

TITLE 7**PUBLIC PEACE, SAFETY AND MORALS****Chapters:**

- 7.04 Curfew
- 7.08 Loitering
- 7.12 Weapons
- 7.16 Fireworks
- 7.20 Claims against City
- 7.24 Liquor Establishments
- 7.28 Outside Fire Service
- 7.32 Criminal Code
- 7.36 Tree Program

CHAPTER 7.04**CURFEW****Sections:**

- 7.04.01 Civil Emergencies
- 7.04.02 Congregating during state of emergency
- 7.04.03 Juvenile curfew

7.04.01 Civil emergencies The Mayor, any time a condition exists which, in his judgment, constitutes a civil disturbance, riot, insurrection or time of local disaster has arisen or is imminent, may declare a state of emergency and impose a curfew for such time and for such areas as he deems necessary to meet such emergency. Provided, however, such curfew shall not extend for over a period of forty-eight (48) hours unless extended by a majority vote of the members of the governing body.

7.04.02 Congregating during state of emergency No person or persons shall congregate, operate any businesses or be upon the streets or other public ways, unless on official business for the city or state, in any area or areas designated by the Mayor as curfew areas in the city during the time of any declared emergency.

7.04.03 Juvenile curfew It shall hereafter be unlawful for persons aged seventeen (17) or under to remain in or on a street, park or other outdoor public place, in a vehicle or on the premises of any establishment within the city limits of Green Forest during curfew hours, unless they are involved in an exempted activity at the time of their violation. This Juvenile Curfew shall conform to the following:

A. Curfew hours For the months of September through May:

1. Curfew begins at 11:00 p.m. on Sunday through Thursday nights, and continues until 6:00 a.m. the following day.
2. Curfew hours are 12:01 a.m. to 6:00 a.m. on Saturday and Sunday.

During June through August only:

3. Curfew hours are 12:01 a.m. to 6:00 a.m., seven days a week.

B. A parent, legal guardian, or other responsible adult will be contacted to pick the child up immediately. If not picked up within two (2) hours, the juvenile will be handed over to the Division of Human Services (DHS). After a reasonable effort to contact a parent or legal guardian, juveniles aged 13 and younger who are picked up on curfew violations will be turned over to the Division of Human Services (DHS).

C. A parent or legal guardian of a juvenile aged seventeen (17) or younger commits an offense if he or she knowingly permits or by insufficient control allows, the minor to violate the curfew law. Any adult who violates the Juvenile Curfew Ordinance is subject to a fine not to exceed Five Hundred Dollars (\$500.00) or forty (40) hours community service. A minor who violates curfew may be ordered to perform up to 25 hours of community service.

D. Persons under the age of seventeen (17) are exempt from curfew if they:

1. Accompany a parent or guardian or any person age twenty-five (25) or older;
2. Ride in a motor vehicle involved in interstate travel;
3. Work or return home from a job, without detour or stop;
4. Become involved in an emergency;

5. Stand on a sidewalk that joins their residence or the residence of a next-door neighbor, if the neighbor did not complain to police;
6. Attend an official school, religious, or other recreational activity sponsored by the city of Green Forest, a civic organization, or other similar group that takes responsibility for the juvenile (this includes traveling to and from the activity when such juvenile is still within twenty (20) minutes of the beginning or conclusion of the event).
(Ord. No. 2007-583, Sec. 1.)

CHAPTER 7.08

LOITERING

Sections:

- | | |
|---------|---|
| 7.08.01 | Loitering illegal after certain hours |
| 7.08.02 | Penalty |
| 7.08.03 | Loitering without cause |
| 7.08.04 | Riding bicycles on sidewalks prohibited |

7.08.01 Loitering illegal after certain hours It shall hereafter be unlawful for any minor under the age of sixteen (16) years to be found loitering upon any of the streets, alleys, sidewalks or other public places in the city of Green Forest, Arkansas, after 10:00 o'clock p.m. Sunday through Thursdays and after 11:00 o'clock p.m. on Friday and Saturday unless accompanied by a parent or other person charged with the care of said minor, or unless said minor is attending an organized social, civic or religious function. (Ord. No. 342, Sec. 1)

7.08.02 Penalty Any parent or other person charged with the care of a minor under the age of sixteen (16) years who shall knowingly permit or allow said minor to violate Section 7.08.01 herein shall be deemed guilty of a misdemeanor. (Ord. No. 342, Sec. 2)

7.08.03 Loitering without cause

- A. It shall be unlawful for any person, without good cause to loiter upon any of the streets, alleys, sidewalks, parks, or other outdoor public places in the city between 12:01 a.m. until 6:00 a.m.
- B. This ordinance shall not be construed to apply to:

1. the front and back yards of residences, and
 2. the premises of businesses or non-profits lawfully operating and open for business at such nighttime hours.
- C. Any person who violates this ordinance is subject to a fine not to exceed One Hundred Dollars (\$100.00) and fifteen (15) hours community service. Any fine or community service assessed shall be enforced by the Municipal Court of Green Forest and non-payment or non-service shall be enforced by the contempt powers of the same. (Ord. No. 2007-587, Sec. 1.)

7.08.04 Riding bicycles on sidewalks prohibited It shall be unlawful for any person to ride a bicycle on the sidewalks of the city as follows: On either side of Main Street from Springfield Street to White Street and on any sidewalk bordering the city square. Any person found violating this section shall, upon the first offense be issued a verbal warning and upon each subsequent offense, the bicycle being ridden in violation hereof shall be impounded by the Marshal for ten (10) days.

CHAPTER 7.12

WEAPONS

Sections:

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| 7.12.01 | Concealed weapon |
| 7.12.02 | Discharging firearms |
| 7.12.03 | Throwing objects |
| 7.12.04 | Air guns prohibited |

7.12.01 Concealed weapon. Any person who shall wear or carry in any manner whatever, as a weapon, any dirk or sword or spear in a cane, brass or metal knuckles, razor, blackjack, billie or sap, ice pick, or any pistol of any kind whatever, shall be guilty of a misdemeanor. Provided, nothing in this section shall be so construed as to prohibit any person from carrying such pistols as are used in the army or navy of the United States when carried uncovered and in the hand, provided, officers whose duties require them to make arrests, or to keep and guard prisoners, together with persons summoned by such officers to aid them in the discharge of such duties while actually engaged in such duties, are exempt from the provisions of this section. Provided, further, nothing in this section shall be so construed as to prohibit any person from carrying any weapon when upon a journey or upon his premises.

STATE LAW REFERENCE-Ark. Stats. 41-4501. For penalty, see Ark. Stats. 41-4503

7.12.02 Discharging firearms. If any person shall be found guilty of discharging firearms of any kind within the city, unless in self-defense or in the execution of legal process, he shall be deemed guilty of a misdemeanor.

STATE LAW REFERENCE-Discharging firearms as disturbance of the peace, Ark. Stat. 41-1401

7.12.03 Throwing objects. Any person found throwing stones, sticks or missiles of any kind whatever at or upon any

public or private building or at any person in any street, alley, place or unenclosed or enclosed ground within the city shall be deemed guilty of a misdemeanor.

7.12.04 Air guns prohibited No person shall use or discharge any type of a pellet, "B-B", air rifle or pistol or any other such weapon which is gas, air or spring operated within this city.

CHAPTER 7.16

FIREWORKS

Sections:

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|---------|---------------------|
| 7.16.01 | Unlawful definition |
| 7.16.02 | Lawful sales |
| 7.16.03 | Lawful uses |
| 7.16.04 | Penalty |

7.16.01 Unlawful definition It shall be unlawful for any person to sell and use within the city of Green Forest, Arkansas, any pyrotechnics, commonly known as "Fireworks" except as herein provided. Fireworks are defined as those pyrotechnics as set out in Arkansas Acts 1961, No. 224, Sec. 7, P. 811. (Ord. No. 429, Sec. 1)

7.16.02 Lawful sales Fireworks may be sold at retail on the 1st through the 4th of July of each year between the hours of 8:00 a.m. and 11:00 p.m. (Ord. No. 429, Sec. 2)

7.16.03 Lawful uses Fireworks may be used and discharged on the 3rd and 4th day of July of each year between the hours of 8:00 a.m. and 11:59 p.m. only in areas designated by the Green Forest Fire Chief. (Ord. No. 592, Sec. 1)

7.16.04 Penalty Any person or persons violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and on conviction, shall be fined a sum not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00). (Ord. No. 429, Sec. 4)

CHAPTER 7.20

CLAIMS AGAINST CITY

Sections:

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| 7.20.01 | Liability insurance |
| 7.20.02 | Settlement of claims |

7.20.01 Liability insurance The city shall carry liability insurance on all its motor vehicles in the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act. A.C.A. 27-19-203

7.20.02 Settlement of claims All persons having tort claims against the city may file them with the City Recorder. The Recorder shall present them to the Council. The Council may grant a hearing for the claimant and authorize a settlement. A.C.A. 21-9-302

CHAPTER 7.24

LIQUOR ESTABLISHMENTS

Sections:

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| 7.24.01 | License |
| 7.24.02 | Operation of |
| 7.24.03 | Hours |
| 7.24.04 | Exemptions |
| 7.24.05 | Penalty |

*500 ft from Church
ABC in Hill Rock
501-682-1105*

7.24.01 License That all bars, clubs, private clubs, pool halls, or any business establishment selling or serving any type of liquor, beer, wine, or any type of alcoholic beverages within the limits of the city of Green Forest, Arkansas, be required by this ordinance to purchase an operating license at the rate of Fifty Dollars (\$50.00) per year. Said license must be displayed in a conspicuous place within the business establishment. (Ord. No. 343, Sec. 1)

7.24.02 Operation of That all bars, clubs, private clubs, pool halls, or any type of business establishment selling or serving any type of liquor, beer, wine, or any type of alcoholic beverage within the limits of the city of Green Forest, Arkansas be required to operate said business in such a manner as not to create a public nuisance. Be it also required by this ordinance that at any time during operation that said establishment becomes a public nuisance, that a disturbance is created by any customer or customers, or any proprietor or employee thereof, to such an extent as to be deemed a public nuisance, or a threat to the personal safety of any customer or customers or any proprietor or employee thereof; that if one of the above conditions are deemed to exist, that the Chief of Police of the city of Green Forest, Arkansas, shall by his authority, order said establishment closed for the remainder of that particular day and night. (Ord. No. 303, Sec. 2)

7.24.03 Hours

- A. Subject to the below outlined exception, it shall be unlawful for the proprietor or an employee of any bar, club, private club, pool hall, or business establishment selling or serving any type of liquor, beer, wine or alcoholic beverages within the

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limits of the city of Green Forest, Arkansas, to permit said business to remain open after the hour of 1:00 a.m. Tuesday through Friday and 12:00 midnight on Saturday. On any day of business, as outlined by this section, no establishment described above will open prior to the time of 8:00 a.m. No establishment described above will be open on Sunday or Christmas Day. If any person, other than the owner or manager of said bar or other place, as defined aforesaid, remains in and upon the premises after the prescribed closed hours, it shall be prima facie evidence of a violation of this ordinance.

- B. Exception: It shall be legal for businesses with valid alcohol licenses issued by the state of Arkansas to serve alcoholic beverages on the day of the National Football League Super Bowl between the hours of 12:00 p.m. (noon) and 12:00 a.m. (Ord. No. 2013-622, Sec. 1.)

7.24.04 Exemptions Nothing in 7.24.03 of the city of Green Forest Municipal Code shall be construed so as to limit the ability of a business that serves alcoholic beverages to remain open during the hours outlined in 7.24.03, so long as the primary purpose of operating the business is not the sale of alcoholic beverages, and the business does not engage in the sale of any alcoholic beverages during the prohibited hours outlined in 7.24.03. (Ord. No. 2009-599, Sec. 1.)

7.24.05 Penalty That any person found guilty of a violation of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00).

CHAPTER 7.28

OUTSIDE FIRE SERVICE

Sections:

7.28.01	Authorized
7.28.02	Discretion
7.28.03	Conditions
7.28.04	Maintenance and operation
7.28.05	Funding
7.28.06	Mutual aid
7.28.07	Rights of city
7.28.08	Statutory benefits

7.28.01 Authorized The Green Forest Volunteer Fire Department (a non-profit group) is hereby authorized and directed to answer all outside alarms within a distance of five (5) road miles from the nearest Green Forest Fire Station, unless, in the opinion of either the Fire Chief or the Acting Fire Chief, it is inexpedient to do so on account of either present or impending fire or calamity within the city of Green Forest, broken or damaged fire apparatus; impassable or dangerous roads and/or bridges or other physical conditions. (Ord. No. 399, Sec. 1)

7.28.02 Discretion. The Green Forest Volunteer Fire Department is further authorized to answer any outside alarms beyond a distance of five (5) road miles from the nearest Green Forest Fire Station solely at the discretion of the Fire Chief or Acting Fire Chief on duty when any such alarm is received. (Ord. No. 399, Sec. II)

7.28.03 Conditions. The fire protection provided for herein shall apply principally to structures and/or life endangering conditions. Receipt of alarms for service wherein no immediate threat to structures and/or life exists shall be responded to solely at the discretion of either the Fire Chief or Acting Fire Chief on duty when any such alarm is received. (Ord. No. 399, Sec. III)

7.28.04 Maintenance and operation. In consideration of the foregoing, the Green Forest Volunteer Fire Department agrees to maintain the equipment and pay any operating costs such as, but not limited to, fuel, oil, hose replacement, etc., for fire apparatus owned by the City of Green Forest and used in the foregoing described situations, including drills. The Green Forest Volunteer Fire Department further agrees to reimburse the City of Green Forest on demand for any fees or automobile liability and automobile physical damage insurance premiums as the City of Green Forest deems necessary. The Green Forest Volunteer Fire Department shall be an insured on any such policies of insurance. (Ord. No. 399, Sec. IV)

7.28.05 Funding. It is agreed and understood that the Green Forest Volunteer Fire Department will fund the obligation created in Section 7.28.04 above by either or all of the following means: Charging annual subscription dues to persons desiring the service; voluntary donations at large; and any other lawful means. All such funds, either on hand or so received shall be applied only to operations and/or maintenance and/or acquisitions at the discretion of the Green Forest Volunteer Fire Department. It is understood that the Green Forest Volunteer Fire Department shall make such lawful rules and regulations pertaining to the establishing, collecting and terminating such service charges and/or subscriber agreements as it may from time to time deem necessary. (Ord. No. 399, Sec. V)

7.28.06 Mutual aid. This ordinance shall in no way impair, cancel or void any Mutual Aid Agreement for fire protection in existence either now in the future and shall be subordinate to any similar agreement made by the City of Green Forest. (Ord. No. 399, Sec. VI)

7.28.07 Rights of city. The Green Forest Volunteer Fire Department shall enforce the rights, if necessary, of the City of Green Forest as provided by Arkansas Statute 19-2106.1). (Ord. No. 399, Sec. VII)

7.28.08 Statutory benefits. It is specifically understood that A.C.A. 14-53-102 et al. remain in full force and effect for the Green Forest Volunteer Fire Department and that this ordinance shall not be construed to limit or restrict any statutory benefit(s) otherwise applicable to the Green Forest Volunteer Fire Department while functioning under the authority granted by this ordinance. (Ord. No. 399, Sec. VIII)

CHAPTER 7.32

CRIMINAL CODE

Sections:

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| 7.32.01 | Criminal Code |
| 7.32.02 | Supplements statutes |

7.32.01 Criminal code. That the code known as the "Green Forest Code of Offenses", three (3) copies of which are on file in the City Recorder's office, is hereby adopted by reference as the Supplemental Criminal Code for the city of Green Forest, Arkansas. (Ord. No. 443, Sec. 1)

7.32.02 Supplements statutes. The Green Forest Code of Offenses shall hereafter be used to supplement the Arkansas Statutes in all criminal prosecutions in the city. This code is not intended to repeal any of the offenses now made punishable by state law or ordinance of the city of Green Forest, Arkansas. (Ord. No. 443, Sec. 2)

CHAPTER 7.36

TREE PROGRAM

Sections:

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|---------|-----------------------------|
| 7.36.01 | Composition |
| 7.36.02 | Advisory position |
| 7.36.03 | Purpose |
| 7.36.04 | Maintaining trees |
| 7.36.05 | Hazardous and nuisance tree |
| 7.36.06 | Landscaping plans |
| 7.36.07 | Fine |

7.36.01 Composition There shall be a Tree Committee composed of three members who shall elect a chair. The Committee members shall be nominated by the Mayor and confirmed by majority vote of the members of the Council. Each committee member shall be appointed and affirmed for a term of five years. The Tree Committee shall meet monthly as needed during the months of April through October. (Ord. No. 564, Sec. 1.)

7.36.02 Advisory position The Tree Committee's tree program shall be advisory in nature with the purpose of providing advice to the Mayor and City Council as to the management of the community forest of Green Forest, in accordance with the intents and purposes of this ordinance. (Ord. No. 564, Sec. 2.)

7.36.03 Purpose One of the major purposes of the Tree Committee shall be the promoting the responsible planting of trees on public and private property, public education about trees, promotion of proper maintenance of trees, advocating trees within the city, and developing innovative and joint funding for projects from a variety of sources:

- A. The Tree Committee's program activities shall include the responsibility to study, investigate, consult, develop (updated annually), and administer a written plan for the care, preservation, pruning, planting or removal of trees and shrubs in parks, along with streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the unofficial comprehensive tree management plan.
- B. The Tree Committee will investigate grants, loans or contributions from other governmental agencies, public or private corporations and individuals.
- C. The committee will encourage and foster the planting of trees and other vegetation for the beautification of the city, and disseminate information to the public concerning proper selection and care of trees. (Ord. No. 564, Sec. 3.)

7.36.04 Maintaining trees It is the public policy of the city of Green Forest to maintain existing trees and to provide for and encourage the planting of new trees within Green Forest to the greatest extent possible.

- A. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry and beauty of such public grounds.
- B. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with the visibility of any traffic control device or sign or site triangle at intersection.

- C. Trees shall not be removed from a street right-of-way or other public ground unless approval is received from the city.
- D. It shall be a violation of this ordinance to damage, destroy or mutilate any tree in a public right-of-way or on other public grounds, or attach or place any rope or wire, sign, poster, handbill or any other object to any such tree.
- E. Trees shall not be planted to conceal a fire hydrant from the street or impede the line of sight on the street.
- F. It shall be unlawful for any person to top or cut back to stubs the crown of any tree on street right-of-ways or on other public grounds.
- G. City agents performing tree work on public ground shall be trained in basic tree science and the proper techniques of tree pruning.
- H. Public utility companies shall notify the city prior to pruning any tree located on city-owned property for the purpose of maintaining safe line clearance and shall carry out all such work in accordance with accepted arboricultural practices. (Ord. No. 564, Sec. 4.)

7.36.05 Hazardous and nuisance trees Regarding hazardous and nuisance trees, the city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees with the city, after giving notice to the landowner and a reasonable time for the landowner to remove such trees. In the event of failure of the landowner to comply with such notices, the city shall have the authority to remove such trees at the cost of the landowner.

Although the city has the right to enter upon private lands for these purposes, it shall be the duty of any person owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alley intersection. (Ord. No. 564, Sec. 5.)

7.36.06 Landscaping plans Subdivision and development plans shall be designed to preserve natural vegetation areas as much as possible. Streets, parcels, structures and parting area shall be laid out to minimize the destruction of wooded areas or outstanding tree specimens. Developer of land are encouraged to designate wooded areas as park reserves or wildlife habitat.

- A. In new subdivisions or when the development of commercial property occurs, the city and the Green Forest Planning Commission will review landscaping plans

and may require street trees to be planted in any of the streets, parking lots, parks and other public places abutting lands henceforth developed or subdivided. The Planning commission shall consider a landscape plan as part of its review of any subdivision plan, development plan or site plan application.

- B. No person shall deposit, place, store, or maintain upon any public place of the municipality, any stone, brick, sand, concrete, or other materials which may impeded the free passage of water, air, or nutrients to the roots within the drip line of any tree growing thereon, except by written permission of the city. (Ord. No. 564, Sec. 5.)

7.36.07 Fine Any person violating this ordinance shall be, upon conviction or a pleas of guilty, subject to a fine not to exceed Five Hundred Dollars (\$500.00) for each separate offense. (Ord. No. 564, Sec. 6.)