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MUNICIPAL CODE

**A Code of the General Ordinances
of the City of Norfolk, Arkansas**

Date of Incorporation

1910

Prepared with
assistance of the

ARKANSAS MUNICIPAL LEAGUE

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

NORFORK MUNICIPAL OFFICIALS

At The Time Of This Code's Preparation

Mayor	Amy Lakey
Clerk/Treasurer/Recorder	Betty Baker
City Attorney	Ron Kincade
Planning Commissioner	Michael Holcer
Fire Chief	Vickie Oliver
Water & Sewer Superintendent	Cory McFall
Bookkeeper	Betty Baker
Aldermen Marilyn Andrews	Ray Miller
Dean Parnell	Michael Holcer
Frankie Baker	Don Sappington

ORDINANCE NO. _____

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORFORK,
ARKANSAS:

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

Section 2. That all provisions of such code shall be in full force and effect from and after the _____ day of _____. All ordinances of a general and permanent nature not included in such code are hereby repealed from and after the _____ day of _____, except as herein provided. No resolution of the city, not specifically mentioned, is hereby repealed.

Section 3. That the repeal provided for in Section 2 hereof shall not affect any of the following:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such code;
- (2) Any ordinance promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;
- (3) Any contract or obligation assumed by the city;

- (4) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the city;
- (5) Any appropriation ordinance;
- (6) Any ordinance which, by its own terms, is effective only for a stated or limited time;
- (7) Any ordinance providing for local improvements and assessing taxes therefor;
- (8) Any ordinance dedicating or accepting any subdivision plat; or
- (9) Any ordinance enacted after _____.

Section 4. That whenever in such code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefor, the violation of any such provision of such code shall be punishable as provided by Section 1.32.01 of such code.

Section 5. That any and all additions and amendments to such code, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such code so that reference to the Norfolk Municipal Code shall be understood and intended to include such additions and amendments.

Section 6. That in case of the amendment of any section of such code for which a penalty is not provided, the general penalty as provided in Section 1.32.01 of such code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 7. That three copies of such code shall be kept on file in the office of the Recorder/Treasurer preserved in looseleaf form or in such other form as the City Council may consider most expedient. It shall be the express duty of the Recorder/Treasurer, or someone authorized by the Recorder/Treasurer, to insert in their designated places all amendments or ordinances which indicate the intention of the City Council to make the same a part of such code when the same have been printed or reprinted in page form, and to extract from such code all provisions which may be from time to time repealed by the City Council. These copies of such code shall be available for all persons desiring to examine the same.

Section 8. That it shall be unlawful for any person to change or amend by additions or deletions any part or portion of such code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the City of Norfolk to be misinterpreted thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.

Section 9. That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. It is hereby found that many of the ordinances of the City of Norfolk are not easily accessible to citizens and municipal officials and thereby has rendered it difficult for many persons to determine the actual laws in effect; and that the city has made unusual efforts to have the laws of the City of Norfolk adopted and published. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the immediate preservations of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

Approved and passed this _____ day of _____.

Mayor

(SEAL)

ATTEST:

Clerk/Treasurer/Recorder

LEGAL NOTICE

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

Pursuant to Act 209 of 1961 and Act 267 of 1949 three copies of the Norfolk Municipal Code are on file in the office of the Recorder/Treasurer for the inspection and view of anyone interested in this ordinance. This ordinance will be considered at the meeting of the City Council on _____.

MAYOR

P R E F A C E

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

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

**ARKANSAS MUNICIPAL LEAGUE
CODE SERVICE**

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TITLE 1

GENERAL PROVISIONS

Chapters:

- 1.04 How 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
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- 1.36 Referendum Petitions

CHAPTER 1.04

HOW CODE DESIGNATED AND CITED

Sections:

- 1.04.01 How code designated and cited

1.04.01 How code designated and cited. The ordinances embraced in the following chapters and sections shall constitute and be designated "Norfolk 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 are 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 Norfolk, 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 Norfolk, Arkansas.

COUNTY. The words "**the county**" or "**this county**" shall mean the County of Baxter, 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 Norfolk, 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**".

OR, AND. "**Or**" may be read "**and**", and "**and**" may be read "**or**" if the sense requires it.

OTHER CITY OFFICIALS OR OFFICERS. Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., "**Mayor**", etc., they shall be deemed to refer to the officials, boards, commissions and departments of the City of Norfolk,

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.

SIDEWALK. The word "**sidewalk**" means a strip of land in front of or on the side of a house or lot of land lying between the property line and the street.

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 Norfolk, 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, nor unless expressly so provided, shall they be so deemed when any of such sections, including the subheadings, are amended or reenacted.

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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 Norfolk , 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 by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, chapters, titles and sections of this code.

4
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 language: "That section _____ of the Norfolk 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 language may be used: "That the Norfolk 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.

CHAPTER 1.28

ALTERING CODE

Sections:

1.28.01 Altering code

1.28.01 Altering code. 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, except by ordinance of the City Council, which shall cause the law of the City of Norfolk , Arkansas to be misrepresented thereby. Any person violating this section shall be punished as provided by Section 1.32.01 hereof.

CHAPTER 1.32**GENERAL PENALTY****Sections:**

1.32.01 General Penalty

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

STATE LAW REFERENCE-See A.C.A. 14-55-504

CHAPTER 1.36**REFERENDUM PETITIONS****Sections:**

- 1.36.01 Filing date
- 1.36.02 Notice of hearing
- 1.36.03 City Council calls election
- 1.36.04 Upon defeat of ordinance

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

1.36.02 Notice of Hearing. Whenever any 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 such notice at which they will hear all persons who wish to be heard on the question whether such petition is signed by the requisite number of petitioners. At the time named the 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 Baxter County within thirty (30) days to review its action.

1.36.03 City Council calls election. If the City Council of the City of Norfolk, Arkansas, finds that such petition is signed by the requisite number of petitioners, it may order a special election or place the question on the ballot at the next municipal general election to determine by vote of the qualified electors whether the ordinance shall stand or be revoked. The date for any special election shall be set less than thirty (30) days after the order therefor has been made by the Council, and said special elections shall be had and conducted as general municipal elections held in the City of Norfolk.

1.36.04 Upon defeat of ordinance. If any ordinance referred to the people is defeated at the polls, the City Council of the City of Norfolk, Arkansas, shall make a note of such fact and shall expunge such ordinance from its files.

STATE LAW REFERENCE - See Const., Amend. No. 7 and A.C.A. 14-55-301

TITLE 10

UTILITIES

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- 10.04 Sewer Regulations
- 10.08 Water and Sewer Rates
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SEWER REGULATIONS

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- 10.04.01 Definitions
- 10.04.02 Use of public sewers required
- 10.04.03 Building sewers and connections
- 10.04.04 Use of public sewers
- 10.04.05 Protection from damage
- 10.04.06 Fines
- 10.04.07 Loan from Farmers Home Administration

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

1. **"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 (20E) degrees C, expressed in milligrams per liter.
2. **"Building Drain"** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. **"Building Sewer"** shall mean the extension from the building drain to the public sewer or other place of disposal.

4. **"Combined Sewer"** shall mean a sewer receiving both surface run off and sewage.
5. **"Garbage"** shall mean solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
6. **"Industrial Wastes"** shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.
7. **"Natural Outlet"** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
8. **"Person"** shall mean any individual, firm, company, association, society, corporation or group.
9. **"Ph"** shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
10. **"Properly Shredded Garbage"** shall mean the waste from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1.27 centimeters) in any dimension.
11. **"Public Sewer"** shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
12. **"Sanitary Sewer"** shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
13. **"Sewage"** shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
14. **"Sewage Treatment Plant"** shall mean any arrangement of devices and structures used for treating sewage.
15. **"Sewage Works"** shall mean all facilities for collecting, pumping, treating and disposing of sewage.
16. **"Sewer"** shall mean a pipe or conduit for carrying sewage.

17. **"Shall"** is mandatory; "may" is permissive
18. **"Slug"** shall mean any discharge of water, sewage, or industrial waste 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 or flows during normal operation.
19. **"Storm-Drain"** (sometimes termed storm sewer) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
20. **"Superintendent"** shall mean the City Engineer or his authorized agent, deputy, or representative.
21. **"Suspended Solids"** shall mean solids that either float on the surface, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
22. **"Watercourses"** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

10.04.02 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 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 any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- 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 sewage.
- D. All persons, firms, corporations, or other persons having supervision of or owning any house, building, business, or property used for human occupancy, employment, recreation, or other purpose which is located within three hundred feet of any public sewer constructed by the city or under its authority is required at their expense to connect the water closets, sinks, drains, and all wastewater plumbing of such facilities with said public sewer.
- E. The City is authorized to waive connection with the public sewer by owners of property situated within the city limits if said property is not accessible to the public

sewer system provided the property owner has or will install an individual sewage disposal system approved by the Arkansas State Board of Health. Before such a waiver is granted, it must appear to the satisfaction of the city that the property is not now accessible nor will be within a reasonable length of time in the future. If public sewer services do become available for and accessible to the properties herein contemplated, facilities on such properties shall be connected to the public sewer system.(Ord. No. 87-65, Art. 1.)

F. The owner of any building which is connected to the public sanitary sewer shall be required to operate and maintain in a satisfactory manner the building drains, building sewers, and septic tank located on the private property. Maintenance shall be in accordance with all provisions of this ordinance at no expense to the City.
(Ord. No. 87-65 as amended by Ord. No. 1, Art. 1.)

G. The City shall provide periodic inspection of the septic tank to determine the need for pump out of the contents when full. When such pumpout is deemed necessary, the city employees or designated contractor shall enter the property during normal working hours for the purpose of uncovering the tank lid and inserting a pump suction line into the tank. Depending on the particular case, it may or may not be necessary to bring a vehicle onto the property to achieve this purpose. In any case, all damage done to the property by the City or its contractor shall be repaired in a satisfactory manner at the city=s expense.
(Ord. No. 87-65 as amended by Ord. No. 1, Art. 1.)

10.04.03 Building sewers and connections.

A. Property owners desiring or directed to make connection with the sewer system of the City may make this connection on payment of a fee and receipt of a permit from the city unless payment for such fee is made with funds from the Arkansas Community and Economic Development Program. Such fee shall be fixed by the City Council and will take into account the nature, makeup, volume, and treatability of the generated wastewaters.

B. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sanitary sewer or appurtenance thereon without first obtaining a written permit from the Superintendent. All installations, alterations, repair, or other work on a building sewer shall be supervised by a city plumbing inspector. No work shall be initiated until the proper fees are paid and/or permit issued. The work may be inspected at any stage by the city and no work shall be covered or enclosed until the city has been notified and given sufficient opportunity to inspect and test the completed work.

C. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and

regulations of the city. All such connections shall be made gas-tight and watertight. A separate and independent building sewer shall be provided for every individually owned residential or commercial building and each such building shall have its own connection to the public sewer.

D. 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.

E. All excavations for building sewer installation shall be adequately guarded with barriers 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 city.

F. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a public sanitary sewer or building drain and all such existing connections at the date of passage of this Ordinance shall be removed.

G. Before any dwelling or other building having a connection to the public sanitary sewer shall be disconnected at the adjacent property line, the remaining portion of the building sanitary sewer leading into the public sanitary sewer shall be sealed and made watertight. (Ord. No. 87-65, Art. 2.)

10.04.05 Use of public sewers.

A.. No person shall discharge or cause to be discharged any of the following described water or wastes to any public sanitary sewer system:

1. gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, oil, or gas;
2. toxic or poisonous solids, liquids or gases in sufficient quantity, to injure or interfere with any sewage treatment process, or constitute a hazard;
3. waters or wastes of an acidic or alkaline nature in sufficient quantity to interfere with the sewage treatment process or capable of causing damage or hazard to structures, equipment, and personnel of the city;
4. solid or viscous substances in quantities or of such size capable of obstructing the flow in sewers otherwise interfering with the proper operation of

the sewage works;

5. any other water or wastes which can harm the sewers, sewage treatment process or equipment, cause the treatment plant effluent not to meet the requirements of agencies having jurisdiction over discharge to the receiving stream, or endanger life, limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability of these waters or wastes, the city will give consideration to such factors as the quantity of the substance, materials of construction, nature and capacity of the sewage treatment process, and other pertinent factors.

F. Grease, oil and sand traps shall be provided when necessary for the proper handling of wastes containing grease or any flammable waste in excessive amounts and sand or other harmful ingredients, except that such traps shall not be required for private living quarters. Proper and satisfactory maintenance of such traps shall be the responsibility and at the expense of the owner or operator of the property contributing to the waste. All traps shall be of a type and capacity satisfactory to the city and in accordance with the state plumbing code and shall be located as to be easily accessible for cleaning and inspection. (Ord. No. 87-65, Art. 3.)

10.04.05 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 sewer works. Any person violating this provision shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) for each offense and shall also be liable for all damage and costs incident to replacement of the facilities.

B. Authorized employees of the city shall be permitted to enter properties during normal working hours for the inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance.

C. Authorized employees of the city shall be permitted to enter private properties on which there lies a public sanitary sewer for the purpose of inspection, operation, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said properties. (Ord. No. 87-65, Art. 4.)

10.04.06 Fines

A. Any person found to be violating any provision of this chapter except Article 4, paragraph 1, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.

offender shall, within the period of time stated in such notice, permanently cease all violations.

- B. The owner of any building drain, building sewer, or private disposal system shall keep such facilities clean and in good repair. Failure to comply with written notice by the city to make repairs or remove violations shall subject the owner or operator or the property where such sewers may be situated to fine and punishment not exceeding Fifty Dollars (\$50.00) for any one neglect, nor imprisonment for more than 30 days for each offense. Each day of continued violation shall constitute a separate offense.
- C. Any person found guilty of violating any of the provisions of the ordinance shall be punished by fine and imprisonment, or both, at the discretion of the court in any sum not more than Five Hundred Dollars (\$500.00) and for a period not longer than six (6) months and shall be liable for such damage which sum shall be found by the court. (Ord. No. 87-65, Art. 6.)

10.04.07 Loan from Farmers Home Administration The city of Norfolk is hereby authorized to obtain a loan from the Farmers Home Administration in the sum of \$55,000.00 for sewer facility purposes. (Ord. No. 87-69, Sec. 1.)

CHAPTER 10.08

WATER AND SEWER RATES

Sections:

- 10.08.01 Water rates
- 10.08.02 Rates for connections
- 10.08.03 Meter deposits
- 10.08.04 Sewer rates

10.08.01 Water rates The following rates be and they are hereby fixed as rates to be charged, effective upon the date of this ordinance, for water to be furnished and services to be rendered by the water system of the city:

- A. Monthly water rates The water usage of each customer shall be determined each month by meter measurement, and the amount to be paid by each customer shall be computed on the basis of the following schedule of rates.

- B. Meters shall be installed in water connections to all buildings or property, public or private. Bills for water service shall be rendered on the first day of each month following the month during which service was furnished, and, if not paid prior to the 11th day of the month, a 10% penalty shall be added to the bill. If a bill is not paid within 15 days from rendition, service shall be disconnected. In the event service is discontinued due to the non-payment of bills, the premises shall be disconnected from the waterworks system. Such premises may be later reconnected to said system upon payment of a reconnection charge of Fifty Dollars (\$50.00) plus the unpaid bill due to the city, such payments to be made at the time service is resumed. (Ord. No. 02-04, Sec. 1.)

- C. Protection from damage and/or theft
 - 1. 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 city water system. Any person violating this provision shall be subject to immediate suspension of water services. The reconnection fee for the first offense will be Three Hundred Dollars (\$300.00) and for the second offense will be One Thousand Dollars (\$1000.00). In addition to the reconnection fee, the customer may be charged by the Baxter County Sheriff's Department.

 - 2. Authorized employees of the city shall be permitted to enter private properties on which there lies a part of the water system for the purpose of inspection, observation, measurement, sampling, testing, repair, and maintenance. (Ord. No. 2005-8, Sec. 1.)

**RATES FOR RESIDENTIAL CUSTOMERS
INSIDE CITY LIMITS**

From 0 to 1000 gallons of water consumption per month, or portion thereof.	\$12.23
From 1001 gallons of water consumption per thousand, or portion thereof, per month	\$4.55

**RATES FOR RESIDENTIAL CUSTOMERS
OUTSIDE CITY LIMITS**

From 0 to 1000 gallons of water consumption per month, or portion thereof.	\$17.82
From 1001 gallons of water consumption, or portion thereof per thousand, per month.	\$4.55

**RATES FOR COMMERCIAL/INDUSTRIAL
INSIDE CITY LIMITS**

From 0 to 1000 gallons of water consumption per month, or portion thereof.	\$12.23
From 1001 gallons of water consumption per month, or portion thereof, per thousand.	\$4.55

**RATES FOR COMMERCIAL/INDUSTRIAL
OUTSIDE CITY LIMITS**

From 0 to 1000 gallons of water consumption per month, or portion thereof.	\$17.82
From 1001 gallons of water consumption per month, or portion thereof, per thousand.	\$4.55

ANNUAL RATE ADJUSTMENT ON ALL WATER RATES

Beginning January 1, 2011, and every January 1 thereafter, all water rates shall be increased by 5% each year. (Ord. No. 2011-3, Sec. 1.)

10.08.02 Rates for connections

- A. The following shall apply to water meter installations and hood-ups:

All new ¾ inch installations minimum fees will be Four Hundred Fifty Dollars (\$400.00) plus Three Hundred Dollars (\$300.00) for a road bore (if required). All new 1 inch installations minimum fees will be Five Hundred Sixty-Five Dollars (\$565.00) plus Three Hundred Dollars (\$300.00) for a road bore (if required). The total fee shall be based on cost of labor and materials from the city's existing water source to the meter. All meters will be placed on owner's property in the city's right-a-way. Installation of the water line from the city's water source to the meter and installation of the meter will be done by the city of Norfolk's Water Department. The water line installation from the meter to the home will be the responsibility of the home owner and will be subject to inspection and approval by the city of Norfolk's Water Department. (Ord. No. 2006-9, Sec. 1.)

- B. The following shall apply to new sewer connections:

New installation fees are a minimum of Three Hundred Fifty Dollars (\$350.00), plus Three Hundred Dollars (\$300.00) for a road bore if required. The total fee shall be based on cost of labor and materials from city's existing sewer line to the owner's septic tank. The sewer line from the septic tank to the building will be the owner's responsibility and subject to inspection and approval by Norfolk's Water Department. (Ord. No. 2011-3, Sec. 2.)

10.08.03 Meter deposits A meter deposit of One Hundred Dollars (\$100.00), plus a Fifty Dollars (\$50.00) hook-up fee will be charged on all water connections. All installation fees, meter deposits and hook-up fees must be paid before any work is started. (Ord. No. 2011-3, Sec. 2.)

10.08.04 Sewer rates

- A. The following monthly rates and charges which the City Council hereby finds and declares are fair, reasonable and necessary minimum rates be, and they are hereby, fixed as rates to be charged for sewer services to be rendered by the system.

For the first 1,000 gallons of water per month, or portion thereof

\$12.00 minimum

All over 1,000 gallons per month or portion thereof

\$2.50 per 1,000 gallons

(Ord. No. 2008-6, Sec. 1.)

The lowest rate per 1,000 gallons will be adjusted as necessary to assure that the rate is greater than the cost of operation and maintenance per 1,000 gallons. The rates will be reviewed and adjusted periodically to assure adequate repayment ability, reserves and payment of operation and maintenance costs.

- B. Tapping fee There shall be a tapping fee in an amount equal to the actual cost to the city for every customer who connects with the sewer facilities of the system.
- C. None of the sewer facilities or services afforded by the system shall be furnished without a charge being made therefore. (Ord. No. 2008-6, Sec. 1.)
- D. In accordance with Arkansas Code of 1987 Annotated, Title 14, Chapter 235, Subchapter 3, any owner of real property within the city shall, upon being ordered so to do by the City Council or any agency designated by the City Council for such purpose as a Board of Health of the city, constructed upon the property of such owner an appropriate line or lines, in accordance with plans approved by the city, connecting such property or building on such property to the sewer facilities of the system, provided that:
 - 1. The distance from such property to the connection with the system does not exceed 300 feet, and
 - 2. The City Council or the designated agency shall have determined, in its discretion, that the public health will be promoted by the construction of such line or lines.
- E. The operation of the system shall be on a fully metered basis, with a meter installed at each water connection (except fire hydrants) when practical. There shall be only one user on a single connection. There shall be no dual connections; that is, there shall be no more than one user on a single meter. Each apartment in any apartment house shall be considered a separate user.
- F. Notice of adoption of this ordinance shall be posted at Ozark Foods, Woodsmen Sports Shop, Wilma's, City Hall and the Post Office, which are hereby found to be five of the most public places in the city.
- G. That all bills for sewer services shall be rendered monthly in the net amount due and shall be due on or before the 10th day after the billing therefore is rendered. If any sewer charge is not paid within 15 days after the same is due, suit can be brought to collect the amount due, together with a reasonable attorney's fee, plus a penalty of 10%. (Ord. No. 2001-08, Sec. 2.)

- H. New installation fees New installation fees are a minimum of Two Hundred Seventy-Five Dollars (\$275.00), plus Two Hundred Dollars (\$200.00) for a road bore if required. The total fee shall be based on cost of labor and materials from city's existing sewer line to the owner's septic tank. The sewer line from the septic tank to the building will be the owner's responsibility and subject to inspection and approval by Norfolk's Water Department.

A meter deposit of One Hundred Dollars (\$100.00), plus a Fifty Dollar (\$50.00) hook-up fee will be charged on all water connections.

All installation fees, meter deposits and hood-up fees must be paid before any work is started. (Ord. No. 2002-10, Sec. 1.)

CHAPTER 10.12

CROSS CONNECTION PROGRAM

Sections:

10.12.01	Definitions
10.12.02	Operational criteria
10.12.03	Facilities requiring backflow protection
10.12.04	Approval of backflow - prevention devices
10.12.05	Noncompliance
10.12.06	Ownership
10.12.07	Installation and costs
10.12.08	Testing and maintenance

10.12.01 Definitions

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

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

1. A Double-check valve assembly@ means an assembly composed of two 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.

2. A Reduces-pressure-principal backflow prevention assembly@ means a device containing a minimum of two (2) cut-off valves and four (4) test cocks. (Ord. No. 94-08, Sec. 1.3)

10.12.02 Operational criteria It is the primary responsibility of the water purveyor and/or the city of Norfolk 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 premises in such a manner as to possibly permit contamination of the public water system. When a hazard or potential hazard to the public water service connection to the premises in accordance with this article ' 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 the City of Norfolk 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 there 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-principle backflow prevention assembly.

D. In case of any premises where there are uncontrolled cross-connections, either actual or potential, the public water system shall be protected by an approved reduced-pressure-principal backflow prevention assembly 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 in-plant cross-connection survey, the public water system shall be protected by the installation of an approved reduced-pressure-principle backflow prevention assembly at the service connection. (Ord. No. 94-08, Sec. 1.4)

10.12.03 Facilities requiring backflow protection.

A. The following is a partial list of facilities which may require reduced-pressure-principal backflow preventors 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 commercial boilers or chilled water systems
5. Fire systems
6. Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes and clinics

7. Irrigation 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

B. 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. 94-08, Sec. 1.6)

10.12.04 Approval of backflow-prevention devices Any backflow-prevention device required herein shall be a type in accordance with AWWA specifications C506-78 or its latest revision, the Arkansas Department of Health Regulation and the water purveyor and/or the City of Norfolk. (Ord. No. 94-08, Sec. 1.7)

10.12.05 Noncompliance

A. In emergency situations when the public potable water supply is being contaminated or is in immediate danger of contamination 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 article.

C. Delivery of water to premises of any consumer may be discontinued by the water purveyor and/or the City of Norfolk 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 premises 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 notice, water supply will be discontinued and the violation will 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, water purveyor and/or the City of Norfolk, the 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 premises of the water purveyor and/or superintendent, the health department, and/or plumbing inspector for the purpose stated herein. (Ord. No. 94-08, Sec. 1.8.)

10.12.06 Ownership The City Water System will provide its customers with the hose bib vacuum breakers required for each consumer. The consumer shall purchase, own and maintain all backflow-prevention devices installed at the point of delivery to the consumer's water system. (Ord. No. 94-08, Sec. 1.9.)

10.12.07 Installation and costs Customers of the city water division requiring backflow-prevention devices will pay all costs associated with installation of the appropriate size and type of device under private contract, with the exception of the hose bib vacuum breakers. New installations shall be completed prior to the final plumbing inspection so that device can be included as part of 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 12" above ground, or more than 30". (Ord. No. 94-08, Sec. 1.10.)

10.12.08 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 city with a certificate of such satisfactory testing by the anniversary date of the installation of the assembly. In instances where the water purveyor, city and/or the plumbing inspector deems the hazard to be great enough, testing may be required at more frequent intervals, costs of which would be borne by consumer. Any maintenance fees required as a result of inspections or testing shall be paid by consumer through private contract. Records of inspections, testing or repairs shall be kept by the water purveyor and/or city and made available to the Health Department. (Ord. No. 94-08, Sec. 1.11)

CHAPTER 10.16

WELLHEAD PROTECTION

Sections:

10.16.01	Short title and purpose
10.16.02	Definitions
10.16.03	Establishment of wellhead protection zone
10.16.04	Permitted uses
10.16.05	Prohibited uses
10.16.06	Administration

10.16.01 Short title and purpose This ordinance shall be known as the AWellhead Protection Ordinance.@ the purpose of this ordinance is to insure the provision of a safe and sanitary drinking water supply for the city of Norfolk by the establishment of wellhead protection zones surrounding the wellheads for all wells which are the supply sources for the city water system and by the designation and regulation of property uses and conditions which may be maintained within such zones. (Ord. No. 97-04, Sec. 1.)

10.16.02 Definitions When used in this ordinance the following words and phrases shall have the meanings given in this section:

Hazardous waste or material - any waste or material which because of its quantity, concentration or physical, chemical or infectious characteristics may

A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or

B. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed

Sanitary landfill - A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land placing earth cover thereon

Wellhead - the upper terminal of a well, including ports, seals, valves and other

Regulatory agency - Any governmental agency with jurisdiction over hazardous waste as defined herein. (Ord. No. 97-04, Sec. 2.)

10.16.03 Establishment of wellhead protection zone There is hereby established a use district to be known as a wellhead protection zone, identified and described as all the area within a circle the center of which is the center of any city water supply wellhead and the radius of which is 1320 feet, or any part thereof which the city has jurisdiction. (Ord. No. 97-4, Sec. 3.)

10.16.04 Permitted uses The following uses shall be permitted within wellhead protection zones.

- A. Any use permitted within existing agricultural, single family residential, multi-family residential, and commercial districts so long as uses conform to the rules and regulations of the regulatory agencies.
- B. Any other open land use where any building located on the property is incidental and accessory to the primary land use. (Ord. No. 97-4, Sec. 4.)

10.16.05 Prohibited uses The following uses or conditions shall be and are hereby prohibited within wellhead protection zones, whether or not such use or conditions may otherwise be ordinarily included as a part of a use permitted under Section 4 of the ordinance unless such uses are approved or permitted by State and Federal Regulatory Agencies:

- A. Surface use or storage of hazardous material, including commercial use of agricultural pesticides;
- B. Septic tanks or drain fields appurtenant thereto;
- C. Impervious surfaces other than roofs of buildings, and streets, parking lots, driveways and walks serving buildings permitted under Section 4 of this ordinance;
- D. Sanitary landfills;
- E. Hazardous waste disposal sites;
- F. Storm water infiltration basins;
- G. Underground storage tanks;
- H. Sanitary sewer lines within 100 feet of a wellhead;
(Ord. No. 97-5, Sec. 5.)

10.16.06 Administration The policies and procedures for administration of any wellhead protection zone established under this ordinance, including without limitation those applicable to non-conforming uses, exceptions, enforcement and penalties, shall be the same as provided in the existing zoning ordinance for the city of Norfolk, as the same is presently enacted or may from time to time be amended. (Ord. No. 97-5, Sec. 6.)

CHAPTER 10.20

WATER AND SEWER BONDS

Sections:

10.20.01 Water and sewer bonds by reference

10.20.01 Water and sewer bonds by reference

Ord. No. 2008-7

Authorizing the acquisition and construction of improvements to the sewer facilities of the city of Norfolk, Arkansas; authorizing the issuance of water and sewer revenue bonds for the purpose of financing a portion of the cost of the construction; providing for the payment of the principal and interest on the bonds; prescribing other matter relating thereto.

Ord. No. 2009-9

The offer of the government of par for \$1,000,000 in principal amount of bonds is hereby accepted, and the bonds are hereby sold to the government. The Mayor is authorized and directed to make timely written request to the government that the bond bear interest at the lower of the prevailing government interest rate at the time of loan approval (3.50% per annum) or the prevailing government interest rate at the time the bonds are issued.

CHAPTER 10.24

IDENTITY THEFT PREVENTION PROGRAM

Sections:

10.24.01	Title
10.24.02	Purpose
10.24.03	Definitions
10.24.04	Findings

10.24.05	Process of establishing a covered account
10.24.06	Access to covered account information
10.24.07	Credit card payments
10.24.08	Sources and types of red flags
10.24.09	Prevention and mitigation of identity theft
10.24.10	Updating the program
10.24.11	Program administration
10.24.12	Outside service providers

10.24.01 Title This article shall be known as the Identity Theft Prevention Program. (Ord. No. 2009-5, Sec. 1.)

10.24.02 Purpose The purpose of this article is to comply with 16 CFR 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft. (Ord. No. 2009-5, Sec. 2.)

10.24.03 Definitions For purposes of this article, the following definitions apply:

City means the city of Norfolk.

Covered account means

- A. An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and
- B. Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

Credit means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

Creditor means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.

Customer means a person that has a covered account with a creditor.

Identity theft means a fraud committed or attempted using identifying information of another person without authority.

Person means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

Personal Identifying Information means a person's credit card account information, debit card information bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.

Red flag means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

Service provider means a person that provides a service directly to the city.
(Ord. No. 2009-5, Sec. 3.)

10.24.04 Findings

- A. The city is a creditor pursuant to 16 CFR 681.2 due to its provision of maintenance of covered accounts for which payment is made in arrears.
- B. Covered accounts offered to customers for the provision of city services include water, sewer, and garbage collection.
- C. The city has no previous experience with identity theft related to covered accounts.
- D. The processes of opening a new covered account, restoring an existing covered account, making payments on such accounts, and closing such accounts have been identified as potential processes in which identity theft could occur.
- E. The city limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the city's computer system and is not otherwise recorded.
- F. The city determines that there is a low risk of identity theft occurring in the following ways:

- a. Use by an applicant of another person's personal identifying information to establish a new covered account;
- b. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
- c. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts;
- d. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment. (Ord. No. 2009-5, Sec. 4.)

10.24.05 Process of establishing a covered account

- A. As a precondition to opening a covered account in the city, each applicant shall provide the city with personal identifying information of the customer required, two forms of identification one of which contains a photograph of the customer, or for customers who are not natural persons, a photograph of the customer's agent opening the account. Such information shall be entered directly into the city's computer system and shall not otherwise be recorded.
- B. Each account shall be assigned an account number which shall be unique to that account. The city may utilize computer software to randomly generate assigned account numbers. (Ord. No. 2009-5, Sec. 5.)

10.24.06 Access to covered account information

- A. Access to customer accounts shall be password-protected and shall be limited to authorized city personnel.
- B. Such password(s) shall be changed by the Water Clerk on a regular basis, shall be at least eight (8) characters in length and shall contain letters, numbers and symbols.
- C. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Mayor and the password changed immediately.

- D. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the Mayor and the City Attorney. (Ord. No. 2009-5, Sec. 6.)

10.24.07 Credit card payments

- A. In the event that credit card/bank draft payments that are made over the internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.
- B. All credit card/bank draft payments made over internet shall be entered directly into the customer's account information in the computer data base.
- C. Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account. (Ord. No. 2009-5, Sec. 7.)

10.24.08 Sources and types of red flags All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

- A. Alerts from consumer reporting agencies, fraud detection agencies or service providers Examples of alerts include, but are not limited to:
 - 1. A fraud or active duty alert that is included with a consumer report;
 - 2. A notice of credit freeze in response to a request for a consumer report;
 - 3. A notice of address discrepancy provided by a consumer reporting agency;
 - 4. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
 - a. A recent and significant increase in the volume of inquiries;
 - b. An unusual number of recently established credit relationships;

- c. A material change in the use of credit, especially with respect to recently established credit relationships; or
- d. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

B. Suspicious documents Examples of suspicious documents include:

- 1. Documents provided for identification that appear to be altered or forged;
- 2. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
- 3. Identification on which the information is inconsistent with information provided by the applicant or customer;
- 4. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or
- 5. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

C. Suspicious personal identification, such as suspicious address change Examples of suspicious identifying information include:

- 1. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:
 - a. The address does not match any address in the consumer report; or
 - b. The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
- 2. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.

3. Personal identifying information or a phone number, or address, is associated with known fraudulent applications or activities, as indicated by internal or third-party sources used by the financial institution or creditor.
4. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.
5. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.
6. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
7. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
8. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

D. Unusual use of or suspicious activity relating to a covered account Examples of suspicious activity include:

1. Shortly following the notice of a change of address for an account, city receives a request for the addition of authorized users on the account.
2. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example: The customer fails to make the first payment or makes an initial payment but no subsequent payments.
3. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
 - a. Non-payment when there is no history of late or missed payments;
 - b. A material change in purchasing or spending patterns.

4. An account that has been inactive for a long period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
5. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
6. The city is notified that the customer is not receiving paper account statements.
7. The city is notified of unauthorized charges or transactions in connection with a customer's account.
8. The city is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.

E. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts
(Ord. No. 2009-5, Sec. 8.)

10.24.09 Prevention and mitigation of identity theft

- A. In the event that any city employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft of attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Mayor. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Recorder/Treasurer, who may in his or her discretion determine that no further action is necessary. If the Recorder/Treasurer in his or her discretion, determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the Mayor:
 1. Contact the customer;

2. Make the following changes to the account if after contacting the customer it is apparent that someone other than the customer has accessed the customer's covered account:
 - a. Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
 - b. Close the account.
 3. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;
 4. Notify law enforcement in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
 5. Take other appropriate action to prevent or mitigate identity theft.
- B. In the event that any city employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Mayor. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Recorder/Treasurer who may, in his or her discretion, determine that no further action is necessary. If the Recorder/Treasurer, in his or her discretion, determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the Mayor:
1. Request additional identifying information from the applicant;
 2. Deny the application for the new account;
 3. Notify law enforcement of possible identity theft; or

4. Take other appropriate action to prevent or mitigate identity theft.
(Ord. No. 2009-5, Sec. 9.)

10.24.10 Updating the program The City Council shall annually review and, as deemed necessary by the Council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the city and its covered accounts from identity theft. In so doing, the City Council shall consider the following factors and exercise its discretion in amending the program:

- A. The city's experiences with identity theft;
- B. Updates in methods of identity theft;
- C. Updates in customary methods used to detect, prevent, and mitigate identity theft;
- D. Updates in the types of accounts that the city offers or maintains; and
- E. Updates in service provider arrangements.
(Ord. No. 2009-5, Sec. 10.)

10.24.11 Program administration The Mayor is responsible for oversight of the program and for program implementation. The Recorder/Treasurer is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Mayor, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the City Council for consideration by the Council.

- A. The Water Clerk will report to the Recorder/Treasurer at least annually on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issued such as:
 1. The effectiveness of the policies and procedures of city in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
 2. Service provider arrangements;
 3. Significant incidents involving identity theft and management's response; and

4. Recommendations for material changes to the program.
 - B. The Water Clerk is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The Water Clerk shall exercise his or her discretion in determining the amount and substance of training necessary. (Ord. No. 2009-5, Sec. 11.)

10.24.12 Outside service providers In the event that the city engages a service provider to perform an activity in connection with one or more covered accounts, the Water Clerk shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft. (Ord. No. 2009-5, Sec. 12.)

- A. Pursuant to 16 CFR 681.1, the purpose of this ordinance is to establish a process by which the city will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the city has received a notice of address discrepancy.
- B. Definitions For purposes of this article, the following definitions apply:

Notice of address discrepancy means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. 1681©(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.

City means city of Norfolk, Arkansas.

- C. Policy In the event that the city receives a notice of address discrepancy, the city employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:
 1. Information the city maintains in its own records, such as applications for service, change of address notices, other customer account records or tax

records; or

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2. Information the city obtains from third-party sources that are deemed reliable by the relevant city employee; or

D. Furnishing consumer's address to Consumer Reporting Agency

1. In the event that the city reasonably confirms that an address provided by a consumer to the city is accurate, the city is required to provide such address to the consumer reporting agency from which the city received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:
 - a. The city is able to form a reasonable belief that the consumer report relates to the consumer about whom the city requested the report;
 - b. The city establishes a continuing relation with the consumer; and
 - c. The city regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.
2. Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the city to such agency for the reporting period in which the city establishes a relationship with the customer.

E. Methods of confirming consumer addresses The city employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

1. Verifying the address with the consumer;
2. Reviewing the city's records to verify the consumer's address;
3. Verifying the address through third party sources; or
4. Using other reasonable processes.
(Ord. No. 2009-5, Sec. 13.)

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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 Condemned Structures
- 11.24 Building Code
- 11.28 Standards for Dwelling Occupancy
- 11.32 Energy Code

CHAPTER 11.04

BUILDING PERMIT

Sections:

- 11.04.01 Required
- 11.04.02 Application
- 11.04.03 Fees
- 11.04.04 Issuance
- 11.04.05 Penalty
- 11.04.06 Permanent structure requirements

11.04.01 Required The owner of any land situated within the incorporated limits of the city of Norfolk, shall neither construct nor allow construction or placement, on such land, of any building or structure of a type set forth in the sub-paragraphs (a) through (c) below, without having obtained a building permit from the city of Norfolk for such construction. The aforementioned permit will likewise be required in event of addition to such structures.

- A. Single-family residence.
- B. Multiple-family residence.
- C. Any permanent building in which, or from which, any business, commercial enterprise, or manufacturing process is to be conducted, or which is to be used for related storage or warehousing purposes.
- D. Any mobile home or manufactured home.
- E. Any accessory structures (Accessory structures to be defined, but not limited to, garages, carports, porches, or decks.)
- F. Portable structures. (Ord. No. 99-2, Sec. 1.)
- G. Fences (Ord. No. 2007-6, Sec. 1.)

11.04.02 Application The application for any building permit by this chapter will be submitted by the land owner concerned to the City Clerk of Norfolk at City Hall, and shall contain at a minimum the following:

- A. Name, mailing address, and telephone number of the applicant;
- B. Type building to be constructed or repaired (as listed in Section 11.04.01 of this chapter);
- C. Location of the building site (street and legal description);
- D. Outside dimensions of the proposed building or addition;
- E. Construction materials to be used for the foundation, floor, and exterior walls;
- F. Manner in which the proposed building will be anchored to the foundation;
- G. Height of the first floor level above the ground level, as measured from the highest point of the ground level:
 - 1. Prior to any grading or leveling - Flood Plain Only
 - 2. After grading and leveling; - Flood Plain Only
- H. Date on which construction is proposed to begin.
- I. Estimated time of completion
(Ord. No. 89-03, Sec. 2.)
- J. Attach a survey or plat of the property showing outside dimensions of the building, location of building on property owned, include setbacks from all property boundaries. The survey or plat should also show the location of the septic, septic, or sewer lines and water well, if applicable. (Ord. No. 2007-6, Sec. 2.)
- K. Attach a copy of Sewage Disposal System Permit application approved by the Health Department. (Ord. No. 2007-6, Sec. 3.)

11.04.03 Fees The following permit fees will be charged for each permit issued. Payment of said amount will accompany each permit application submitted, with such payment to be refunded in event the application is denied.

Building permit fees, new structures and new additions

\$1 - \$10,000	\$12.00
\$10,001 - \$20,000	\$24.00
\$20,001 - \$35,000	\$38.00
\$35,001 - \$50,000	\$48.00
\$50,001 - \$65,000	\$60.00
\$65,001 - \$80,000	\$72.00
\$80,001 - \$100,000	\$100.00

\$100,000 plus projects = 1% of the building cost
 Add an additional 50% to all commercial permits (50% goes to the state).
 (Ord. No. 2012-1, Sec. 1.)

11.04.04 Issuance The Building Inspector will approve all building permit applications for structures that comply with all city zoning ordinances. He may approve and defer the signing of non-inhabited structures to the Mayor or Planning Commission Chairman to expedite them. Buildings that are intended for human habitation and/or commercial use must be approved by the Building Inspector, the PC Chairman and/or the Mayor. In each case the permit shall be granted unless found to be in violation of any flood zone ordinance or other ordinance heretofore or hereinafter adopted by the city. (Ord. No. 2008-5, Sec. 1.)

Any building permit issued under the provisions of this chapter will remain valid only if begun within ninety (90) days and completed within one year, and become void if construction has not begun within that period, or unless it is renewed within that period. (Ord. No. 89-3, Sec. 4.)

11.04.05 Penalty Any person receiving written notification from the city of Norfolk that he is in violation of the provisions of this ordinance shall have a period of thirty (30) days following his receipt of such notice in which to effect compliance, or otherwise will upon conviction be subject to a fine of no more than \$10.00 per day for so long as he remains in violation. (Ord. No. 89-3, Sec. 5.)

11.04.06 Permanent structure requirements

- A. 10 foot setback from all property lines.

- B. Portable buildings require a 5 foot setback from all property lines.
- C. Fences may be put on property lines but must have the finished side facing away from the property.
- D. All residential structures shall have a minimum dimension of all sides of 20 feet. (Ord. No. 2007-6, Sec. 4.)

CHAPTER 11.08

PLUMBING CODE

Sections:

- 11.08.01 Adopted
- 11.08.02 Enforcement
- 11.08.03 Appeal
- 11.08.04 Inspection fee

11.08.01 Adopted That there is hereby adopted by the city of Norfolk, Arkansas, that certain code known as the Arkansas State Plumbing Code, being particularly the Arkansas State Plumbing Code of 2003 edition as amended thereof, and the whole thereof of which not less than three (3) copies have been and are now on file in the office of the Recorder/Treasurer of the city of Norfolk, Arkansas, the same having been opened to and available for public inspection as set forth in notice by publication thereof, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date upon which the ordinance shall take effect, the provisions thereof shall be controlling within the corporate limits of the city of Norfolk, Arkansas. (Ord. No. 2007-6, Sec. 6.)

11.08.02 Enforcement That in all instances where said code refers to an enforcing officer or official, the same shall be the Plumbing Inspector of the city of Norfolk, Arkansas, or his designated representative or officer. (Ord. No. 2007-6, Sec. 7.)

11.08.03 Appeal That in all provisions concerning appeal from the decision of the enforcing officer or official, the Board of Appeals of said code shall be the Planning Commission of the city of Norfolk, Arkansas.

11.08.04 Inspection fee The Plumbing Inspection fees are as follows:

Inspection fee	\$20.00
Call back fee	\$10.00

CHAPTER 11.12

ELECTRICAL CODE

Sections:

- 11.12.01 Adoption of Electrical Code
- 11.12.02 Appointment of the Building Inspector
- 11.12.03 Duties
- 11.12.04 Inspection
- 11.12.05 Standards
- 11.12.06 Licensing of electricians
- 11.12.07 License to individual
- 11.12.08 Inspection fee

11.12.01 Adoption of Electrical Code There is hereby adopted for the city for the purpose of establishing rules and regulations for the construction, alteration, removal and maintenance of electric wiring and apparatus, including permits and penalties, that certain electrical code known as the National Electrical Code of the National Fire Protection Association, of which not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer of the city of Norfolk, Arkansas, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date this chapter takes effect, the provisions shall be controlling in the construction, alteration, maintenance or removal of all electric wiring and apparatus within the corporate limits of the city.

11.12.02 Appointment of the Building Inspector The Building Inspector is responsible for administering this code and shall be appointed by the Mayor and approved by a majority of the City Council.

11.12.03 Duties He shall have the duty and is hereby authorized, empowered and directed to regulate and determine the placing of electric wires and other appliances for electric lights, heat or power in the city and to cause all such wires, appliances, or apparatus to be placed, constructed and guarded so as not to cause fires or accidents, endangering life or property, and to be constructed so as to keep to a minimum the loss or waste of electric current.

It shall be his duty to enforce all provisions of this chapter and he is hereby granted the authority to enter all buildings in the city in the performance of his duties at any reasonable hour.

It shall be his duty to inspect and/or test all electrical work and equipment or apparatus for compliance with the code. Whenever electric wiring, appliances or apparatus shall be defective or hazardous through improper manufacture or improper or insufficient insulation or for any other reason, he shall at once cause the removal of such defect or defects, at the expense of the owners of such wiring, appliance or apparatus.

11.12.04 Inspection Upon the completion of the wiring, installation or alteration of any building or structure for light, heat, power, appliance or apparatus, it shall be the duty of the person, firm or corporation having direct charge of such to notify the Building Inspector who shall, as early as possible, inspect such wiring, installation, appliance and apparatus and if installed, altered and constructed in compliance with the permit and in accordance with the regulations of this chapter, he shall execute a certificate of satisfactory inspection, which shall contain the date of such inspection and the result of his examination, but no such certificate shall

be issued unless such electric wiring, motors, heating devices, appliances and apparatus be in strict accord with the rules and requirements and the spirit of this chapter, nor shall current be turned on to such installation, equipment, appliance, motor, heat devices and apparatus until said certificate be issued. The amount of fee or charge to be made for such inspections and certificates is to be fixed and determined by the City Council.

11.12.05 Standards All electrical construction, all materials, appliances, motors, heating devices, and apparatus used in connection with electrical work and the operation of all electrical apparatus within the city shall conform to the rules and requirements of the National Electrical Code current when work is performed or equipment and apparatus installed; however, the necessity, good service and said results often require larger sizes of wire, more branch circuits and better types of equipment than the minimum which is specified in the National Electrical Code. Therefore, the Building Inspector supervising the enforcement of this code will have the responsibility and authority for making interpretations of the rules, for deciding upon the approval of equipment, materials, construction and for granting the special permission contemplated in a number of the rules and he, where necessary, shall follow the code procedure for securing official interpretations of the code.

11.12.06 Licensing of electricians Any person, firm or corporation desiring to engage in the business construction or of the installation of wiring and apparatus for electric lights, appliances, heating or power in the city shall provide the City clerk with a copy their state Electrical License once each year. The City Clerk will maintain a file which is to be updated each year. (Ord. No. 2007-6, Sec. 9.)

11.12.07 License to individual Property owners desiring to perform their own electrical work personally shall be subject to inspection for new construction and additions. (Ord. No. 2007-6, Sec. 13.)

11.12.08 Electrical Inspection The Electrical Inspection fees are as follows:

Inspection fee	\$20.00
Call back	\$10.00

CHAPTER 11.16

FIRE PREVENTION CODE

Sections:

- 11.16.01 Adoption of Fire Prevention Code
- 11.16.02 Enforcement
- 11.16.03 Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquefied petroleum gases and storage of explosives and blasting agents is to be restricted
- 11.16.04 Modifications
- 11.16.05 Appeals
- 11.16.06 Penalties

11.16.01 Adoption of fire prevention code There is hereby adopted by the city of Norfolk, Arkansas, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Standard Fire Prevention Code, of which code not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the municipality.

11.16.02 Enforcement The code hereby adopted shall be enforced by the Chief of the Fire Department of the municipality.

11.16.03 Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquefied petroleum gases and storage of explosives and blasting agents is to be restricted The limits referred to in Section 73 of the code hereby adopted in which storage of flammable liquids in outside above ground tanks is prohibited, the limits referred to in Section 103 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted, and the limits referred to in Section 53 B of the code hereby adopted, in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

- A. The area designated on the "Official Zoning Map" of the municipality as the Central Business District;
- B. Within fifteen hundred (1500) feet of any building structure in any built up area within the corporate limits of the municipality.

With the exception of outside above ground tanks for the storage of flammable liquids or for the bulk storage of liquefied petroleum gases having been located in such designated areas prior to the adopting date of this ordinance; provided, however, that the Norfolk Fire Protection District Chief shall inspect such facilities and issue a letter of "Modification" as hereinafter set forth in Section 11.16.04. (Ord. No. 06-8, Sec. 1.)

11.16.04 Modifications The Norfolk Fire Protection District Chief shall have the power to modify any of the provisions of the code hereby adopted upon application, in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decisions of the Norfolk Fire Protection District Chief thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (Ord. No. 06-8, Sec. 1.)

11.16.05 Appeals Whenever the Norfolk Fire Protection District Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Norfolk Fire Protection District Chief to the governing body of the municipality within thirty (30) days from the date of the decision appealed. (Ord. No. 06-8, Sec. 1.)

11.16.06 Penalties Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the governing body of the municipality or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than Twenty-Five

Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment for not less than three (3) days nor more than thirty (30) days or by both such fine and imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violation or defect within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

CHAPTER 11.20

CONDEMNED STRUCTURES

Sections:

11.20.01	Unlawful
11.20.02	Condemnation required
11.20.03	Description of property, reason for condemnation
11.20.04	Notice
11.20.05	Removal
11.20.06	Duties of Building Inspector
11.20.07	Proceeds of sale
11.20.08	Enforcement of lien
11.20.09	Penalty
11.20.10	Judicial condemnation, penalty, previous sections applicable

11.20.01 Unlawful That is shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association to own, keep or maintain any house, building and/or structure within the corporate limits of the city of Norfork, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council.

11.20.02 Condemnation required Prior to the consideration of a resolution by the City Council, declaring any house, building and/or structure as a nuisance, the owner(s) and any mortgagee(s) or lien holder(s) of such house, building, and/or structure shall be mailed written notification of the date, time, and place that the City Council will consider said resolution, in addition, said notice shall inform the owner(s) and/or mortgagee(s) or lien holder(s) of the right to be heard at the City Council meeting on the proposed resolution declaring such house, building, and/or structure to be a nuisance. That 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 to insure the removal thereof as herein provided. (Ord. No. 03-9, Sec. 1.)

11.20.03 Description of property, reason for condemnation That the resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in said resolution an adequate description of the house, building and/or structure, the name or names, if known, of the owner or owners thereof and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance.

11.20.04 Notice After a house, building and/or structure has been found and declared to be a nuisance and condemned by resolution as herein provided, a true or certified copy of said resolution will be mailed to the owner(s) and any mortgagee(s) or lean holder(s) or owner(s) thereof, if the whereabouts of said owner or owners and any mortgagee(s) or lean holder(s) be known or their last known address be known, and a copy thereof shall be posted in a conspicuous place on said house, building and/or structure. Provided, that if the owner or owners and any mortgagee(s) or lean holder(s) of said house, building and/or structure be unknown, the posting of the copy of said resolution as hereinabove provided will suffice as notice. (Ord. No. 03-9, Sec. 2.)

11.20.05 Removal If the house, building and/or structure constituting a nuisance has not been torn down and removed or said nuisance otherwise abated within thirty (30) days after posting the true copy of the resolution at a conspicuous place on said house, building and/or structure constituting the nuisance, it will be torn down and/or removed by the Building Inspector or his duly designated representative.

11.20.06 Duties of Building Inspector The Building Inspector or any other person or persons designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the city, to insure its removal and the abatement of the nuisance.

11.20.07 Proceeds of sale All the proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials therefrom and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the General Fund. If any such house, building and/or structure, or the saleable materials therefrom be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the City of Norfolk, Arkansas, plus any fine or fines imposed, the balance thereof will be returned by the Recorder/Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance.

11.20.08 Enforcement of lien If the city has any net costs in removal of any house, building and/or structure, the city shall have a lien on the property as provided by Section 1 of Act 8 of 1983. The lien may be enforced in either one of the following manners:

- A. The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Circuit Court; or
- B. The amount of the lien herein provided may be determined at a hearing before the governing body of the municipality held after thirty (30) days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in the county wherein the said property is located for one (1) insertion per week for four (4) consecutive weeks, the determination of said governing body being subject to appeal by the property owner in the Circuit Court, and the amount so determined at said hearing, plus ten percent (10%) penalty for collection, shall be by the governing body of the municipality certified to the tax collector of the county wherein said municipality is located, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent (3%) thereof, when so collected shall be paid to the municipality by the County Tax Collector. (Ord. No. 03-9, Sec. 3.)

11.20.09 Penalty A fine of Fifty Dollars (\$50.00) is hereby imposed against the owner or owners of any house, building and/or structure found and declared to be a nuisance by resolution of the City Council of the city of Norfolk, Arkansas, thirty (30) days after the same has been so found 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 Fifty Dollars (\$50.00) for each said separate and distinct offense, provided the notice as herein provided in Section 11.24.04 hereof has been given within ten (10) days after said house, building and/or structure has been by resolution found and declared to be a nuisance.

11.20.10 Judicial condemnation, penalty, previous sections applicable In the event it is deemed advisable by the City Council of the city of Norfolk, Arkansas, 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 an attorney to bring such an action for said purpose in the name of the city, and the only notice to be given to the owner or owners 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 a court of equity or Chancery Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a court of

competent jurisdiction, a fine of Fifty Dollars (\$50.00) is hereby imposed against the owner or owners thereof from the date said finding is made by the court and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty Dollars (\$50.00) for each separate and distinct offense. In the event the owner or owners of any such house, building and/or structure judicially found to be a nuisance fails or refuses to abide by the orders of the court, the Building Inspector or any other person or persons referred to in Section 11.24.06 of this ordinance will take such action as provided in Section 11.24.06 hereof, and Section 11.24.07 of this ordinance will be applicable to such owner or owners. The provisions contained in the immediately preceding sentences apply independently of any action as may be taken by the court judicially declaring the nuisance.

CHAPTER 11.24**BUILDING CODE**Sections:

11.24.01	Adoption of Building Code
11.24.02	Establishment of office of Building Inspector
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11.24.05	Liability
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11.24.07	Definition
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11.24.01 Adoption of Building Code There is hereby adopted by the City Council of the city of Norfolk, Arkansas, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the "International Building Code", of which not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer 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 in the construction of all buildings and structures therein contained within the corporate limits of the city. (Ord. No. 2007-6, Sec. 14.)

11.24.02 Establishment of office of Building Inspector

- A. The office of the Building Inspector is hereby created.
- B. The Building Inspector shall be appointed by the Mayor. 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 Inspector, the Mayor shall designate an acting Building Inspector.

11.24.03 Qualifications of Building Inspector 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 connected with building construction, alteration, removal and demolition.

11.24.04 Duties of Building Inspector

- 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 requires, make investigations 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 to require adequate existing facilities in buildings and structures, 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 Inspector or his duly appointed assistant. The Building Inspector 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, of permits issued, of certificates issued, of inspections made or reports rendered and of notices or orders issued.
- D. All such records shall be open to the public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Building Inspector without his written consent.
- E. The Building Inspector shall make written reports to his immediate superior once each month, or more often if requested, including statements of permits and certificates issued, and orders promulgated.

11.24.05 Liability Any officer or employee of the city of Norfolk, Arkansas, 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 City Attorney or legal representative of the city.

11.24.06 Right of entry The Building Inspector, 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.

11.24.07 Definition Whenever the term "Corporation Counsel" is used in the Building Code, it shall be held to mean the City Attorney or other attorney acting for the city.

11.24.08 Permanent structures

- A. Permanent structures that are moved will be subject to the same fees and inspections as new construction. See fees 11.04.03.
- B. Pre-built additions to homes such as parts of another house or storage shed except those specifically built for that purpose is not allowed.

11.24.09 Recreational vehicles Recreational vehicles will not be permitted to connect to the city water/sewer service on a permanent basis. This is only permitted when a building permit has been issued for construction of new homes. This does not include connections in designated recreational vehicle parks.

CHAPTER 11.28

STANDARDS FOR DWELLING OCCUPANCY

Sections:

- 11.28.01 Requirements
- 11.28.02 Sanitary facilities required
- 11.28.03 Water supply
- 11.28.04 Trash and garbage pickup service

11.28.01 Requirements Except as otherwise provided no person shall occupy as owner or let or sublet to another person for occupancy, any dwelling designated or intended to be used for the purpose of living, sleeping, or eating therein which does not comply with the requirements of this ordinance or related ordinances. (Ord. No. 2007-12, Sec. 1.)

11.28.02 Sanitary facilities required Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions, and otherwise meet or comply with all state and local building codes applicable to this use. (Ord. No. 2007-12, Sec. 2.)

11.28.03 Water supply Every dwelling unit shall have connected to the kitchen sink, lavatory, and tub or shower an adequate supply of water. All water must be supplied through an approved pipe distribution system connected to an approved potable water supply, and otherwise meet or comply with all state and local building codes applicable to this use. If water supply is shut off due to non-payment, the occupant must vacate the property within ten (10) days of the shut off. (Ord. No. 2007-12, Sec. 3.)

11.28.04 Trash and garbage pickup service Every dwelling unit shall subscribe to the garbage disposal service with the city of Norfolk or a private company under contract to provide service for the city as required by Norfolk city Ord. No. 99-6 already in force. (Ord. No. 2007-12, Sec. 4.)

11.28.05 Violation Any violation of this ordinance shall constitute a misdemeanor and be punishable by a fine of a sum not to exceed Twenty-Five Dollars (\$25.00). Each day that the violation occurs, shall be a separate offense. (Ord. No. 2007-12, Sec. 5.)

CHAPTER 11.32**ENERGY CODE****Sections:**

11.32.01 Adopted

11.32.01 Adopted There is hereby adopted by the City Council of Norfolk, Arkansas, 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, or 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 or Recorder of the city of Norfolk, 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 Norfolk, Arkansas. (Ord. No. 2012-4, Sec. 1.)

99.2

TITLE 12

PARKS AND RECREATION

(Reserved)

TITLE 13

PLANNING

Chapters:

13.04 Planning Commission

CHAPTER 13.04

PLANNING COMMISSION

Sections:

- 13.04.01 Commission created
- 13.04.02 Duties
- 13.04.03 Members appointed
- 13.04.04 Terms
- 13.04.05 Powers and duties

13.04.01 Commission created. There is hereby created a Commission of the city of Norfolk, Arkansas, to be known as the "Norfolk Planning Commission", which said Commission shall consist of a minimum of five (5) members who shall serve without compensation and of whom not more than one-third may hold any other municipal office or appointment. (Ord. No. 89-02, Sec. 1.)

13.04.02 Duties The Planning Commission shall have all the duties and functions authorized by Act 186 of the Acts of Arkansas 1957, as amended. (Ord. No. 89-02, Sec. 2.)

13.04.03 Members appointed The members of the Planning Commission shall be named and appointed by the Mayor and his appointments will be valid and effective upon confirmation by the City Council. (Ord. No. 89-02, Sec. 3.)

13.04.04 Terms The members of said City Planning Commission shall each be appointed for a term of (5) five years commencing with anniversary date of said appointment, provided that the members of said Commission first appointed on the enactment of this ordinance: (1) one member shall be appointed initially for a term of (5) five years, (1) one member shall be appointed initially for a term of (4) four year, (1) one member shall be appointed initially for a term of (3) three years, (1) one member shall be appointed initially for a term of (2) two years, and (1) one member shall be appointed initially for a term of (1) one year. The Mayor, if he deems it necessary, may dismiss any member of the Commission who misses more than (2) two

consecutive regular meetings of the said Commission. When the term of any member shall expire or occur, the Mayor shall make a nomination to the City Council to fill such vacancy. (Ord. No. 89-02, Sec. 4.)

13.04.05 Powers and duties. The Commission is vested with all the powers and duties prescribed and set forth in Sections 19-2825 - 19-2833 of the Arkansas Statutes.

STATE LAW REFERENCE - See A.C.A. 14-56-402, 404 and 410.

TITLE 14

ZONING

Chapters:

- 14.04 Zoning Ordinance
- 14.08 Flood Damage Prevention Program
- 14.12 Cellular Towers
- 14.16 Annexation, Vacating and Re-Zoning by Reference
- 14.20 Manufactured Homes
- 14.24 Signs and Billboards

CHAPTER 14.04

ZONING ORDINANCE

Sections:

- 14.04.01 Title and authority
- 14.04.02 Rules and definitions
- 14.04.03 Scope of regulations
- 14.04.04 Non-conforming buildings, structures and uses
- 14.04.05 Establishment of district and/or use zones
- 14.04.06 Administration and enforcement
- 14.04.07 Enforcement

14.04.01 Title and authority This ordinance is a basic zoning ordinance and shall hereafter be known, cited, and referred to as the Norfolk, Arkansas 1995 Zoning Ordinance.

Act 186 of 1957 of the General Assembly of the state of Arkansas, as amended, empowers the city to enact zoning regulations and to provide for their administration, enforcement and amendment. The Council of the city, pursuant to the provisions of Act 186 of 1957 of the General Assembly, as amended, has established a Planning Commission, which has divided the city into districts and has prepared regulations pertaining to these districts in accordance with the comprehensive development plan. These regulations apply to all land and structures and are in effect throughout the corporate limits of the city.

Intent and purpose (1.01) This zoning ordinance is adopted to the end:

- A. That adequate light, pure air and safety from fire and other dangers may be secured;
- B. That the taxable value of land and buildings throughout the city and its territorial jurisdiction be conserved;
- C. That congestion in the public streets may be lessened or avoided;
- D. That the hazard to persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened or avoided, and
- E. That the public health, safety, and welfare may otherwise be promoted.

The fulfillment of this purpose is to be accomplished by seeking the following objectives:

Proper living and working conditions (1.01.01) To prevent the overcrowding of land and undue concentration of structures in each zoning district, thereby ensuring proper living and working conditions and preventing the development of blight and slums.

Access (1.01.02) To provide convenience of access property.

Transportation (1.01.03) To facilitate the provisions of adequate transportation services such as water, fire protection, roads, sewers, schools and parks.

Conservation and protection (1.01.04) To conserve the value of property throughout the city and to protect the character and stability of residential, commercial and industrial districts.

Districts (1.01.05) To divide the city into districts of such number, shape, area, and of such different classes, according to the use of land, buildings, the height and construction buildings, the intensity of use, and the area of open spaces and recreational spaces as may be deemed best suited to carry out the purposes of this ordinance.

Preservation (1.01.06) To preserve and ensure the preservations of natural resources.

Control (1.01.07) To isolate or control the location of unavoidable nuisance producing uses, and to protect against fire, explosion, noxious fumes and other dangers.

Powers and duties (1.01.08) To define the powers and duties of the administrative and inspection officers and bodies.

Penalties (1.01.09) To prescribe penalties for any violations of the provisions of this ordinance or of any amendment thereto.

The standards and requirements contained in this ordinance and the district reflected on the Zoning Map Appendix I, page ___ are intended to implement the objectives of the plan for the city. (Ord. No. 95-6, Art. I.)

14.04.02 Rules and definitions (2) In the construction of this ordinance and any subsequent amendment, the rules and definitions contained in this article shall be observed and applied, except when the context clearly indicates otherwise. Words and terms not defined shall have the meaning indicated in by common dictionary and/or legal definition.

A. Rules

1. Words used in the present tense shall include the future.
2. Words used in the singular number shall include the plural number and the plural number shall include the singular number.
3. The masculine gender includes the feminine and neuter.
4. **Board** shall mean the Board of Zoning Adjustment of the city of Norfolk, Baxter County, Arkansas.
5. **Building** shall include the word **structure** and shall include all other improvements of every kind, regardless of similarity to buildings.
6. **Building Official** shall mean the **Building Inspector**.
7. **City** shall mean the city of Norfolk, Baxter County, Arkansas.
8. **Clerk** shall mean the Administration Clerk.
9. **Commission** shall mean the Planning Commission of Norfolk, Baxter County, Arkansas.
10. **Council** shall mean the City Council of Norfolk, Baxter County, Arkansas.
11. **Fee ordinance** shall mean the Norfolk Permit Fee Ordinance No. 89-3.
12. **May** is permissive.
13. **Lot** shall include the words “piece,” “plot” and “parcel.”
14. **Person** shall include a “firm,” “association,” “organization,” “partnership,” “trust,” “company,” or “corporation,” as well as an “individual.”
15. **Plan** shall mean the Norfolk 2000 Development Plan of Norfolk, Baxter County, Arkansas.
16. **Recorder** shall mean the duly elected Recorder/Treasurer of Norfolk, Baxter County, Arkansas, also known and cited as City Clerk.
17. **Shall** is mandatory and not discretionary.
18. **Used for** shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for” and “occupied for.”

B. Definitions

Accessory structure A subordinate structure located on the lot with the principal structure. Where an accessory structure is attached to the principal structure in a substantial manner as by a roof, such accessory shall be considered as a part of the principal structure. An example of an accessory structure for a non-residential structure would be educational buildings of a church, with the sanctuary being the principal structure.

Accessory use A use which is customarily incidental to the principal use. In buildings restricted to residential use, the office of a professional man or customary family work-shops not conducted for compensation shall be deemed accessory use.

Alley A narrow passage or way not in excess of twenty (20) feet which affords a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

Alterations Any change in size, shape character, occupancy or use of a building or structure.

Anchoring The securing in the ground of an approved device to which a tie-down strap or cable may affixed that meets the requirements of state and federal regulations.

Apartment A multiple family dwelling (see dwelling, multi-family)

Area, area requirements Area is a term referring to the amount of land area in a lot or parcel. Area requirements mean the yard, lot area, width of lot, and parking requirements as set forth in a specific district in this ordinance.

Automobile junk or salvage yard An area in a district 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. A special use permit is required.

Automobile service station A building or portion thereof, or lot used for offering for retail sale to the public, fuels, oils and accessories for motor vehicles, where repair service is minor, where no storage or parking space is offered for sale or rent.

Banks and financial institutions Commercial banks, savings and loan associations, brokerage offices, and other similar financial institutions, but not including pawn shops.

Block front All of the property on one (1) side of the streets between two intersecting streets or between an intersecting street and the dead-end of a street.

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 coverage The percentage of the lot area covered by the building. The building shall include all overhanging roofs.

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 roof line that are not intended for occupancy or internal usage by persons.

Building line The lien of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

Building, main or principal A building in which is conducted or intended to be conducted, the main or principal use of the lot on which said building is located.

Building Official A person appointed by the Mayor and approved by the City Council of Norfolk to inspect construction or other uses for compliance with these regulations, and referred herein as the Building Inspector.

Carport An open sided, roofed automobile shelter, usually formed by extension of the roof from the side of the building.

Child care center Any place, home or institution which receives five (5) 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 said use is operated in compliance with all federal, state and local statutes.

Clinical, dental, medical, chiropractic, podiatric, naturapathic, homeopathic A facility for the examination and treatment of ill and afflicted human out-patients by duly licensed practitioners, provided, however, that patients are not kept overnight except in emergency conditions; said clinic shall be operated in compliance with all federal, state and local statutes.

Clinic, veterinarian A facility for the examination and treatment of ill animals by duly licensed practitioners, which may or may not provide boarding or kennel facilities.

Norfolk 2000 Development Plan An official statement reflecting the objectives, policies, and ambitions of the community regarding future physical growth. The criteria which are determined and established by authority as a rule for the measure of quality, value, extent and quantity, and is a projection of what future conditions are likely to be. Once adopted, the plan serves as a guide for making land use changes, preparation of implementing ordinances (zoning, plating), preparation of capital improvement programs, and the rate, timing and location of future growth. The Plan reflects the general location for various land uses, major streets, parks, public buildings, zoning districts and other public improvements. The Norfolk 2000 Development Plan shall be hereinafter called the Plan.

Construction specifications The terms used to indicate the gross floor area of a building in reflection to the lot area, the height of the structure, and the percentage of land coverage allowable for each buildings on a zoning lot.

Density The numerical percentage reflecting the concentration of dwelling units within any given area of the residential land use.

District, zoning Any section, sections or divisions of the city of Norfolk within which the governing the use of land, density, construction regulations, 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 vehicular trade such as drive-in restaurant, drive-in theaters and similar uses.

Dwelling, single-family A detached structure designed for or occupied by one (1) family only.

Dwelling, multi-family A residential buildings containing two (2) or more dwelling units, exclusive or auto or trailer courts or camps, hotels, or motels.

Easement A grant by a property owner for the use of a strip or parcel of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

Existing The established fact of the use of the land structure at time of the effective date of these regulations.

Family One (1) or more persons occupying premises and living as a single, non-profit housekeeping unit.

Fences and walls Any man-made structure, partition, or enclosure of wood, iron or other material enclosing or dividing a piece of land.

Frontage The length of a front lot line or lines.

Garage, private An accessory building or a part of a main building used for storage purposes.

Garage, public or repair A building in which are provided facilities for the care, servicing, repair or equipment of automobiles, and may or may not offer for fuels, oils and other accessories for sale to the public

Junk yard An area in a district designated for storage of discarded or inoperable appliances, automobiles and other items which parts thereof may be recycled, sold or otherwise utilized.

Lot A parcel of land occupied or intended for occupancy by a use permitted in this ordinance including one (1) 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 including in the lot.

Lot, corner A lot abutting upon two (2) or more streets at their intersection.

Lot, double frontage A lot which is an interior lot extending from one (1) street to another and abutting a street at two (2) ends.

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 the 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 case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthestmost from the front lot line.

Lot line, side Any lot line other than the front or rear lot line as defined herein.

Lot of record A lot or parcel of land, the deed of which has been recorded in the office of the County Recorder, prior to the passage of this ordinance, including property described in metes and bounds.

Lot width The width of a lot measured at the front building setback line.

Manufactured (mobile) housing, independent Residential structures consisting in width of single, double or multi-wide units, ten (10) feet or greater in width.

Manufactured (mobile) home space, single A plot of ground providing a minimum space of four thousand four hundred (4,400) square feet within a manufactured (mobile) home park designated for the accommodation of one (1) single-wide manufactured (mobile) housing independent dwelling unit.

Manufactured (mobile) home space, double A plot of ground providing a minimum space of six thousand six hundred (6,600) square feet within a manufactured (mobile) home park designated for the accommodation of one (1) double-wide manufactured (mobile) housing independent dwelling unit.

Modular manufactured housing These structures will meet most local building codes and are subject to standard regional and/or state building codes for modular construction. Although a modular house can be transported on a steel undercarriage, the undercarriage is not a permanent and necessary structural component, and is usually removed when placed on a foundation.

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 and operated in compliance with all federal, state and local statutes. If a kitchen or restaurant is operated on the premises for the convenience of guests, said facilities shall be in compliance with all federal, state and local statutes.

Non-conforming 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 in which it is located.

Nursing, congregate or convalescent home An institution for the care of children or the aged or infirm, providing lodging, meals and licensed nursing care and operated in compliance with all federal, state and local statutes.

Open space Any unoccupied space on a lot that is open and obstructed to the sky, and occupied by no structures or portions of structures whatever.

Parking space An on-lot space available for the parking of one motor vehicle and having an area of not less than one hundred eighty (180) square feet exclusive of easements and have direct access to a street or alley. It shall measure not less than nine (9) feet by twenty (20) feet.

Plan A shortened reference for the Norfolk 2000 Development Plan.

Principal structure A structure in which a principal use of the lot on which the structure is located is conducted.

Principal use The specific primary purpose for which the land, building, or structure is used or intended to be used.

Property line The line bounding a lot as described herein.

Public, semi-public, quasi-public assembly A use typified as schools, churches, public buildings (i.e., post offices, community buildings, other federal, state, and municipal governmental buildings) and social-civic organizations.

Public utility A person, firm, corporation, municipal department, or board, duly authorized to furnish, and furnish under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water or sanitary sewage.

Resort use A dwelling or lodging unit or units designed for occupancy by transient tourists and vacationers together with facilities which constitute a place to which people generally go that provides lodging, food, beverages, rest and recreational activities areas; all utilities shall be in compliance with existing codes and ordinances.

Setback Distance between the lot line and the building line.

Short term rental Houses, housing units or rooms rented to transient guests, guests that rent for less than thirty (30) consecutive days per customer. (Ord. No. 2008-9, Sec. 1.)

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 includes the larger area. The support for the sign background, whether it be columns, a pylon, a building or a part thereof, shall not be included in the sign area.

Sign, business An accessory sign which directs attention to a profession, business, commodity or service conducted, sold or offered on the lot on which the sign is located.

Sign, identification An accessory sign which content is limited to the name and/or occupation of the occupant or for announcement purposes, such as is utilized by churches and other public and quasi-public agencies.

Site plan review The process whereby local officials, usually the Commission and staff, review the site plan of a development to assure that they meet the stated purposes and standards of zoning and other regulations, provide for the necessary public facilities such as roads and schools, and protect and preserve desirable features and adjacent properties through appropriate location of structures and the use of landscaping. Site plan review is usually required in connection with many flexible land use regulation techniques. The process often allows considerable discretion to be exercised by local officials since it may deal with hard-to-define aesthetic and design considerations.

Standards While often used loosely to refer to all requirements in the zoning ordinance, the term usually is used to mean site design regulations such as lot area, height limits, frontage, landscaping, yards, and floor area ratio as distinguished from use regulations.

Street A public thoroughfare dedicated and accepted by the city or a private thoroughfare, either of which is more than twenty (20) feet and which affords a principal means of access to abutting property and is maintained under public authority.

Structure Anything constructed or erected with a fixed location on the ground. With reference to the foregoing, a structure shall include fences, walls, buildings and signs.

Structural alteration, exterior Any exterior 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.

Toxic matter Materials which are capable of causing injury to living organisms by chemical means.

Trailer, hauling, transporting A vehicle standing on wheels or on rigid supports which is used for transporting boats, cargo, or property, but exclusive of any temporary dwelling for persons.

Use of land The unoccupied portion of a lot shall be considered to be in the same use as is the principal structure located on the lot unless such land is utilized for open storage.

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 (principal) 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 (principal) building or any projections of uncovered steps, uncovered balconies, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has the least dimension.

Yard, rear A yard extending across the rear of the lot between the side lot lines measured between the rear lot lines in the rear of the main building of any projection other than steps, unenclosed porches or entrance 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 (principal) building or any projection thereof.

Zero-lot line A development approach in which a building is sited on one or more lot lines with no yard. Conceivably, three or four sides of the building could be on lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot between buildings, especially in urban areas with high density and small lots.

Zoning lot A parcel of land that is designated by its owner or authorized agent as a tract, all of which is to be built upon as a unit under single ownership. A zoning lot may consist of any standard lot or a combination of lot 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. 95-6, Art. II.)

14.04.03 Scope of regulations

General use instructions (3.01) It is not the intent of these regulations to prohibit land usage of pre-existing construction start-ups completed in compliance with 3.02 or existing lots and lot areas as described in 3.05 prior to the adoption of this zoning ordinance; nor is it intended to supersede recorded subdivision covenants more restrictive than the provisions of this zoning ordinance; nor is it intended to unduly restrict usage of lands or structures existing prior to adoption of this zoning ordinance that may not conform to regulations contained therein.

Pre-existing construction (3.02) However, nothing herein shall require any change in the plans, construction, or designated use of a building under construction, at the time of the adoption of this zoning ordinance. Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been issued within thirty (30) days prior to the adoption of this ordinance, provided construction is started on said building within one hundred twenty (120) days after adoption of this zoning ordinance and diligently prosecuted to completion in accordance with plans on which the building permit has been issued. Completion shall be accomplished within eighteen (18) months of the effective date of this ordinance unless otherwise approved by City Council acting on a Commission recommendation.

Construction regulations (3.03) In this ordinance, construction regulations are expressed in terms of maximum structure height, lot coverage, and minimum front, corner side, side and rear yards. No structure or part thereof shall hereafter be built, moved or remodeled, and no structure or land shall hereafter be used, occupied or designed for use or occupancy so as to:

- A. Exceed the maximum lot coverage percentage, structure height, specified in the zoning district in which the structure is located;
- B. Provide any setbacks for front, rear, corner side and side yard that is less than that specified for the zoning district in which such structure or use of land is located or maintained, except as stated below.

Existing lots and lot areas in a zoning district (3.04)

- A. On any vacant lot in a residential use district which is on plat of record at the time of passage of these regulations, a residential dwelling may be erected even though the lot be of less area, depth or width than required by the regulations of the residential use district in which the lot is located, provided however that all other yard requirements are met.
- B. On any vacant lot in a commercial use district use district which is on plat of record at the time of the passage of these regulations, a commercial structure may be erected even though the lot be of less area, depth or width than required by the regulations of the commercial district in which the lot is located, provided however that all other yard requirements are met.
- C. On any vacant lot in an industrial use district which is on plat of record at the time of the passage of these regulations, an industrial structure may be erected even though the lot be of less area, depth or width than required by the regulations of the industrial district in which the lot is located, provided however that all other requirements are met.

Number of structures and uses on a zoning lot (3.05)

- A. One (1) principal and residential structure shall be located on a zoning lot in a residential district.
- B. In commercial and industrial districts, any number or structures and/or units may be constructed on a single zoning lot.

Platted buildings and setback lines (3.06) A recorded subdivision plat may impose a building or setback line for a lot which is greater than the minimum front, rear, side or corner setbacks required by the applicable section of this ordinance. Lots abutting government property shall maintain the same building setbacks as other lots not abutting said government property in the districts in which the lots are located.

Lot size requirements and construction regulations for public utility facilities and structures (3.07) Except for public utility facilities and structures below the surface of the ground, all public utility facilities and structures, i.e., public service uses, (lying on or above the ground) shall be required to comply with lot size requirements and construction regulations the zoning district in which they are located, and shall observe the applicable minimum front, side, corner side and rear yard requirements. The maximum height shall be observed as allowed in the construction regulations for each district.

Setbacks requirements for public facilities and structures shall be in compliance with city and state regulations.

Public facilities and utilities (public services uses and structures) shall be permitted in all districts and defined as follows:

- A. Electric and telephone substations and distributions equipment;
- B. Poles wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for distribution to consumers for transmission of electricity, water or natural gas;
- C. Pumping stations;
- D. Transformer stations;
- E. Wells;
- F. Water storage reservoirs.

Sewer and water facilities (3.08) All structures built hereafter must be in compliance with city Sewer and Water Department codes and ordinances.

Home occupations (3.09) Any occupation may be carried on in a residential district only if the following are complied with:

- A. It does not involve the use of commercial vehicles operating from the residence;
- B. It does not require either use of an accessory building or of yard space or an activity outside the main structure not normally associated with residential uses;
- C. It does not have a sign in excess of two (2) square feet to denote the business, occupation or profession, and such sign must be attached to the structure;

- D. It does not involve the external display of goods and services;
- E. The occupation must be carried on only by the occupant family of said residence

Prohibited home occupations (3.10) Prohibited home occupations in all residential districts are those governed by federal, state and local health regulations and/or requiring licensing.

New lighting on poles and spotlights

- A. No outside lighting shall be permitted which creates a hazard to traffic. Lights shall be properly shaded to prevent glare to adjacent property and/or streets. Lighting must be installed in accordance with state codes.
- B. This section does not pertain to holiday decorative lights used during Christmas and New Year holidays.
- C. The Council has the authority to approve all street lights that are outside the boundaries of property owners in the city. (Ord. No. 95-6, Art. III.)

14.04.04 Non-conforming buildings, structures and uses

Statement of purpose (4.01) Under Act 186 of 1957 as amended, the Board shall not permit as a variance, any use in a zone that is not permitted under the ordinance. The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

- A. This ordinance establishes separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with establishment of those districts that those non-conforming buildings, structures, and uses which substantially and adversely affect the orderly development and taxable value of other property in the district be permitted to continue within certain restrictions.
- B. The purchasers of non-conforming buildings, structures or uses are entitled to the same right as their grantors, and prior knowledge of the non-conforming nature of the building, structure or uses is irrelevant. This accords with the general principle that zoning rights run with the land, not with persons.
- C. The purpose of this article is to provide for the regulations of non-conforming buildings, structures, and uses.

Authority to continue non-conforming buildings, structures, and uses (4.02) Any non-conforming building, structure, or use which existed lawfully at the time of the adoption of this ordinance and which remains non-conforming, shall become non-conforming upon the adoption of this ordinance, or any subsequent amendments thereto and may be continued, rebuilt, remodeled, repaired, replaced, restored, altered and/or enlarged subject to the following regulations.

Repairs and alterations to non-conforming buildings and structures (4.03) Repairs and alterations may be made to a non-conforming building or structure provided that:

- A. Structural alterations to non-conforming buildings and structures which decrease the prior building setbacks shall meet the setback requirements of this ordinance for the district wherein said non-conforming building or structure is located. If a building or structure does not comply with the setbacks of this ordinance, then said building or structure shall not be enlarged, but may be otherwise continued, rebuilt, remodeled, repaired, replaced, restored, altered.
- B. A non-conforming building, structure or use may also be continued, rebuilt, remodeled, repaired, replaced, restored or altered in such a manner as to conform with the regulations of the district in which it is located.

Relocation of building or structure (4.04)

- A. No non-conforming building or structure shall be moved in whole or in part to any other location on the same lot unless every portion of such building or structure which is moved is made to conform with building setback requirements of the district in which it is to be located.
- B. A non-conforming building or structure shall be moved from its original to any other location in any district as provided in this ordinance unless said building or structure shall conform to all of the regulations and requirements of the district in which said building or structure shall be relocated.

Restoration of damaged building or structure designed or intended for a non-conforming use (4.05)

- A. A non-conforming building or structure which is destroyed or damaged by fire or other casualty or act of God may be continued, rebuilt, remodeled, repaired, replaced, restored, and/or altered provided aforementioned activity is diligently prosecuted to completion within the time period required by building permit regulations.

- B. A non-conforming building or structure which is destroyed or damaged by fire or other casualty or act of God may also be enlarged provided said building or structure shall have setbacks equal to or greater than the setbacks of the district wherein the said building or structure is located and subject to the same provisions of (A) above.

Time extension (4.06) In case of hardship, an application may be made to the Board for an extension of time stated in 4.05 and 4.06 above.

Land (4.07) The non-conforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be expanded or extended beyond the area it occupies.

Question of fact (4.08) Whether a non-conforming use exists shall be a question of fact and shall be decided by the Board after public notice and in accordance with the rules of the Board. (Ord. No. 95-6, Art. IV.)

14.04.05 Establishment of district and/or use zones (5.0) The city is hereby divided into five (5) zoning districts, as indicated on the Zoning Districts Map which accompanies and is a part of these regulations.

- R-1 Single-family residential
- R-2 Multi-family residential
- B-1 Business/Commercial
- HR-1 Historical/Recreational
- I-1 Industrial

Boundaries (5.01) The boundaries of these districts are shown on the Zoning District Map. The original of this map is properly attested and on file with the Recorder of Deeds of Baxter County. A copy of this map is on file with the Recorder of the city and also accompanies these regulations. The said map and all the information shown thereon shall have the same force and effect as if fully set forth or described herein.

Where uncertainty exists as to the boundaries as shown on the Zoning Districts Map, the following rules apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways and alleys shall be construed as following such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

- C. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D. Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.
- E. In circumstances not covered by the preceding rules, the Board shall interpret the district boundaries.
- F. When a lot held in one ownership on the effective date of this ordinance is divided by a district boundary line, the entire lot shall be construed as within the less restrictive district. (5.01)

R-1 Single-Family Residential District (5.02) This district is intended for residential neighborhoods characterized by single family residential dwellings containing a suitable lot area, including single family manufactured (mobile) home dwelling units.

Permitted uses (5.02.01)

- A. Single family dwellings
- B. Public schools, churches and church-affiliated day care centers
- C. Non-commercial recreational buildings and community centers
- D. Home occupation as permitted in accordance with 3.10
- E. Post offices;
- F. Public services
- G. Public facilities in accordance with 3.08 and city codes and ordinances

Accessory uses (5.02.02)

- A. As permitted in 6.03
- B. Fences as permitted in 6.03

Permitted special uses (5.02.03)

- A. Hospitals
- B. Police Department
- C. Library
- D. Clinic (medical, congregate care, nursing homes)
- E. Cemeteries and mausoleums in accordance with Arkansas statutes
- F. Parks

Temporary uses (5.02.04)

Temporary uses as permitted in accordance with 6.06.

Construction regulations (5.02.05)

Structure height not to exceed two and one-half (2 ½) stories or thirty-five feet in height, whichever is lower. Detached garages and carports are not to exceed fifteen (15) feet in height.

R-2 Multi-Family and Multi-Clustered Residential District (5.03) This district is intended to permit diversification in the location of residential structures that are classified as multi-family dwelling structures one (1) and two (2) stories in height, multi-clustered dwellings constructed on a zero lot line. The following regulations and requirements will permit the construction of low cost private housing of good standards and quality.

It is further intended that all multi-family developments will incorporate a reasonable amount of open space for recreational amenities and will provide for the preservation of natural amenities such as vegetation, flood plains, wild life topography.

Not less than forty percent (40%) of the lot area must be retained as unobstructed open space. All structure groups shall abut or have access to a dedicated street and must be so arranged that any dwelling unit is accessible to emergency vehicles.

Permitted uses (5.03.01)

- A. Any use permitted in an R-1 residential district
- B. Multi-family dwelling structures
- C. Multi-family clustered dwelling units constructed on a zero lot line
- D. Public schools
- E. Churches and church-affiliated day care centers
- F. Non-commercial recreational buildings and community centers
- G. Home occupations in accordance with 3.10
- H. Public facilities and utilities in accordance with 3.08

Accessory uses (5.03.02)

- A. Accessory uses permitted in accordance with 6.03
- B. Fences permitted in accordance with 6.03

Permitted special uses (5.03.03)

Special uses permitted in R-1 residential district

Temporary uses (5.03.04)

Temporary uses permitted in accordance with 6.06

B-1 Commercial Central Business District (5.04) This district is intended to encourage shopping centers with planned off-street parking in an attractive and convenient core. No land shall be used or occupied except as otherwise provided in this ordinance for other uses than one or more of the following permitted and special uses.

All business or servicing shall be conducted within completely enclosed buildings, and the shopping center shall provide public restroom facilities.

The Commission or Board shall determine if a use, other than specifically provided in any commercial district, is a permitted use, special permitted use, accessory use or a prohibited use in any district.

Permitted uses (5.04.01)

A. Retail businesses which supply commodities on premises:

- | | |
|-------------------------|----------------------------|
| 1. Antique stores | 10. General merchandise |
| 2. Apparel stores | 11. Grocery stores |
| 3. Appliance stores | 12. Hardware stores |
| 4. Book stores | 13. Home furnishing stores |
| 5. Bakeries | 14. Jewelry stores |
| 6. Camera stores | 15. Pharmacy/drug stores |
| 7. Confectionery stores | 16. Sporting goods stores |
| 8. Delicatessens | 17. Restaurants |
| 9. Floral shops | 18. Variety stores |

B. Business service establishments which perform services:

1. Banking institutions
2. Chamber of Commerce
3. Indoor cinema theaters
4. Insurance agencies
5. Other financial institutions

C. Personal service establishments which perform services on the premises:

1. Barber shops
2. Beauty shops
3. Dry cleaners

4. Laundromats
 5. Photography studios
 6. Shoe repair shops
 7. Tailoring shops
- D. Professional establishments
1. Attorneys-at-law offices and other legal services
 2. Chiropractic offices, clinics and services,
 3. Dental offices, clinics and services
 4. Medical offices and services
 5. Physicians offices, clinics and services
 6. Podiatrists offices, clinics services
 7. Optometrists offices, clinics, and services
 8. Opticians offices, clinics and services
- E. Public, quasi-public, governmental buildings and facilities:
1. Churches
 2. Community buildings
 3. Libraries
 4. Municipal buildings
- F. Public utilities and facilities in accordance with 3.08.
- G. Short term rentals Short term rentals consist of the following:
1. Hotels
 2. Motels
 3. Lodges
 4. Resorts
 5. Houses rented for less than thirty (30) consecutive days per customer.
- Short term rental shall be restricted to B-1 zoned areas.
(Ord. No. 2008-9, Sec. 1.)
- H. Other such businesses and services as listed. The Commission shall determine any question-of-fact.

Accessory uses (5.04.02)

- A. As permitted in accordance with 6.03
- B. Fences as permitted in accordance with 6.03

Permitted special uses (5.04.03)

Residence of the proprietor of C-1 commercial central business use.

Temporary uses (5.04.04)

As permitted in accordance with 6.06.

Access requirements (5.04.05)

- A. On all B-1 commercial lots with less than two hundred (200) feet of frontage on a public street/road, access is limited to one (1) combined ingress and egress, with a minimum width of twenty (20) feet and a maximum width of thirty-two (32) feet measured from the inside curbs at the property line.
- B. On all B-1 commercial lots of two hundred (200) feet and over fronting on a public street/road, access is limited to two (2) combined ingresses and egresses, with a minimum width of twenty (20) feet and a maximum width of thirty-two (32) feet measured from the inside curbs at the property line.
- C. Ingress and egress shall meet all state and city requirement.

C-1 Signs (5.04.06)

All signs shall be in accordance with 6.03.

Annexed land (5.04.07)

All land which may hereafter be annexed to the city shall be classified in the R-1 residential district.

- A. When land is automatically classified in the R-1 Residential District pursuant to this section, the Commission of the city shall, within ninety (90) days after annexation, schedule and hold a public hearing with respect to zoning classification of the annexed land.
- B. Prior to the Council action on the zoning recommendation, all permits for construction on lands not zoned shall be forwarded to the aforementioned Commission for recommended issuance of said permit. The Council will issue final approval after the Commission has reviewed all plans to see that they meet the requirements of the zone classification pending.

- C. A question-of-fact shall be determined by the Commission, which will send the district classification recommendation to the Council for its final decision.

City zoning map The text and base map of the city, which is filed in the office of the Recorder of the Deeds of Baxter County, Arkansas, and recorded with the Recorder, are a part of this zoning ordinance and shall be the official base map of the aforementioned city. (Ord. No. 95-6, Art. V.)

14.04.06 Authority, procedures and standards (6.01) This article shall first set forth the authority of each of these offices, and then describe the procedures and substantive standards with respect to the following administration functions:

- A. Applications and issuance of all building permits, accessory use permits, special use permits and temporary use permits.
- B. Enforcement, inspection, appeals from the decision of the Commission.
- C. Variances and special use permits, appeals and variations of the zoning ordinance and appeals from the decision of the Commission.
- D. Amendments to the zoning regulations and the Zoning District Map, amendments by the public body, and amendments by individual property owners.
- E. Legislative body authority.
- F. Special uses. (6.01)

Administrative Clerk (6.01.01) The Recorder of the city shall hereinafter be referred to as the Administration Clerk, unless otherwise designated by Council, and shall be responsible for the administration of these regulations and policies. The Clerk will act as an agent between the public Planning Commission, and the legislative body (City Council).

Unless otherwise designated by the Council, the Commission Chairperson may assume these duties in the absence of the Clerk.

The Clerk shall be responsible for the proper processing and forwarding of all documents, applications and permits:

- A. Review all permits and forward to the proper officials for review, inspection and enforcement;
- B. Keep a current dated permanent file of records and documents;

- C. Review applications for special use permits to determine if the special use is permitted.
- D. Maintain records of all minutes taken from regular and special Commission and Board meetings, workshops, and public hearings;
- E. Certify date, file and notify the Commission chairperson or secretary of all applications for developments, maps, plats, surveys, correspondence, appeals and amendments.
- F. Give legal notices to local newspaper for public hearings; give notice to department heads and/or other commissioners when a consultation between departments and/or other commissioners is needed. (6.01)

The Planning Commission (6.01.02) The legislative body of the city has hereby created a Planning Commission to be known, cited and referred to as the Commission of the city.

- A. The Commission of the city shall consist of at least five (5) members who shall serve without compensation:
 - 1. The Commission shall have all the duties and functions authorized by Arkansas Statute Act 186 of 1957, as amended.
 - 2. Not more than one-third of its members (also called Commissioners) may hold any other municipal office or appointment, except membership on the Board of or joint planning agency.
 - 3. The members of Commission shall be named and appointed by the Mayor of the city, and their appointments shall be valid and effective upon confirmation by the Council of city.
 - 4. The members of the Commission shall each be appointed for a term of five (5) years commencing January 1.
 - 5. The members of said City Planning Commission shall each be appointed for a term of five (5) years commencing with anniversary date of said appointment, provided that the members of said Commission first appointed on the enactment of the ordinance:
 - a. One (1) member shall be appointed initially for a term of five (5) years,

- b. One (1) member shall be appointed initially for a term of four (4) years,
 - c. One (1) member shall be appointed initially for a term of three (3) years,
 - d. One (1) member shall be appointed initially for a term of two (2) years, and
 - e. One (1) member shall be appointed initially for a term of one (1) year. (Ord. No. 2004-5, Sec. 1.)
6. The Mayor, if deems necessary, may dismiss any Commissioner who misses more than three (3) consecutive regular meetings of the Commission.
 7. When the term of a Commissioner shall expire or occur, the Mayor of city shall make a nomination to fill such vacancy subject to approval of the Council of the city.
- B. One member will be elected by the Commission as Chairman and act in the dual capacity as Building Official. The provisions of this ordinance shall be enforced by the Chairman (Building Official).

The zoning ordinance shall be observed by denial of the issuance of building and use permits in accordance with Arkansas Statute 19-2029 by the Building Official shall: (Ord. No. 2004-5, Sec. 1.)

1. Review and affix his signature on all permits issued, after inspecting all construction and land to determine compliance with this ordinance;
2. Make and maintain current records of this ordinance including, but not limited to, building, and use permits and appeals;
3. Give a monthly report to the Commission to be included in the Commission minutes.
4. Inspect the placement of public notice signs for appeals and amendments after city employees have placed said signs on the property of the owner(s) requesting an amendment of appeal. The Building Inspector shall also inspect said property for removal of public notice sign.
5. Forward to the Clerk all applications for construction to be dated and processed by the Clerk.

6. Forward to the Clerk all applications including, but not limited to, amendments, appeals special uses, temporary uses and variances not found to be in compliance with this ordinance.
7. Notify in writing any person found to be in violation of these regulations, stating the nature of the violation and ordering action to be taken necessary to be in compliance with this ordinance.

C. Meetings

1. The Commission shall convene a minimum of one (1) meeting in each quarter of each calendar year.
2. A quorum shall consist of a minimum of 51% of the entire Commission membership. (Ord. No. 2004-5, Sec. 1.)
3. Order of business shall be in accordance with the by-laws of said Commission.
4. All plans, appeals amendments, recommendations, variances and reports shall require a majority vote of the Commission membership to pass in accordance with A.C.A. 14-56-425. (Ord. No. 2004-5, Sec. 1.)

D. Authority and jurisdiction

1. The Commission shall review and update the plan's text and maps as required.
2. The Commission shall hear and decide matters upon which it is required to pass under this ordinance.
3. The Commission shall receive and review all applications for subdivision as set forth under these regulations;
4. The Commission shall review all applications for approval of non-listed uses, and report facts and findings, and make recommendations to the Council of the city;

- E. Amendment by a public body The Council of the city may suggest that the Commission of said city amend the text of these regulations, or the Commission itself may desire to initiate the amendment of the text.

1. Amendments to the text proposed by the Commission shall be advertised in the paper of general circulation in the aforesaid city at least fifteen (15) days in advance of a public hearing to be conducted by said Commission.
2. The Commission shall make a report of facts, findings and recommendations to Council pertaining to the proposed amendment to the text of these regulations. Action on the report by the Council shall be final.

F. Amendment by individual property owners

1. A petition stating the legal description of the property involved and the zoning classification requested for the property, or indicating the proposed amendment, shall be submitted by the property owner or his designated agent to the Clerk who shall acknowledge and certify the petition and submit said petition to the Commission.
2. The petition shall also include a statement and diagram explaining the proposed change, the street name and numerical house number from the Clerk of the city.
3. The amendment petition shall be submitted with a filing fee and also for the public notice sign.

G. Public hearings Upon receipt of a petition proposing an amendment to the text of these regulations, the Commission of the city, in accordance with Arkansas Act 186 of 1957 as subsequently amended:

1. Shall authorize the Clerk to publish a legal notice of the public hearing in a newspaper of general circulation in the city once, no less than fifteen (15) days but not more than thirty (30) days of the date of the public hearing; supplemental or additional notices may be law be published, as prescribed from time to time.
2. Shall hold a public hearing on a proposed amendment to these regulations.
3. May approve a proposed amendment as presented or in modified form following the public hearing by a majority vote of the Commission membership. (Ord. No. 2004-5, Sec. 1.)
4. May disapprove a proposed amendment, and shall give the reasons to the petitioner in writing within fifteen (15) days from the date of the decision.

5. The Council by majority vote of four (4) of its entire membership of six (6) may by ordinance adopt the recommended amendment submitted by the Commission, or may return the proposed amendment to the Commission for further study and recommendation.
 6. If the Council does not concur with the recommendations of the Commission, either as first submitted or as submitted after restudy, the Council may, by majority vote of its members, amend these regulations by granting the request for the proposed change in zoning classification in full or in modified form.
 7. Following disapproval of a proposed amendment by the Commission, the petitioner may appeal such disapproval to the Council, provided that the petitioner specifically states in writing to the Clerk why he finds the Commission's findings and decisions in error. Said appeal shall be filed in the Clerk's office within fifteen (15) days of receipt of notice of the Commission's action.
 8. No application for a change of zoning classification will be reconsidered by the Commission within twelve (12) months from the date of final disapproval unless the Commission finds that a substantial reason exists for waiving this limitation.
- H. Public notice signs There shall be conspicuously placed upon the property to be acted upon a sign giving notice of the filing of a petition for rezoning.
1. The public notice sign shall be placed on the premises at least fifteen (15) days prior to any hearing on the matter and shall remain thereon until the Council of the city has taken final action on the petition.
 2. Said sign shall be not less than four (4) feet by four (4) feet with a white background and messages in red letters not less than three (3) inches in height.
 3. The message on said sign shall be substantially as follows:

NOTICE

A petition seeking the rezoning of this property has been filed with the city of Norfolk, Arkansas, objections may be made in accordance with the attached petition.

4. A copy of all documents and the rezoning request shall be placed in a plastic protective bag and attached to the sign.
 5. City employees shall place the sign on property to be acted upon at the time given by the Clerk; the Building Inspector shall inspect said sign for placement according to this relations.
 6. City employees shall remove the public notice sign from the property acted upon at the time given by the Clerk; the Building Inspector shall inspect the property for removal of said sign in accordance with these regulations.
 7. The placement of said sign shall comply with all state and city setback regulations and shall not obstruct traffic view or constitute an invasion of individual property owners' right to a view. The sign shall not be attached to trees, utility poles or living plants.
 8. The Clerk shall be authorized to have city employees place the public notice sign on the petitioner's property to be acted upon after payment of an amendment filing fee.
- I. Written protests on amendments The Council of the city may grant or deny any application for an amendment, provided, however, that in the case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners within five hundred (500) feet of the frontage, rear, side or directly opposite from the property proposed to be altered is filed with the Clerk.
1. The amendment shall not be passed except by a majority vote of the Council.
 2. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment, and a copy on applicant's attorney if any by certified mail at the address of such applicant and attorney shown on the application for the amendment.
- J. Amendment fees include maintenance and use of a public notice sign provided by the city. Before any action shall be taken as provided in this article, any person or persons proposing a change in zoning classification of this property shall deposit a required fee for the petition of an amendment and pay a fee for the public notice sign in accordance with fee Ord. No. 164 to cover approximate expenses involved in processing the amendment petition and for maintenance of the public notice

sign.

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- K. Repeal of amendment In any case where a change of boundary lines of the Zoning District Map have been granted, and where no development has taken place within one and one-half (1 ½) years, the Commission of the city shall recommend to the Council of the city that such zoning be affirmed or repealed or rezoned to its most appropriate district classification.
- L. Standards Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Commission shall:
1. Make facts and findings based upon all the evidence presented to it;
 2. Make its recommendation to the Council; and
 3. Shall consider among other pertinent matters the following:
 - a. Existing uses of the property within the general area of the property in question;
 - b. The zoning classification of property within the general area of the property in question;
 - c. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present classification.
 4. When the change in zoning is in conformance with the plan of the city and its official Zoning District Map, the Commission shall not recommend the adoption of a proposed amendment unless it finds:
 - a. The adoption of such amendment is in the best interest of the city, and not solely for the interest of the applicant; and that
 - b. Either the proposed amendment will correct an existing error or changing conditions make the proposed amendment necessary.

Legislative body authority (6.01.03) Nothing in this ordinance as stated in Arkansas Act 186 of 1957 as amended, and A.C.A. 14-56-422 shall be construed to limit the Council's authority to recall ordinances and resolutions by a vote of the majority of its members.

- A. Mandatory procedural requirements specified in the statutes are as follows: The municipal legislative body (Council) can only adopt a recommended plan by

majority vote of its entire membership (membership of the whole).

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1. Mandatory procedures for adoption and filing The legislative body (Council) of the city may return plans or plans and recommend ordinances and regulations to the Commission for further study or re-certification, or by a majority vote of the entire membership (membership of the whole), may be ordinance or resolution adopt plans and recommended ordinances or regulations submitted by the Commission.
 2. Following adoption of plans and ordinances by the legislative body (Council), the adopted plans, ordinances and regulations shall be filed in the office of the Recorder, who shall file with the County Recorder of the Deeds of Marion County.
- B. Procedures for amendments After adoption of plans and ordinances and regulations, and proper filing in the offices of the Recorder and the Recorder of the Deeds of Baxter County, no alteration, amendment, extension, abridgment, or discontinuance of the plans or ordinances may be made except in conformance with the above procedure or by a majority vote of the Council.
- C. Violations
1. The legislative body (Council) may enjoin any individual or property owner who is in violation of a planning ordinance to prevent or correct such violation.
 2. Any individual aggrieved by a violation of a planning ordinance may request an injunction against any individual or property owner in violation of a planning ordinance, or may petition for mandamus any official to enforce the provisions of a planning ordinance.
 3. In addition to any remedy now provided by law, appeals from final action taken by administrative, quasi-judicial and legislative agencies concerned in administration of this act may be taken to the Circuit Court of the appropriate county wherein the same shall be tried de novo according to the same procedure applicable to appeals in civil actions from decision of inferior courts, including the right of trial by jury. (6.01)

Building and other permits and certificates (6.02) No structure shall be erected, moved, added to, or externally altered without a building permit. No building permit shall be issued except in conformity with the provisions of these regulations, except after written order by the Board. If construction is not started within six (6) months and diligently prosecuted to completion or not completed within eighteen (18) months this permit becomes null and void.

Permits (6.02.01) All applications and fees as provided in Fee Ord. No. 89-3, Section 1-05 shall be accompanied by a plan in duplicate drawn to scale, showing:

- A. Dimensions and shape of the lot to be built upon to include elevations if in the flood plain or floodway.
- B. Sizes and locations on the lot of structures already existing, if any.
- C. Location and dimensions of the proposed structure or alteration.
- D. Such other information as shall be required including:
 - 1. The existing or proposed structural alterations;
 - 2. The existing or proposed uses of structures and land;
 - 3. The number of families, housekeeping units, or rental units the structure is designed to accommodate;
 - 4. The conditions existing on the lot, and
 - 5. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of these regulations. (6.02)

Accessory uses – general (6.03.01)

- A. An accessory use is permitted in any zoning district in connection with any principal use which is permitted within such district.
- B. A building permit is required for an accessory use to be placed or constructed on any lot, tract or parcel in the city, except:
 - 1. No accessory use is permitted in a front yard except those permitted by federal and state statutes; and
 - 2. No accessory structure shall be constructed and occupied in any district in the city prior to the completion of the principal structure to which it is an accessory; however, contractor sheds, portable sheds or structures are allowed if in compliance with a temporary use.

Permitted accessory uses (6.03.02) The following permitted accessory uses are as follows:

- A. Private detached garages and car-ports that shall not exceed fifteen (15) feet in height
- B. Driveways – a current survey or driven iron pins may be required to determine the boundary of the lot lines
- C. Storage structures that shall not exceed ten (10) feet in height, and shall have side and rear yard setbacks of ten (10) feet.
- D. Swimming pools
- E. Cabanas
- F. Fences in accordance with 6.03.04
- G. Antenna transmitting and/or receiving towers in accordance with 6.03.05
- H. Satellite dishes and other signal-receiving or transmitting dishes or plates in accordance with 6.03.05. (Ord. No. 95-6, Art. VI.)

14.04.07 Enforcement

Enforcement (7.01) The enforcement of these regulations shall be the responsibility of the Building Official.

Fees (7.02) The Council of the city shall set fees for all application, permits or appeals provided for by these regulations to defray the costs of advertising, mailing notices, processing, inspecting, and copying applications, permits and use permits.

Contradictory regulations (7.03) Where any contradictory regulations, restrictions or requirements imposed by any provision of this ordinance upon the use of any land, buildings, structure or improvements are either more restrictive or less restrictive, than restrictions or requirements imposed by any other provision of this ordinance, or any other law of any governmental body having jurisdiction over the subject matter thereof, those restrictions or requirements which are more restrictive apply.

Violations (7.04)

- A. If the Building Official shall find that the provisions of these regulations are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
- B. Should the person responsible for such violation fail to take necessary action to correct it, the Building Official shall notify Council of the violation. Said Council shall certify the violation with the City Attorney. Said Attorney shall within seven (7) days thereafter apply to Chancery Court for an injunction, mandamus, or other process to prevent, enjoin, abate or remove said violation to these regulations.
(Ord. No. 2004-5, Sec. 1.)

Penalties for violations (7.05) Any person, firm or corporation who shall violate any of the provisions of this ordinance or amendments thereto, or fails to comply thereafter or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than One Hundred Dollars (\$100.00) for each offense nor no less than Twenty-Five Dollars (\$25.00).

Each day that a violation of this ordinance shall be permitted to continue shall constitute a separate offense. The owners 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, 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 herein provided. (Ord. No. 95-6, Art. VII.)

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

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14.08.09 Warning and disclaimer of liability

14.08.10 Compliance

14.08.11 Penalty for non-compliance

14.08.12 Rates

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 Norfolk, Arkansas, does hereby ordain as follows. (Ord. No. 2010-8, Sec. 1.)

14.08.02 Finding of fact

- A. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of Norfolk, Arkansas, in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Baxter County, Arkansas, and incorporated areas, dated revised: December 3, 2010, with an effective Flood Insurance Rate Map (FIRM) dated revised: December 3, 2010.
- 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. 2010-8, 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;
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- 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. 2010-8, 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 Norfolk, Arkansas. (Ord. No. 2010-8, 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. 2010-8, Sec. 5.)

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14.08.06 Flood Damage Prevention Code adopted by reference There is hereby adopted by reference a Flood Damage Prevention Code for city of Norfolk, Arkansas, dated October 19, 2010. The code shall include:

ARTICLE 1 DEFINITIONS

ARTICLE 2 ADMINISTRATION

ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

A copy of the referenced code shall be filed in the office of the City Clerk and shall be available for inspection and copying by any person during normal office hours. (Ord. No. 2010-8, Sec. 6.)

14.08.07 Abrogation and greater restrictions This ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies. (Ord. No. 2010-8, Sec. 7.)

14.08.08 Interpretation In the interpretation and application of this ordinance, all provisions must:

- A. Be considered as minimum requirements;
- B. Be liberally construed in favor of the governing body; and
- C. Be deemed to neither limit nor repeal any other powers granted under state statutes. (Ord. No. 2010-8, Sec. 8.)

14.08.09 Warning and disclaimer of liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that land outside Special Flood Hazard Areas will be free from flooding, nor that strict adherence to this ordinance protects uses permitted within Special Flood Hazard Areas from all flood damages. This ordinance specifically does not create liability on the part of the community, nor any official or employee of the community, for any flood damages that result while strictly following this ordinance, or from any lawful administrative decision made under the provisions of this ordinance. (Ord. No. 2010-8, Sec. 9.)

14.08.10 Compliance Constructing, locating, substantially altering or changing the use

of any structure or land after the effective date of this ordinance requires full compliance with the provisions of this ordinance and all other applicable regulations. (Ord. No. 2010-8, Sec. 10.)
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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. It is a misdemeanor to violate or fail to comply with any provision of this ordinance.
- C. 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. 2010-8, Sec. 11.)

14.08.12 Rates Rates for Special Flood Hazard Areas:

\$1 - \$10,000	\$24.00
\$10,001 - \$20,000	\$48.00
\$20,001 - \$35,000	\$76.00
\$35,001 - \$50,000	\$96.00
\$50,001 - \$65,000	\$120.00
\$65,001 - \$80,000	\$140.00
\$80,001 - \$100,000	\$200.00

\$100,000 plus projects = 2% of the building cost
Add an additional 50% to all commercial permits (50% goes to the state).
(Ord. No. 2012-1, Sec. 2.)

CHAPTER 14.12**CELLULAR TOWERS****Sections:**

- 14.12.01 Location
- 14.12.02 Effect

14.12.01 Location No cellular towers will be located within the city of Norfolk until such time as the Comprehensive Development Plan and new Development Regulations for the city are prepared and adopted. (Ord. No. 2000-6, Sec. 1.)

14.12.02 Effect This restriction shall be in effect until the comprehensive Plan and Zoning Ordinance are adopted, or until 90 days following the adoption of this ordinance, whichever date occurs first. (Ord. No. 2000-6, Sec. 2.)

CHAPTER 14.16**ANNEXATION, VACATING AND REZONING BY REFERENCE****Sections:**

- 14.16.01 Annexation of property
- 14.16.02 Vacating of property
- 14.16.03 Re-zoning of property

14.16.01 Annexation of property

Ord. No. 40	All of the west half (W1/4) Northwest quarter of Section 21
Ord. No. 48	NW 1/4 SE 1/4 SE 1/4, of Section 21 SW 1/4 of Section 22 SE 1/4 of Section 27 E 1/4 E 2 SE 1/4 of Section 28 NE 1/4 of Section 33, all in Township 18 North, Range 12 West
Ord. No. 66	West half (1/2) Northwest quarter of Section 21
Ord. No. 88-05	Fractional section 17 and 20, Township 18 North, Range 12
Ord. No. 88-06	Fraction 1/4 of Section 17
Ord. No. 88-07	Southwest fraction 1/4 of Section 17
Ord. No. 94-04	SE 1/4, NE 1/4 and SE 1/4 fractional Section 16
Ord. No. 2001-9	Part of SW 1/4, Sec 27, Twp 18 N, Range 12 West Part of NE 1/4, Sec. 33, Twp 18 N, Range 12 West 1.6 acres of SE 1/4 Sec. 28, Twp 18 N, Range 12 West Part of NW 1/4, Sec. 27, Twp 18 N, Range 12 West NE 1/4 Sec 21, Twp 18 N, Range 12 West
Ord. No. 2009-4	NW 1/4 of Sec. 21, Twp 18 N, Range 12 West SW 1/4 of Sec. 16, Twp 18 N, Range 12 West Parts of Sec. 17, 18 & 19, Twp 18 N, Range 12 West

14.16.02 Vacating of property

Ord. No. 53	Portion of old Main Street between Lot w and Lot 5 Portion of Chastain Avenue between Block 20 and Block 21
Ord. No. 83-6	Lot 147 along the North line of Cunningham Avenue
Ord. No. 95-2	Abutting Lots 21,20,17,18 and 19 of River Meadows Subdivision

14.16.03 Re-zoning of property

Ord. No. 2002-5	From HR-1 to R-2	East 1/2 Lots 106 & 107 of Norfolk Addition
Ord. No. 2003-15	From R-1 to MR-1	City property on both sides of St. Hwy 177
Ord. No. 2004-6	From B-1 to R-2	Property between Hwy 5 to Blue Water Lane
Ord. No. 2004-10	From R-1 to MR-1	Blocks 18, 19, 20, 21, 22 and 29-38.
Ord. No. 2005-4	From R-1 to R-2	Properties within boundaries of Hwy 5, Wolf Ave. to No. Fork River Rd.
Ord. No. 2007-17	From H-1 to B-1	Lots 135, 136, 137, 138, and 139 in Norfolk Add.
Ord. No. 2008-11	From R-1 to MR1	Part of NE 1/4 of Sec. 21, Twp 18 N, Range 12 West

CHAPTER 14.20**MANUFACTURED HOMES****Sections:**

- 14.20.01 Manufactured Home Residential
- 14.20.02 Additional requirements
- 14.20.03 Fine

14.20.01 Manufactured Home Residential

- A. The M-R1 Zoning is established to permit and encourage the development of single-family manufactured home subdivisions, or the placement of manufactured homes on individual lots in a suitable environment.

- B. Area requirements
 - 1. Minimum lot area: 7,500 square feet.
 - 2. Minimum lot width: 75 feet at the front property line.
 - 3. Front yard: 30 foot setback from the property line.
 - 4. Side and back yards: 10 foot setback from the property line.
 - 5. Side and back yard, street: 25 foot setback from the property line.
 - 6. Side and back yard, alley: 25 foot setback from the center of the alley.
 - 7. No more than fifty percent (50%) of the ground's surface may be covered by buildings or hard surface materials.

- C. Maintenance requirements
 - 1. All roofing materials shall be secure without gaps or damages shingles.
 - 2. All windows shall be operative without broken panes or damaged trim or screening.
 - 3. All exterior siding and skirting shall be in place and undamaged. No dented, torn, burnt, loose or mildewed siding shall be allowed.
 - 4. All kitchen and bathroom facilities shall be fully operational and all mechanical equipment shall be in good working order.
 - 5. Any attached gutters shall be secure and functional.
 - 6. All cornice materials shall be in place and undamaged.

7. Paint shall be uniform and unblemished.

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8. Doors shall be plumb and fully operational. No damaged screening or door fixtures shall be allowed.
 9. All flooring shall be structurally undamaged, and secure. Holes in the flooring or flooring that is missing, dented, broken, or in a state of damage or decay will not be allowed.
- D. All manufactured homes shall have the tongue of the trailer removed.
 - E. No manufactured homes may be placed in any Special Flood Hazard Area (SFHA) within the city of Norfolk, Arkansas.
 - F. All manufactured homes must meet all applicable federal safety standards in force in 1980 and prior years. (Ord. No. 2010-3, Sec. 1.)

14.20.02 Additional requirements

- A. All units shall have a minimum dimension of all sides of 20 feet.
- B. All units shall have an approved underpinning and/or skirting system and meet all state tie-down requirements.
- C. New units constructed shall have siding materials compatible with other units within 200 feet. Unless specifically approved by the Planning Commission.
- D. All units shall have the front door oriented toward the front yard.
- E. All units shall have a covered front landing of at least six (6) feet by six (6) feet and oriented to the front yard. (Ord. No. 2010-3, Sec. 2.)

14.20.03 Fine Any person receiving written notice from the city of Norfolk that he is in violation of the provisions of this ordinance shall have a period of thirty (30) days following his receipt of such notice in which to effect compliance, or otherwise will upon conviction be subject to a fine of no more than Ten Dollars (\$10.00) per day for so long as he remains in violation. (Ord. No. 2010-3, Sec. 3.)

CHAPTER 14.24

SIGNS AND BILLBOARDS

Sections:

- 14.24.01 Definitions
- 14.24.02 Regulation of signs
- 14.24.03 Fine

14.24.01 Definitions

Abandoned sign means a sign no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, or for which no legal owner can be found.

Awning sign means the use of an awning attached to a building for advertisement, identification, or promotional purpose, provided that only that portion of the awning which bears graphics, symbols and/or written copy shall be construed as being a sign.

Billboard means an outdoor advertised sign or poster panel which advertises products, businesses, and/or services not connected with the site on which the sign is located, and which sign is a substantial permanent structure with display services of a type which are customarily leased for commercial purposes.

Building Official as defined by the Uniform Building Code or his designated representative and/or the Building Inspector.

Changeable copy sign means a sign whose information content can be changed or altered (without changes of altering the sign frame, sign supports or electrical parts) by manual or electric. A sign on which the message changes more than eight (8) times within a day is considered an electronic message sign.

Directional sign means a single-faced or double-faced sign not exceeding two (2) feet x three (3) feet (six sq. ft.) in surface area per side designed to guide or direct pedestrian or vehicular traffic to an area, place, or convenience on the premises upon which the sign is located, i.e., entrance and exit signed and/or other similarly worded signs when used for the sole purpose of controlling mobile and pedestrian traffic.

Portable sign means any sign not permanently attached to the ground or other permanent structure, including but not limited to signs with attached wheels and those converted to A or T frame structure. (Ord. No. 2010-2, Sec. 2.)

14.24.02 Regulation of signs All signs hereafter erected on any lot in any zoning district, except official, traffic and street signs, shall conform to the provisions of this ordinance, unless otherwise provided.

General restrictions Unless provided in this code, the following regulations shall apply to signs in all zoning districts.

- A. Portable non-flashing signs whether lighted or unlighted, may be placed on a ninety (90) day non-renewable permit in any commercial or industrial zone subject to the following:
 - 1. Twenty-Five Dollars (\$25.00) for each sign or billboard application. (Ord. No. 2012-1, Sec. 2.)
 - 2. The sign shall observe a minimum ten (10) foot setback from any curb or edge or pavement, but in no case shall the sign be placed beyond the property line.
 - 3. Any sign remaining after ninety (90) days shall comply with Zoning Ord. No. _____ as amended, city of Norfolk. Any signs non-conforming after said date shall be subject to removal by the city.
- B. No sign shall be erected as to prevent free ingress and egress from any door, window, or fire escape, and no sign of any kind shall be attached to a standpipe or fire escape.
- C. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision, or at any location where, by reason of position it may interfere with or obstruct the view of traffic sign lines or traffic control devices. If located within direct line of vision of a traffic control device, no flashing or intermittent red, green or amber illumination shall be used.
- D. Any sign affixed flat against the wall of a building at not more than fifteen (15) inches in thickness shall not be deemed a projecting sign. Projecting signs may extend not more than forty-eight (48) inches beyond the building line or over

public property, in no event closer than two (2) feet to the curb line and shall be at least ten (10) feet above the finished grade of the sidewalk. Wall signs shall not

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extend more than fifteen (15) inches over public property; however, lighting devices may extend not more than six (6) feet over public property provided the lowest part of such device is a least fifteen (15) feet above the finished grade.

- E. Business and advertising signs are required to observe the same setback (25 feet), side yard and height limitation as provided for the other buildings or structure in the zoned district, provided that where drive-in service or parking facilities are provided, one (1) business sign not exceeding forty-five (45) sq. ft. in area may be erected in any required setback area if it is not located nearer to the street or highway right-of-way line more than one-half ($\frac{1}{2}$) the required setback, not to exceed fifty (50) feet.
- F. The illumination of any sign within fifty (50) feet of and facing a residential zone lot line shall be diffused or indirect and designated to prevent direct rays of light from shining into adjoining residential district, and in no event shall flashing or intermittent illumination be permitted where the sign faces directly into and is nearer than three hundred (300) feet to dwellings in a residential district.
- G. Directional or information signs of a public or quasi-public nature not exceeding six (6) square feet in area may be permitted in any district on approval of the Building Inspector. Any illumination shall be non-flashing, uncolored and confined to the face of the sign. No advertising matter whatsoever shall be permitted on signs of this type.
- H. Temporary signs indicating an event of public interest such as a state or local fair, cattle or horse show, etc. may be erected in a thirty (30) day non-renewable permit in any zone on approval of the Building Inspector.
- I. Political signs may be placed on private property with the owner's permission no earlier than sixty (60) days prior to primary, general or special elections and must be removed within seventy-two (72) hours following the election. The owner of the property shall be responsible for removal.
- J. Wherever a sign become structurally unsafe or endangers the safety of a building or premises, or endangers the public safety, the Building Inspector shall give written notice to the owner of the sign or the owner of the premises on which the sign is located that such sign be made safe or removed within ten (10) days.
- K. Any business or outdoor advertising sign legally existing prior to the adoption of

this code and which does not conform to these provisions shall not be altered, or changed in over-all dimensions, except to conform to the provision of this code.

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If damaged to an extent in excess of one-half (1/2) of its current replacement value, it shall not be rebuilt, provided that nothing contained herein shall be construed to prevent normal maintenance and repairs repainting or posting of such signs or structure. Nothing in this section shall require the taking, elimination, alteration or diminishment of a legally erected outdoor advertising sign without first making the payment of just monetary compensation thereof.

- L. Unless otherwise provided in these regulations, all sign shall be constructed and erected in accordance with the Building Code for the city of Norfolk, Arkansas.
- M. Billboards are prohibited in all zoning districts.
(Ord. No. 2010-2, Sec. 3.)

14.24.03 Fine If the city finds that a sign has been abandoned, or is structurally, materially or electrically defective or is otherwise in violating of this ordinance, the city shall issue a written order to the sign owner and the owner of the real property upon which the sign is situated. The order shall specify the sections of the ordinance violated and set a deadline of twenty-one (21) days from the date of the order in which to correct the alleged violation or to file and appeal.

Failure to comply within twenty-one (21) days shall be subject to prosecution in the local courts and upon convictions, shall be subject to a fine of not less than Ten Dollars (\$10.00) but not more than Five Hundred Dollars (\$500.00) for each day that the violation continues. Each day that the violation continues will constitute a separate offense. (Ord. No. 2010-2, Sec. 5.)

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TITLE 15

SUBDIVISION REGULATIONS

Chapters:

15.04 Minimum Standards and Regulations for Subdivision Development

CHAPTER 15.04

**MINIMUM STANDARDS AND REGULATIONS FOR SUBDIVISION
DEVELOPMENT**

Sections:

15.04.01 Minimum standards

15.04.01 Minimum standards The City Council of the city of Norfolk, Arkansas, feels it would be in the best interest of the city and the public to adopt this Minimum Standards and Regulations for Subdivision Development ordinance as set forth in the three copies filed in the City Clerk=s office, and shall be adopted by reference. As set forth in the Handbook for Municipal Officials, reference 14-55-207. (Ord. No. 2000-10, Sec. 1.)

TITLE 2

CLASSIFICATION, ADMINISTRATION AND PERSONNEL

Chapters:

- 2.04 City Classification
- 2.08 City and Ward Boundaries
- 2.12 Social Security Coverage
- 2.16 Unclaimed Property
- 2.20 City Council
- 2.24 Mayor
- 2.28 Recorder/Treasurer
- 2.32 City Attorney
- 2.40 Police Department
- 2.44 District and City Court
- 2.48 Defined Contribution Plan
- 2.52 Deferred Compensation Plan
- 2.56 Personnel Policies

CHAPTER 2.04

CITY CLASSIFICATION

Sections:

- 2.04.01 Operation as second class city

2.04.01 Operation as second class city The classification of the town of Norfolk, Arkansas is hereby changed from an incorporated town to a city of the second class. The City Council shall form the city into the number of wards that to them will seem to best serve the interests of the city. (Ord. No. 37, Sec. 1-2.)

STATE LAW REFERENCE - See A.C.A. 14-37-105

CHAPTER 2.08

CITY AND WARD BOUNDARIES

Sections:

2.08.01 Division into wards

2.08.01 Division into wards The city of Norfolk, Arkansas, is hereby divided into three (3) wards, each of which have representation in the City Council as now provided by law, said wards shall be known as 1st Ward, 2nd Ward and 3rd Ward.

- A. **1st Ward** Stone Creek Subdivision, Porterfield Estates, Norfolk Village and Norfolk Village 1st Addition, Norfolk Village 4th Addition, River Ridge Park Addition, properties on Russ Road, Priola Lane, River Side Acres, Blocks 7 – 12, 23 – 28 and 39, 40 and 41 of Norfolk Cunningham Addition, and all the property within the following boundaries; (on a line from the northwest corner of Block 8 or Norfolk Cunningham Addition west to the left bank of North Fork River, follow the river northeast to the corporate limits, then south to the point of beginning).
- B. **2nd Ward** Beginning at the northwest corner of Block 8 of the Norfolk Cunningham Addition proceed due west to the left bank of the North Fork River, then southwest to the left bank of the White River, follow the left bank of the White River south to the corporate limits, then follow the Missouri and Northern Arkansas Railroad northwest to a line due west of Main Street, proceed along this line to the east end of Main Street (at 4th Street), follow 4th Street north to Wolf Street, then west on Wolf Street to 2nd Street, then north on 2nd Street to the point of beginning at the northwest corner of Block 8 of the Norfolk Cunningham Addition.
- C. **3rd Ward** Consists of all of the property within the corporate boundaries that is to the south and east of Wards 1 and 2. (Ord. No. 2012-3, Sec. 1.)

CHAPTER 2.12

SOCIAL SECURITY COVERAGE

Sections:

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

2.12.01 Contract. The Mayor and Recorder/Treasurer of the city of Norfolk, Arkansas, are hereby authorized and directed to enter into an agreement with the State of Arkansas for the purpose of obtaining insurance coverage for the employees of the city under the terms and provisions of the Federal social Security Act. (Ord. No. 19821, Sec. 1.)

2.12.02 Withholding taxes from wages. Commencing 1-5-82, each employee=s insurance contribution shall be deducted from his salary check in accordance with the terms and provisions of the said Social Security Act. (Ord. No. 19821, Sec. 2.)

2.12.03 City to match withholding. Commencing 1-5-82, there is hereby appropriated from the General Fund of the city of Norfolk, 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 said Social Security Act. (Ord. No. 19821, Sec. 3.)

CHAPTER 2.16

UNCLAIMED PROPERTY

Sections:

- 2.16.01 Disposal
- 2.16.02 Sale
- 2.16.03 Proceeds of sale to owner
- 2.16.04 Proceeds remaining after six months

2.16.01 Disposal. The Mayor, under the direction hereinafter set out, is hereby authorized and directed to dispose of at public auction all unclaimed personal property rightfully coming into the hands of his office and to dispose of other confiscated property confiscated under the orders of the City Court with the exception of confiscated liquor.

STATE LAW REFERENCE - For procedure relating to liquor, See A.C.A. 3-3-312

2.16.02 Sale. All unclaimed personal property coming into the hands of the Mayor will be held by him for a period of six (6) weeks or longer. If property remains unclaimed, he shall periodically advertise such property in some newspaper of general circulation in the city of Norfolk once each week for three (3) consecutive weeks setting forth in the notice the time for the sale which shall not be earlier than five (5) days after the last publishing of the notice and no later than ten (10) days thereafter, designating an easily accessible place for the sale thereof, and giving a complete list and description of unclaimed articles to be sold. The Mayor shall have the right to refuse any and all bids not satisfactory and will then proceed to advertise these items for sale at a later date. Terms of such sale shall be for cash only. Nothing in this chapter shall prohibit any person who properly identifies any of the property as being their own before the sale from claiming and having property restored to them.

2.16.03 Proceeds of sale to owner. The Recorder/Treasurer shall deposit the receipt from the aforesaid sale of unclaimed property in the treasury and the Treasurer is to keep these funds in a special account for a period of six (6) months and any person identifying as his own any of such property within the six (6) month period shall upon the presentation of satisfactory proof be paid by the city out of the special account the amount for which the property was sold. The Recorder/Treasurer or some person designated by him shall keep in a well bound book an accurate record and description of each piece of unclaimed property passing through his office and the price for which it was sold and the date, the name and address of those who purchased same, as well as a complete record of those who identified and claimed any of the property before it was sold.

2.16.04 Proceeds remaining after six months. All proceeds from the sale remaining in the special fund for a period of six (6) months shall by the Treasurer be transferred to the city's general fund and no further payment shall be made therefrom to anyone who thereafter claims ownership.

CHAPTER 2.20

CITY COUNCIL

Sections:

- | | |
|---------|----------------------------------|
| 2.20.01 | Council meetings - regular |
| 2.20.02 | Council meetings - special |
| 2.20.03 | Freedom of information procedure |
| 2.20.04 | Order of business |

2.20.01 Council meetings - regular. All regular meetings of the Council shall be held at the municipal building. A workshop shall be held on the second Tuesday at 6:30 p.m. and a Council meeting shall be held on the third Tuesday at 6:30 p.m. of each month. (Ord. No. 03-13, Sec. 1.)

2.20.02 Council meetings - special. Special meetings of the City Council of the City of Norfolk , Arkansas, may be held upon the call of the Mayor, whenever in his opinion it shall be necessary, or by three (3) members of the Council by giving at least three (3) days' notice of such special meeting, by giving notice in writing which notice shall be served personally or through the mails to all members of the Council, which notice shall state the time of the meeting and purpose thereof.

2.20.03 Freedom of information procedure. All meetings of the City Council of the City of Norfolk, Arkansas, shall be public meetings. Notice of the time, place and date of all special meetings shall be given to representatives of the newspapers and radio stations located in Baxter County, Arkansas, which have requested to be notified at least two (2) hours before the special meeting takes place.

2.20.04 Order of business. At all meetings of the Council the following shall be the order of business unless the Council by a majority vote shall order otherwise.

- (1) Call to order
- (2) Roll call
- (3) Reading of minutes of the previous meeting
- (4) Reports of boards and standing committees
- (5) Reports of special committees
- (6) Unfinished business
- (7) New business
- (8) Announcements
- (9) Adjournment

CHAPTER 2.24

MAYOR

Sections:

- | | |
|---------|-------------------------|
| 2.24.01 | Office created |
| 2.24.02 | Election |
| 2.24.03 | Duties |
| 2.24.04 | Appointment of officers |
| 2.24.05 | Salary |

2.24.01 Office created. The office of Mayor is hereby created for the City of Norfolk , Arkansas.

2.24.02 Election. On the Tuesday following the first Monday in November, 1978 and

very four (4) years thereafter, the qualified voters of the city of Norfolk , Arkansas, shall elect a Mayor for four (4) years.

2.24.03 Duties As chief executive of the city, the Mayor shall preside over all meetings of the City Council of the city of Norfolk, Arkansas, and shall perform such duties as may be required of him by state statute or city ordinance.

2.24.04 Appointment of officers The Mayor shall appoint, with the approval of the City Council of the city of Norfolk, Arkansas, (where such approval or confirmation is required) all officers of the city whose election or appointment is not provided for by state statute or city ordinance.

2.24.05 Salary The City Council of Norfolk, Arkansas, as required by municipal code 2.24.05 hereby set the salary for the Mayor of the city of Norfolk for a period of one (1) year beginning January 1, 2013 at One Thousand Five Hundred Dollars (\$1,500.00) per month. (Ord. No. 2012-5, Sec. 1.)

CHAPTER 2.28

RECORDER/TREASURER

Sections:

2.28.01	Offices combined
2.28.02	Compensation
2.28.03	Duties
2.28.04	Collector

2.28.01 Offices combined The position of City Recorder is combined with the office of City Treasurer; and that both positions be held by one and the same elected official. (Ord. No. 50, Sec. 1.)

2.28.02 Compensation The salary of the Recorder/ Treasurer shall be set by the City Council.

STATE LAW REFERENCE - Constitutional Amendment No. 56

2.28.03 Duties The duties of the Recorder/Treasurer shall be:

- A. To keep an accurate and complete record of the finances of the different departments of the city and of the receipts and disbursements of funds belonging to the different departments of the city, as designated by the City Council.

- B. To perform such other duties as may be required by the ordinances of the city or laws of the state.

2.28.04 Collector The Recorder/Treasurer shall be the collector of all occupational and privilege taxes and other taxes for the city. The Recorder/Treasurer shall keep records on all occupational and other taxes and moneys collected.

CHAPTER 2.32

CITY ATTORNEY

Sections:

- 2.32.01 Appointment
- 2.32.02 Duties

2.32.01 Appointment The City Council may elect a prosecuting attorney whose duty it shall be to represent the said city either civil or criminal in which said city is interested. (Ord. No. 19, Sec. 1.)

2.32.02 Duties The attorney for the city of Norfolk, Arkansas shall have authority to file information charging any person or persons with violating any ordinance of the said city of Norfolk. Without giving bond for costs and in case of conviction in any case which said prosecuting attorney may prosecute the said attorney of the above named city shall be allowed the same fees as are allowed the prosecuting attorney in similar cases in Circuit Courts of Baxter County, Arkansas. (Ord. No. 19, Sec. 2.)

CHAPTER 2.40

POLICE DEPARTMENT

Sections:

- 2.40.01 Police Department established
- 2.40.02 Interlocal Cooperation Agreement

2.40.01 Police Department established A Police Department shall be established for the city of Norfolk, and the chief of Police shall be appointed by the Mayor with the approval and

establishment of employment conditions at the time of final approval by the City Council. Funding for the position shall be provided for in the General Fund Budget and approved by the Council. (Ord. No. 2007-14, Sec. 1.)

2.40.02 Interlocal Cooperation Agreement

- A. The Mayor, Recorder/Treasurer, and Chief of Police, acting upon behalf of the city of Norfolk, are hereby authorized and empowered to enter into an Interlocal Cooperation Agreement between the city of Norfolk and the Baxter County Sheriff's Office for the purpose of enhancing law enforcement services to citizens residing in and around the corporate limits of the city of Norfolk.
- B. A copy of said Interlocal Cooperation Agreement is attached hereto and incorporated here in by reference in its entirety.
- C. From and after the effective date of this agreement, officers of the city of Norfolk Police Department are authorized and empowered by said agreement to have and exercise law enforcement authority, including powers of detention and arrest, outside the corporate limits when specifically and directly asked or requested to by the Sheriff of Baxter County or any of his deputies.
- D. Upon the completion, resolution, or termination of the disturbance incident, or complaint upon which a request for assistance was made by the Sheriff or his deputies, the extra-territorial authority of officers of the city of Norfolk Police Department shall cease to exist until such time as a subsequent specific and direct request for assistance is made by the Sheriff or his deputies.
- E. Neither the City Council by enactment of this ordinance, nor any part, section, clause, or phrase of the attached Interlocal Cooperation Agreement shall serve to give either express or implied extra-territorial general law enforcement authority or jurisdiction to officers of the city of Norfolk Police Department through their own initiative, until and unless there is a specific and direct request for assistance on a particular disturbance, incident, or complaint from the Sheriff or one of his deputies.
- F. The Chief of Police shall be responsible for administering the terms and conditions of said agreement on behalf of the city of Norfolk, based upon the intent of the City Council as outlined herein above.
- G. The Interlocal Cooperation Agreement adopted hereby is for no specific period or length of time and shall be subject to cancellation, annulment, or revocation in whole or in part either by order of the City Council or by order or action of Sheriff of Baxter County. (Ord. No. 2008-2, Secs. 1-7.)

CHAPTER 2.44

DISTRICT AND CITY COURT

Sections:

- 2.44.01 District Court established
- 2.44.02 Qualifications and powers of District Judge
- 2.44.03 Court fines
- 2.44.04 Criminal Justice Fund
- 2.44.05 City Court established
- 2.44.06 Designation of Judge and compensation
- 2.44.07 Jurisdiction

2.44.01 District Court established The District Court is hereby established for the city of Norfolk, Arkansas.

2.44.02 Qualifications and powers of District Judge The District Judge shall possess the same qualifications and have the same powers, jurisdiction, functions and duties as is provided by state law for other district judges.

2.44.03 Court fines

- A. Under the authority of Act 860 of 1983, there is hereby levied and shall be collected from each defendant upon plea of guilty, *nolo contendere*, forfeiture of bond, or determination of guilt for misdemeanors or traffic violations in each case brought in the City Court of Mountain Home, Arkansas the sum of Five Dollars (\$5.00). (Ord. No. 62, Sec. 1.)
- B. Under authority of A.C.A. 16-17-129, there is hereby levied an additional Five Dollar (\$5.00) fine to be levied on every defendant who pleads guilty, *nolo contendere*, who is found guilty in the District Court of the city of Norfolk, Arkansas.

The monies collected by the levy of this fine shall be deposited in the Norfolk Court Account until monthly settlement is made for court costs and fines. At this time monies collected by the levy of this fine shall be deposited in the Criminal Justice Account of the city of Norfolk, Arkansas.

All monies collected by the levy of this fine shall be used solely to help defray the cost of incarcerating city of Norfolk prisoners in the Baxter County Jail. (Ord. No. 2008-8, Secs. 1-3.)

- C. Under authority of Arkansas A.C.A. 16-17-129 there is hereby levied an additional Fifteen Dollar (\$15.00) fine to be levied on every defendant who pleads guilty, *nolo contendere*, or who is found guilty in the District Court of the city of Norfolk, Arkansas.

The monies collected by the levy of this fine shall be deposited in the “Norfolk Court Account” until monthly settlement is made for court costs and fines. At this time monies collected by the levy of this fine shall be deposited in the “Criminal Justice Account of the city of Norfolk, Arkansas.”

All monies collected by the levy of this fine shall be used solely to help defray the cost of incarcerating city of Norfolk prisoners in the Baxter County Jail. (Ord. No. 2009-7, Secs. 1-3.)

2.44.04 Criminal Justice Fund The monies collected by levy of this additional court cost shall be deposited in the City Court Account until monthly settlement is made for court cost and money collected by this levy shall be deposited into a bank account known as the “Criminal Justice Fund of the city of Norfolk” and such monies shall be used solely for reimbursing the County for expenses incurred in incarcerating city prisoners. (Ord. No. 82-5, Sec. 2.)

2.44.05 City Court established That a City Court is hereby created with the power and duties set forth in the statutes of Arkansas and the Mayor is authorized as provided by law to designate a licensed attorney to serve as Judge of said court at the will of the Mayor. All fines and penalties assessed by said City Court shall be paid into the City Treasury. (Ord. No. 2000-9, Sec. 1.)

2.44.06 Designation of Judge and compensation The Mayor hereby designates Judge Van A. Gerhart, who serves as District Judge of Mountain Home, Arkansas, to serve as City Judge of Norfolk, Arkansas, beginning August 1, 2000. The City Judge shall be paid reasonable compensation by the city of Norfolk from the general fund as contracted services; such compensation shall be as determined by the City Council from time to time. The compensation to be paid to the City Judge at the present time shall be \$100.00 per court session, beginning August 1, 2000. The Judge shall be responsible for his own travel and other expenses; except, however, the city shall upon submission and approval pay all reasonable and necessary office expenses of the court (such as forms and supplies). (Ord. No. 2000-9, Sec. 2.)

2.44.07 Jurisdiction The jurisdiction of the Norfolk, City Court shall be the same as the jurisdiction of the justices of the peace for criminal cases, and costs may be adjusted in said court in the same amount as now or may hereafter be provided for in justice of the peace court with the right of the Judge of said court to issue all writs, processes, decrees and judgments as may now or hereafter be authorized by law. (Ord. No. 2000-9, Sec. 3.)

CHAPTER 2.48

DEFINED CONTRIBUTION PLAN

Sections:

2.48.01	Adopted
2.48.02	Board of Trustees
2.48.03	Authority
2.48.04	Contract
2.48.05	Termination
2.48.06	Assets and income
2.48.07	Implementation

2.48.01 Adopted The city adopts the Plan and the Trust Agreement ("Trust") for the Plan for its employees. (Ord. No. 2005-6, Sec. 1.)

2.48.02 Board of Trustees The city acknowledges that the Executive Committee of the AML will serve as the Board of Trustees for the AML Defined Contribution and Deferred Compensation Plan ("Trustees") and shall only be responsible for the Plan and have no responsibility for other employee benefit plans maintained by the city of Norfolk. (Ord. No. 2005-6, Sec. 2.)

2.48.03 Authority The city is authorized to sign all documents necessary to adopt the Plan and by so signing, be bound by the terms of the Plan as stated in the Adoption Agreement and Plan other plan documents. The city reserves the right to amend its elections under the Adoption Agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Trustees of the Plan. (Ord. No. 2005-6, Sec. 3.)

2.48.04 Contract

- A. The city agrees that it shall abide by the terms of the Plan and the Trust, including amendments to the Plan and the Trust made by the Trustees of the Plan, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.
- B. The city accepts the administrative services to be provided by AML and any services provided by an outside service provider as selected by the Trustees. The city acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the participants' accounts. (Ord. No. 2005-6, Sec. 4.)

2.48.05 Termination

- A. The city may terminate its participation in the Plan, including but not limited to, its contribution requirements, by way of:
 - 1. An ordinance of the City Council terminating its participation in the Plan.
 - 2. The ordinance must specify when the participation will end.
- B. The Trustees shall determine whether the ordinance complies with the terms of the Plan, and all applicable federal and state laws. The Trustees shall also determine an appropriate effective date, and shall provide appropriate forms to terminate ongoing participation. However, distributions under the Plan of existing accounts to participants will be made in accordance with the Plan.
- C. The city acknowledges that the Plan contains provisions for involuntary Plan termination. (Ord. No. 2005-6, Sec. 5.)

2.48.06 Assets and income The city acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased by such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of participants and their beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of participants and their beneficiaries and for defraying, reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, are held as part of the Plan. All contributions to the Plan shall be transferred to the Trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be transferred by the city to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan. (Ord. No. 2005-6, Sec. 6.)

2.48.07 Implementation It is the intent of the city that his ordinance and the approval of participation in the AML Defined Contribution Plan supercedes, revokes, and repeals the city's prior approval of participation in the ICMA Retirement Corporation Money Purchase Plan and Trust of any other such program as may have been previously approved by ordinance or resolution. All new contributions made by the city on behalf of the employees after implementation of the Plan will be made to the Plan. Funds residing in the ICMA Money Purchase Plan will be rolled over to the AML Defined Contribution Plan as soon as possible after implementation of the Plan. (Ord. No. 2005-6, Sec. 7.)

CHAPTER 2.52

DEFERRED COMPENSATION PLAN

Sections:

2.52.01	Adoption
2.52.02	Board of Trustees
2.52.03	Terms
2.52.04	Contract
2.52.05	Termination
2.52.06	Assets and income
2.52.07	Implementation

2.52.01 Adoption The city adopts the Plan and the Trust Agreement ("Trust") for the Plan for its employees. (Ord. No. 2005-7, Sec. 1.)

2.52.02 Board of Trustees The city acknowledges that the Executive Committee of the AML will serve as the Board of Trustees of the AML Defined Contribution and Deferred Compensation Plan ("Trustees") and maintained by the city of Norfolk. (Ord. No. 2005-7, Sec. 2.)

2.52.03 Terms The city is authorized to sign all documents necessary to adopt the Plan and by so signing, be bound by the terms of the Plan as stated in the adoption agreement and plan and other plan documents. The city reserves the right to amend its elections under the adoption agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Trustees of the Plan. (Ord. No. 2005-7, Sec. 3.)

2.52.04 Contract

- A. The city agrees that it shall abide by the terms of the Plan and the Trust, including amendments to the Plan and the Trust made by the Trustees of the Plan, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.
- B. The city accepts the administrative services to be provided by AML and any services provided by an outside service provider as selected by the Trustees. The city acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the participants' accounts. (Ord. No. 2005-7, Sec. 4.)

2.52.05 Termination

- A. The city may terminate its participation in the Plan, including but not limited to, its contribution requirements, by way of:
 - 1. An ordinance of the City Council terminating its participation in the Plan.
 - 2. The ordinance must specify when the participation will end.
- B. The Trustees shall determine whether the ordinance complies with the terms of the Plan, and all applicable federal and state laws. The Trustees shall also determine an appropriate effective date, and shall provide appropriate forms to terminate ongoing participation. However, distributions under the Plan of existing accounts to participants will be made in accordance with the Plan.
- C. The city acknowledges that the Plan contains provisions for involuntary Plan termination. (Ord. No. 2005-7, Sec. 5.)

2.52.06 Assets and income The city acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased by such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of participants and their beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of participants and their beneficiaries and for defraying, reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, are held as part of the Plan. All contributions to the Plan shall be transferred to the Trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be transferred by the city to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan. (Ord. No. 2005-7, Sec. 6.)

2.52.07 Implementation It is the intent of the city that his ordinance and the approval of participation in the AML Deferred Compensation Plan supercedes, revokes, and repeals the city's prior approval of participation in the U.S. Conference of Mayors deferred compensation program and the city's prior approval of participation in the ICMA Retirement Corporation Deferred Compensation Plan or any other such program as may have been previously approved by ordinance or resolution. All new Deferred Compensation contributions made by employees after implementation of the Plan will be made to the Plan. Roll over of prior contributions into the AML plan will be at the discretion of each individual employee with respect to his/her individual account. (Ord. No. 2005-7, Sec. 7.)

CHAPTER 2.56

PERSONNEL POLICIES

Sections:

2.56.01	General policies
2.56.02	Equal employment opportunity
2.56.03	General employment policies
2.56.04	Compensation and matters affecting employment status
2.56.05	Benefits
2.56.06	Standards of conduct
2.56.07	Miscellaneous information

2.56.01 General policies

Purpose This Personnel Handbook contains policies, practices and procedures which are necessary to implement and administer the city's personnel system. By adopting this Handbook, the city endeavors to achieve consistent treatment for all employees through the establishment of uniform guidelines and systematic procedures. This Handbook does not represent an employment contract or any aspect of an employment contract and should not be construed as such. (Ord. No. 2011-5, Sec. 1.1)

Scope All employees of the city of Norfolk, Arkansas, are subject to the application of the personnel policies and procedures described in this Handbook. (Ord. No. 2011-5, Sec. 1.2)

Definitions

Employee An individual who is compensated by and provides a service to the city regardless of the number of hours of work performed during a given time period or the length of the term of employment. The term "employee" shall not include any elected official, any voluntary, appointed member of any board, commission or authority, or any person performing services for the city on the basis of a service contract, retainer, or prescribed fee.

Exempt employee Employee who is not eligible for overtime as defined by the Fair Labor Standards Act.

Full-time employee Employee who is regularly scheduled to work in a position which has daily, weekly and monthly hours as established by the City Council for full-time work.

Non-exempt employee Employee who is eligible for overtime compensation as defined by the Fair Labor Standards Act.

Overtime Hours worked other than scheduled work hours.

Part-time employee Employee who is regularly scheduled to work in a position whose daily, weekly, or monthly hours are less than the hours established for full-time employees.

Supervisor Person who has been designated to oversee other employees in a department.

Temporary employee An employee hired for an intermittent or specified period of time, for a season, for a job of limited duration or for a non-recurring work project.

Work week for full time employees The seven (7) days period will begin at 3:30 p.m. on Friday for utility workers. The seven (7) day period for office employees will start on Monday at the beginning of office hours as established by the Mayor. (Ord. No. 2011-5, Sec. 1.3)

Amendments and revisions This manual may be amended and revised periodically as necessary at the direction of the City Council. Since personnel practices and procedures are in a constant state of change, the city will continuously review this Handbook for amendments or revisions which might better serve the needs of the city and its employees. As such, this Handbook has been designated to be routinely updated and amended as the need arises.

The city of Norfolk shall have the exclusive right to change, alter, delete, add or modify any provision of these personnel policies at any time, with or without notice. Final approval of all changes to the personnel policies shall be approved by resolution of the City Council. Changes made to these policies shall be communicated through standard communication channels and/or through revisions to this manual, however advance notice may not always be possible.

The policy manual supersedes all previous manuals, letters, memoranda, resolutions, and understandings unless otherwise noted. (Ord. No. 2011-5, Sec. 1.4)

Distribution list A list of this manual and all subsequent revisions or amendments shall be distributed to all employees and elected or appointed city officials. (Ord. No. 2011-5, Sec. 1.5)

2.56.02 Equal employment opportunity

Equal opportunity employer The city of Norfolk is committed to providing equal employment opportunity without regard to race, color, religion, national origin, sex, age, handicap, disability, or veteran status as required by all federal and state laws. The city's commitment in this regard extends to all employment-related decisions and terms and conditions of employment, including job opportunities, promotions, pay and benefits. (Ord. No. 2011-5, Sec.2.1)

Americans with Disabilities Act The city of Norfolk abides by the requirements of the Americans with Disabilities Act, the ADA Amendments Act, and state laws governing employment of individuals with disabilities. Qualified individuals with disabilities may be entitled to an accommodation in the application process and/or in the workplace. Any qualified individual with a disability who requires reasonable accommodation in the employment process and/or in the workplace shall notify the Mayor. It shall be the responsibility of a qualified individual with a disability to request reasonable accommodation in the hiring process or in the workplace. (Ord. No. 2011-5, Sec. 2.2)

Unlawful discrimination and harassment

- A. Policy The city of Norfolk expressly prohibits its officials or employees from engaging in any form of unlawful harassment or discrimination, whether due to race, religion, creed, color, national origin sex, marital status, age, genetics, status as a veteran or special disabled veteran or the presence of any physical, mental or sensory handicap. Harassment or discrimination of any employee is a serious violation of city policy and will not be tolerated. (Ord. No. 2011-5, Sec. 2.3.1)
- B. Prohibited conduct defined Discrimination is any annoying, persistent act or actions that single out an employee, over that employee's objection to his or her detriment, because of a person's protected status, i.e., race, religion, creed, color, national origin, sex, marital status, age, genetics, status as a veteran or special disabled veteran, or the presence of any physical, mental or sensory handicap.

Discrimination or harassment can take many forms and can include slurs, comments, jokes, innuendoes, unwelcome compliments, pictures, cartoons, pranks or other verbal or physical conduct, including but not limited to the following actions:

1. Verbal abuse, ridicule, or derogatory comments, i.e., jokes, threats, whistling;
2. Interference with an employee's work;
3. Displaying or distributing sexually offensive, racist or other derogatory materials, i.e., posters, e-mails, calendars, magazines;
4. Discriminating against any employee in work assignments or job-related training because of one of the above-referenced bases;
5. Intentional physical contact with either gender specific portions of a person's body or that person's private parts, i.e., pinching, gestures, unwelcome touching;

6. Making offensive sexual, racial or other derogatory hints or impressions;
7. Requesting favors (sexual or otherwise), explicitly, as a condition of employment, promotion, transfer or any other term or condition of employment;
8. Overtly using one's title or position to sexually or otherwise harass employees.

Discrimination or harassment based upon a person's protected status, is prohibited by federal and state anti-discrimination laws and violates city policy where it:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise unreasonably affects an individual employment opportunity.

Sexual harassment occurs when the verbal and physical conduct described above is sexual in nature or is gender-based, that is, directed at a person because of their gender. Sexual harassment does not refer to casual conversation or occasional compliments of a socially acceptable nature. Sexual harassment violated federal and state law and is prohibited under the city's harassment policy when:

1. Submission to the conduct is either explicitly or implicitly a term or condition of employment.
2. Submission to or rejection of the conduct is used as a basis for an employment decision affecting such individual;
3. The conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile or offensive.

Sexual harassment includes, but is not limited to:

1. Unwelcome verbal behavior such as comments, suggestions, jokes, or derogatory remarks based on sex.
2. Physical behavior such as pats, squeezes, repeatedly brushing against someone's body, or impeding or blocking normal work or movement.

3. Posting of sexually suggestive or derogatory pictures, cartoons, or drawings, even at one's work station.
4. Unwanted sexual advances, requests or pressure for sexual favors and/or basing employment decisions (such as an employee's performance evaluation, work assignments, advancement) upon the employee's acquiescence to sexually harassing behavior in the workplace. (Ord. No. 2011-5, Sec. 2.3)

Complaint reporting and investigation The city is committed to diligently enforcing its harassment policy by promptly and impartially investigating all complaints. When harassment is discovered, the city shall take appropriate disciplinary action, up to and including termination. The complaint procedure is designed to deal with complaints in a fair, discreet and timely manner to:

- A. Determine if the conduct alleged in the complaint took place and constitutes harassment which violates federal and/or state law and city policy or constitutes harassment in the form of inappropriate or offensive behavior which violates city policy.
- B. Stop the offending behavior.
- C. Restore the complainant's working environment.
- D. Take steps to prevent retaliation and repetition of the harassment.
- E. Educate, sanction, or discipline the harasser consistent with the seriousness of the offense.

It is every employee's and official's responsibility to ensure that his/her conduct does not include or imply harassment in any form. If, however, harassment or suspected harassment has/ or is taking place:

- A. An employee must immediately report the harassment or suspected harassment, in writing, to the Mayor immediately. If the Mayor is the source of the alleged harassment, or is so closely associated with the source of the harassment that the employee does not feel comfortable reporting to that person, the employee may report the complaint to the Recorder/Treasurer or any Council Person. Employees should not wait to report the harassment or discrimination until the acts become so pervasive or offensive that they create a hostile working environment.

- B. Any supervisor or department head who learns of or receives a complaint of harassment is obligated to report it to the Mayor.
- C. Each complaint shall be fully investigated and a determination of the facts and an appropriate response will be made on a case-by-case basis.

If it is determined that harassment has occurred, the city shall take appropriate corrective disciplinary action, which may include, but not limited to, verbal and/or written warnings, probation, suspension, demotion and/or termination. No employee shall be subject to any form of retaliation or discipline for pursuing a harassment complaint, and no witnesses shall suffer retaliation as a result of their involvement in the investigation. The city of Norfolk will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action will be taken against those who are found to have violated the city's policy against such retaliation.

If the investigation does not find that harassment occurred or that the alleged incident(s) did not constitute harassment, the matter shall be referred back to the Norfolk for further appropriate action. For example, if workplace misconduct may have occurred but not harassment, the Norfolk shall determine the manner in which to act upon the findings set forth in the investigation report. An employee found to have reported harassment in bad faith or intentionally or willfully falsely reported harassment shall be subject to disciplinary action. (Ord. No. 2011-5, Sec. 2.4)

2.56.03 General employment policies

At-will employer The city of Norfolk is an at-will employer. This means that the city of Norfolk or any of its employees may terminate the employment relationship at any time for any reason with the understanding that neither has an obligation to base that decision on anything but his or her intent to discontinue the employment relationship. No policies, comments, or writings made herein or during the employment process shall be construed in any way to waive this provision. This Handbook is not intended to create any contractual or other legal rights. It does not alter the city's at-will employment policy nor does it create an employment contract for any period of time. (Ord. No. 2011-5, Sec. 3.1)

Authority to hire and fire Note: State law dictates that local government department heads serve at the will of the Mayor. A.C.A. 14-42-110. State law does not, however, indicate who has the specific authority to hire and/or fire other non-department head employees of the city. The Mayor of the city of Norfolk has the authority to hire and/or fire any city employee. Council has the authority to override the Mayor's decision. (Ord. No. 2011-5, Sec. 3.2)

Job posting and advertising An application for employment will be accepted from anyone who wishes to apply for employment on forms provided by the city. Application forms

are available in the office of the City Clerk. All information provided on the application must be true and correct with the provision of false information being grounds for elimination of consideration for hiring and/or dismissal from city employment.

In the event of a job opening, the position or positions open will be announced and posted in *Baxter Bulletin* at least ten (10) days prior to the deadline for receiving applications. Copies of the job announcement will be distributed to city departments and as appropriate, to public and private employment agencies, local newspapers and other sources which might recruit applicants. Recruitment resources will be notified at least ten (10) days prior to the predetermined cut-off date for receiving applications.

Applications for full-time city employment will not be accepted from any one under eighteen (18) years of age. Except as otherwise provided by Arkansas law the Mayor is authorized to make the final decision with respect to hiring new employees and promoting existing employees. (Ord. No. 2011-5, Sec. 3.3)

Employment applications and resumes The city of Norfolk relies upon the accuracy of information contained in the employment applications and resumes submitted by prospective employees, as well as other information provided throughout the hiring process and employment. Any misrepresentations, falsifications, or material omission in any of this information may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, in termination or other disciplinary measures. (Ord. No. 2011-5, Sec. 3.4)

Post-offer pre-employment physicals Post-offer pre-employment physicals will be required for every applicant to be hired for the city in a permanent employment position. Such examinations shall be paid for by the city. The examinations shall be performed by licensed physicians selected by the Mayor. A summary report of the examining physician shall be provided to the Mayor as to whether the applicant can perform the job sought and what, if any, restrictions are necessary to determine any necessary work restructuring or accommodations. Although the physicians may make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their determinations are only recommendations; final authority to hire rests with the city. Only in cases of emergency may an applicant begin work prior to the post-employment job offer medical examination, but employment is subject to the applicant's passing such examination.

Reports and records of all physical, psychological and mental exams shall be kept in the offices of the physicians or mental health practitioners with only a summary report provided to the Mayor to be kept in a confidential file apart from the individual's personnel file. The city may share such information only in limited circumstances with supervisors, managers, first aid and safety personnel, government officials investigating compliance with the ADA, state workers' compensation offices, state second injury funds, workers' compensation insurance carriers, health care professionals when seeking advice in making reasonable accommodation

determinations, and for insurance purposes. Should there be a dispute concerning the exam, or should a supervisor be informed as to the need of reasonable accommodation including job restructuring, the report shall be made available to the necessary legal and supervisory or administrative personnel within the city government. (Ord. No. 2011-5, Sec. 3.5)

Fitness for duty exam Employees who, due to mental or physical disabilities, are rendered unable to perform their essential job functions with or without reasonable accommodation or who pose a direct safety threat to themselves or others shall be subject to a fitness for duty examination. Based on the findings of the exam and other job restructuring factors, the Mayor shall take such action that is necessary to ensure that the requirements of the individual's position are satisfied. (Ord. No. 2011-5, Sec. 3.6)

The Omnibus Transportation Employee Testing Act of 1991 It is the city of Norfolk's intent to comply with all regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991. City employees required to have a Commercial Driver's License (CDL) must comply with all regulations in the 1991 Omnibus Transportation Act. The Act requires alcohol and drug testing for all city employees whose jobs require a CDL. These tests include pre-employment, post-accident, random, reasonable suspicion, and return-to-duty and follow-up testing. The city of Norfolk will not permit an employee who refuses to submit to requisite testing to perform or continue to perform any activity that requires a CDL. All CDL drivers must obtain from the city of Norfolk, the city's written substance abuse policy. CDL drivers are required to read this material and sign a statement acknowledging that they have received a copy of the city's Substance Abuse Policy. (Ord. No. 2011-5, Sec. 3.7)

Drug and alcohol testing The city of Norfolk has a responsibility to ensure safe-working conditions for its employees and a productive city workforce unimpaired by chemical substance abuse. To satisfy these responsibilities, city is committed to maintaining a work place that is free from the effects of drugs, alcohol, or other performance-impairing substances. All employees are expected to obey all laws regarding the use of illegal drugs or alcohol. The city prohibits the possession, unlawful manufacturing, distribution of illegal drugs or the abuse of alcohol or prescription drugs while on city premises during work hours. Any employee violating this policy will be subject to appropriate discipline, including termination. Any city employee who violates this substance abuse policy, or who is convicted of an alcohol or drug violation, will be subject to disciplinary action, up to and including dismissal. (Ord. No. 2011-5, Sec. 3.8)

- A. Fitness for duty Current abuse of drugs or alcohol is not a protected disability under the Americans with Disabilities Act (ADA). The city will not hire anyone who is known to currently abuse drugs or alcohol. Furthermore, all employees are expected to report to work in a fit condition to perform their duties. Employees on official business or representing the city on or off of the work place are prohibited from purchasing, transferring, using or possessing illegal drugs or from abusing alcohol or prescription drugs in any way that is illegal. An

employee reporting or returning to work whose behavior reflects the abuse of alcoholic beverages or drugs may be referred for a medical evaluation to determine fitness for work. Failure to report for an evaluation or follow the recommendations of the city will result in appropriate disciplinary action, including termination. (Ord. No. 2011-5, Sec. 3.8.1)

- B. Notification As a condition of employment with the city, employees must abide by the terms of this drug and alcohol policy and report any conviction under a criminal drug or alcohol statute including DWI convictions for violations occurring on or off city premises while conducting city business. A report of a conviction shall be made within five (5) days after the conviction. Failure to report a conviction within the five (5) day period may result in disciplinary action, including immediate termination. (Ord. No. 2011-5, Sec. 3.8.2)

2.56.04 Compensation and matters affecting employment status

Attendance Employees shall be in attendance at their work stations in accordance with the rules and regulations established by the Mayor. (Ord. No. 2011-5, Sec. 4.1)

Work hours The Mayor will schedule the work hours for each employee depending on the needs of the city. The normal workweek will be a five (5) day workweek as scheduled by the Mayor. Vacations, holidays, sick days, jury duty, etc., do not count as hours worked when calculating overtime hours. Overtime or compensatory time will be given for any hours worked other than scheduled work hours.

- A. The standard workweek shall consist of forty (40) hours per week within a seven (7) day period, unless otherwise arranged by the Mayor to meet specific departmental needs.
- B. Flexible work arrangements are dependent on departmental requirements and are left to the discretion of the Mayor. Flexible work arrangements allow the Mayor to schedule the workweek of forty (40) hours to meet specific departmental situations.

The city reserves the right to adjust and change hours of work, days of work and schedules to fulfill its responsibility to the citizens of the city of Norfolk. In an emergency, previously scheduled hours of work, days of work and work arrangements may be altered at the discretion of the Mayor. Changes in work schedules will be announced as far in advance as practicable. Whenever possible, full-time employee work schedules shall provide a rest period (break) during each four-hour work shift. Reasonable time off for a meal will be provided. (Ord. No. 2011-5, Sec. 4.2)

Unauthorized work time Because of FLSA regulations, non-exempt employees are not to commence work prior to the scheduled starting time, work during their meal break, or work past the scheduled end of their shift without prior approval of their immediate supervisor. FLSA non-exempt employees who work unauthorized overtime hours may be subject to disciplinary action including but not limited to suspension without pay.

Compensation

- A. Reporting and verifying hours worked Compensation for employment with the city of Norfolk may be subject to the Fair Labor Standards Act. It is each employee's responsibility to monitor and record an accurate status of the hours he/she works per payroll period to ensure that he/she is properly paid for time worked. All employees shall report their hours worked on the forms provided by the Recorder/Treasurer. It is the responsibility of each employee to properly complete a timesheet recording the time that he/she worked during every payroll period and to sign each time sheet. By signing the timesheet, each employee is verifying its accuracy. Signed and completed timesheets must be turned in on a semi-weekly basis to their supervisors for signature. The supervisors shall forward the same to the Recorder/Treasurer in a timely manner to ensure that proper records are kept as to vacations, sick leave, hours worked and overtime accrued and taken. (Ord. No. 2011-5, Sec. 4.4.1)
- B. Payroll records The Recorder/Treasurer shall keep and maintain a record of work attendance, vacation and sick leave earned, used and accrued, and any other leave, whether with or without pay. These records shall be available to the department head, and individual employees shall be able to inspect their own records during normal business hours. (Ord. No. 2011-5, Sec. 4.4.2)
- C. Payroll procedures and payday Employees are paid every other week on Friday. When a holiday falls on a regular payday, employees will be paid on the last working day prior to the holiday. Each employee is responsible for monitoring the accuracy of each paycheck received. Any employee who believes that his/her paycheck does not properly compensate him/her for all hours worked in a given payroll period should immediately report their concerns to the Recorder/Treasurer. (Ord. No. 2011-5, Sec. 4.4.3)
- D. Withholding of membership dues Upon receipt of a written request signed by a full-time municipal employee who is represented by a union or professional association, the city will withhold membership dues of the union or professional association from the salary of the employee. The withholding request shall be on a form provided to the employee by the city. The city will transmit all dues that are withheld under this section to the union or professional association

representing the employee within five (5) days of the end of the pay period. A withholding initiated under this section shall be discontinued only upon receipt of a written notice of cancellation signed by the employee. (Ord. No. 2011-5, Sec. 4.4.4)

Salary basis policy The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over forth (40) hours in a workweek. However, Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional and outside sales employees. Section 13(a)(1) and Section 13(a)(17) also exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the department's regulations. (Ord. No. 2011-5, Sec. 4.5)

- A. Salary basis requirement To qualify for exemption, employees generally must be paid at not less than \$455 per week on a salary basis. These salary requirements do not apply to outside sales employees, teachers, and employees practicing law or medicine. Exempt computer employees may be paid at least \$455 on a salary basis or on an hourly basis at a rate not less than \$27.63 an hour.

Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the employer makes deductions from an employee's predetermined salary, i.e., because of the operating requirements of the business, that employee is not paid on a "salary basis." If the employee is ready, willing and able to work, deductions may not be made for time when work is not available. (Ord. No. 2011-5, Sec. 4.5.1)

- B. Circumstances in which the city may make deductions from pay Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or

witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions (see policies on penalties for workplace conduct rule infractions). Also, the city is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made. (Ord. No. 2011-5, Sec. 4.5.2)

- C. City policy It is our policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all supervisors from making any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that the city does not allow deductions that violate the FLSA. (Ord. No. 2011-5, Sec. 4.5.3)
- D. What to do if an improper deduction occurs If you believe that an improper deduction has been made to your salary, you should immediately report this information to Recorder/Treasurer or Mayor. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made. (Ord. No. 2011-5, Sec. 4.5.4.)

Overtime and compensatory time

- A. Overtime The city will pay overtime in accordance with the Fair Labor Standards Act at one and half times the base rate or hourly rate for all hours worked in excess of the hours per week set forth in the Work Hours section of this Handbook. Overtime will be permitted only with prior approval of the Mayor prior to the commencement of such work or when absolutely necessary due to emergency conditions. Failure to obtain prior approval before working overtime may result in disciplinary action, including but not limited to suspension without pay. (Ord. No. 2011-5, Sec. 4.6.1)
- B. Compensatory time Compensation for overtime may be made in the form of compensatory leave time (“comp time”) to the employee. Compensatory time is accrued at a rate of time and a half for all hours worked in excess of forty (40) hours per workweek. No employee may accumulate more than forty (40) hours of compensatory time at any given time during the calendar year. Hours in excess of forty (40) shall be paid at the appropriate overtime rate. Upon termination of employment, any unused compensatory time is to be paid at a rate equal to the employee’s then prevailing rate of pay. Each employee may choose between receiving compensatory time off or overtime pay.

Each employee shall be responsible for maintaining accurate records of overtime and compensatory time. However, the overtime and compensatory records of the Recorder/Treasurer shall be final with respect to the number of compensatory leave days earned of an employee. Compensatory leave must be taken during the calendar year earned and should be scheduled in the same manner required for vacation days. (Ord. No. 2011-5, Sec. 4.6.2)

- C. Non-exempt and exempt employees Non-exempt employees are subject to the Fair Labor Standards Act (FLSA) overtime requirements and therefore are subject to the overtime policies set forth in this Handbook. Exempt employees are not subject to the Fair Labor Standards Act overtime requirements. Certain employees are classified as exempt based upon the nature of the work, conditions of employment and by the criteria set forth in the rules and regulations of the Fair Labor Standards Act. Exempt employees shall not be eligible for overtime or comp time for hours worked in excess of the regular workweek. (Ord. No. 2011-5, Sec. 4.6.3)

Emergency situations It is the policy of the city to maintain hours of operation, which make the best use of employees and resources in serving the needs of the public. Emergency situations may from time to time necessitate the closure of city offices. Such situations shall be determined by the Mayor after consideration of all facts. Minimum hours paid for emergency calls will be one (1) hour. Time will start when employee leaves home and end when employee returns home. (Ord. No. 2011-5, Sec. 4.7)

Temporary and seasonal employees On occasion, the city may hire temporary or seasonal employees who are hired for a set duration. These employees are not intended to be employed on a regular basis and are employed at-will. Temporary employees may be hired full or part-time and are paid for actual hours worked at a rate determined by the City Council. Temporary, non-exempt employees, are eligible for overtime for hours exceeding forty (40) hours per workweek, subject to all other overtime policies set forth in this Handbook. A temporary employee may be employed for up to six (6) months at which time the temporary status shall be reviewed before employment is continued. Unless otherwise authorized by the City Council, temporary and seasonal employees do not qualify for annual leave, sick leave or other city benefits. (Ord. No. 2011-5, Sec. 4.8)

Vacancies and promotions It is the intent of the city of Norfolk to hire and promote the most qualified applicant for all vacant position. To give the employees of the city of Norfolk an opportunity to apply for job vacancies, announcements of job openings will be posted on city bulletin boards. In accordance with equal employment opportunity guidelines and this manual, notice of job vacancies will be sent to the appropriate news media and employment agencies throughout the relevant labor market. A job description of each vacant position will be provided

upon request. The final decision regarding promotions shall be made by the Mayor, the Council has the authority to override the Mayor's decision. (Ord. No. 2011-5, Sec. 4.9)

Training The city of Norfolk is committed to continuing training for all employees. If an employee feels that additional training is needed, he/she is responsible for notify his/her department head. Expenses incurred in on-the-job training should be assumed by the city. (Ord. No. 2011-5, Sec. 4.10)

Performance evaluations All employees will participate in a performance review session, at least annually, with their supervisor. This review is intended to provide support for the individual; to improve the performance of the individual by providing meaningful, constructive feedback on the adequacy of performance; and to assist in the development and fulfillment of professional growth goals and job responsibilities. Formal and documented reviews, as well as casual and undocumented discussions with your supervisor, will be a part of your performance evaluation. To the extent practicable, evaluations will be based on the direct supervisor's direct observations of each employee's performance, the quality and quantity of each employee's performance, and any additional efforts undertaken by the employee.

Your signature on formal review forms will serve as notice that the review has taken place and not whether you agree or disagree with the contents. Completed formal evaluation forms will be placed in the employee's personnel file. Please note that a performance evaluation does not necessarily mean a salary adjustment. (Ord. No. 2011-5, Sec. 4.11)

Job safety The city of Norfolk strives to provide a healthy and safe working environment. Safety is largely the use of good judgment and careful work habits. If an employee is unsure of how to perform a task safely, he should ask his supervisor or department head for the correct method.

Unsafe conduct constitutes misconduct. The following safety rules should always be observed:

- A. Follow all departmental safety rules.
- B. Use all mechanical safeguards on or for employee equipment.
- C. Immediately cease using and report any faulty or potentially faulty equipment to the supervisor.
- D. Immediately report any unsafe or potentially unsafe working condition or equipment.
- E. Immediately report any and every accident to the supervisor.

Violence or threats of violence are strictly prohibited and, if confirmed, may be grounds for immediate termination. Examples of such conduct include harassing or threatening phone calls, e-mail or written communication directed towards an employee or his or her friends/family

members; stalking; and the destruction of personal and/or city property. Dangerous items of any nature such as weapons, explosives, or firearms will not be permitted on city property, or in an employee's possession while conducting city business offsite. Of course, theft of any kind will not be tolerated. (Ord. No. 2011-5, Sec. 4.12)

Refusal to work A city employee's commitment is to public service. Any work stoppage, slowdown, strike or other intentional interruption of the operations of the city shall cause the employee to forfeit his or her employment and result in the termination of the employee from the city of Norfolk. (Ord. No. 2011-5, Sec. 4.13)

Resignation/termination Employees who wish to terminate their employment with the city of Norfolk are urged to notify the city at least two (2) weeks in advance of their intended termination. Such notice should preferably be given in writing to the Mayor. Although not required, proper notice generally allows the city sufficient time to calculate all final accrued monies due the employee for his or her final paycheck. Without adequate notice however, the employee may have to wait until after the end of the next normal pay period to receive such payments.

Employees who plan to retire are urged to provide the city with a minimum of two (2) months' notice. This will allow ample time for the processing of appropriate pension forms to ensure that retirement benefits to which an employee may be entitled commence in a timely manner. All employment relationships with the city of Norfolk are on an at-will basis. Thus, although the city of Norfolk hopes that the relationship with employees are rewarding, the city reserves the right to terminate the employment relationship of any employee at any time. (Ord. No. 2011-5, Sec. 4.14)

Exit interviews Employees whose employment has terminated may be requested to participate in an exit interview and sign an exit interview form at the time of termination. During the interview, matters of final pay and benefits will be discussed, and the employee will be required to return any city property in his/her possession or which was entrusted to him/her. (Ord. No. 2011-5, Sec. 4.15)

Job descriptions It shall be the responsibility of the Mayor to maintain a job description on file for each position in the department. The job description should include scope of responsibility, typical duties, qualifications, knowledge, skills and abilities, physical demands and environment, and an employee acknowledgment. (Ord. No. 2011-5, Sec. 4.16)

2.56.05 Benefits

Vacations

- A. Police Department (This section only applies to full time officers)
Pursuant to A.C.A. 14-52-106, each employee shall be granted an annual vacation

of not less than fifteen (15) working days with full pay. All employees of the Police Department shall accumulate vacation time at the rate of one and one-quarter (1¼) working days for each month of working service. The Police Chief shall see that employees of the Police Department take all of their vacation time before the end of the calendar year, or shortly thereafter. (Ord. No. 2011-5, Sec. 5.1.1)

B. Fire Department (The city has no Fire Department) (Ord. No. 2011-5, Sec. 5.1.2)

C. Vacation time for non-uniformed employees After six (6) months of full-time employment, employees accrue five (5) working days of paid vacation annually. After one (1) year of full-time employment, employees accrue ten (10) working days of paid vacation annually. After five (5) years of full-time employment, employees accrue fifteen (15) working days of paid vacation annually. (Ord. No. 2011-5, Sec. 5.1.3)

D. Vacation accrual rate

<u>Years of service</u>	<u>Vacation</u>
Less than 6 months	None
6 months but less than 2 years	5 working days
2 years but less than 6 years	10 working days
6 years but less than 15 years	15 working day
15 years or more	20 working days

Accrued vacation time will be paid if the employee leaves the employment of the city. No more than five (5) vacation days may be carried over six (6) months past the anniversary date without prior written approval of the Mayor. Accrued vacation days not taken within this time period will be deemed used. Policies concerning vacation time for non-uniformed employees in no way alter the city of Norfolk’s at-will employment policy as described in this Personnel Handbook. (Ord. No. 2011-5, Sec. 5.1.4)

E. Scheduling vacations Each full-time employee may take accrued vacation with full pay at such time as is mutually agreed upon between the employee and the Mayor. All vacation leave must have the advance approval of the Mayor, so that the leave fits in to the overall scheduling of the department. Employees should notify the Mayor at least five (5) days in advance of being absent for vacation time. The permissible number of employees taking vacation any one time will be governed determined by the Mayor based upon city’s work load. The city reserves the right to alter vacation schedules.

Maximum vacation leave to be taken at any one time is fifteen (15) days, unless advance approval is granted.

If a city-observed holiday occurs within an employee’s vacation period, equivalent time off with pay will be provided, or at the employee’s request the employee’s vacation may be extended for one (1) additional working day. (Ord. No. 2011-5, Sec. 5.1.5)

Holidays and holiday pay This appropriation made by the City Council for salaries shall include additional pay for holidays for all agents, servants and employees of the city, including but not limited to, uniformed employees, as provided by the laws of the state of Arkansas.

<u>Holiday</u>	<u>Day/date</u>
New Year’s Day	January 1 st
President’s Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	First Monday in September
Veteran’s Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday following Thanksgiving Day
Christmas Eve	December 24
Christmas Day	December 25
Personal leave day (Ord. No. 2011-2, Sec. 1.)	At employee’s discretion

Inclement weather In the event city offices are open but an employee is unable to report to work due to inclement weather conditions, the employee may elect to use either annual leave, comp time or leave without pay. (Ord. No. 2011-5, Sec. 5.3)

Sick leave

- A. Police Department (The city has no full time police).
- B. Fire Department (The city has no Fire Department).
- C. Non-uniformed employees The city of Norfolk recognizes that inability to work because of illness or injury may cause economic hardships. For this reason, the city of Norfolk provides paid sick leave to full-time employees. Eligible employees accrue sick leave at the rate of one (1) working day per month. Any sick leave days which are not used in any calendar year may be carried over as

accumulated sick leave days for the succeeding calendar year up to a maximum of sixty (60) days.

An employee may be eligible for sick leave days for the following reasons:

1. Personal illness or physical incapacity.
2. Quarantine of an employee by a physician or health officer.
3. Immediate family includes only the following persons related by blood, marriage or legal adoption; grandparents, parents, wife, husband, brother, sister, child, grandchild, mother-in-law, father-in-law or any relative living in the employee's household.
4. Necessity of medical or dental care, including medical, dental and optical visits.

An employee who is unable to report for work due to one of the previously listed sick leave reasons shall report the reason for his absence to the employer's supervisor or someone acting for the employee's supervisor within two (2) hours from the time the employee is expected to report for work. Sick leave with pay may not be allowed unless such report has been made as aforementioned. Employees who are absent more than three (3) consecutive days due to illness or injury may be required by the supervisor or department head to submit a physician's statement. Employees absent from employment due to illness and under a physician's care may be requested to present a certificate of release to the department head before returning to work.

Absence for part of a day that is chargeable to sick leave in accordance with these provisions shall be deducted from accrued leave in amounts of not less than one (1) hour increments. An employee who uses all of his or her accrued sick leave days shall thereafter be placed on an inactive, without-pay status.

An employee may use earned sick leave while receiving workers' compensation benefits only to the extent that the leave augments the employee's workers' compensation benefit to the amount equal to that employee's regular rate of pay. An employee may use sick leave in this fashion for a maximum of six (6) months.

Non-uniformed employees will not be paid for accrued sick days upon termination of employment with the city. (Ord. No. 2011-5, Sec. 5.4.3)

Funeral or bereavement leave Funeral leave with pay up to a maximum of three (3) calendar days will be granted to all city employees in cases of death or in the circumstances of death in the immediate family only. As used in this subsection, “immediate family” means mother, father, brother, sister, son, daughter, grandparents, son-in-law, daughter-in-law, spouse, spouse’s immediate family, or those relatives who live in the employee’s household including “step” relatives. Travel time may be granted upon prior approval from the Mayor in addition to the three (3) days where travel time of more than eight (8) hours is necessary. The Mayor may grant funeral leave of not more than one (1) day for an employee to be a pallbearer or attend a funeral of someone not within the immediate family. (Ord. No. 2011-, Sec. 5.5)

Maternity leave Employees affected by pregnancy, childbirth or related medical conditions will be treated the same for all employment-related purposes as persons with non-pregnancy-related health impairments, illnesses or injuries. An employee’s accrued sick leave and vacation leave will be granted for maternity use, after which leave without pay must be used, in accordance with the city’s Family Medical Leave Policy, if applicable. In the event the Family Medical Leave Act is inapplicable, the employee may use accrued sick leave and/or accrued annual leave as required to the extent of exhaustion of sick leave and annual leave benefits. (Ord. No. 2011-5, Sec. 5.6)

Uniformed services Certain rights to re-employment after service in the uniformed services, as well as provisions relating to pension and health benefits are established in the Uniformed Services Employment and Re-employment Rights Act of 1994, 38 USC 4301 et seq., and A.C.A. 21-4-102. It is the city’s policy to honor and comply with the provisions of those statutes.

The Uniformed Services Employment and Re-employment Rights Act (USERRA), prohibits discrimination against persons because of their service in the military. USERRA prohibits an employer from denying any benefit of employment on the basis of an individual’s membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services. USERRA also protects the right of veterans, reservists, National Guard members, and certain other members of the uniformed services to reclaim their civilian employment after being absent due to military service or training.

A summary of rights afforded by the Uniformed Services Employment and Re-employment Rights Act (USERRA) is contained in a poster developed by the U.S. Department of Labor and re-printed in Appendix A of this Handbook. As an employer, the city shall provide to persons entitled to rights and benefits under USERRA a notice of the rights, benefits, and obligations of such persons and such employers under USERRA. In addition, under A.C.A. 21-4-102, employees who are members of a military service organization or National Guard unit shall be entitled to a military leave of fifteen (15) days with pay plus necessary travel time. As mentioned below, the FLSA provides further rights to family members of military personnel. (Ord. No. 2011-5, Sec. 5.7)

Family Medical Leave The Family Medical Leave Act (FMLA) of 1993 requires cities with fifty (50) or more employees to offer up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. The city of Norfolk does not have enough employees to qualify for the Family Medical Leave Act. (Ord. No. 2011-5, Sec. 5.8)

Leave for witness or jury duty Employees will be granted paid leave for witness or jury duty. Employees are also permitted to retain the allowance for services from the court for such service. To qualify for jury or witness duty leave, employees must submit to the Mayor a copy of the summons or other relevant court related paperwork as early as possible upon receipt thereof. In addition, proof of service must be submitted to the employee's supervisor when the employee's period of jury or witness duty is completed. (Ord. No. 2011-5, Sec. 5.9)

Miscellaneous leave The attendance of employees at seminars and training programs is considered part of continual professional development. Attendance of such seminars and programs must be pre-approved by the Mayor. If employees are required to attend these meetings at a location requiring an overnight stay or travel time in excess of the employee's normal work day, overtime will not be paid unless the actual class goes beyond their normally scheduled work hours. The city will pay all reasonable out-of-pocket expenses for lodging, travel costs, meals, etc., pursuant to its regular expense policy. However, no such expenses will be reimbursed without receipts documenting payments of such expenses. The misrepresentation or altering of claims for reimbursement may result in the filing of criminal complaints, as well as disciplinary action. (Ord. No. 2011-5, Sec. 5.10)

Employee health benefits The city of Norfolk provides a group health plan for all its full-time employees. Detailed information on the policy and coverage will be given to employees at the time of hire. Additional information may be obtained from the Recorder/Treasurer. (Ord. No. 2011-5, Sec. 5.11)

Occupational injuries All city employees are covered under the Arkansas State Workers' Compensation laws. Any employee incurring an "on-the-job" injury should immediately notify his/her supervisor who will arrange for appropriate medical treatment and prepare the necessary reports required for the employee to be compensated. Rules and regulations concerning Workers' Compensation have been posted on bulletin boards located in the room outside the Mayor's office. (Ord. No. 2011-5, Sec. 5.12)

Accidental injury If any full-time employee is involved in an accident which is not job-related and the injury sustained in such accident necessitates that the employee be absent from work, the employee shall be entitled to receive pay at a regular salary for the number of days of accumulated sick leave credited to that employee at the time the accident occurred. (Ord. No. 2011-5, Sec. 5.12)

2.56.06 Standards of conduct

Communicating with the public Employees of the city of Norfolk shall at all times be civil, orderly and courteous in their conduct and demeanor towards the public. Each employee should treat members of the public with respect and efficiently provide responses to their inquiries or requests. This attitude or approach to public service cannot be overemphasized.

When an employee is uncertain of the correct response to an inquiry or request from the public, he/she should refer the inquiry to the individual or the department which can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information. (Ord. No. 2011-5, Sec. 6.1)

Uniforms and personal appearance Uniforms or uniform allowance will be provided to personnel of certain departments as authorized by the Mayor. Personnel who are provided uniforms or uniform allowance shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit. Employees not required to wear uniforms should dress in appropriate professional departmental attire. If an employee is unsure what constitutes appropriate attire, then the employee should check with his/her supervisor. (Ord. No. 2011-5, Sec. 6.2)

Guidelines for appropriate conduct The city of Norfolk, expects its employees to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct and exhibit a high degree of personal integrity at all times. This not only involves a sincere respect for the rights and feelings of others, but also demands that both while at work and in their personal lives, employees refrain from behavior that might be harmful to the employees, co-workers, the citizens and/or the city. Whether an employee is on-duty or off-duty, his/her conduct reflects on the city. An employee should observe the highest standards of professionalism at all times.

Types of behavior and conduct that the city considers inappropriate include, but are not limited to the following:

- A. Falsifying employment or other city records;
- B. Violating any city non-discrimination and/or harassment policy;
- C. Soliciting or accepting gratuities from citizens;
- D. Excessive absenteeism or tardiness;
- E. Excessive, unnecessary or unauthorized use of city property;
- F. Reporting to work intoxicated or under the influence of non-prescribed drugs or participation in the illegal manufacture, possession, use, sale, distribution or transportation of drugs;

- G. Buying or using alcoholic beverages while on city property or using alcoholic beverages while engaged in city business, except where authorized;
- H. Fighting or using obscene, abusive or threatening language or gestures;
- I. Theft of property from co-workers, citizens or the city;
- J. Unauthorized possession of firearms on city premises or while on city business;
- K. Disregarding safety or security regulations;
- L. Insubordination;
- M. Neglect or carelessness resulting damage to city property or equipment.

Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory and in violation of either of the above-referenced items or any other city policies, rules or regulations, an employee will be subject to disciplinary action up to and including dismissal. (Ord. No. 2011-5, Sec. 6.3)

Absenteeism and tardiness Regular attendance is essential to the effective business operations, and the city of Norfolk, expects all of its employees to report to work on time and on a regular basis. Unnecessary absences and tardiness are expensive, disruptive and place an unnecessary burden on fellow employees, supervisors, city government as a whole and the taxpayers who receive city services. Should an employee be unable to report to work on time because of illness or personal emergency, he/she should give proper notice to his or her supervisor.

Excessive absences or tardiness, unexcused absences and tardiness, falsification of reasons for any absence or tardiness, absences/tardiness which form unacceptable patterns (i.e., regularly reporting late on Monday mornings or calling in absent on Fridays) or failing to provide proper medical documentation to support absences/tardiness may result in disciplinary action.

"Proper notice" is defined by the city as notice in advance of the time an employee should report for work or no later than one (1) hour thereafter if advance notice is impossible. An absence of an employee from duty, including any absence of one (1) day or part thereof, (other than an absence authorized by this personnel handbook or by law) that is not authorized in advance by the department head or the employee's supervisor will be deemed absence without leave. Such absence shall be without pay. (Ord. No. 2011-5, Sec. 6.4)

Inclement weather In exceptional circumstances beyond the employee's control, such as weather causing hazardous conditions, the employee is required to contact his or her supervisor for instructions regarding job assignments for that particular work day. If an employee's department is open for business, the employee is expected to report for work. However, if in the employee's opinion, the conditions are too hazardous for him or her to get to work safely, he or she will have the option of taking the time off as a vacation day. Regardless of the situation, an employee is required to give his or her supervisor proper notice if he or she is unable to report for work. (Ord. No. 2011-5, Sec. 6.5)

Outside employment or moonlighting If an employee is considering additional employment, he or she should discuss the additional employment with his or her department head or supervisor for approval. If, as an employee of the city, an employee participates in additional employment, it must not interfere with the proper and effective performance of his or her job with the city. An employee's outside employment must not be of a nature that adversely affects the image of the city, or of a type that may be construed by the public to be an official act of the city or which in any way violates these policies. City uniforms shall not be worn during outside employment unless approved in advance by the Mayor. (Ord. No. 2011-5, Sec. 6.6)

Voting City employees are encouraged to exercise their legal right to vote and, if necessary and requested in advance, reasonable time will be granted for the purpose. (Ord. No. 2011-5, Sec. 6.7)

Outside compensation No reward, gift or other form of remuneration in addition to regular compensation shall be received from any source by employees of the city for the performance of their duties as employees of the city. If a reward, gift or other form of remuneration is made available to any employee, it shall be credited to a designated employee fund with approval of the Mayor. (Ord. No. 2011-5, Sec. 6.8)

Use of narcotics, alcohol and tobacco Employees of the city of Norfolk shall not use habit-forming drugs, narcotics or controlled substances unless such drugs are properly prescribed by a physician. The consumption of alcohol or other intoxicants is prohibited while an employee is on duty. Employees are not to consume intoxicants while off-duty to such a degree that it interferes with or impairs the performance of their duties. Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase or presence of drugs, alcohol or drug paraphernalia on city property or reporting to work with detectable levels of illegal drugs or alcohol will be subject to disciplinary action including termination. The Mayor or supervisor may establish smoking rules or guidelines for his or her departmental employees. (Ord. No. 2011-5, Sec. 6.9)

Drug-free workplace It is the policy of the city of Norfolk to create drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988 and its amendments. The use of controlled substances is inconsistent with the conduct expected of

employees, subjects all employees and visitors to city facilities to unacceptable safety risks and undermines the city's ability to operate effectively and efficiently. Therefore, the unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance in the workplace or while engaged in city business for the city of Norfolk or on the city's premises is strictly prohibited. Such conduct is also prohibited during non-working hours to the extent that, in the opinion of the city, it impairs an employee's ability to perform on the job or threatens the reputation and integrity of the city.

To educate employees on the danger of drug abuse, the city has established a drug-free awareness program. Periodically, employees will be required to attend training sessions at which the dangers of drug abuse, the city's policy regarding drugs, the availability of counseling, the city's employee assistance program will be discussed. Employees convicted of controlled substances related violations in the workplace must inform the city within five (5) days of such conviction or plea. Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination. At its discretion, the city may require employees who violate this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment. (Ord. No. 2011-5, Sec. 6.10)

Use of city assets and resources

Telephones

- A. Telephones are to be used to conduct city business. Long distance or toll calls of a personal nature are prohibited unless prior approval is received in writing from the Mayor. Although occasional, limited personal telephone calls are permitted, they should be kept to a minimum in time and frequency and should not interfere with work performance of the employee or his/her colleagues.
- B. Cellular telephone calls are more expensive than those using ordinary telephone service. These higher costs shall be weighed against the level of employee need and expected usage. Cellular phones should be used only when a lower cost alternative is inconvenient or not readily available. Cellular transmissions can be overheard by others. Discretion should be used in discussing confidential information using cellular communication. Employees are responsible for taking reasonable precautions to prevent theft and/or vandalism of cellular equipment. City-issued cellular or mobile telephones should be used for city business-related purposes. Personal calls are to be minimized. The city reserves the right to monitor the billing and use of all city-issued cellular/mobile telephones and has the authority to withhold any unauthorized amounts from the employee's wages. By accepting the use of city-issued cellular telephones, employees agree to promptly reimburse the city for all personal calls made which are deemed by the city to be excessive in frequency or duration.

- C. Employees are responsible for maintaining a record of the phone numbers and names of persons or businesses that have been called, or who call, for personal reasons and provide a copy of the records to the Recorder/Treasurer. In the alternative the required information may be noted on the monthly cellular service billing. The employee shall attach a copy of the receipt or check to the cellular phone bill to show reimbursement has been made to the city for any personal calls.
- D. Any employee who violates the conditions of these policies relating to cellular/mobile phone usage is subject to having the use of his/her city-issued cellular/mobile phone terminated. (Ord. No. 2011-5, Sec. 6.11.1)

Computers and other technological resources

- A. To help maximize its employees' efficiency in carrying out their respective job duties, the city of Norfolk provides various information and technology resources such as e-mail, computers, software/computer applications, networks, the internet, the intranet, facsimile machines, cell phones, pagers, and other wireless communication devices and voice mail systems. Please remember that these tools are city property and must be used in a manner that reflects positively on the city and all who work here. Occasional, limited personal use of these resources is permitted, but should not interfere with your work performance, or the work performance of your colleagues. Employees will be held accountable for all usage of their systems and shall keep their keywords and passwords confidential to protect their assigned equipment and their files from misuse. Employees shall not access or copy software or data belonging to others or to the city. Reading another employee's files is prohibited unless authorized by the department head. Employees shall not transport software or data provided by the city to another computer site without prior authorization from the department responsible for the data.

The city will not tolerate inappropriate or illegal use of these assets and reserves the right to take appropriate disciplinary actions, as needed, up to and including termination of employment. Such inappropriate use of these resources can include, but is not limited to, the following:

1. Hacking;
2. Pirating software or audio/video files;
3. Soliciting;
4. Distributing information for outside entities;

5. Sending inappropriate e-mails;
6. Accessing, viewing, or downloading inappropriate web site, i.e., sites advocating hate, violence, sexually explicit material, or promoting illegal activities;
7. Distributing confidential information to persons/entities who are not entitled to such information;
8. Storing or placing unlawful information on a computer or the network;
9. Copying system files without proper authorization;
10. Copying copyrighted materials without proper authorization;
11. Use of abusive or otherwise objectionable language in either public or private messages;
12. Sending messages that are likely to result in the loss of the recipient's work or systems use;
13. Sending "chain-letters," jokes or lists or any other types of use that would cause congestion or disrupt the operation of the networks or otherwise interfere with the work of others;
14. Decryption of system or user passwords.

Only software which has been purchased or approved by the city of Norfolk may be loaded or used on any of its computers. All software, programs, applications, templates, data and data files stored in, residing on, or developed with city computers, networks or storage media are property of the city and shall not be removed from the workplace without proper authorization. The city's software and software manuals should not be duplicated or reproduced in any manner which would violate the license agreements which pertain to usage of the software. Computer equipment, including software, should not be removed from city premises without prior written approval from the Mayor. The city reserves the right to monitor and inspect, without notice, the use of its information and technology resources. (Ord. No. 2011-5, Sec. 6.11.2)

- B. Internet access Internet access is provided to employees to conduct city business. Employees accessing the internet are to do so for business-related purposes only. The city reserves the right to monitor internet use to assure that internet use is for legitimate business purposes and that access to the internet is not abused by any

one employee. Downloading files without the express consent of the department head is prohibited. Files downloaded from the internet, or any other outside service, may contain a computer virus and must be scanned by a virus checking software prior to being used on a city computer. Uploading to the internet is prohibited unless authorized by the department head to avoid interception and unauthorized access to information. (Ord. No. 2011-5, Sec. 6.11.3)

- C. Electronic mail and confidentiality The city of Norfolk provides electronic mail for business purposes. The city maintains the ability to access any messages left on or transmitted over the system. Employees should not assume that such messages are confidential or that access by the city or its designated representative will not occur. Therefore, any personal use of the city's electronic mail system shall be kept to a minimum.

The electronic mail system shall not be used to solicit or proselytize for commercial venture, religious or political causes, outside organizations, or other non-job-related solicitation; to create any unwelcome, offensive, or otherwise disruptive messages including sexual innuendo, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability; or to send or receive copyrighted materials, trade secrets, proprietary or financial information, or similar materials without prior written authorization from the owner of the material. Employees are not authorized to retrieve or read e-mail messages that are not sent to them. (Ord. No. 2011-5, Sec. 6.11.4)

- D. Removal of city property No city-owned, leased, or licensed equipment or documents may be removed from city premises without prior written approval from Mayor. (Ord. No. 2011-5, Sec. 6.11.5)

City vehicles On occasion, the city may permit certain employees to use its vehicles to conduct city business. A valid and current driver's license must be in possession of the operator and maintained at all times. When using a city vehicle, employees shall exhibit due care at all times and shall comply with all federal, state, and local laws pertaining to operation of the vehicle. The use of city vehicles is restricted to city business purposes only. Employees using city vehicles shall not pick up to transport any private parties not directly involved with the work of the city. With prior permission of the Mayor, employees may transport spouses in city vehicles when attending conferences or meetings.

Employees using city vehicles are individually responsible for all fines or penalties assessed to the employee as a result of speeding tickets or other traffic offenses for which the employee is cited while using a city vehicle. Thefts or accidents involving city vehicles must be reported immediately to the police and Mayor. The improper, careless, negligent, destructive, reckless, or unsafe use of city equipment or vehicles may result in disciplinary action. (Ord. No. 2011-5, Sec. 6.12.)

Disciplinary action Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory including, but not limited to, violations listed in this Handbook, or any other city policy, rule or regulation, directive or ideal, the employee may be subject to disciplinary action up to and including dismissal. Disciplinary action may include, but is not limited to:

- A. Warning or reprimand A warning or reprimand is action used to alert the employee that his or her performance is not satisfactory or to call attention to the employee's violation of employment rules and/or regulations. City employees may be officially reprimanded orally or in writing.
- B. Suspension Suspension involves the removal of an employee from his or her job. An employee may be suspended with or without pay.
- C. Demotion A demotion is an action that places the employee in a position of less responsibility and less pay.
- D. Termination This type of disciplinary action is a removal of an employee from city employment. (Ord. No. 2011-5, Sec. 6.13.)

2.56.07 Miscellaneous information

Policy statement The city of Norfolk possess the sole right to operate and manage the affairs of the city. (Ord. No. 2011-5, Sec. 7.1)

Conflicts The policies in this Handbook will be followed unless they are found to conflict with federal, state, or local laws, which shall take precedence. (Ord. No. 2011-5, Sec. 7.2)

Severability Should any of the provisions contained in this Handbook be found contrary to federal, state, or local law, the remaining provisions of this Handbook shall remain in full force and effect. (Ord. No. 2011-5, Sec. 7.3)

Policy changes The city of Norfolk reserves the right to suspend, revoke, or revise any of the policies contained this Handbook at any time. (Ord. No. 2011-5, Sec. 7.4)

Change of address Employees changing their home address or telephone number must notify his or her department head of this change so that personnel files can be kept current. This is important in case the city must mail the employee any information or documents, such as tax statements. Also, if there is any change in the employee's marital status, the employee should report it to his or her department head. (Ord. No. 2011-5, Sec. 7.5)

TITLE 3

FISCAL AFFAIRS

Chapters:

- 3.04 Purchases
- 3.08 Single Transaction
- 3.12 Fixed Assets
- 3.16 Cash Management Trust Program
- 3.20 City Employees Doing Business with City

CHAPTER 3.04

PURCHASES

Sections:

- 3.04.01 \$5,000.00 or under
- 3.04.02 Over \$5,000.00
- 3.04.03 Approval of payments
- 3.04.04 Sale or exchange of supplies, materials or equipment valued at less than \$5,000.00
- 3.04.05 Non-budgeted items

3.04.01 \$5,000.00 or under The Mayor or his 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 for the city of Norfolk, Arkansas, 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 where the amount of the expenditure for any purpose or contract does not exceed the sum of Five Thousand Dollars (\$5,000.00).

3.04.02 Over \$5,000.00 Where the amount of expenditure for any purchase or contract exceeds the sum of Five Thousand Dollars (\$5,000.00), the Mayor or his duly authorized representative shall invite competitive bids thereon by legal advertisement in any local newspaper. Bids received pursuant to said advertisement shall be opened and read on the date set for receiving said bids, in the presence of the Mayor, or his duly authorized representative. The contract shall be awarded to the lowest responsible bidder; provided, however, the Mayor, or his duly authorized representative, may reject any and all bids received.

3.04.03 Approval of payments. The Mayor or his duly authorized representative may approve for payment out of any funds previously appropriated for that purpose, or disapprove any bills, debts or liabilities asserted as claims against the city, when funds on hand are adequate to pay such bills, debts or liabilities. That the payment or disapproval of any bills, debts or liabilities not covered by a previous appropriation shall require confirmation of the governing body.

3.04.04 Sale or exchange of supplies, materials or equipment valued at less than \$5,000.00. That the Mayor or his duly authorized representative may sell or exchange any municipal supplies, materials or equipment without competitive bidding if such supplies, materials or equipment have a value of less than Five Thousand Dollars (\$5,000.00). That no supplies, materials or equipment shall be sold without receiving competitive bids therefore if the value thereof exceeds the sum of Five Thousand Dollars (\$5,000.00); 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 Five Thousand Dollars (\$5,000.00), the same may be sold by the Mayor without competitive bidding.

3.04.05 Non-budgeted items The Mayor shall not spend money on any non-budgeted item without Council approval. (Ord. No. 99-09, Sec. 1.)

CHAPTER 3.08

SINGLE TRANSACTION

Sections:

3.04.01 Definition

3.04.01 Definitions The term “single transaction” is defined according to the nature of the goods purchased, as follows:

- A. When two or more devices in which, upon which, or by which any person or property is, or may be, transported or drawn, including but not limited to on-road vehicles, whether required to be licensed or not, off-road vehicles, farm vehicles, airplanes, water vessels, motor vehicles, or non-motorized vehicles, and mobile homes, or sold to a person by a seller, each individual unit, whether part of a “fleet” sale or not, shall be treated as a single transaction for the purpose the local sales tax.

- B. The charges for utility services, which are subject to the taxes levied under this ordinance, and which are furnished on a continuous service basis, whether such services are paid daily, weekly, monthly or annually, for the purposes of the local sales tax, shall be computed upon a monthly basis, and each such daily charge increment shall be considered to be a part of one transaction per month for the purposes of the local sales tax where billing is upon a monthly basis.
- C. For sales of building materials and supplies to contractors, builders or other persons, a single transaction, for the purposes of the local sales tax, shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales (or use) tax figure has been reported and remitted to the state.
- D. When two or more items of major household appliances, commercial appliances, major equipment and machinery are sold, each individual unit shall be treated as a single transaction for the purposes of the local sales tax.
- E. For groceries, drug items, dry goods, and other tangible personal property and/or services not otherwise expressly covered in this section, a single transaction shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales tax figure has been reported and remitted to the state. (Ord. No. 03-7, Sec. 7.)

CHAPTER 3.12

FIXED ASSETS

Sections:

3.12.01 Minimum dollar value

3.12.01 Minimum dollar value The Recorder/Treasurer of the city of Norfolk is required to develop and maintain the city's fixed asset records. The City Council of the city of Norfolk, Arkansas, hereby sets the minimum dollars value of items to be inventoried and recorded at One Thousand Dollars (\$1,000). (Ord. No. 04-8, Sec. 1.)

CHAPTER 3.16

CASH MANAGEMENT FUND

Sections:

- 3.16.01 Authorization of Trust
- 3.16.02 Execution of document
- 3.16.03 Authorization of investment
- 3.16.04 Authorization to serve as member of Board of Trustees
- 3.16.06 Further authority

3.16.01 Authorization of Trust The city is hereby authorized to become a participant in the Arkansas Local Government Cash Management Trust, in substantially the form attached to this ordinance and marked Exhibit A (the "Trust Agreement"), submitted to and reviewed by the governing body of the city, a copy of which shall be filed with the minutes of the meeting at which this ordinance is adopted, with such changes therein as shall be approved by the representatives of the city executing the Agreement, such representatives signatures thereon being conclusive evidence of their approval thereof. (Ord. No. 06-10, Sec. 1.)

3.16.02 Execution of document The Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, and deliver the joinder agreement to the Trust Agreement for and on behalf of and as the act and deed of the city.

Such officers are further authorized to execute and attest, respectively, such other documents, certificates and instruments and to take and perform such further acts on behalf of the city as may be necessary or desirable to carry out and comply with and give effect to the intent of this ordinance and the Trust Agreement. (Ord. No. 06-10, Sec. 2.)

3.16.03 Authorization of investment The city hereby authorizes the investment and withdrawal of its available funds from time to time in accordance with the Trust Agreement and any two of the following officers are hereby designated as having full power and authority to invest and withdraw invested funds of the city as provided in the Trust Agreement:

Mayor James L. Reeves
 Recorder/Treasurer Donna L. Hinton
 Superintendent Cory G. McFall
 (Ord. No. 06-10, Sec. 3.)

3.16.04 Authorization to serve as member of Board of Trustees The members of the governing body and officers of the city are hereby authorized to serve as members of the Board of Trustees of the Arkansas Local Government Cash Management Trust if they are a full-time employee of the city and are elected or appointed under the provisions of the Trust Agreement. (Ord. No. 2006-10, Sec. 4.)

3.16.05 Further authority The city shall, and the offices and agents of the city are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out, and comply with and perform the duties of the city with respect to the Trust Agreement. (Ord. No. 2006-10, Sec. 5.)

CHAPTER 3.20

CITY EMPLOYEES DOING BUSINESS WITH CITY

Sections:

- | | |
|---------|-------------------|
| 3.20.01 | Policy |
| 3.20.02 | Conditions |
| 3.20.03 | Failure to comply |

3.20.01 Policy It is the policy of the city to do business locally whenever possible and economical. (Ord. No. 2009-3, Sec. 1.)

3.20.02 Conditions It is recognized that some conflict may arise, compliance to the following conditions will be required:

- A. The purchase is under Five Thousand Dollars (\$5,000.00) in value and comparable merchandise for equipment at comparable prices is not otherwise available within the city.
- B. The cost of the service is under Five Thousand Dollars (\$5,000.00) in value and comparable service at comparable prices are not otherwise available within the city.

- C. The elected official abstains from all actions related to selection or compensation for any business that might involve doing business or receiving services outside of their position as an elected official from them or a relative.
(Ord. No. 2009-3, Sec. 1.)

3.20.03 Failure to comply Failure to comply with these conditions will result in revocation of that official's ability to do any business with the city again. (Ord. No. 2009-3, Sec. 1.)

34.4

TITLE 4

BUSINESS LICENSES AND REGULATIONS

Chapters:

- 4.04 Electric Franchise
- 4.08 Gas Franchise
- 4.12 Telephone Franchise
- 4.16 Sale of Alcoholic Beverages
- 4.20 Cable Television Franchise
- 4.24 Occupational License

CHAPTER 4.04

ELECTRIC FRANCHISE

Sections:

- 4.04.01 Electric franchise granted to North Arkansas Electric Coop
- 4.04.02 Rights and responsibilities of grantor and grantee
- 4.04.03 Termination procedure
- 4.04.04 Rates
- 4.04.05 City not liable for negligence of grantee
- 4.04.06 Standards of care for facilities
- 4.04.07 Franchise tax
- 4.04.08 Street lighting
- 4.04.09 Private generation facilities allowed

4.04.01 Electric franchise granted to North Arkansas Electric Coop. The city of Norfolk, Arkansas, (hereinafter called Grantor) hereby grants to the North Arkansas Electric Coop, its successors and assigns (hereinafter called Grantee), the exclusive right, privilege and authority within the present and all future expansion of the corporate limits of the city of Norfolk, Arkansas, (1) to sell, furnish, transmit and distribute electric power and energy to Grantor and to all inhabitants and consumers within said limits, and (2) to construct, maintain, operate and extend a system for such purposes and to enter on, under and upon and use any and all of the streets, alleys, avenues, bridges and other public grounds and ways belonging to, or under the control of Grantor, for the purpose of erecting, maintaining, repairing, replacing and operating poles, wires, anchors, stubs, transformers, substations, cables, conduits and other related facilities, appliances and apparatus which are necessary for, or useful in, the furnishing, sale, transmission or distribution of said electric service (hereinafter called facilities).

4.04.02 Rights and responsibilities of grantor and grantee.

A. General Rights and Obligations. Grantee shall, and does by acceptance hereof, agree to provide to the city and its inhabitants adequate and reasonable electric service as a public utility and the facilities necessary to provide such service. Grantor, in recognition of the large and continuing investment necessary for Grantee to perform its obligations hereunder, and the need and duty to promptly construct its facilities, as defined above, required to serve customers, in all areas and zones of the city, consents to the construction of such facilities as defined in Section 4.04.01 in all such areas and zones, and Grantor agrees to protect by ordinance, regulation and otherwise, to the fullest extent permitted by law, and except as otherwise limited herein, the grants of rights and privileges to Grantee set forth in Section 4.04.01 from interference with, or duplication by, other persons, firms or corporations seeking to engage in the sale or distribution of electric energy.

not B. Standards and Right-of-Ways. All facilities of Grantee which may be located on public ways, places and public property, as authorized herein, shall be located so as to unreasonably obstruct public use and travel. All of Grantee's facilities shall be constructed, operated and maintained in accordance with standards at least equivalent to the standards prescribed by the National Electrical Safety Code. Grantee, its successors and assigns, shall replace and repair, at its own expense, all excavations, holes or other damage caused or done by it to public streets, ways, places and public property in the construction, operation and maintenance of its facilities.

C. Removal of Hazards; Clearing of Right-of-Ways. The Grantee, its successors and assigns, is hereby given the right to trim, cut or remove trees, shrubbery or growth on or in public ways, places and public property which interfere or offer hazards to the operation of Grantee's facilities used or useful for the rendition of electric service; further, Grantee is hereby given the right, authority and permission to trim, cut and remove portions of trees, shrubbery or growth growing on private property but overhanging or encroaching on public ways, places and public property which interfere or offer hazards to the construction, operation and maintenance of Grantee's facilities.

4.04.03 Termination procedure. The rights, privileges and authority hereby granted shall exist and continue from the date of passage of this ordinance, and thereafter, until termination in accordance with provisions of Section 44 of Act 324 of the 1935 Acts of the State of Arkansas, as presently enacted or hereinafter amended.

4.04.04 Rates. The rates which are to be charged by Grantee for electric service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from time to time, be amended by Grantee in accordance with law or by any regulatory authority having jurisdiction thereof.

4.04.05 City not liable for negligence of grantee. In the construction, operation, and maintenance of its facilities, said Grantee shall use reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the said Grantor from damage, injury, loss or expense caused by the negligence of the Grantee or its agents, servants, or employees, in constructing, operating and maintaining said facilities or in repaving or repairing any streets, avenues, alleys, bridges or other public grounds.

4.04.06 Standard of care for facilities. The Grantee shall endeavor at all times to keep its facilities in a reasonable state of repair and to conform to such practices and install such appliances and equipment as may be in keeping with the customary usage and practice in cities of similar size in this state during the time this franchise shall remain in force.

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

It is expressly agreed and understood by the Grantor and Grantee that the aforesaid payment shall constitute and be considered as complete payment and discharge by the Grantee, its successors and assigns, of all licenses, fees, charges, impositions or taxes of any kind (other than automobile license fees, special millage taxes, general ad valorem taxes and other general taxes applicable to all citizens and taxpayers) which are now or might in the future be imposed by the Grantor under authority conferred upon the Grantor by law. In the event such other tax or taxes are imposed by Grantor, the obligation of the Grantee set forth in Section 4.04.07 hereof, to pay the city the sum of four and twenty-five hundredths percent (4.25%) annually of the gross residential and commercial electrical revenues shall immediately terminate.

4.04.08 Street lighting. Electric service furnished the Grantor for street lighting and other purposes shall be paid for by the Grantor in accordance with the applicable rate schedules of the Grantee now on file and/or as they may in the future be filed by the Grantee and approved by the Arkansas Public Service Commission or other regulatory authority having jurisdiction. The Grantee shall have the privilege of crediting any amount due Grantor with any unpaid balances due said Grantee for electric service rendered to said Grantor.

4.04.09 Private generation facilities allowed. Nothing herein shall be construed to prohibit any person, firm or corporation from owning and operating facilities for generating, distributing, or furnishing electric energy for his or its own use or for the use of his or its tenants, all of which facilities and use are wholly on the same premises owned by such person, firm or corporation.

CHAPTER 4.08

GAS FRANCHISE

Sections:

- 4.08.01 Gas franchise granted to Arkansas Western Gas Company
- 4.08.02 Rights and responsibilities of grantor and grantee
- 4.08.03 No fees for construction
- 4.08.04 City not liable for negligence of grantee
- 4.08.05 Rates shall be approved
- 4.08.06 Grantee shall furnish information about public utilities
- 4.08.07 Franchisee fee
- 4.08.08 NOARK Pipeline System

4.08.01 Gas franchise granted to Arkansas Western Gas Company That the City of Norfolk hereby grants to Arkansas Western Gas Company the exclusive rights, privilege and authority within the present and all future expansions of the corporate limits of the City of Norfolk, (1) to sell, furnish, transmit and distribute natural gas to all inhabitants and consumers within the said limits; and (2) subject to the terms, conditions and stipulations mentioned in this ordinance, consents, and the right, permission and franchise is hereby given to Arkansas Western Gas Company, a corporation organized and existing pursuant to the laws of the State of Arkansas, Grantee, and to its successors, lessees, and assigns to lay, construct, equip, operate, repair, and maintain a system of gas mains, pipes, conduits, feeders and appurtenances for the purpose of supplying and distributing natural gas for light, fuel, power, and heat and for any other purpose, to the residents or inhabitants of the said City; and further, the right to lay, construct, operate and maintain a system of gas mains, pipelines, pipe conduits and feeders and the necessary attachments, connections, fixtures and appurtenances for the purpose of conveying, conducting or distributing natural gas from any point beyond said city limits in order to enable the said Grantee to distribute and sell natural gas to the said City and to the residents or inhabitants ' thereof, and to others. As used in this ordinance the terms "natural gas" and "gas" shall be defined as including, in addition to natural gas, such alternate, substitute or supplemental fuels as (without necessarily limited to) liquefied natural gas, liquefied petroleum gas, synthetic natural gas and propane air. (Ord. No. 90-03, Sec. 1.)

4.08.02 Rights and responsibilities and grantor and grantee The Grantee herein is expressly given the permit (subject to the provision hereinafter contained) to use the streets,

avenues, roads, highways, alleys, sidewalks and other public places, as now laid out, or hereafter to be established, for the purpose of laying gas mains, pipelines, conduits, and feeders, and the necessary attachments, fixtures, connections and appurtenances for the purpose of conveying or conducting natural gas from any point within the said City or to any point beyond the city limits of the said City, or to any other point, through and beyond the city limits of said City, and to operate and maintain a system of pipelines, pipes, conduits, feeders and the necessary attachments, connections, fixtures and appurtenances for the distribution of natural gas within said City to serve the said City and the residents and inhabitants thereof, and others; provided, however, that where alleys are accessible for laying mains and pipes, the City shall have the right to require that the mains and pipes shall be laid in the alleys instead of the streets, so long as this is economically feasible (does not create an economic hardship). (Ord. No. 90-03, Sec. 2.)

4.08.03 No fees for construction No fees or charges of any kind shall be imposed by Grantor upon the Grantee or upon any successors, or upon any consumer of natural gas for the breaking or opening of any highway, street, road, avenue, alley, or other public places, or for the laying of any main, service pipe or other connections therein, except as would be generally imposed on others performing similar work under similar circumstances and conditions.

Nothing in this franchise shall be construed in such manner as to in any manner abridge the right of the City to pass and enforce the necessary police regulations for the purpose of protecting the citizens of said City and their property and the property of the Grantee.

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 as soon as practicable restore all opening on the highway, road, street, avenue, alley and other public places to condition equally as good as before said opening or obstructions were made. Anything to the contrary notwithstanding, when in the judgment of Grantee it is necessary for the safety of the citizens, to divert or detour traffic from the area of excavations they have the power to so do upon notice to said City. (Ord. No. 90-03, Sec. 3.)

4.08.04 City not liable for negligence of grantee The Grantee shall do no injury to any highway, road, street, avenue, alley, lane, bridge, stream or water course, park or public place, except as specifically allowed, nor with any public or private sewer or drainage system, or water lines, now or hereafter laid or constructed by the said City or by any authorized person or corporation, but no sewer or water pipes, electric conduits, telephone or TV cables shall be so laid as to interfere unnecessarily with any gas main or pipes which shall have been laid prior to the time of laying such electrical conduits, telephone and TV cables, sewer or water pipes. 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 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. 90-03, Sec. 4.)

4.08.05 Rates shall be approved Natural gas service shall be provided under the terms and conditions 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 regulation, federal or state laws, including but not limited to the Arkansas Plumbing Code.

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.

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, light, fuel or other purposes as herein provided, all needful rules and regulations not inconsistent with law and the provision of this franchise. (Ord. No. 90-03, Sec. 5.)

4.08.06 Grantee shall furnish information about public utilities The Grantee shall furnish promptly to the proper authorities any and all information which may be asked for by them in regard to the size, location or depths of any of the pipes, main, conduits, or service pipes, in any form whatsoever, and any other information in regard to its occupation of roads, highway, streets, avenues, or public grounds of said City, which they may demand. Whenever the word Grantee occurs in this ordinance, it shall mean and it shall be understood to be Arkansas Western Gas Company, its successors, lessees or assigns, and whenever the words "authorities" or "proper authorities" occur in this franchise they shall mean and shall be understood to mean the authorized officer or officers, committee or board representing the City of Norfolk, Arkansas or Grantor. (Ord. No. 90-03, Sec. 6.)

4.08.07 Franchise fee Beginning in the month of August, 2000, and thereafter during the life of this franchise, the Grantee shall pay to the Grantor each month, a franchise fee in an amount equal to three percent (3%) of the preceding month=s gross residential and commercial gas revenues as paid to the Grantee by residential and commercial customers located within the corporate limits of the city of Norfolk. (Ord. No. 2000-08, Sec. 1.)

4.08.08 NOARK Pipeline System 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. However, the City of Norfolk recognizes that the ability of Grantee to construct, own and operate a natural gas system and to provide natural gas service pursuant to the terms of this franchise is dependent upon Grantee's ability to obtain natural gas supplies through the proposed NOARK Pipeline System and that Grantee

cannot provide natural gas service hereunder without the services of the Proposed NOARK Pipeline System. Therefore, the City of Norfolk reserves the right to revoke Grantee's authority under this franchise if Grantee has not commenced construction of a natural gas system hereunder prior to January 1, 1992. (Ord. No. 90-03, Sec. 8.)

CHAPTER 4.12

TELEPHONE FRANCHISE

Sections:

- 4.12.01 Authority granted for operation of telephone system
- 4.12.02 Tax imposed upon Century Telephone Company
- 4.12.03 Tax shall be in lieu of other charges
- 4.12.04 Temporary moving of lines
- 4.12.05 Permission to trim trees
- 4.12.06 Ordinance does not require or permit electric light or power wire attachments
- 4.12.07 Exclusive privileges not given
- 4.12.08 Franchise tax against Century Telephone Company

4.12.01 Authority granted for operation of telephone system. The Southwestern Bell 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 Norfolk, Arkansas, (hereinafter referred to as "city"). The plant construction and appurtenances used in or incident to the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said city shall remain as now constructed, subject to such changes as may be considered necessary by the city in the exercise of its inherent powers and by the Telephone Company in the conduct of its business, and said Telephone Company shall continue to exercise its rights to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances as the business and purpose for which it is or may be incorporated may from time to time require, along, across, on, over, through, above and under all the public streets, avenues, alleys, and the public grounds and places within the limits of said city as the same from time to time may be established.

4.12.02 Tax imposed upon Century Telephone Company. Beginning in 1984, the Telephone Company shall pay to the city for the period January 1, 1984 through December 31, 1984, inclusive and thereafter for like periods an amount equal to four percent (4%) of the access line billing within the corporate limits during the preceding year. Payments shall be in equal quarterly installments on or before the last day of March, June, September and December of each year.

4.12.03 Tax shall be in lieu of other charges. The annual payment herein required shall be in lieu of all other licenses, charges, fees or impositions (other than the usual general or special ad valorem taxes) which may be imposed by the city under authority conferred by law. The Telephone Company shall have the privilege of crediting such sums with any unpaid balance due said Company for telephone services rendered or facilities furnished to said city.

4.12.04 Temporary moving of lines. The Telephone Company on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.

4.12.05 Permission to trim trees. Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said city so as to prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Company, all the said trimming to be done under the supervision and direction of any city official to whom said duties have been or may be delegated.

4.12.06 Ordinance does not require or permit electric light or power wire attachments. Nothing contained in this chapter shall be construed to require or permit any electric light or power wire attachments by the city or for the city. If light or power attachments are desired by the city or for the city, then a separate non-contingent agreement shall be a prerequisite to such attachments.

4.12.07 Exclusive privileges not given. Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges, nor shall it affect any prior or existing right of the Telephone Company to maintain a telephone system within the city.

4.12.08 Franchise tax against Century Telephone Company The City of Norfolk, Arkansas, hereby levies against the Century Telephone company a four percent (4%) franchise tax to be paid monthly on all income collected by said telephone utility, this sum payable on a monthly bases. The tax shall be collected on all revenue for the services charged to its customers within the corporate city limits of Norfolk, Arkansas. (Ord. No. 90-02, Sec. 2.)

CHAPTER 4.16

SALE OF ALCOHOLIC BEVERAGES

Sections:

4.16.01	Application
4.16.02	Wholesale dealers, liquor, beer, and malt liquor
4.16.03	Fee-retail dealers, beer
4.16.04	Fee-retail package stores, liquor, beer, malt liquors
4.16.05	Other licenses and fees
4.16.06	Certificate of occupancy
4.16.07	Hours of sale
4.16.08	Penalties and fines
4.16.09	Alcoholic beverages on Sunday

4.16.01 Application Before any person shall engage in the wholesale or retail liquor business within the city an application shall be made to the city within which same is located for the granting of the license. Said application shall contain a sworn statement of the name of the business sought to be licensed, the names and addresses of all of the persons owning or holding any interest in said business, and the proposed location of said business, the owner or owners of the building or premises in which said store is to be located, and said applicant ' s state license shall accompany such application, then the Recorder /Treasurer of the city of Norfolk in which the business is to be licensed shall issue such license upon the payment of the license fee provided herein; (Ord. No. 81-5016, Sec. 1.)

4.16.02 Wholesale dealers, liquor, beer, and malt liquor The business of storing, transporting, and/or selling of spirituous and vinous liquors at wholesale within the city where such business is to be conducted is hereby declared to be a privilege; and for the exercise of such privilege there is hereby levied an annual tax in the sum of Five Hundred Dollars (\$500.00) for each such business conducted. (Ord. No. 81-5016, Sec. 2.)

4.16.03 Fee-retail dealers, beer The business of storing, transporting, selling and/or dispensing at retail of any and all malt liquors and beer on or off premises within the city where such business is to be conducted is to hereby declared to be a privilege; and for the exercise of such privilege there is levied an annual tax in the sum of One Hundred Dollars (\$100.00) for each such retail store operated within the said city. (Ord. No. 81-5016, Sec. 3.)

4.16.04 Fee-retail package stores, liquor, beer, malt liquors The business of storing, transporting, selling and/or dispensing at retail of any and all vinous, spirituous and or malt liquors within the city in which said business is to be conducted is hereby declared to be a privilege, and for the exercise of such privilege there is hereby levied a tax in the sum of Two Hundred Dollars (\$200.00) for each such retail store operated within the said city. (Ord. No. 81-5016, Sec. 4.)

4.16.05 Other licenses and fees Every person shall procure, in addition to any permit issued pursuant to this ordinance, all other licenses, permits issued by the city, county and state. (Ord. No. 81-5016, Sec. 5.)

4.16.06 Certificate of occupancy No person shall be granted a license at either wholesale or retail within the city in which said license is sought upon in or in connection with any premises wherein there does not exist a certificate of occupancy. At the time of application every person desiring a permit pursuant to this ordinance shall file with the Recorder of the city in which license is sought a certificate of occupancy for the premises for which the permit is sought. (Ord. No. 81-5016, Sec. 6.)

4.16.07 Hours of sale It shall be unlawful for any person to sell, offer for sale or give away at wholesale or retail any spirituous, vinous, malt or other intoxicating liquor before 7:00 a.m. and after the hour of 12:00 p.m. and on Sunday. (Ord. No. 81-5016, Sec. 7.)

4.16.08 Penalties and fines Every person who violates any section of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, the license of such person shall be revoked and such person shall be fined in a sum of not more than Five Hundred Dollars (\$500.00) and each day's violation of said section shall constitute a separate offense. (Ord. No. 81-5016, Sec. 8.)

4.16.09 Alcoholic beverages on Sunday

- A. The city of Norfolk is located in Baxter County which has through referendum election authorized the sale of alcoholic beverages; and
- B. The City Council is authorized by A.C.A. 3-3-210(b)(1)(A) to adopt an ordinance to allow the matter of alcoholic beverage sales on Sunday to be placed on a ballot for election by the registered voters of Norfolk; and
- C. Sale of alcoholic beverages on Sunday will only be allowed in businesses that possess a current and valid permit or license for the sale of alcoholic beverages according to the A.C.A. 3-5-201; and
- D. Sale of alcoholic beverages on Sunday will only be allowed between the hours of 12:00 noon and 10:00 p.m. or in lesser periods within such hours per ordinance; and
- E. The election on Sunday sales question shall be held in accordance with the procedures established by A.C.A. 3-9-201 at the next general election or a special election. (Ord. No. 2007-16, Sec. 1.)

CHAPTER 4.20

CABLE TELEVISION FRANCHISE

Sections:

- 4.20.01 Franchise granted to Triax Cable Co.
- 4.20.02 City not liable for negligence of grantee
- 4.20.03 Rates
- 4.20.04 Option to renew franchise

4.20.01 Franchise granted to Triax Cable Co That Triax Cable Company, Horseshoe Bend, AR, his successors and assigns, be granted a non-exclusive right and/or franchise to furnish direct wire reception of television programs to the citizens and residents of the city of Norfolk, Baxter County, Arkansas, by means of the establishment of a master antenna system utilizing a special tower and antennas, a master control unit and amplifiers, and relaying the television signals directly into the individual television receiver, for a period of fifteen (15) years from the effective date of this ordinance, (together with the right to erect and maintain such poles, fixtures, and etc., along the alleys of this city as may be necessary and convenient for his

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business as a television signal furnisher in supplying the citizens and residents in said town and the public in general, and to use and occupy for his television cables, the bridges, lanes, alleys and public grounds and places within said municipality for the purpose of erecting, constructing, laying, owning, leasing or acquiring, maintaining and operating such system) all such right and use to be and continue on the conditions and terms as herein stated. (Ord. No. 87-68, Sec. 1.)

4.20.02 City not liable for negligence of grantee Said poles and wires shall be placed and maintained so as not to interfere with travel or use of streets, alleys or public ways of said town, and said J.G. Hunt, d/b/a Community T.V. Cable Company, his successors and assigns, shall hold the town free and harmless from damages arising from any abuse or negligence of said company. 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 town may authorize or may see proper from time to time to adopt not destructive to the rights herein granted. (Ord. No. 87-68, Sec. 2.)

4.20.03 Rates Payment to the town, for the use of the streets and other facilities of the town in the operation of the CATV System and for the municipal supervision thereof, the grantee shall pay the town an amount equal to three percent (3%) of the grantee's basic subscriber revenues from the operations within the town limits of Norfolk during the year. Payments to be made monthly, not later than twenty (20) days after the end of the month. For this purpose, basic subscriber revenues does not include sales, excise or other privilege taxes billed to and collected from subscribers by grantee in addition to charges for services rendered and shall not include amounts collected from installation charges or pay channels. The town shall have the privilege of examining grantee's accounts of records to verify the accuracy of the annual payment. In the event of default of the provisions of this contract as to payment to the town its monthly fee for the granting of the privilege set out herein, upon default of any payment hereunder for a period of thirty (30) days after due date will render the franchise at an end and will entitle the town to revoke the franchise. (Ord. No. 87-68, Sec. 3.)

4.20.04 Option to renew franchise That Triax Cable Company, Horseshoe Bend, AR, his successors and assigns, be and he is hereby granted an option to renew this non-exclusive right and/of franchise at the end of the fifteen (15) year period, as referred to in Section 1, of this ordinance, for an additional fifteen (15) year period, after giving due notice in writing, by the franchise holder, at least thirty (30) days prior to the expiration of this right and/or franchise which is granted by virtue of this ordinance. (Ord. No. 87-68, Sec. 4.)

CHAPTER 4.24

OCCUPATIONAL LICENSE

Sections:

4.24.01	Title
4.24.02	Terms and definitions
4.24.03	Occupational license required
4.24.04	Calendar year
4.24.05	Separate license required
4.24.06	Procedure application
4.24.07	Fees
4.24.08	False statements
4.24.09	Transfer and assignment
4.24.10	Penalty

4.24.01 Title This chapter shall be known as the Occupational License Chapter. (Ord. No. 03-11, Sec. 1.)

4.24.02 Terms and definitions The following terms, words and phrases as used in this chapter, shall have the following meaning unless the context hereof clearly requires otherwise, and the singular shall include the plural and vice-versa and the masculine shall include the feminine and vice-versa.

City as used in this chapter shall mean the city of Norfolk, Arkansas.

Person as used in this chapter shall mean a person, firm, partnership, association, corporation or venture.

Business as used in this chapter shall mean a trade, occupation, calling, vocation, profession, venture, pursuit, livelihood or exchange, career, employment or transaction. (Ord. No. 03-11, Sec. 2.)

4.24.03 Occupational license required

- A. Each person engaged in business within the city shall be required to procure an annual occupational license from the city.

- B. Each person with no physical location within the city engaged in business who shall perform over three (3) transactions of business within one calendar year within the corporate limits shall be required to procure an occupational license from the city unless such person possesses a valid occupational license in the city where it maintains a physical location. (Ord. No. 2003-11, Sec. 3.)

4.24.04 Calendar year

- A. Any occupational license herein shall be for a period of one (1) year, commencing on the effective date hereof and ending on Dec. 31 of each year and every year thereafter.
- B. Each person/business shall procure said occupational license and pay the fees required before any business conducts any transactions within the city limits. (Ord. No. 2003-11, Sec. 4.)

4.24.05 Separate license required

- A. Any person engaged in two or more businesses for which a license is required shall be required to obtain a license for each separate business.
- B. When a person/business has more than one place of business, each place of business shall be considered a separate and distinct business and shall be separately assessed and fees paid for the same, unless the context clearly requires otherwise. (Ord. No. 2003-11, Sec. 5.)

4.24.06 Procedure application Each person desiring a license required by the chapter shall apply to the city of Norfolk City Clerk and shall attach to such application all required fees prescribed in the amount of Twenty-Five Dollars (\$25.00). This application will be presented to the City Council of Norfolk for approval or denial and the City Clerk will notify the said person/business within five days after Council vote of its decision. City Clerk shall issue and deliver a receipt for payment and license thereof upon approval of said license. (Ord. No. 2003-11, Sec. 6.)

4.24.07 Fees

- A. Occupational license fees are Twenty-Five Dollars (\$25.00), paid January 1st of each year. (Ord. No. 2012-1, Sec. 3.)

- B. Leasing. The leasing of real property or structure located thereon, who such real property or structure is situated or locate within the corporate limits of the city, is deemed subject to the license and fees imposed by this chapter, regardless of the residency of the owner thereof or the location or place where such document of lease or arrangement is executed or delivered or payment made thereon or pursuant thereto. (Whether inside or outside the boundaries of the city.) (Ord. No. 03-11, Sec. 7.)

4.24.08 False statements It shall be unlawful for any person/business to knowingly make a false statement in the application for any license required by this chapter for the purpose of defrauding the city of just license fees. (Ord. No. 03-11, Sec. 8.)

4.24.09 Transfer and assignment Any person who shall sell, transfer or assign all of his interest in any business to any other person may transfer to such other person by written assignment said license by notifying the City Clerk in writing of said transfer and be endorsing such license on the reverse side thereof. (Ord. No. 03-11, Sec. 9.)

4.24.10 Penalty Any person engaged in business without first having procured a license thereof as provided herein and paid the requisite fee therefore as provided herein shall be deemed guilty of a misdemeanor and shall upon conviction pay a penalty of Two Hundred Fifty Dollars (\$250.00) and not more than Five Hundred Dollars (\$500.00) and each day of operation of such business without payment and procurement of said license shall constitute a separate and distinct offense. (Ord. No. 03-11, Sec. 10.)

45.3

TITLE 5

HEALTH AND SANITATION

Chapters:

- 5.04 Maintenance of Real Property
- 5.08 Septic Tanks
- 5.12 Littering
- 5.16 Contamination by Drugs
- 5.20 Abatement of Nuisance Properties or Structures
- 5.24 Solid Waste Collection

CHAPTER 5.04

MAINTENANCE OF REAL PROPERTY

Sections:

- 5.04.01 Requirements
- 5.04.02 Weeds and grass violation
- 5.04.03 Unsanitary conditions violation
- 5.04.04 Dumping on public property
- 5.04.05 Accumulated trash prohibited
- 5.04.06 Penalty

5.04.01 Requirements All tenants or owners within the city of Norfolk, Arkansas, are hereby required to cut weeds and grass when they reach a height of twelve (12) inches; remove garbage, rubbish and other unsanitary articles or unsightly conditions at their property; and to eliminate stagnant pools of water or any other condition that may cause rodents, which might be harmful to the health of the community. Nothing in this ordinance shall be interpreted to prevent a person from using acreage for pasture land, wooded lots or for cutting hay. (Ord. No. 2001-7, Sec. 1, and Ord. No. 2007-15, Sec. 4.)

5.04.02 Weeds and grass violation Any owner/tenant whose property contains grass and weeds in excess of twelve (12) inches high shall be in violation of this ordinance. The city will notify the owner/tenant of the violation by regular and/or certified mail and give him/her seven (7) days in which to comply. If the condition is not corrected in seven (7) days, the city of Norfolk is authorized to issue a citation to owner/tenant served by the Norfolk Police Department for violation of this ordinance and scheduled for appearance in the Norfolk District Court. (Ord. No. 2001-7, Sec. 2, and Ord. No. 2007-15, Sec. 4 & 5.)

5.04.03 Unsanitary conditions violation Any owner/tenant whose property is not maintained and is in an unsightly condition, contains unsightly articles, debris, rubbish, toxic materials, stagnant pools of water, or any other unsanitary conditions which may cause rodents, which might be harmful to the health of the community, shall be in violation of this ordinance. The owner/tenant shall be notified by first class mail, and be given seven (7) days in which to comply. If the condition is not corrected in seven (7) days, the city of Norfolk is authorized to issue a citation to owner/tenant for violation of this ordinance and will be scheduled for court appearance in the Norfolk City Court. (Ord. No. 2007-8, Sec. 1.)

5.04.04 Dumping on public property It shall be unlawful to place, deposit, or dump, or cause to be placed, deposited or dumped, any garbage, swill, cans, bottles, paper, refuse, carcass or any dead animals, offal, trash, or rubbish, or any noisome, nauseous or offensive matter in or upon any public or private street or alley-way, or drive-way, including any portion of the right-of-way thereof, within the city limits of the city of Norfolk, Arkansas. (Ord. No. 2001-7, Sec. 4.)

5.04.05 Accumulated trash prohibited It shall be unlawful for any person to allow trash, garbage, swill, cans, bottles, papers, refuse, carcass of any dead animals, offal, trash, or rubbish, or any noisome, nauseous or offensive matter to accumulate upon any property within the city limits of the city of Norfolk, Arkansas, and remain there for more than seven (7) days. (Ord. No. 2001-7, Sec. 5.)

5.04.06 Penalty Any person in violation of any section of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Two Hundred Dollars (\$200.00) or more than Five Hundred Dollars (\$500.00) for the first violation, and if such violation is continued, each day's violation shall be a separate offense of Twenty Dollars (\$20.00) per day; and any person convicted a second time for violation of any such provision of this ordinance shall be fined up to One Thousand Dollars (\$1,000.00), and if such violation is continued, each day's violation shall be a separate offense of Fifty Dollars (\$50.00) per day. (Ord. No. 2001-7, Sec. 6.)

CHAPTER 5.08

SEPTIC TANKS

Sections:

- 5.08.01 Water Superintendent shall be inspector
- 5.08.02 Overflows unlawful
- 5.08.03 Fine

5.08.01 Water Superintendent shall be inspector. The Water Superintendent shall be the inspector, and shall regulate the erection, building and maintenance of all septic tanks now in use or to be put in use in the city and it shall be the duty of any person intending to build or erect a septic tank within the city limits to first make application to the State Board of Health. It shall be the duty of the inspector to see that such septic tank shall be in conformity with the recommendations of the State Board of Health.

5.08.02 Overflows unlawful. It shall be unlawful to allow a septic tank to overflow or drain on the surface of the ground or in any street or ditch within the city. The city shall notify the property owner of the overflow, giving the owner seven (7) working days for such overflow to be corrected. (Ord. No. 2000-16, Sec. 2.)

5.08.03 Fine Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction, for said violation, shall be fined not less than Fifty Dollars (\$50.00) or more than One Hundred Dollars (\$100.00) for the first violation, and if such violation is continued, each day=s violation shall be a separate offense of Ten Dollars (\$10.00) a day; and any person convicted a second time for violation of any provision of this ordinance shall be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) and each day=s violation shall be a separate offense of Ten Dollars (\$10.00) a day. (Ord. No. 2000-16, Sec. 3.)

CHAPTER 5.12

LITTERING

Sections:

- 5.12.01 Littering illegal
- 5.12.02 Fine

5.12.01 Littering illegal. It shall be unlawful for any person to place, dispose, or otherwise permit to be located upon, in, on, or about any public street, sidewalk, alley or public thoroughfare or any private or public property adjacent thereto, any litter, refuse or debris.

5.12.02 Fine Any person found guilty of violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction, for said violation, shall be fined Five Hundred Dollars (\$500.00). (Ord. No. 2000-16, Sec. 3.)

CHAPTER 5.16

CONTAMINATION BY DRUGS

Sections:

- 5.16.01 Contamination violation
- 5.16.02 Adoption of Cleanup Guideline booklet
- 5.16.03 Contamination site defined
- 5.16.04 Penalty
- 5.16.05 Restitution

5.16.01 Contamination violation It shall be a violation of this ordinance for any person to contaminate any property, land air or water within the city of Norfolk, Arkansas by means of manufacturing methamphetamine or any similar illegal drug. Upon discovery of the manufacture of methamphetamine or any similar illegal drug proper law enforcement, and other public officials charged with responsibility for public safety by state or federal law shall be notified. Those agencies or officials shall be empowered to take charge of the property to determine if it has been contaminated.

If evidence of property contamination is found, the owner shall be advised to have the property vacuated and institute proper decontamination procedures. These shall be governed by the "Guideline Booklet For Cleaning Up Former Methamphetamine Labs" as adopted by the city of Norfolk on July 17, 2001. Once the property has been properly decontaminated the owner of the property shall obtain proof from the public agency or officials in charge of the cleanup, prior to the property being approved for occupation by humans. (Ord. No. 01-11, Sec. 1.)

5.16.02 Adoption of the Cleanup Guideline booklet The city agrees to adopt the attached Mountain Home Police Department Guidelines Booklet for the "Cleaning Up of Former Methamphetamine Labs," for the enforcement of this ordinance. (Ord. No. 01-06, Sec. 2.)

5.16.03 Contamination site defined Many of the ingredients used in the manufacture of methamphetamine, or similar illegal drugs, are known to be hazardous substances. These substances are, but not limited to, hydrochloric acid, ephedrine, anhydrous ammonia, acetone, paint thinner, sodium hydroxide, lithium from batteries, and phosphorous from matches and flares. Physical evidence that a combination of these substances have been mixed and heated, and that hazardous vapors and residue are present in the structure, constitute a contaminated site. (Ord. No. 01-06, Sec. 3.)

5.16.04 Penalty Any person violating any provision of this ordinance, shall upon conviction, be deemed guilty of a misdemeanor and may be punished by a fine not to exceed Five Hundred Dollars (\$500.00), or confinement in jail for not more than one (1) year, or both. (Ord. No. 01-06, Sec. 4.)

5.16.05 Restitution Any person convicted in a criminal court of the charge of manufacture of methamphetamine, when that crime took place in the city of Norfolk, that results in contamination of property within the city of Norfolk shall be liable for cost of cleanup of the property. Any person, agency of the state of Arkansas or the federal government shall be entitled to be reimbursed for said costs. (Ord. No. 01-11, Sec. 5.)

CHAPTER 5.20

ABATEMENT OF NUISANCE PROPERTIES OR STRUCTURES

Sections:

5.20.01	Intent and purpose
5.20.02	Interpretation
5.20.03	Definitions
5.20.04	Minimum property maintenance requirements and standards
5.20.05	Enforcement
5.20.06	Penalties

5.20.01 Intent and purpose The intent of this ordinance is to protect the public health, safety and welfare of the residents of Norfolk, Arkansas, with regard to non-wooded residential and non-residential properties within the city limits of Norfolk by establishing minimum property maintenance requirements and standards to prevent blight, crime and disease, to preserve property values, to increase public confidence in safety, to increase tourism, to facilitate the basic rights of adjacent property owners and citizens to enjoy their surroundings, to fix the responsibility of owners and occupants and to provide for administration, enforcement and penalties. (Ord. No. 2007-15, Sec. 1.)

5.20.02 Interpretation This ordinance shall be constructed liberally and justly to insure public health, safety and welfare insofar as they are affected by the continual use and maintenance of residential and non-residential properties. (Ord. No. 2007-15, Sec. 2.)

5.20.03 Definitions

Code official Any person employed by the city of Norfolk as Building Inspector, Police Department or Mayor with the authority to issue non-compliance citations.

Nuisance property A nuisance property is one that unreasonably interferes with the use and enjoyment of lands of another, including the use of a structure which disturbs the peaceful, quiet, undisturbed use and enjoyment of nearby property. The definition of nuisance property shall also include, but not limited to, those properties found to be dilapidated, unsightly, unsafe, unsanitary, obnoxious, unfit for human occupancy, unlawful or detrimental to the public welfare.

Owners, occupants Any person(s) whether owner(s) or occupant(s) under a lease agreement, shall be responsible for the care, maintenance and upkeep of the property owned or occupied.

Property For the intent and purpose of this ordinance “property” or “properties” shall be defined as any non-wooded lot or parcel and its existing structures or buildings whether residential, commercial or industrial.

Unlawful structure A structure found in whole or in part to be a harbor for criminal activity, or one that constitutes a blighting problem due to a consistent lack of regular maintenance, or is in such a structural state that the building constitutes a danger to anyone in, on or near the said structure.

Unsafe equipment Equipment that is unsafe means any machinery that no longer functions in a manner consistent with its make and is openly and obviously displayed on property within the city limits.

Unsafe property An unsafe property is one in which all or part of the premises thereof is found to be dangerous to life, health, property, or the safety of the public or the occupants of the structure due to a state of non-repair, damage, decay, dilapidation, trash or fire hazard of such faulty construction or unsafe foundation that would make the structure unsafe with partial or complete collapse likely.

Unsanitary property An unsanitary is one in which the condition of the premises allows for infestation by rodents, vermin pestiferous insects, mosquitoes or flies. An unsanitary property will include, but not be limited to, those allowing stagnant pools of water causing the breeding of mosquitoes.

Unfit for human occupancy A structure is unfit for human occupancy or use whenever the Code Official determines that such structure is unsafe, unlawful or because of the degree in which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination or lacks water or sewer service or other utility service making the structures a hazard.

Unsightly property Any non-wooded residential, commercial or industrial lot, business, residential yard property within the city limits of Norfolk that allows weeds or grass over 12 inches high. Unsightly properties shall include those allowing bagged or unbagged trash, garbage or refuse of any kind to accumulate on the premises. Unsightly properties shall include those allowing overgrown vegetation of conditions to exist that would have a potential to cause rat infestation or other vermin to occupy and breed on the property thereby causing infestation to spread to neighboring properties. Unsightly properties shall include those allowing inoperable, wrecked, or “junked” vehicles on blocks, to remain on the property. Unsightly properties shall include those allowing non-trash items of any kind to accumulate on and around the premise, including but not limited to appliances, furniture or other household items. (Ord. No. 2007-15, Sec. 3.)

5.20.04 Minimum property maintenance requirements and standards It shall be unlawful for any person to keep, own or maintain any property, house, building, or other structure within the corporate limits of the city of Norfolk that constitutes a nuisance or that is unsightly, unsanitary, unsafe, unlawful or unfit for human occupancy. Property owners/occupants shall be held responsible for compliance to this ordinance as follows:

- A. Any equipment that is unsafe, inoperable, unfit for human use, or unlawful shall not be kept, owned or displayed on properties.
- B. All accessory structure, including but not limited to detached garages, fences and walls shall be kept in good repair and free from vines or other vegetation that may grow into or onto an adjoining property.
- C. A vacant structure unfit for human habitation, occupancy or use shall not be allowed to remain standing.
- D. Long-term offensive odors to emanate from the property that unreasonably interfere with the ordinary use and enjoyment of neighboring property owners' land shall not be permitted. This excludes naturally occurring odors beyond the control of the property owner.
- E. Premises and exterior property shall be kept free from all used or dismantled household appliances, furniture, vehicle parts, discarded personal property, garbage, junk scrap, or refuse excepting those structures in building, remodeling or demolition process.
- F. Unregistered, dismantled, inoperable, unsafe, or stripped vehicles shall not be kept outside on any premises, commercial or residential.
- G. All structures and exterior property shall be kept clean and sanitary and free from rat-vermin infestation.
- H. Stagnant water shall not be permitted. This provision shall not apply to private lakes or ponds.
- I. Weeds, grasses or other vegetation growth exceeding twelve (12) inches shall not be permitted. This provision shall not apply to ornamental trees, shrubs or flowers.
- J. Nothing contained herein shall be interpreted or construed to prevent a person from using acreage for pastureland, wooded lots or for cutting of hay. Hay acreage shall be cut by June 30th and October 15th. (Ord. No. 2007-15, Sec. 4.)

5.20.05 Enforcement Any tenant and/or owner of real property within the city of Norfolk, Arkansas, whose property violates this ordinance shall be notified of the violation by the city of Norfolk and shall be given seven (7) days' notice to correct the ordinance violation. Said notice shall be sent by regular and/or certified mail and shall be sent to the following:

- A. The occupant, if any, of the property, with notice sent to the physical address of the property;
- B. The owner of the property, with notice sent to the owner's address of record at the office of Baxter County Collector; and
- C. Any lien holders of the property as reflected in the Clerk and ex-officio Recorder for Baxter County, Arkansas.

If the owner, occupant or lien holder shall, after being sent notice as provided hereinabove, shall neglect or refuse to remove, abate or eliminate any condition as may be provided for in this ordinance or fails to correct the ordinance violation, then the city may take any and all action necessary to correct the ordinance violation, and shall charge the costs thereof to the owner of the real property. As used herein, the term "cost" shall include the actual cost to correct the ordinance violation, as well as any administrative and collection costs incurred by the city. The city shall be entitled to lien against the property for all such costs, provided that the lien shall be perfected, imposed and collected in the time and manner set forth in A.C.A. 14-54-903 and 14-54-904. (Ord. No. 2007-15, Sec. 5.)

5.20.06 Penalties Any person in violation of this ordinance shall be deemed guilty of a misdemeanor and upon convicted, shall be fined not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) per day. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. (Ord. No. 2007-15, Sec. 6.)

CHAPTER 5.24**SOLID WASTE COLLECTION****Sections:**

5.24.01 Pick-up services

5.24.01 Pick-up services

- A. Trash and garbage pick-up services shall be and are hereby declared to be “essential service” in which the city has a proper interest and which must be furnished to the citizens of the city of Norfolk, Arkansas, in order to protect said citizens’ health, safety, and welfare.
- B. It shall be, and is hereby declared to be unlawful for any person, firm or corporation owning, possessing, or having control or custody over trash, garbage, or refuse within the city of Norfolk, to dispose of same, other than by contracting for such disposal with either the city of Norfolk, Arkansas, or with such private contractor or contractors to which the city shall have awarded a garbage, trash, and refuse pick-up franchise. The name, address, and telephone number of the franchise holder, or holders, and the rates, which they may charge shall be filed with the City Clerk of Norfolk, Arkansas, and such filing shall be due notice of the agency or agencies with which a subscriber must contract.
- C. Any person, firm, or corporation violating any of the terms of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not less than Ten Dollars (\$10.00), nor more than Twenty-Five Dollars (\$25.00), and each day thereof shall be deemed a separate offense. (Ord. No. 99-6, Sec. 1.)

49.7

TITLE 6

ANIMALS AND FOWL

Chapters:

6.04 Animal Control

CHAPTER 6.04

ANMAL CONTROL

Sections:

6.04.01	Definitions
6.04.02	Animal Control Officer
6.04.03	Identification
6.04.04	Rabies vaccination required
6.04.05	Animals running at large
6.04.06	Methods of confinement of animals
6.04.07	General provisions
6.04.08	Animal cruelty
6.04.09	Impoundment
6.04.10	Reclamation of impounded dogs or animals
6.04.11	Nuisance dogs or animals
6.04.12	Vicious dogs
6.04.13	Keeping of hooved livestock
6.04.14	Keeping of small livestock and poultry
6.04.15	Condition of pens and enclosures
6.04.16	Other provisions
6.04.17	Exceptions
6.04.18	Condition of pens and premises
6.04.19	Roadside sale of animals
6.04.20	Penalties
6.04.21	Citations

6.04.01 Definitions The following words and phrases have the following meanings for the purposes of this ordinance:

Animal Every vertebrate non-human species of animal, wild or domestic, male or female, including, but not limited to, dogs, cats, livestock and other mammals, birds, reptiles, amphibians and fish.

Animal Control Officer The Chief of Police or any person appointed by the Chief of Police to perform duties as assigned by the Chief of Police to effectuate this ordinance.

Animal Shelter Any premises with a written agreement with the city for the purpose of effectuating this ordinance and used as a shelter for seized, stray, homeless or abandoned animals. It matters not whether the shelter is owned by the city and operated under the supervision of the Chief of Police or whether it is owned and operated by the county, a humane society, animal welfare group or other designated shelter which has a written contractual agreement with the city.

Arkansas rabies rules and regulations All rules and regulations promulgated by the Arkansas Department of Health, and any and all state laws pertaining to or concerning rabies control in animals.

At large Any animal not confined to the premises of the owner, possessor, person keeping or person otherwise responsible for an animal or not under the control of a person when not on the premises of the owner, possessor, person keeping or person otherwise responsible for the animal.

Cat A member of the feline species (*felis catus* or *felis domesticus*).

Chief of Police The Chief of Police of Norfolk, Arkansas.

Dog A member of the canine species.

Equine Any horse, mule, donkey or any animal related to the horse family.

Hoofed livestock Any cows, mules, horses, swine, sheep, goats or other hoofed livestock.

ID Tags shall consist of a metal tag which shall be affixed to the dog's collar when the dog is outside of the owner's home or other interior structure.

Owner Any person or entity owning, keeping or harboring an animal within the city.

Small livestock and poultry Includes small animals such as rabbits, chickens, guineas, turkeys and other fowl.

Vaccination The injection of an anti-rabies vaccine in the manner and frequency set forth in state law and administered by a licensed veterinarian. (Ord. No. 2010-5, Sec. 1.)

6.04.02 Animal Control Officer

- A. Appointment and duties The provisions of this ordinance shall be enforced by the Animal Control Officer or the Chief of Police. The Animal Control Officer shall be that person or persons designated by the Chief of Police to operate in such capacity. The Animal Control Officer shall have the power of arrest and is hereby authorized to issue citations pursuant to the Arkansas Rules of Criminal Procedure to any person the officer has reasonable cause to believe has violated any provisions of this ordinance.
- B. Records and recordkeeping The Animal Control Officer or Chief of Police shall complete and keep records of all animals and owners if known, reported for violations and impoundment. (Ord. No. 2010-5, Sec. 2.)

6.04.03 Identification All three (3) months old or older in the city must be identified with tags stating the phone number of the owner and current rabies tag. For any dog brought into the city, the owner shall, within thirty (30) days be identified with tags stating the phone number of the owner and current rabies tag. (Ord. No. 2010-5, Sec. 3.)

6.04.04 Rabies vaccination required All animals that are subject to contracting rabies shall be vaccinated against rabies by a licensed veterinarian in accordance with Arkansas law. (Ord. No. 2010-5, Sec. 4.)

6.04.05 Animals running at large No person owning, possessing, keeping, or otherwise responsible for a dog, cat or other animal shall allow it to run at large. (Ord. No. 2010-5, Sec. 5.)

6.04.06 Methods of confinement of animals

- A. Any person owning, possessing, keeping or otherwise responsible for an animal shall confine such animal within a fence or enclosure of adequate construction for such purpose, within a structure, or shall confine such animal by a chain, leash, rope or cable affixed to the animal's collar and attached to some immovable object. An animal must be provided adequate food and water. Any area where an animal is confined must be free of debris or other obstructions which may cause the animal to become entangled or injured. In no event shall any device be used which operates to choke an animal (choke chain.).

- B. When an animal is confined by chain, leash, rope or cable, the restraint must be at least six (6) feet long and so placed as to prevent the animal from leaving the property, as well as to provide adequate room for normal postural adjustments and for exercise. Any area when the animal is confined in such manner must drain so that the animal is not confined to an area of standing water.
- C. All animals must be provided adequate shelter from weather and temperature extremes and from any other potential hazards.
- D. No animal may be confined on any public property or public place and left unattended.
- E. Voice control methods may be used on dogs while they are on the property of the owner, possessor, keeper or person otherwise responsible for the dog. All dogs off of the property of the owner, possessor, keeper or person otherwise responsible for the dog, must be restrained by leash and collar or harness.
- F. All premises where animals are kept shall not become a threat to the public health by the owner, possessor, keeper, or person otherwise responsible for the animal due to the failure to diligently remove animal waste. Premises where animals are kept shall be kept in a clean and sanitary condition free from excessive refuse or waste. (Ord. No. 2010-5, Sec. 6.)

6.04.07 General provisions

- A. Diseased or injured animals No person shall knowingly keep any injured animal without providing proper treatment for such injury. No person shall knowingly keep an animal infected with a communicable disease which may be a health hazard to humans or other animals. A person acts “knowingly” when he is aware that such circumstances exist.
- B. Abandonment No person shall abandon any dog, cat or other animal. (Ord. No. 2010-5, Sec. 7.)

6.04.08 Animal cruelty No person shall subject any animal to cruelty or cruel neglect. For purposes of this section, “cruelty” or “cruel neglect” shall have the same meaning as in the Arkansas Criminal Code. (Ord. No. 2010-5, Sec. 8.)

6.04.09 Impoundment

- A. Any animal found to be at large within the city may be picked up by the Animal Control Officer or Police Chief and impounded in the Animal Shelter and there confined in a humane manner. Animals which are not claimed by their owners or an authorized representative identified in writing by the owner within seven (7) days may be destroyed at the discretion of the Animal Shelter in a humane manner.
- B. Prior to the destruction of any animal found running at large, where the animal carries its owner's phone number/address, the Animal Control Officer shall give the animal's owner at least seven (7) days' notice of the date of the proposed destruction of the animal. This notice shall be sent by certified mail, return receipt requested, and shall otherwise conform to A.C.A. 14-54-1102.
- C. The owner of an impounded animal who refuses to claim his animal shall be deemed to have abandoned the animal in violation of this ordinance.
- D. Upon impounding an animal, the Animal Control Officer shall take reasonable steps to notify the owner of the animal so impounded, and inform him of the condition whereby they may regain custody of such animals. Failure of the Animal Control Officer to give actual notice to an animal owner shall not preclude the Animal Control Officer or the Animal Shelter from taking any action state in this section. (Ord. No. 2010-5, Sec. 9.)

6.04.10 Reclamation of impounded dogs or animals

- A. Reclamation
 - 1. For any animal reclaimed by a resident of the city, there shall be no fee assessed for reclamation of said animal for the first impoundment. For any second impoundment of an animal reclaimed by a resident of the city, no animal may be reclaimed without first providing proof of current rabies vaccination and proper identification tag and paying a reclamation fee of Twenty-Five Dollars (\$25.00). For any third or subsequent impoundment of an animal reclaimed by a resident of the city, no animal may be reclaimed without first providing proof of current rabies vaccination and proper identification tag and paying a reclamation fee of Seventy-Five Dollars (\$75.00).

2. For any animal reclaimed by a non-resident of the city, said person shall pay a reclamation fee of Seventy-Five Dollars (\$75.00) for the second and every subsequent impoundment.
 3. Any fees described in this section are in addition to fines or other penalties imposed by a court of law for violation of this ordinance.
- B. Record keeping/manner of collection
1. Compete and accurate records of all animals impounded along with owner identification, when determined, shall be kept.
 2. The Mayor, by contract or otherwise, may provide a method for the orderly collection of fess required by this section. (Ord. No. 2010-5, Sec. 10.)

6.04.11 Nuisance dogs or animals

- A. No person shall own, possess, keep or otherwise be responsible for an animal which causes a nuisance. An animal creates a nuisance when it infringes upon the rights of another animal or person, or
1. Molests passersby or passing vehicles
 2. Attacks other animals
 3. Trespasses on school grounds
 4. Is at large on more than one occasion within a three (3) month period.
 5. Damages property
 6. Barks, whines, or howls in an excessive, continuous, or untimely fashion
 7. Causes fouling of the air by odor and thereby creates unreasonable annoyance
 8. Interferes with trash collection or other service personnel, including, but not limited to, meter readers or letter carriers
 9. Defecates on property of a person other than the owner, possessor, keeper or person otherwise responsible for the animal, including, but not limited to parks and trails. It shall not be a violation of this subsection if the owner, possessor, or person otherwise responsible for the animal promptly removes the waste.
- B. For purposes of this section, each day that a violation occurs shall be considered a separate offense, punishable separately.

- C. The fine for a nuisance animal, as defined in this section, shall be Twenty-Five Dollars (\$25.00) for the first offense, and Fifty Dollars (\$50.00) for each subsequent offense that shall occur within a twelve (12) month period. (Ord. No. 2010-5, Sec. 11.)

6.04.12 Vicious dogs

- A. A dog is a vicious dog for purposes of this section when it, according to the records of the Animal Shelter, Animal Control Officer or the Police Department:
1. Causes death, serious physical injury or physical injury to a person. For purposes of this subsection “serious physical injury” and “physical injury” shall have the same meanings as provided in the Arkansas Criminal Code, or
 2. Attacks or bites a person without provocation. For purposes of this subsection “attack” means to charge at a person and make physical contact with a person in an aggressive manner while not being provoked, whether or not the dog actually bites the person, or
 3. On more than one (1) occasion within a twelve (12) month period, while off the property of the owner, possessor, keeper or person otherwise responsible for the dog, and without provocation, kills or injures another animals, or
 4. Engages in dog fighting or is owned, kept or trained for the purpose of dog fighting.
- B. A vicious dog:
1. Must be maintained within a kennel or pen, unless it is securely restrained with a leash, chain, rope, cable or other similar device no longer than four (4) feet in length and the dog is muzzled.
 2. Must not be kept on a leash, chain, rope, cable or other similar device unless a person eighteen (18) years of age or older is in physical control of the leash, chain, rope, cable or other similar device.
 3. Must be maintained on property which contains a sign, readable by the public, which states “Beware of Vicious Dog.” An additional identical sign shall be affixed to the pen or kennel of the dog.

4. Must be securely confined indoors or in a securely enclosed kennel, except when leashed and muzzled as provided above. The pen, kennel or structure must have secure sides and a secure top, which is attached to the sides. All structures used must be locked with a key or combination lock when the animals are within the structures. The pen or kennel must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground at a depth of no less than two (2) feet. All structures used to house vicious dogs must also comply with all zoning and building regulations of the city. Kennels must be adequately lighted and ventilated and be kept in a clean and sanitary condition. When confined indoors, no vicious dog may be kept on a porch, patio or in any part of a house or building that would allow the dog to exit on its own volition unless to a kennel or fenced back yard. In addition no such animal may be kept in a building when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure unless they exit to the proper enclosure.
- C. All owners, possessors, keepers or person otherwise responsible for a vicious dog, must, within ten (10) days of meeting the requirements of being a vicious dog, provide to the city proof of liability insurance for each vicious dog in a single incident amount of One Hundred Thousand Dollars (\$100,000.00) for bodily injury or death of any person or damage to any property owned by any person which may be caused by the vicious dog. The insurance policy shall provide that no cancellation shall be made without ten (10) days' written notice being provided to the City Clerk.
- D. All owners, possessors, keepers or persons otherwise responsible for a vicious dog must, within ten (10) days notify the Animal Control Officer, in writing, of any of the following:
1. The death of the vicious dog.
 2. The removal of the vicious dog from the city of Norfolk.
 3. The new address where the vicious dog is located if the vicious dog is moved within the city.
 4. The sale or other transfer of ownership of the vicious dog, including the date of sale, the person to whom the vicious dog has been transferred, and if the person to whom the vicious dog has been transferred resides within the city of Norfolk, the address of the person.

- E. A vicious dog may, in addition to any other penalty, be ordered destroyed by a court of competent jurisdiction if said animal has caused serious physical injury or death to a person. Furthermore, the owner, possessor, keeper or person otherwise responsible for the dog may be ordered to pay restitution to any victim.
- F. The owner, possessor, keeper or person otherwise responsible for a dog which commits any of the acts delineated in subsection 1 of this section, shall be deemed guilty of a misdemeanor, and shall be liable for restitution to the victim of any violation. (Ord. No. 2010-5, Sec. 12.)

6.04.13 Keeping of hoofed livestock

- A. The keeping within the corporate limits of the city of Norfolk, Arkansas, of cows, mules, horses, swine, sheep, goats or other hoofed livestock shall be allowed subject to the provisions of this article and applicable provisions of the Zoning Code as amended.
- B. All pens or enclosures where hoofed livestock are kept shall be not less than one hundred (100) feet from any residence or business establishment; provided, however, that this restriction shall not apply to a residence or business of the livestock's owner.
- C. Pens and enclosures for hoofed livestock shall meet the following minimum requirements:
 - 1. Horses, cows, swine and other large hoofed livestock:
 - a. One acre (43,560 sq. ft.) per two (2) horses, cows, swine or other large hoofed livestock or combination thereof, minimum of one acre for first such animal;
 - b. A minimum five foot (5 ft.) fence when the livestock are horses, mules, asses or donkeys; a minimum three foot (3 ft.), six inch (6") high fence for all other livestock defined in subsection 10-1-2 (Livestock). Said fence shall be of a standard design and material for the proper constraint of the type of large-hoofed livestock kept;
 - c. Adequate shelter from weather elements which provides the animals adequate space to stand, turn and stretch comfortably; provided, however, that cows are excluded.

2. Sheep, goats and other small-hoofed livestock:
 - a. One-half acre (21,780 sq. ft.) per two (2) sheep, goats or other small-hoofed livestock or combination thereof, minimum of one-half acre for first such animal.
 - b. Adequate shelter from weather elements which provides the animals adequate space to stand, turn and stretch comfortably; and
 - c. Pen or enclosure of standard design and material for the proper constraint of the type of small-hoofed livestock kept.
(Ord. No. 2010-5, Sec. 13.)

6.04.14 Keeping of small livestock and poultry

- A. The keeping of small livestock and poultry such as rabbits, chickens, guineas and turkeys is permitted within the corporate limits of the city of Norfolk, Arkansas, subject to the provisions of this article.
- B. Small livestock and poultry shall be confined within an area containing adequate housing meeting the following minimum floor space requirements:
 1. Rabbits Six (6) sq. ft. per animal over four (4) months of age;
 2. Turkeys Eight (8) sq. ft. per bird over four (4) months of age;
 3. Chickens and similar fowl Four (4) sq. ft. per bird over four (4) months of age.
- C. All pens, houses and enclosures where small livestock or poultry are kept shall be not less than one hundred (100) feet from any residence or business establishment; provided, however, that this restriction shall not apply to a residence or business establishment of the livestock's owner. (Ord. No. 2010-5, Sec. 14.)

6.04.15 Condition of pens and enclosures All livestock pens and enclosures shall be maintained and kept in such condition as not to become unsanitary, offensive or disagreeable to persons residing in the vicinity thereof, nor shall they be so maintained or kept to permit the breeding of flies or in any manner cause injury to the health or comfort of the public or any person working or residing in the vicinity of said pen or enclosure. Manure or refuse shall be promptly removed and disposed of after each cleaning in accordance with all applicable rules, regulations and laws. (Ord. No. 2010-5, Sec. 15.)

6.04.16 Other provisions

- A. Any kennels or boarding facilities keeping livestock shall, in addition to the requirements of this article, comply with all regulations relative to “Animal Establishments” contained in the Animal Control Code.
- B. Livestock and poultry shall be subject to other applicable provisions of the Animal Control Code (e.g., running at large, cruelty, nuisance, impoundment, etc.)
- C. Commercial livestock establishments, including but not limited to, dairy farms, poultry farms, training farms, livestock boarding establishments, livestock display and sale facilities and feed lots, shall in addition to the requirements of this article be subject to the applicable provisions of the city of Norfolk Zoning Code as may now or hereinafter be adopted or amended.
- D. Vaccinations and testing: All equine (horses, donkeys, mules or any animal related to the horse family) must be tested for Cogan’s as required by Arkansas state law and the owner must be able to provide a copy of the negative Cogan’s test for each animal upon request by a city official. (Ord. No. 2010-5, Sec. 16.)

6.04.17 Exceptions

- A. Nothing in this article shall prohibit the keeping of livestock at facilities for the purpose of conducting livestock events at those facilities.
- B. The otherwise lawful keeping of any livestock within the city of Norfolk, existing on or before the effective date of this article or existing on or before the effective date of any subsequent annexation, may continue; provided, however, that such keeping shall not be extended or enlarged, either upon the same or adjoining property nor shall any subsequent discontinuance of such keeping be restored except in compliance with this article. (Ord. No. 2010-5, Sec. 17.)

6.04.18 Condition of pens and premises Persons owning, possessing, keeping or otherwise responsible for an animal shall keep the premises where such animal is kept clean, free from offensive odors, and not a threat to public health. (Ord. No. 2010-5, Sec. 18.)

6.04.19 Roadside sale of animals No animal may be sold on the roadside in the city of Norfolk, including any street or highway right-of-way appurtenant thereto. (Ord. No. 2010-5, Sec. 19.)

6.04.20 Penalties Any person violating any provision of this ordinance which does not have a previously stated fine or penalty structure shall be penalized as follows:

- A. A fine of up to Twenty-Five Dollars (\$25.00) for a first offense.
- B. A fine of no less than Twenty-Five Dollars (\$25.00), nor more than Fifty Dollars (\$50.00), for any second or subsequent offense.

In addition, a person charged with violation of any provision of this ordinance may be ordered to pay restitution to any victim for injury or property damage as a resulting from the violation. (Ord. No. 2010-5, Sec. 20.)

6.04.21 Citations The Animal Control Officer of the Chief of Police is hereby authorized to issue a citation as defined by the Arkansas Rules of Criminal Procedure to the owner, possessor, keeper, or person otherwise responsible for an animal violating any provision of this ordinance. The citation shall be in a form as approved by the District Court of Norfolk, Arkansas. Said citation shall designate the offense committed and shall require the person so charged to appear before the District Court of Norfolk, Arkansas, to answer the charges therein contained or present said citation at the District Court of Norfolk, Arkansas, prior to said court date for disposition. Should a physical arrest be required for any offense, the Animal Control Officer shall seek the assistance of the Chief of Police to effectuate said arrest. (Ord. No. 2010-5, Sec. 21.)

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Loitering
- 7.16 Prohibited Weapons
- 7.20 Claims against City
- 7.24 Storage and Handling of Volatile Combustibles
- 7.28 Vacation Disconnect for Public Services
- 7.32 Open Burning

CHAPTER 7.04

STATE CRIMINAL STATUTES AND PENALTIES

Sections:

- 7.04.01 State criminal statutes adopted
- 7.04.02 State penalties adopted

7.04.01 State criminal statutes adopted All criminal statutes of the state relating to misdemeanors and violations of the laws of criminal procedure in connection therewith, three (3) copies of which are on file in the Recorder/Treasurer ' s office, are hereby enacted by the City Council to form a part of the laws of the city and any person, firm or corporation being found guilty of the violation of any such laws shall be deemed guilty of the violation of the ordinances of the city, and shall be fined or imprisoned or both in the manner set out under the state statutes.

STATE LAW REFERENCE - See A.C.A. 14-55-501

7.04.02 State penalties adopted The same minimum and maximum penalties for the violation of misdemeanors and violations as are provided in the state statutes are hereby adopted as the minimum and maximum fines for the violation of the same offenses which are prohibited by the ordinances of this city.

STATE LAW REFERENCE - A.C.A. 14-55-502

CHAPTER 7.08

CURFEW

Sections:

- 7.08.01 Civil emergencies
- 7.08.02 Congregating during state of emergency
- 7.08.03 Penalty

7.08.01 Civil emergencies. The Mayor, any time a condition has arisen or is imminent which in his judgment constitutes a civil disturbance, riot, insurrection or time of local disaster, 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.

7.08.02 Congregating during state of emergency. No person shall congregate, operate any business 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.

7.08.03 Penalty. Any person violating any of the provisions of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and may be punished by a fine not to exceed Five Hundred (\$500.00) Dollars or confinement in jail for not more than one (1) year, or both.

CHAPTER 7.12

LOITERING

Sections:

- 7.12.01 Illegal
- 7.12.02 Definitions
- 7.12.03 Penalty

7.12.01 Illegal. It shall be unlawful for any person to loiter upon the sidewalks, streets, highways, alleys or other public places within the city.

7.12.02 Definitions.

- A. A person commits the offense of loitering if he:
1. lingers, remains or prowls in a public place or on the premises of another without apparent reason and under circumstances that warrant alarm or concern for the safety of persons or property in the vicinity; and upon inquiry by a law enforcement officer, refuses to identify himself and give a reasonably credible account of his presence and purpose; or
 2. lingers, remains, or prowls in or near a school building, not having any reason or relationship involving custody of or responsibility for a student, and not having written permission from anyone authorized to grant the same; or
 3. lingers or remains in a public place or on the premises of another for the purpose of begging; or
 4. lingers or remains in a public place for the purpose of unlawfully gambling; or
 5. lingers or remains in a public place for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual activity; or
 6. lingers or remains in a public place for the purpose of unlawfully buying, distributing, or using a controlled substance; or
 7. lingers or remains on or about the premises of another for the purpose of spying upon or invading the privacy of another.
- B. Among the circumstances that may be considered in determining whether a person is loitering are that the person:
1. takes flight upon the appearance of a law enforcement officer; or
 2. refuses to identify himself; or
 3. manifestly endeavors to conceal himself or any object.
- C. Unless flight by the actor or other circumstances make it impracticable, a law enforcement officer shall, prior to an arrest for an offense under subsection A (1) of this section, afford the actor an opportunity to dispel any alarm that would otherwise be warranted by requesting him to identify himself and explain his presence and conduct.

- D. It shall be a defense to a prosecution under subsection 1(a) that the law enforcement officer did not afford the defendant an opportunity to identify himself and explain his presence and conduct, or if it appears at trial that an explanation given by the defendant to the officer was true, and if believed by the officer at that time, would have dispelled the alarm.

7.12.03 Penalty. As set out in A.C.A. 5-71-213, loitering is a Class C misdemeanor punishable by a maximum fine of One Hundred Dollars (\$100.00).

CHAPTER 7.16

PROHIBITED WEAPONS

Sections:

- 7.16.01 Unlawful to carry, exchange

7.16.01 Unlawful to carry, exchange. It shall be unlawful for any person to carry any knife, the blade of which is over three (3) inches in length, or to carry any instrument commonly called a crabapple switch, dirk, dagger, pick or any other dangerous or deadly weapon within the city, and it shall further be unlawful for any firm or corporation to sell, barter, exchange or otherwise dispose of such knives, crabapple switches, dirks, daggers or picks, or instruments to be used for a weapon within the corporate limits of the city.

CHAPTER 7.20

CLAIMS AGAINST CITY

Sections:

- 7.20.01 Liability coverage
7.20.02 Settlement of claims

7.20.01 Liability coverage. The city shall carry liability coverage on all its motor vehicles in the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act.

STATE LAW REFERENCE - See A.C.A. 21-9-303

7.20.02 Settlement of claims. All persons having claims against the city may file them with the Recorder/Treasurer. The Recorder/Treasurer shall present them to the Council. The Council may grant a hearing for the claimant and may authorize a settlement.

STATE LAW REFERENCE - See A.C.A. 21-9-302

CHAPTER 7.24

STORAGE AND HANDLING OF VOLATILE COMBUSTIBLES

Sections:

- 7.24.01 Restriction on keeping
- 7.24.02 Volatiles never to be allowed to pass into drainage system
- 7.24.03 Penalty

7.24.01 Restriction on keeping. Gasoline, naphtha, benzine, and other like volatile combustibles or their compounds in excess of a total of five (5) gallons, exclusive of that in tanks of automobiles, in combustion engines, or in approved portable wheeled tanks in public garages each not exceeding sixty (60) gallons capacity, shall not be kept within any building. Such total of five (5) gallons or less shall be kept only in cans approved by the Norfolk Fire Protection District Chief. Any quantity in excess of five (5) gallons shall be kept only in a tank or tanks placed not less than two (2) feet beneath the surface of the ground or in an outside tank or tanks above ground and approved by the Chief of the Fire Department located not less than fifty (50) feet from the line of any adjoining property which may be built upon. The tank or tanks shall be adequately and properly diked with a dike having capacity not less than equal in volume to that of the tank or tanks surrounded. No underground tanks shall be placed, constructed or maintained under a street, public sidewalk or in a sidewalk area. 9Ord. No. 06-8, Sec. 1.)

7.24.02 Volatiles never to be allowed to pass into drainage system. In no instance shall gasoline, naphtha, benzine and other like volatile combustibles or their compounds be allowed to run upon the floor or fall or pass into the drainage system of the premises. Self-closing metal cans shall be used for all oily waste or waste oils.

7.24.03 Penalty. Any person who shall violate or fail to comply with any of the provisions of this chapter, or who shall violate or fail to comply with any order or regulation, shall upon conviction, be punished by a fine not exceeding One Hundred Dollars (\$100.00). The imposition of one (1) penalty for violation of this chapter shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and each day that any prohibited condition is maintained shall

constitute a separate offense. The application of said penalty shall not be held to prevent the enforced removal of any prohibited condition as provided by this chapter.

CHAPTER 7.28

VACATION DISCONNECT FOR PUBLIC SERVICES

Sections:

7.28.01 Discontinuing practice

7.28.01 Discontinuing practice It is ordained by the City Council of the city of Norfolk, Arkansas, that this ordinance to discontinue the practice of allowing “vacation disconnect” for water, sewer and trash service is necessary for the efficient operation of municipal government and shall take effect and be in full force from and after its passage. (Ord. No. 2007-10, Sec. 1.)

CHAPTER 7.32

OPEN BURNING

Sections:

7.32.01 Definitions
7.32.02 applicability
7.32.03 Enforcement
7.32.04 Fine

7.32.01 Definitions

Grilling/cooking is defined as cooking with charcoal, wood, propane or natural gas in cooking or grilling appliances and is not regulated by this ordinance.

Hazardous refuse is defined as hazardous substance including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes and solvents, furniture, appliances, tires, any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam and synthetic fabrics, plastic films and containers, food and food by-products.

Heating a building with a stove, furnace, fireplace or other heating device by burning/use of propane, acetylene, natural gas, gasoline or kerosene for the purpose of heating a building for human or animal habitation and construction or maintenance within a building does not constitute outdoor/open burning.

Outdoor and open burning is the open burning of any refuse in the open air or outdoors in other than an incinerator designed for that purpose. (Ord. No. 2009-6, Sec. 1.)

7.32.02 Applicability The City Council of the city of Norfolk prohibits the following:

- A. Open burning of hazardous refuse as defined above.
- B. Open burning of any materials brought on to personal property from another site.
- C. Open burning must be no closer than fifteen (15) feet from the neighbor's property line or twenty-five (25) feet from any buildings.
(Ord. No. 2009-6, Sec. 2.)

7.32.03 Enforcement The Mayor of the city of Norfolk or his designee is authorized to enforce the provisions of this ordinance and may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. The city of Norfolk shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this ordinance. (Ord. No. 2009-6, Sec. 3.)

7.32.04 Fine Any person or entity found to have violated or fails to comply with a duly authorized order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction which shall be punishable by civil fine and shall be punishable by a minimum fine of Fifty Dollars (\$50.00) and maximum fine of Two Hundred Dollars (\$200.00) per offense. Each day that a violation exists shall constitute a separate violation. (Ord. No. 2009-6, Sec. 4.)

TITLE 8

VEHICLES AND TRAFFIC

Chapters:

- 8.04 Adoption of State Laws
- 8.08 Parking
- 8.12 Emergency Vehicles
- 8.16 Non-Operating Vehicles
- 8.20 Hazardous Driving

CHAPTER 8.04

ADOPTION OF STATE LAWS

Sections:

- 8.40.01 Adoption of state laws

8.04.01 Adoption of state laws. The "Uniform Act Regulating Traffic on Highways of Arkansas", as contained in Title 27 of the Arkansas Statutes, three (3) copies of which are on file in the office of the Recorder/Treasurer, is hereby adopted as traffic rules and regulations within and for the city. Any person convicted of violation of said statutes shall be deemed guilty of the violation of the ordinances of the city, and shall be fined or imprisoned or both in the manner set out under the state statutes.

CHAPTER 8.08**PARKING****Sections:**

- 8.08.01 Parking
- 8.08.02 Fine

8.08.01 Parking No vehicles will be permitted to park in any physical city street or alleys within the city of Norfolk's city limits. (Ord. No. 99-3, Sec. 1.)

8.08.02 Fine Any person whose vehicle found in violation of this ordinance shall be guilty of a misdemeanor and will be fined Twenty Five Dollars (\$25.00) a day; each day's violation shall be a separate offense. Any vehicle blocking the street shall be subject to be towed immediately at the owner's expense. (Ord. No. 2000-16, Sec. 4.)

CHAPTER 8.12**EMERGENCY VEHICLES****Sections:**

8.12.01	Right-of-way
8.12.02	Following prohibited
8.12.03	Restriction of vehicular traffic
8.12.04	Strict enforcement
8.12.05	Exempt personnel
8.12.06	Penalty

8.12.01 Right-of-way. When any emergency vehicle is on an emergency run, a siren and/or flashing red light shall be operated at all times while said vehicle is in motion. Any such moving emergency vehicle shall be entitled to and shall receive the right-of-way over all pedestrian and vehicle traffic. When the operator of any non-emergency vehicle is approached from any direction by such emergency vehicle, he shall immediately move his vehicle to the extreme right side of the street, and shall come to a full stop, remaining at such full stop until all such emergency vehicle movements have passed.

8.12.02 Following prohibited. No person except as herein authorized shall follow any emergency vehicle which is operating its emergency signals.

8.12.03 Restriction of vehicular traffic. No vehicular traffic (other than that of authorized personnel specified herein) shall be permitted within a three (3) block radius of any emergency, unless such vehicular movement is permitted by order of the fire, police or medical personnel in charge at the scene of such emergency. Fire, police or other authorized personnel shall have the specific authority to order all pedestrians and spectators outside said emergency area at any time.

8.12.04 Strict enforcement. The provisions hereof shall be strictly enforced by members of the Police Department.

8.12.05 Exempt personnel. The following personnel when acting in the line of duty are specifically exempt from the provisions of this chapter;

- A. All regular and volunteer Fire Department personnel.
- B. All regular and auxiliary police personnel.
- C. News reporting and photography personnel for public

communications media.

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- D. Medical, nursing and ambulance personnel.
- E. Law enforcement officers; and other persons specifically authorized by the Mayor, Police Chief or Fire Chief.
- F. Public utility personnel.

8.12.06 Penalty Any person violating any of the provisions hereinabove shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

CHAPTER 8.16

NON-OPERATING VEHICLES

Sections:

- 8.16.01 Definitions
- 8.16.02 Inoperable motor vehicles
- 8.16.03 Notice of violation; removal of vehicle
- 8.16.04 Licensed businesses
- 8.16.05 Storage of inoperable vehicles
- 8.16.06 Penalty

8.16.01 Definitions As used in this ordinance, the following words shall have these definitions:

City officials: Mayor of the city of Norfork, Arkansas.

Enclosure: A building, wall or fence that conceals a vehicle from all adjoining property at ground level.

Inoperable motor vehicle: An inoperable motor vehicle shall be defined as anyone or one or more of the following, which may apply:

- A. Any vehicle placed on blocks;
- B. Any vehicle that has one or more wheels removed;
- C. Any vehicle that is not in proper condition to be legally operated on the streets;

- D. Any vehicle that lacks an integral part of assembly;
- E. Any vehicle that is not capable of self-locomotion.
- F. Any vehicle that does not have a current legal registration.

Open storage: Open storage is storage in the open, with no covering or walls. This includes a carport, which has at least two (2) open sides.

Person: This term applies to individuals, as well as firms, corporations and voluntary associations, unless plainly inapplicable.

Public property: Public property is any street, alley, right-of-way, or property that is owned or under the control and supervision of the municipality.

Private property: Any property that is not classified as public.
(Ord. No. 2011-4, Sec. 1.)

8.16.02 Inoperable motor vehicles

- A. On public property It shall be unlawful for any person to maintain, store, or keep an inoperable motor vehicle on public property.
- B. On private property It shall be unlawful for any person to maintain, store, or keep in the open an inoperable motor vehicle on private property for more than seven (7) days, unless an appropriate permit is obtained from the city of Norfolk.
(Ord. No. 2011-4, Sec. 2.)

8.16.03 Notice of violation; removal of vehicle

- A. Public property When city officials observe or find an inoperable motor vehicle stored in open public property, the city officials shall place notice on the vehicle requiring the owner of the vehicle to remove it within 24 hours. In the event that the vehicle is not removed, the city is authorized to remove and impound the vehicle, in accordance with the laws governing abandoned motor vehicles. In the event that the motor vehicle obstructs the movement of traffic or constitutes a traffic hazard, the city shall immediately have the vehicle removed.

Exception The above section does not apply to operable motor vehicles parked in front of a residence by the resident or their guest, as long as it does not block the right-of-way.

- B. Private property When city officials observe or find an inoperable motor vehicle stored in the open on private property, the city officials shall make a reasonable attempt to locate the owner of the motor vehicle, or the person responsible for placing the vehicle upon private property. The city officials will serve a written notice to that person to remove the vehicle within seven (7) days of receipt of the notice. If the vehicle is not removed within the seven (7) days, the person shall be charged with a violation of this ordinance and scheduled for appearance in Municipal Court.

Exception for vehicle being repaired Nothing in this ordinance shall prevent a person from keeping in the open on private property one (1) inoperable motor vehicle for the purpose of making minor repairs (including antique motor vehicles). In this situations the owner of the vehicle shall obtain a permit within seven (7) days from the Mayor of the city of Norfolk. This permit will be issued for a fourteen (14) day period. Only two (2) permits per household will be allowed annually. (Ord. No. 2011-4, Sec. 3.)

8.16.04 Licensed businesses Nothing in this ordinance is to be interpreted as preventing a licensed business from dealing with any inoperable motor automobiles, as long as they are properly zoned. (Ord. No. 2011-4, Sec. 4.)

8.16.05 Storage of inoperable vehicles Inoperable vehicles that are stored in an enclosure are not in violation of this ordinance. (Ord. No. 2011-5, Sec. 5.)

8.16.06 Penalty Any person violating this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Twenty-Five Dollars (\$25.00) or more than Fifty Dollars (\$50.00) each day, plus any and all court costs. Each day such violation occurs shall be considered a separate offense. (Ord. No. 2011-4, Sec. 6.)

CHAPTER 8.20

HAZARDOUS DRIVING

Sections:

8.20.01	Unlawful
8.20.02	Definitions
8.20.03	Fine

8.20.01 Unlawful It shall be unlawful for any person to operate any vehicle in a hazardous manner in the city of Norfolk, Arkansas. (Ord. No. 2012-2, Sec. 1.)

8.20.02 Definitions Hazardous driving shall be defined as follows:

- A. Improper or unsafe lane changes or improper passing on public roadways; or
- B. Cutting into and/or across property to avoid established traffic patterns, intersections, stop signs or stop lights; or
- C. Operating a vehicle in such a manner as to cause skidding or spinning of the tires, or sliding of the vehicle; or
- D. Operating a vehicle in such a manner which would cause a failure to maintain control or to collide with parked or stopped vehicle, fixtures, persons, or objects adjacent to any public thoroughfare or in any parking lot; or
- E. Operating any vehicle in any manner that is inattentive, and such inattention is not prudent to maintaining control of the vehicle. (Ord. No. 2012-2, Sec. 2.)

8.20.03 Fine Any person who violates any of the provisions of this ordinance shall, upon conviction thereof, be guilty of an unclassified misdemeanor and for a first conviction thereof shall be punished by a fine of One Hundred Dollars (\$100.00) and on second and/or subsequent conviction within three (3) years be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Hundred and Fifty Dollars (\$150.00). (Ord. No. 2012-2, Sec. 3.)

65.1

TITLE 9

STREETS AND SIDEWALKS

Chapters:

- 9.04 Streets, Alleys, Gutters or Ditches
- 9.08 Excavations and Alterations
- 9.12 Road Numbering Coinciding with E-9-1-1 System
- 9.16 Amendments to E-9-1-1 System
- 9.20 Vacating of Streets

CHAPTER 9.04

STREETS, ALLEYS, GUTTERS OR DITCHES

Sections:

- 9.04.01 Streets and alleys
- 9.04.02 Notice in writing
- 9.04.03 Driveways
- 9.04.04 Fines
- 9.04.05 Gutters and ditches
- 9.04.06 Fine

9.04.01 Streets and alleys. It shall be the duty of every owner or occupant of any lot or premises in the city of Norfolk along which any street or alleys runs, to keep said street or alley from the middle line thereof to the side next to him, free from all manner and kind of filth, garbage, trash, debris or decaying animal and vegetable substance of every kind, grass, weeds, and etc.

It shall be unlawful for any person to construct or erect any curbs, gutters, culverts, driveway, buildings, or any type of construction or plant or cause to be planted any shrubbery, bushes and/or trees on or upon any street, alley, right-of-way and/or any other property of the city of Norfolk, Arkansas unless said person or persons files a petition with the City Council of the city of Norfolk, requesting the consent approval and authority from the City Council of the city of Norfolk, Arkansas, to construct a curb, gutter, driveway, culvert, and/or any other type of construction and plant or cause to be planted any shrubs, bushes and/or trees on or upon any

street, alley, right-of-way and/or any other property owned by the city of Norfolk, Arkansas, and the city has passed a resolution authorizing such construction and/or planting. (Ord. No. 00-11, Sec. 1.)

9.04.02 Notice in writing Any person or persons constructing any curb, gutter, driveway, culvert and/or any other type of construction or plant any shrubs, bushes and/or trees on or upon any street, alley, right-of-way and/or any other property owned by the city of Norfolk, Arkansas, without first obtaining the approval of the City Council of the city of Norfolk, Arkansas, as herein above set out in section 9.04.01, after the receiving of seven (7) days notice in writing by the city of Norfolk, shall refuse to remove any said construction or any shrub, bush and/or tree, the city of Norfolk is hereby authorized to enter upon the street, alley, right-of-way and/or any other city-owned property and have said construction and/or plants, shrubs and/or trees cut, removed and/or eliminated, and the costs thereof shall be charged against said person or persons who caused said construction and or planting. (Ord. No. 00-11, Sec. 2.)

9.04.03 Driveways Every person, firm or corporation constructing a driveway over any public ditch within the city of Norfolk, Arkansas, shall provide some adequate means for the continued flow of water through said ditch; such opening shall be made by tile or other materials to be approved by the Street Superintendent of the city of Norfolk, Arkansas. (Ord. No. 00-11, Sec. 3.)

9.04.04 Fines Any person failing to comply with the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished upon conviction in any sum not less than One Hundred (\$100.00) nor more that Five Hundred Dollars (\$500.00), and each dy that said condition shall exist shall be considered a separate offense. (Ord. No. 00-11, Sec. 4.)

9.04.05 Gutters and ditches The owner or owners, occupant or occupants of any block or lot or part of block or lot in the city of Norfolk, Arkansas, abutting on any gutter or ditch of any street of said city shall be and are herby required to keep the said gutter or gutters or ditch or ditches upon which the premises owned or occupied by them may abut, clean and clear of all obstructions of whatever nature to the fre flow of water therein, and any and all persons are hereby prohibited from depositing or permitting any deposit in any street, gutter or gutters, and ditch or ditches of said city, any matter or thing that will obstruct or cause to be obstructed the free flow of water therein, provided that nothing herein contained shall be construed as to apply to obstructions caused by the natural flow of water. (Ord. No. 00-11, Sec. 5.)

9.04.06 Fine Any person violating the provisions of the ordinance shall, upon conviction, be deemed guilty of a misdemeanor and fined in any sum not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) and further shall pay the costs of removing said obstruction deposited or permitted to be deposited by them. Each day any such obstruction is permitted to exist shall be a separate offense. (Ord. No. 00-11, Sec. 6.)

CHAPTER 9.08

EXCAVATIONS AND ALTERATIONS

Sections:

- 9.08.01 Excavations - permit
- 9.08.01 Application for permit - deposit

9.08.03 Excavations to be restored

9.08.01 Excavations - permit. No person, firm or corporation shall cut into, tunnel under, or in any manner disturb the surface of any street, alley or sidewalk in the city without first applying for and obtaining from the _____ a written permit to do so, which shall be dated, and shall give the name and address of the person to whom the permit is granted, and the location of the place where the street, alley or sidewalk is to be cut into, tunneled under, and the purpose for which said permit is granted.

9.08.02 Application for permit - deposit. Any person, firm or corporation applying for said permit shall estimate in writing the number of square feet to be cut or tunneled. Before such permit is granted the applicant shall deposit with the _____ for the purpose of insuring that the street is properly restored the sum of Five Dollars (\$5.00) per square foot for cutting concrete or other bituminous surface and Two (\$2.00) Dollars per square foot for cutting into gravel surface; provided the minimum deposit shall be Twenty-Five (\$25.00) Dollars irrespective of the estimate.

9.08.03 Excavations to be restored. All excavations made are to be restored to their original condition to the satisfaction of the Mayor or his appointee before the deposit shall be returned.

STATE LAW REFERENCE - See A.C.A. 14-301-101

CHAPTER 9.12

ROAD NUMBERING COINCIDING WITH E-9-1-1 SYSTEM

Sections:

- | | |
|---------|-----------------------------------|
| 9.12.01 | Established |
| 9.12.02 | Map adopted |
| 9.12.03 | City addresses |
| 9.12.04 | County and public roads |
| 9.12.05 | E-9-1-1 office shall make changes |
| 9.12.06 | Numbers shall be assigned |
| 9.12.07 | Address numbers |

9.12.01 Established There is hereby established a uniform system for numbering the

property frontages on all road and public ways in Norfolk and the residential and business structures accessible therefrom. (Ord. No. 94-07, Sec. 1.)

9.12.02 Map adopted A Norfolk road map prepared and dated December 1988 by the Arkansas State Highway and Transportation Department is hereby adopted as the official Norfolk E-9-1-1 map for numbering and location of roads and public ways with the city. (Ord. No. 94-07, Sec. 2.)

9.12.03 City addresses All inhabitable structures in the city will be addressed by a grid system using 211 addresses per mile as our standard. (Ord. No. 94-07, Sec. 3.)

9.12.04 County and public roads All county roads and public ways shall be numbered from the point of beginning of each road and all structures located on each road shall be numbered in such a way that all structures on the north and/or east side shall have odd numbers, and all structures on the south and/or west side shall have even numbers. (Ord. No. 94-07, Sec. 4.)

9.12.05 E-9-1-1 office shall make changes The Baxter County E-9-1-1 office previously established by Quorum Court shall be authorized to make such changes, alterations and additions to the numbering system created by adoption of said map as deemed appropriate to implement the current numbering system and also to include proper sequence numbers for such additional structures hereafter constructed, moved or located with the county. (Ord. No. 94-07, Sec. 5.)

9.12.06 Numbers shall be assigned The owner, builder and/or developer of any housing structures or business properties within the city after the original numbering system has been established and numbering provided for such existing units, shall apply to the Baxter County E-9-1-1 office for numbers to be assigned to all newly established roads and public ways and to such structures as constructed, no less than thirty (30) days prior to the occupancy thereof. All roads and/or public ways in any subdivision shall be numbered and/or named on the submission of plats thereof to the county E-9-1-1 office prior to final plat approval by the Norfolk City council and recording of said plats with the designations thereon to ensure consistency with the existing naming and numbering regimen established by this ordinance and to thereby avoid duplication of road and public way designations. (Ord. No. 94-07, Sec. 6.)

9.12.07 Address numbers

- A. No person, firm, corporation, partnership or other entity shall authorize any public utility company as defined by Arkansas law to supply any service to any new residence or business in Baxter county until an official E-9-1-1 address for such residence or business has been assigned or otherwise approved by the County Judge or his designee.
- B. Address numbers shall be at least three (3) inches in minimum height and shall be installed at the expense of the owner, maintained at the expense of the

owner, and

shall likewise conform to the standards established by the county. Such address numbers shall be posted in such a manner as to be clearly visible from the named and/or numbered road of access.

- C. Any person or other entity failing to comply with the provisions of this ordinance shall upon conviction thereof, be fined not less than Twenty-five Dollars (\$25.00) plus prosecution costs for each offense. Each day said offense continues shall be deemed as a separate offense. (Ord. No. 94-07, Sec. 7.)

CHAPTER 9.16

AMENDMENTS TO E-9-1-1 SYSTEM

Sections:

- | | |
|---------|----------------------------|
| 9.16.01 | Norfolk road map |
| 9.16.02 | 5.28' scale |
| 9.16.03 | Numbering |
| 9.16.04 | Assigned structure numbers |

9.16.01 Norfolk road map A Norfolk road map prepared and dated December 1988 by Slater Surveying & Mapping is hereby adopted as the official Norfolk E-911 map for numbering and location of roads and public ways with the city. (Ord. No. 97-02, Sec. 2.)

9.16.02 5.28' scale All inhabitable structures in the city will be addressed using the 5.28 feet scale. (Ord. No. 97-02, Sec. 3.)

9.16.03 Numbering All city, county, private and public ways shall be numbered from the point of beginning of each road and all structures located on each road shall be numbered in such a way that all structures on the left will be even numbers and all structures on the right be odd numbers. (Ord. No. 97-02, Sec. 4.)

9.16.04 Assigned structure numbers The owner, builder and/or developer of any housing structures or business properties within the city after the original numbering system has been established and numbering provided for such existing units, shall apply the baxter county 911 office for and address before receiving the Norfolk City Building Permit. The applicant shall post a temporary sign displaying the assigned structure number at the construction site until such a time the permanent number can be displayed as described in Section 7, Item B of Or. 94-07. In those parts of the address service area where the property is located outside the city but still part of the Planning Commission jurisdiction, the applicant shall apply to the Baxter County E-911 office for an assigned address. Upon occupancy of the structure, the temporary posted address

will be permanently affixed to the structure as described in Section 7, Item B of Ord. 94-07.

All roads and/or public ways in any subdivision shall be numbered and/or named on the submission of plats thereof to the county E-911 office prior to final plat approval by the Norfolk City Council and recording of said plats with the designation thereon to ensure consistency with the existing naming and numbering regimen established by this ordinance and to thereby avoid duplication of road and public way designations.

Upon annexation of any county and/or private road which structures have been addressed on a 5.28' scale, any future structures built or moved after annexation will be addressed on the 5.28' scale. Any road without structures prior to annexation will be addressed on the same scale. (Ord. No. 97-02, Sec. 5.)

CHAPTER 9.20

VACATING OF STREETS

Sections:

9.20.01 Vacating by reference

9.20.01 Vacating by reference

Ord. No. 04-7 Part of First Street located north of Wolf Street

