Ord. No. 238, Sec. 5.)

15.04.07 Minimum design standards

A. Streets

1. Conformity to the Master Street Plan
   The location and width of all streets and roads shall conform to the official Master Street Plan. All such streets shall be designed and paved with asphalt or concrete in accordance with the design standards set forth herein. Further, all such streets shall be designed and installed with curbing, underground guttering or other drainage and shall otherwise be in conformity with Northwest Arkansas engineering standards and practices, and the right of way shall be not less than fifty (50) feet in width. All streets shall have a center crown no less than five (5) inches higher than the outside edges of the street. Engineer calculations shall be submitted with a certificate certifying that the drainage exiting the subdivision shall not exceed a certain specified flow. (Ord. No. 04-531, Sec. 1.)

2. Relation to adjoining street system
   The proposed street system shall extend existing streets or projects. They shall be extended at a width no less than the required minimum width.

3. Street elevation
   Profiles and elevations of streets are required for areas subject to flood. Fill may be used for streets provided such fill does not unduly increase flood heights. Drainage openings shall be so designed as not to restrict the flow of water and unduly increase flood heights.

4. Street widths

   a. The minimum width of rights-of-way, measured from lot line to lot line, shall be as shown on the Master Street Plan.

   b. Subdivisions that adjoin existing streets shall provide right-of-way to meet the above minimum width requirements.

   c. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.

   d. When the subdivision is located on only one side of an existing street, one-half (½) of the required right-of-way, measured from the center line of the existing right-of-way, shall be provided. In no case shall the resulting right-of-way width be less than fifty (50) feet.

   e. The paved width for subdivision streets, including curbs, shall be thirty-two (32) feet, measured from curb-back to curb-back. However, in subdivisions having lot sizes of no less than one (1) acre, base width shall be no less than twenty-eight (28) feet, with a driving surface of no less than twenty-four (24) feet in width. For such subdivision having lot sizes of no less than one (1) acre, curb and guttering shall not be required. (Ord. No. 05-565, Sec. 6.)

5. Restriction of access
   When a tract fronts on a arterial street or highway, the Planning Commission may require such lots to be provided with frontage on a marginal access street.

6. Street improvements for access streets and/or adjoining streets
   A proposed land development may either front on or require access to existing streets which are either not constructed according to current minimum design standards or otherwise require upgrading and/or repair by reason for the construction of the proposed subdivision. Accordingly (except to the degree the city agrees to some cost sharing as hereinafter set forth), the developer shall be responsible for off-site improvements where the need for such improvements are created in whole or in part by the proposed subdivision.

   a. If an off-site substandard street serves or will be utilized by the proposed development, the developer shall be responsible for improving the off-site section of the street. The type of improvement shall be based on the City of Gentry Master Street Plan and the City of Gentry design standards.

   b. There may be times then the city determines that it would be appropriate that some proportionate share of the street improvement cost be borne by the city. In that case, the developer's proportionate share of the improvement cost shall be determined by the Planning Commission on consultation with the City Building Official. This determination, together with the type and nature of required improvements shall be determined at the preliminary plat review and approval stage.

   c. Depending on the road classification, surface type, surface width and condition, traffic, terrain, alignment, drainage and budget, one or more of the following types of street improvements shall be made on access streets and/or adjoining streets:

      1) Construction in accordance with City of Gentry minimum design standards for new street construction;

      2) Reconstruction involving right-of-way clearing, drainage structures, shaping roadway, drainage blankets, base paving and miscellaneous items. Any required paving shall consist of asphalt hot mix surface course, and/or

      3) Patching and hot mix overlay within existing right-of-way with possible drainage and alignment work.

   d. Any monies paid into the City of Gentry street fund pursuant to these provisions may be used by the city for any purpose determined by the city to be in the public interest. The city may use the funds to improve said street, improve other streets or for maintenance of city streets. (Ord. No. 09-649, Sec. 1.)

7. Horizontal curves
   Where a deflection angle of more than 10° in the alignment of a street occurs, a curve of reasonable long radius shall be introduced. On street right-of-way fifty (50) feet or more in width, the center-line radius of curvation shall be not less than 300 feet; on other streets, the radius shall be not less than one hundred (100) feet.

8. Intersections

Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than 60°. Property line radii at street intersections shall not be less than twenty (20) feet, and where the angle of street intersections is less than 75°, the Planning Commission may require a greater curb radius.

9. Tangents
   A tangent of at least one hundred feet (100) in length shall be introduced between reverse curves on arterial and collector streets.

10. Street jogs
    Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be allowed.

11. Dead-end streets

    a. Minor terminal streets or courts designed to have one end permanently closed shall be no more than fifty (50) feet long unless necessitated by topography. They shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet, or the Planning Commission may approve an alternative design.

    b. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets shall be provided with a temporary turnaround having a roadway diameter equal to the required right-of-way of the street.

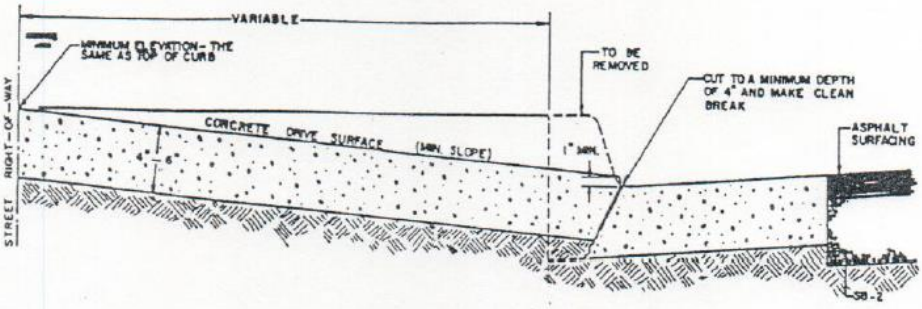
12. Private streets and reserve strips
    Private streets platted in any subdivision shall only be permitted by conditional approval of the Planning Commission. Such streets must meet the city's minimum standards concerning right-of-way, construction, and maintenance.

13. Street names and address numbering

    a. Streets shall be named and numbered in accordance with standards contained in Ord. No. 188.

    b. Proposed streets, which are obviously in alignment with others already existing and named, shall bear the names of existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, driveway, place or court. Through its index list of street names of file, the Planning Commission can assist the subdivider in avoiding duplication.

14. Bridges
    Wherever a barrier, such as a drainage ditch, a chasm, a stream, or roadway traverses land which is being developed and/or is suitable for development, the Planning Commission may require the installation of vehicular and/or foot traffic bridges. Such bridging would serve to connect or allow connection of tracts of developable land and would be required at intervals of not more than ¼ mile and not less than nine hundred (900) feet. One or more foot



OPTIONAL CONSTRUCTION METHOD

As an alternate, the entire curb and gutter section for the driveway may be sawed full depth and removed. The curb and gutter section removed shall then be reconstructed as a part of the driveway. The modified curb and gutter must have the shape shown above, and have ½" filled construction joints at each end of the driveway.

TYPICAL DRIVEWAY CUT

FIGURE I

bridges may be required in the interval between the vehicular bridges. Whenever bridges are required within the city's corporate limits, the city shall have the full control of their design and construction.

15. Curb modifications

Curb modifications for driveways shall be in accordance with the detail in Figure 1. The driveway shall slope to a minimum elevation at the street right-of-way equal to the height of the curb. In the alternative, the entire curb and gutter section for the driveway may be sawed vertically for the full depth and removed. The curb and gutter shall then be constructed as part of the driveway. The modified curb and gutter must have the shape shown in Figure 1, and have one-half inch fill construction joints at each side of the driveway. Curb modifications for street cuts shall be in the manner approved by the designing engineer and approved by the City Inspector, but shall not be inferior to the design shown in Figure 1. (Ord. No. 00-487, Sec. 1.)

16. Street improvement for access streets and/or adjoining streets

A proposed land development may either front on or require access to existing streets which are either not constructed according to current minimum design standards or otherwise require upgrading and/or repair by reason of the construction of the proposed subdivision. Accordingly (except to the degree the city agrees to some cost sharing as hereinafter set forth), the developer shall be responsible for off-site improvements where the need for such improvements are created in whole or in part by the proposed subdivision.

a. If an off-site substandard street serves or will be utilized by the proposed development, the developer shall be responsible for improving the off-site section of the street. The type of improvements shall be based on the City of Gentry master street plan and City of Gentry design standards.

b. There may be times when the city determines that it would be appropriate that some proportionate share of the street improvement cost be borne by the city. In that case, the developer's proportionate share of the improvement cost shall be determined by the Planning Commission on consultation with the City Building Official. This determination, together with the type and nature of required improvements shall be determined at the preliminary plat review and approval stage.

c. Depending on the road classification, surface type, surface width and condition, traffic, terrain, alignment, drainage and budget, one or more of the following types of street improvements shall be made on access streets and/or adjoining streets:

   1) Construction in accordance with City of Gentry minimum design standards for new street construction;

   2) Reconstruction involving right-of-way clearing, drainage structures, shaping roadway, drainage blankets, base paving and miscellaneous items. Any required paving shall consist of asphalt hot mix surface course; and/or

   3) Patching and hot mix overlay within existing right-of-way with possible drainage and alignment work.

d. Any monies paid into the City of Gentry street fund pursuant to these provisions may be used by the city for any purpose determined by the city to be in the public interest. The city may use the funds to improve said street, improve other streets or for maintenance of city streets. (Ord. No. 09-649, Sec. 1.)

17. Pavement construction

a. Base course
The base course and surfacing shall be placed on a firm foundation that is thoroughly stable. The top eight inches (for asphalt) or twelve inches (for concrete) of the subgrade shall be compacted to a density not less than 95% of the maximum density obtained by the Standard Method of Test for the Compaction and Density of Soils, AASHO Designation T-99. Areas of soft unsuitable material shall be completely excavated and replaced with appropriate material.

b. Aggregate and asphalt
For asphalt, Class 7 aggregate base shall be installed and compacted to a 95% Standard Proctor Density Test, with a resulting thickness of no less than seven (7) inches, and a two (2) inch HMAC surface course.

c. Aggregate and concrete
For concrete, class 7 aggregate base shall be installed and compacted to a 95% Standard Proctor Density Test, with a resulting thickness of no less than four (4) inches, and six (6) inches of 3500 psi 28 day compressive strength concrete with a slump not less than two (2) inches and not more than four and one-half (4 ½) inches and with air-entrainment not less than 5% and not more than 7%. A typical curb drawing detail shall be submitted with and approved in design on the preliminary and final plat.

d. Curb construction
Curbs shall be constructed of concrete having 3500 psi 28 day compressive strength concrete with a slump not less than two (2) inch and not more than four and one-half (4 ½) inch and with air-entrainment not less than 5% and not more than 7%. A typical curb drawing detail shall be submitted with and approved in design on the preliminary and final plat.

e. Compaction testing
The compaction testing required herein shall be performed at the developer's expense, by or on behalf of a duly licensed geotechnical engineer, who shall certify to the street's compliance with the compaction requirements set forth herein.
(Ord. No. 04-531, Sec. 1.)

18. Sidewalks
All subdivisions shall include in their design provision for sidewalks 48" in width and of uniform finish, which shall be constructed and installed on both sides of the street, with a four foot green space between the back of the curb and the street side of the sidewalk. Such sidewalks shall be constructed of concrete having 3500 psi 28-day compressive strength no less than 3.5 inches in depth, and shall be scored every four (4) feet. Expansion joints shall be placed at all driveway crossings and no less than every 100 feet of sidewalk length. Sidewalk cross-slopes (and the sidewalk portion of intersecting driveways) shall not exceed a 2% grade. Sidewalks shall be actually constructed for each lot prior to the issuance of an occupancy permit for any residence constructed on such lot. (Ord. No. 04-531, Sec. 1.)

B. Blocks – residential

1. Length
Blocks shall not be less than three hundred thirty (330) nor more than six hundred sixty (660) feet in length, except as the Planning Commission considers necessary to secure sufficient use of land or desired features of street pattern.

2. Width
Blocks shall be wide enough to allow two rows of lost, except where reverse frontage on major streets is provided, or where prevented by topographical conditions or size of the property, in which case the Planning Commission may approve a single row of lots of minimum depth.

3. Crosswalks
In blocks over six hundred sixty (660) feet in length, the Planning Commission may require one or more public crosswalks of not more than ten (10) feet in width to extend entirely across the block and at locations deemed necessary.

4. Block orientation
Where a subdivision adjoins a major road, the Planning Commission may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

C. Lots

1. Arrangement Insofar as practical, side lot lines shall be at right angles to a straight street line or radial to curved street lines. (Ord. No. 238, Sec. 6.)

15.04.08 Improvements

A. Approval
Before final plat approval may be granted by the Planning Commission, the subdivider shall have installed or shall have made provisions to install at his expense or in accordance with the requirements of the Planning Commission, the final improvements, all of which must have prior approval by the Planning Commission.

B. Water supply
All subdivision within the City of Gentry shall connect to an approved water supply system and all lots within a subdivision shall be provided with connections thereto.

C. Sewage disposal

1. Where a public sanitary sewer is accessible, the subdivider shall connect with such sewer, and each lot within the subdivision shall be provided with a connection thereto. All connections shall be subject to the approval of the city.

2. Where a public sanitary sewer is not accessible the subdivider shall be required to install a community sewage system or make provisions for use of individual sewage disposal systems all according to State Health Department standards and regulations.

D. Storm drainage
An adequate drainage system shall be provided for the proper drainage of all surface water.

E. Street grading, surfacing and curb and gutter
Streets shall be improved by the subdivider in accordance with established standards for Gentry.

F. Monuments

1. Concrete monuments four (4) inches in diameter (or 4 inches square) and thirty-six (36) inches long, with four (4) one-fourth (1/4) inch or one (1) one-half (½) inch metal reinforcing rod(s) the length of the monument, shall be placed with the top flush to the ground at all points of intersection of the boundary of the subdivision, and at the corner of each 40-acre tract within the subdivision.

2. One out of each four (4) monuments shall contain a brass plate indicating elevation based on mean sea level. Control to be utilized is that of United States Geological Survey.

3. The location of all monuments shall be shown on the final plat.

G. Lot stakes

Each lot corner shall be provided with a ½" x 30" metal stake.

H. Street lights
Standard street lights shall be installed at each intersection and along one side of each street at an interval to be determined by the Planning Commission at preliminary plat review.

I. Guarantees in lieu of installation of improvements
The Planning Commission may approve the final plat prior to the installation of all required improvements if the subdivider:

a. Deposits cash or a performance bond (such shall be in an amount equal to the estimated costs of the improvements as determined by the Planning Commission). Upon satisfactory completion of the improvements, the subdivider may withdraw any deposits.

b. Enter into an agreement or contract with the city which shall include but not be limited to the following:

(1) The final plat is otherwise approvable by the Planning Commission, and

(2) The required improvements shall be installed within the period to be fixed by the contract. The terms of any such conditional approval shall be noted on the final plat is filed for record, and when the conditions have been met this fact shall be noted by the City Clerk on the original recorded plat
(3) to be attested by the County Recorder. (Ord. No. 238, Sec. 7.)

15.04.09 Administration

A. Variances
Whenever the tract to be subdivided is of such unusual size, shape or topography or surrounded by such development or conditions that the provisions of these regulations shall result in substantial hardship on the subdivider, the Planning Commission may vary or modify such requirements to the end that the subdivisions may be developed consistent with public welfare and safety.

B. Appeal
In the event the plat as submitted by the applicant is disapproved by the Planning Commission, the applicant may petition the City Council for a review of the plat vote. The Council may sustain the disapproval of the Commission or refer the plat back to the Planning Commission for restudy and for such action as may be consistent with the requirements of these regulations.

C. Severability
In any section, paragraph, clause, phrase or part of these subdivision regulations is for any reason invalid, such decision shall not affect the validity of the remaining provisions of these

regulations and the application of those provisions to any persons or circumstances shall not be affected thereby.

D. Enforcement

In order to carry out the purposes of these regulations and to assure an orderly program of land development after the effective date of these regulations:

1. No plat of any tract of land within the planning area jurisdiction of the Planning Commission shall be accepted by the County Recorder for filing of record unless the plat has been approved by the Planning Commission.

2. No conveyance by metes and bounds of tracts or lots coming under the definition of subdivision, without compliance with the applicable provisions of this ordinance or amendments thereof, shall be permitted. This provision is aimed at preventing an attempt to circumvent these regulations by conveying by metes and bounds without taking the necessary steps for filing an approved plat.

3. No dedication of streets shall by itself be accepted by the city unless the usage of the adjoining affected land is shown; if the purpose of opening the street is to make the affected land available for sale as a subdivision, the street may not be accepted until accompanied by the required plat.

E. Penalty

Any person, firm or corporation which violates any provision of these regulations or amendments thereto shall be guilty of a misdemeanor and on conviction shall be fined not less than Twenty-Five Dollars ($25.00). Each day that any violation of these regulations is in affect shall constitute a separate offense and be subject to additional fines of Fifteen Dollars ($15.00) per day.

F. Amendments

On any proposed amendments to these regulations, the Planning Commission shall hold a public hearing, for which fifteen (15) days advance notice in a local newspaper of general distribution has been published. Following such hearing the City Council may adopt the amendments as recommended by the Planning Commission or as determined by a majority vote of the City Council.

G. Fees

For each preliminary plat submitted, the minimum fee shall be $100 and One Dollar ($1.00) for each lot. For each informal plat submitted, the fee shall be $25.00. (Ord. No 21-872)

Section 15.04.10 Access Requirements for Residential Property Divisions

A. Access

Each tract resulting from such split, replat or other property division shall have:

1. Deeded access not less than 30 feet in width from a public street or road;
2. A deeded combination access easement and utility easement not less than 40 feet in width from a public street or road; or

3. A Separate deeded access easement not less than 30 feet in width from a public street or road; together with a deeded utility easement not less than 25 feet in width from a public street or road or from an existing utility easement.

B. Applicability

The provisions of this Section are applicable to splits, replats or other property division only when the resulting tracts will be used for single family residential purposes. These access provisions and requirements are not applicable in instances where any of the resulting tracts will be used for multifamily dwellings, multiple lots, commercial use or other non-residential use. (Ord. No. 15-730)

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Item	Cost	Notes	Reference
Residential Building Permit			11.01.03
Remodeling/repairs/fences	$25.00	Ord 21-867	11.04.02
75 sq. ft or less	$25.00	Ord 21-867	11.04.03
76-999 sq. feet	$25 + $.20/sq. foot	Ord 21-867	11.04.03
1000-1999 sq. feet	$200 + $.17/sq. foot		11.04.03
2000-greater	$370 + $.15/sq. foot		11.04.03
	Max. $3,000		11.04.03
Additional Inspections for all building inspector inspections	$15.00		
Commercial Building Permit			
Remodeling/repairs:	$25.00		11.04.03
75 sq. ft or less	$25.00		11.04.03
76-999 sq. feet	$25 + $.20/sq. foot		11.04.03
1000-1999 sq. feet	$200 + $.17/sq. foot		11.04.03
2000-greater	$370 + $.15/sq. foot		11.04.03
	Max. $3,000		11.04.03
Commercial Surcharge	$.50/thousand	(cost of construction; caps at $1,000)A.C.A. § 6-55-106	11.04.04
Penalties for Building Code Violation	$100.00	Each day of violation is separate offense.	14.04.12
Re-inspection Fees for Building Code Enforcement	$5.00	$5 for each inspection if the inspector has to re-inspect building/structure.	11.32.12
Plants and Factories Code Violation	$20- $25	Each day of violation is separate offense.	11.09.03

Item	Cost	Notes	Reference
Plumbing Permit	$25/inspection	Inspection fee; Typical new residential construction takes three inspections.	11.08.03
Extra Inspections	$25/inspection	Any additional inspections require payment of $25/inspection	11.08.03
Penalties	$10 - $100	Penalty for violating code.	11.08.08
Electrical Permit	$15.00	Inspection fee; Typical new residential construction takes three inspections.	11.03.07
Extra Inspections	$25/inspection	Any additional inspections require payment of $25/inspection	11.12.07
Commercial Electrical Permit	$50 minimum fee	$50 minimum for each service panel	11.12.07
Penalties	$25/violation	For violating electrical code	11.12.07
Administrative fee	$25.00	Fee at discretion of inspector for not purchasing permit in time.	11.12.07
	Double amount of permit	When work is started before permit is purchased, the amount of the permit should be doubled.	11.12.07
HVAC Permit	$25.00	Inspection fee; Typical new residential construction takes three inspections. -	11.28.04
Extra Inspections	$25.00	Any additional inspections require payment of $25/inspection- Not in code book	Ord. 21-867
Penalties			
Violation restriction on alcoholic beverages in City Park	$250.00	Fine of up to $250 and/or imprisonment for up to 30 days.	12.04.03
Violation of Flood Damage Prevention Ordinance	$500.00	Up to $500	14.08.11
Subdivisions			
Violation of Subdivision Code	$25.00	Each day of violation is an additional $15	15.04.08
Submission of preliminary plats	$100 plus $1 for each lot		15.04.09
Planning & Zoning Fees			
Request for special meeting	$875	Nonrefundable unless P&Z committee denies request for special meeting.	13.01.01
Planning & Zoning Appeal	$35 fee for appeal	Refundable if appellant wins appeal	14.04.13
Planning & Zoning Applications (including special use)	$35 fee		14.04.13

Item	Cost	Notes	Reference
Re-Zone Request	$75.00		14.04.12
Lot Split	$15.00	Ord.19-810 informal plat submittal fee	15.04.08
Recording Fees	$15.00 for first page	$5 for each additional page for a document. A $10 handling fee in connection with each recorded document- not in code book	Res. 18-576
Proposed amendment to zoning regulations/district boundaries	$25.00	Private party proposals	14.04.15
Business License	$25/year	$25 late fee per month late	4.20.01
	$5-$500	Fee/fine for conducting business without a license	4.20.06
	$<250/day	For continuous offense	4.20.06
Mobile Vending Permit	$50/year	Must provide ASBH Permit	4.20.12
Solicitation Permit	$25/year		
Home Occupation Application	$25.00	Should be paid with Occ. License application form A or B	14.04.10
Cemetery Plot	$300.00	Ord. 15-735	12.08.03
Copies	$.25/page	21-862	2.48.01
Fax	$1/page	21-862	2.48.01
Garage Sale Permit	$5.00	Good for 4 consecutive days	7.28.02
	$25.00	Fine for violation of Yard Sale ord; 1st offense	7.28.05
	$50.00	Fine for violation of yard sale ord; subsequent offenses	7.28.05
City Park			
Pavilion Reservations	$25.00/half day; $50/whole day	Day splits at 2PM	12.08.01
Baseball Field Reservation	$50.00		12.08.02
Animal Control			
Microchip Fee	$10.00	Microchip Fee-	6.04.04

Item	Cost	Notes	Reference
Adoption Fee	$30.00	Animal must have been spayed/neutered; includes placement of microchip	6.03.02
Impounded Animal	Min $25	Minimum for up to five days impoundment; additional $5 per day after 5 days; if dog not microchipped, owner must pay $15 fee to have animal microchipped	6.04.04
License Fee	$15.00	Triannual fee (for spayed/neutered)	6.02.05
	$50.00	Triannual fee (for unspayed/unneutered)	6.04.05
Vicious Dog	$100 - $1000	Violation of 6.03 chapter on vicious dogs.	6.08.07
Cats	$5-$25	Violation of 6.03 chapter on vicious dogs.	6.04.04
Unlawful possession of animal	$5-$500	Violation of 6.05 unlawful possession	6.16.05
Livestock and Poultry	$1-$25	Violation of 6.06	6.06.03
Fire Department			
Fire Dues	$50/year	Ord. 19-809	
Fire Calls			
Outside City Limits	$100/hour	For emergency vehicle	2.23.02
	$20/hour	For firemen	2.23.02
	Varied	Replacement/repair costs for damaged equipment, supplies etc.	
Application to burn structure	$25.00	Application fee to burn structure; permit and fee go through Fire Chief	7.40.02
Permit to burn structure	$250.00	Permit goes through Fire Chief	7.40.04
Fine	$500.00	Fine charged for violating provision to burn structure.	7.40.08
Police Department			
Warrant Fee	$50.00	For each warrant served by a Gentry Officer 96-426 14.52.202	2.36.06
Bail/Delivery Bond taken and entered	$10.00	98-460	2.36.06
Code Enforcement			
Nuisance Properties			
Liens			
Grass and Weed cutting	$1,000.00	No more than $1000	5.04.06
To board and secure property	$5,000.00	No more than $5,000	5.04.06

Item	Cost	Notes	Reference
To demolish any structure on property	$7,500.00	No more than $7,500	5.04.06
Environmental remediation	$15,000.00	No more than $15,000	5.04.06
Nuisance Fines	$250 - $500	Against property owners who's property is found and declared nuisance by Resolution Thirty (30) days after Resolution is passed.	5.04.09
	$100-$250	Each day its not abated is separate offense	5.04.09
Code Violation General Penalty (1..01)	<$1000	First Offense	
	Double amount	For repeated	
	Not more than $500/day	For continuous offense	
Curfew	$100-$500	Parental violation after 2nd offense	7.04.05
Loitering	$5.00	Not to exceed $5	7.08.03
Firearms	$50.00	Not to exceed $50	7.12.02
Misuse of Hydrants	$500.00	Not to exceed $500	7.16.02
Restrictive Water Use	$500.00	Inside City Limits - Violation of restrictive use orders 93-379	7.16.07
	$500.00	Outside city limits - surcharge for violation 93-379	7.16.07
Operating Sexual Oriented Business	$500.00	Violating ord; not to exceed $500 04-538	7.32.05
	$250/per day	Continuous violation of Sexual Oriented business 04-538	7.32.05
Main Street Parking Violation	No less than $5	Violation of Main Street parking provisions	8.06.02
Main Street Parking Violation - Semi-trucks/tractors	$500.00	No parking on residential streets. Not to exceed $500 for violation; each day is separate violation	8.24.03
Obstruction of view	up to $250	Each day its not abated is separate offense	8.28.02
Careless Driving	$50-$250	Violation of careless driving ordinance	8.36.03

Item	Cost	Notes	Reference
Water Department		**2022 water and sewer rates reflective on and after bill due January 10,2022**	21-859
Wastewater Contribution Permit	$10-$100	Cost determined by several factors	10.04.06
Sewer Rates			
Inside City Limits			10.08.01
	2022		
(1) For the first 1,000 gallons or portion thereof	$8.53	(minimum)	
(2) For the next 4,000 gallons or portion thereof	$3.14	per thousand gallons	
(3) For the next 45,000 gallons or portion thereof	$2.40	per thousand gallons	
(4) For all usage in excess of 50,000 gallons	$1.55	per thousand gallons	
Outside City Limits			
(1) For the first 1,000 gallons or portion thereof	$14.14	(minimum)	
(2) For the next 4,000 gallons or portion thereof	$3.96	per thousand gallon	
(3) For the next 45,000 gallons or portion thereof	$2.40	per thousand gallon	
(4) For all usage in excess of 50,000 gallons	$1.55	per thousand gallon	
Water Rates			
Inside City Limits	Minimum water rates for the first 1,000 gallons or portion thereof, shall be based upon meter size, and the monthly minimums shall be as follows, based upon meter size:		
	2022		10.08.02
i) 5/8" x 3/4"	$14.98	(minimum) for the first 1,000 gallons	
ii) 1"	$20.97	(minimum) for the first 1,000 gallons	
iii) 1 1/2"	$26.95	(minimum) for the first 1,000 gallons	
iv) 2"	$43.41	(minimum) for the first 1,000 gallons	
v) 3"	$164.69	(minimum) for the first 1,000 gallons	
vi) 4"	$209.61	(minimum) for the first 1,000 gallons	
vii) 6"	$315.53	(minimum) for the first 1,000 gallons	
viii) 8"	$434.15	(minimum) for the first 1,000 gallons	

Item	Cost	Notes	Reference
B. For portions of 1,001-15,000 gallons	$5.84	per thousand	
For portions of 15,001 - 50,000 gallons	$5.61	per thousand	
For portions of 50,001-300,000 gallons	$5.39	per thousand	
For portions of 300,001 - 1,000,000 gallons	$4.95	per thousand	
For quantities in excess of 1,000,001 - 5,000,000 gallons	$4.57	per thousand	
For quantities in excess of 5,000,001 gallons	$3.01	per thousand	
Outside City Limits			10.08.03
i) 5/8" x 3/4"	$35.93	(minimum) for the first 1,000 gallons	
ii) 1"	$50.30	(minimum) for the first 1,000 gallons	
iii) 1 1/2"	$63.54	(minimum) for the first 1,000 gallons	
iv) 2"	$104.21	(minimum) for the first 1,000 gallons	
v) 3"	$395.22	(minimum) for the first 1,000 gallons	
vi) 4"	$502.90	(minimum) for the first 1,000 gallons	
vii) 6"	$754.50	(minimum) for the first 1,000 gallons	
viii) 8"	$1,041.96	(minimum) for the first 1,000 gallons	
B. For portions of 1,001-15,000 gallons	$9.96	per thousand gallons	
For portions of 15,001 - 50,000 gallons	$8.08	per thousand gallons	
For portions of 50,001-300,000 gallons	$6.21	per thousand gallons	
For quantities in excess of 300,000 gallons	$5.39	per thousand gallons	
For quantities in excess of 1,000,001-5,000,000 gallons	$4.81	per thousand gallons	
For quantities in excess of 5,000,001 gallons	$3.01	per thousand gallons	
An additional assessment of $1.50 per active meter (whether inside or outside the City) will be collected for purposes of raising additional funds to assist with the water wholesaler's capital improvement fund.		Ord. 05-562	5.08.03
Water Reconnect Fee	$40.00	water customers that have been disconnected	10.08.06/10.08.07

Item	Cost	Notes	Reference
	$1.50	Per active meter	5.08.03
Solid Waste			
Solid Waste Fee	$0.50	Per residential and business account	5.02.08
Monthly charge for service	$11.43	For polycart	5.02.08
	1 yard – can hand stop	$18.12 per month	5.02.08
	2 yard container	$56.07 per month (updated)	5.02.08
	4 yard container	$111.65 per month (updated)	5.02.08
	6 yard container	$167.21 per month (updated)	5.02.08
	8 yard container	$222.77 per month	5.02.08
Meter Deposit - Residential	$100.00	Returned after two years good history or when customer leaves Gentry water system.	10.08.04
Meter Deposit - Commercial	$125.00	Returned after two years good history or when customer leaves Gentry water system.	10.08.04
Unauthorized tampering or damage to water meter	$25.00	$25 to reinstall meter, plus any fine incurred	10.08.04
Water System Connection Fees			
No Road Crossing	$1,000-$1,150/$1,550-$1,650/$1,375-$ 1,500 Ord 18-779	3/4"-Double-1"-Larger Case by Case Inside/Outside	10.08.04
Road Crossing	$1,450-$1,650/$2,000-$2,150/$1,825-$2,000	3/4"-Double-1"-Larger Case by Case Inside/Outside	10.08.04
Highway Crossing	$1,650-$1,900/$2,300-$2,400/$2,025-$2,250	3/4"-Double-1"-Larger Case by Case Inside/Outside	10.08.04
Sewer inspection	$600	3/4"-Double-1"-Larger Case by Case Inside/Outside	10.08.04
Bore Cost			
Inside City Limits- paved or gravel	$450.00		10.08.04
Outside City Limits (county)-paved or gravel	$500.00		10.08.04
Inside City Limits Highway	$650.00		10.08.04
Outside City Limits Highway	$750.00		10.08.04

Item	Cost	Notes	Reference
Hydrant Fees			
Daily	$10.00	Ord 21-865	10.08.04
Weekly	$25.00	Ord 21-865	10.08.04
Monthly	$100.00	Ord 21-865	10.08.04
Library			Ord. 21-862
Community Room/Activity Center	$50 deposit AND $10/hour	Deposit refundable if inspection is cleared	2.48.02
Overdue items	Current .05¢	Cap of $2 per item.	2.48.02
Lost/Damaged Items	Replacement Cost	Replacement cost	2.48.02
Black/Color Copies	$.25 per page	10 Free black copies all additional and color copies 25¢	2.48.02
Library Card	Free		
Police			
Basic accident report & records of traffic violations	$10.00	ACA 27-53-210	
Supplemental accident and traffic violation reports	$1.50	ACA 27-53-210	
Engine Brakes	$250-$500	Ord. 20-826	8.44.03
FOIA Charges		Actual cost- employee cost may be added in extraordinary request	