

## **TITLE 7**

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

#### Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Loitering
- 7.16 Claims against City
- 7.20 Storage and Handling of Volatile Combustibles
- 7.24 Fireworks
- 7.28 Yard Sales
- 7.32 Arkansas Motor Vehicle and Criminal Code
- 7.36 Noise

### **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 Curfew for under seventeen
- 7.08.02 Fine

7.08.01 Curfew for under seventeen It shall be unlawful for any person under the age of seventeen (17) years to be upon or about the public streets and alleys or any other public place in the city of Decatur, Arkansas, between the hours of 10:30 p.m. and 5:00 a.m.

- A. No person under the age of seventeen (17) years shall be on the streets or in a public place after the prescribed hours without a legitimate reason or unless accompanied by one of his parents or an adult relative.
- B. No parent, ward, guardian or other person having the care and custody of a person under the age of seventeen (17) years shall permit the person to be upon the streets or in any public place in violation of this section. (Ord. No. 91-03, Sec. 1.)

7.08.02 Fine Any person found guilty of violating any provision of this act shall be punished by a fine not to exceed one hundred dollars (\$100.00) or ten days in jail or both fine and jail and shall be subject to all costs of this action. (Ord. No. 91-03, Sec. 2.)

## **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**

### **CLAIMS AGAINST CITY**

#### **Sections:**

- 7.16.01 Liability coverage
- 7.16.02 Settlement of claims

7.16.01 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

7.16.02 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 7.20**

### **STORAGE AND HANDLING**

### **OF VOLATILE COMBUSTIBLES**

#### **Sections:**

- 7.20.01 Restriction on keeping
- 7.20.02 Volatiles never to be allowed to pass into drainage system
- 7.20.03 Penalty

7.20.01 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 Chief of the Fire Department. 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.

7.20.02 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.

7.20.03 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 7.24**

### **FIREWORKS**

#### Sections:

7.24.01	Unlawful
7.24.02	Private property
7.24.03	City permit
7.24.04	Fire conditions
7.24.05	City limits
7.24.06	Fine

7.24.01 Unlawful That except as otherwise provided in this ordinance, it shall be unlawful for any person to engage in shooting fireworks, discharge any other explosives in the city. (Ord. No. 19-04, Sec. 2.)

7.24.02 Private property That consumer fireworks may be discharged on private property on the dates of July 3rd, 4th, and 5th, from 12:00 p.m. until 11:00 p.m., and on December 31st from 12:00 p.m. until 1:00 a.m. on January 1st. However the fire chief shall have the authority to prohibit the use of fireworks on those dates due to fire danger and weather conditions. (Ord. No. 19-04, Sec. 3.)

7.24.03 City permit That organized fireworks displays may be conducted pursuant to a city permit is-sued by the fire chief upon application and payment of a fee of \$100.00. Fireworks may be sold commercially only pursuant to a city permit issued upon application and payment of a fee of \$100.00. Commercial sellers of fireworks shall be subject to inspection by the fire chief or other designated official at any time during the dates listed within Section 6 below. (Ord. No. 19-04, Sec. 4)



7.24.04 Fire conditions That the display, sale, and use of consumer fireworks may be prohibited by the fire chief at any time based on fire danger and weather conditions. (Ord. No. 19-04, Sec. 5.)

7.24.05 City limits Commercial sales of fireworks shall be permitted within city limits from June 15 until July 9 and from December 21st to December 31st of each year. Any person, corporation, company, or any other entity conducting commercial sales shall possess all licenses and permits required by any Arkansas or federal law or regulation, including but not limited to the license required by AC.A. Sec. 20-22-707. (Ord. No. 19-04, Sec. 6)

The sale of fireworks is prohibited in Agricultural and Residential zoned areas. (Ord. No. 19-04, Sec. 8.)

7.24.06 Fine That violation of this ordinance shall constitute a misdemeanor and upon conviction there shall be a fine imposed of no more than \$500.00. (Ord. No. 19-04, Sec. 7.)

## **CHAPTER 7.28**

### **YARD SALES**

Sections:

7.28.01	Definitions
7.28.02	Duration
7.28.03	Permits
7.28.04	Obstructing traffic
7.28.05	Permit must be displayed
7.28.06	Signs
7.28.07	Fines

7.28.01 Definitions Sales regulated by this ordinance include what are commonly known as yard sales, carport sales, garage sales, porch sales, patio sales and any other sales from a person's residence. Home businesses permitted under the zoning ordinances of the city of Decatur and properly licensed as a home business are exempt from the provisions of this ordinance. (Ord. No. 2004-5, Sec. 1.)

7.28.02 Duration Sales defined by 7.28.01 above are restricted to two (2) days duration and shall not be held on the same premises more than twice in any one (1) year period. (Ord. No. 2004-5, Sec. 2.)

7.28.03 Permits Any person conducting a home sale pursuant to this ordinance shall obtain a permit for the privilege of conducting said sale. Permits shall be obtained from the clerks at the Decatur Municipal Building. Each person applying for a permit shall give his/her name, address, and location of such sale and such other information as is reasonably necessary for the proper regulations of home sales in Decatur, Arkansas. A Five Dollar (\$5.00) permit fee shall be required for said permit. (Ord. No. 2004-5, Sec. 3.)





7.28.04 Obstructing traffic It shall be unlawful for any person obtaining a permit pursuant to this ordinance to conduct such home sale in a place or in a manner which blocks or obstructs the vehicular traffic or any way creates a hazardous driving condition. The Chief of Police or his officers shall have authority to revoke the home sale permit of any person who conducts a sale in a manner that blocks or obstructs vehicular traffic or creates a hazardous driving condition. The revocation of such permits shall not preclude any other penalties provided in this ordinance. (Ord. No. 2004-5, Sec. 4.)

7.28.05 Permit must be displayed Any person obtaining a permit pursuant to this ordinance shall be required to display the permit in a manner that it is visible from the street from the premises in which the sale is conducted. The permits issued under this ordinance shall be prepared in duplicate with the original being issued to the person conducting the sale and one copy to be retained at the Decatur Municipal Building. The clerks are vested with the responsibility for the issuance of the permits and for the proper filing of the permits in the Decatur Municipal Building. The permits issued hereunder shall specify the dates on which the sale is to be conducted. (Ord. No. 2004-5, Sec. 5.)

7.28.06 Signs Each person conducting a sale regulated by this ordinance shall not post any signs advertising sale more than seven (7) days prior to the sale and shall remove signs within one (1) day following the expiration of the sale. No signs can be placed on any city street signs, stops signs or electrical poles. (Ord. No. 2004-5, Sec. 6.)

7.28.07 Fines Violations of this ordinance shall be a misdemeanor and a fine for each violation shall be at least Twenty-Five Dollars (\$25.00) but not more than One Hundred Dollars (\$100.00). Each day of such sale in violation of this ordinance shall constitute a separate offense. (Ord. No. 2004-5, Sec. 7.)

## **CHAPTER 7.32**

### **ARKANSAS MOTOR VEHICLE AND CRIMINAL CODE**

Sections:

- 7.32.01        Motor vehicle code
- 7.32.02        Criminal code

7.32.01 Motor vehicle code The Arkansas Motor Vehicle Code is hereby incorporated in its entirety by the city of Decatur. Violations and infractions shall be punished in conformation with the punishment specified therein. (Ord. No. 79-1, Sec. 1.)

7.32.02 Criminal code The Arkansas Criminal Code is hereby incorporated in its entirety by the city of Decatur. Violations and infractions shall be punished in conformation with the punishment specified therein. (Ord. No. 79-1, Sec. 2.)

## **CHAPTER 7.36**

### **NOISE**

#### **Sections:**

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|---------|-----------------------|
| 7.36.01 | General regulations   |
| 7.36.02 | Exceptions            |
| 7.36.03 | Specific prohibitions |
| 7.36.04 | Fine                  |

**7.26.01 General regulations** Subject to the provisions of this ordinance:

- A. No person shall create any unreasonably loud, disturbing and unnecessary noises within the city.
- B. No person shall create noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in the disturbance of the public peace and welfare.
- C. The use of Jake brakes or other similar engine compression retarding devices is prohibited. (Ord. No. 2012-3, Sec. 1.)

**7.36.02 Exceptions** None of the provisions in this ordinance shall apply to or be enforced against:

- A. Any facility of the city while engaged upon necessary public business.
- B. The necessary warning signals given by operators of police cars, fire trucks, or by a licensed physician or ambulance operator while answering an emergency call for medical assistance.
- C. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character. (Ord. No. 2012-3, Sec. 2.)

**7.36.03 Specific prohibitions** The following acts, among others, are declared to be loud, disturbing and unnecessary noises and nuisances and in violation of this article, but this enumeration shall not be deemed to be exclusive:

- A. The maintenance and operation of an outside loudspeaker or public address system transmitting music, advertising or speaking, except upon a permit issued by the Chief of Police, and notwithstanding the permit, any such loudspeaker or public address system shall not be operated in such a manner or at such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital, dwelling house, hotel, motel or other type of residence or any person in the vicinity. The aforesaid noise, when permitted, shall be restricted to the hours from 8:00 a.m. to 10:00 p.m. in residential zones, and 11:00 p.m. on all nights but Saturday and 12:00 a.m. on Saturday nights for commercial zones.
- B. The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control or, if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonable loud or harsh sound; and the sounding of such devices for an unnecessary and unreasonable period of time.
- C. The playing of any radio, phonograph, musical instrument or any coin-operated music machine in such manner or in such volume during the hours between midnight and 7:00 a.m. as to annoy or disturb the quiet, comfort or repose of persons in any office or hospital or in any dwelling hotel, or motel or other type residence or any person in the vicinity.
- D. Yelling, shouting, hooting, whistling or singing, or unnecessary screeching of tires, or unnecessary use of a noisemaking device on the public streets between the hours of 10:00 p.m. and 7:00 a.m. at any time or place so as to annoy or disturb the quiet comfort or repose of persons in any hospital, dwelling house, hotel, motel or other type of residence or of any person in the vicinity.
- E. At any hour of the day or night, the use, operation, or playing of any radio, stereo system, compact disc player, cassette tape player, or any other device capable of sound amplification on:
  - 1. Any motor vehicle located in any public right-of-way, public street or public property, at such a volume as to be plainly audible from a distance of thirty (30) feet or more from said motor vehicle; or
  - 2. Any private property at such a volume as to be plainly audible from a distance of thirty (30) feet or more from said property's boundary line.

- F. “Plainly audible” means clearly capable of being heard by a person of normal sensibilities using unaided auditory senses, at a volume level above that of a normal conversation. The term does not include sounds which are just barely audible, but shall include without limitation or exclusion with regard to music, detection of a rhythmic bass reverberating-type sound, beat or cadence. (Ord. No. 2012-3, Sec. 3.)

7.36.04 Fine Violation of this ordinance shall be a misdemeanor punishable up to a One Hundred Dollar (\$100.00) fine. (Ord. No. 2012-3, Sec. 4.)