

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

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- 7.04 State Criminal Statutes and Penalties
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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 office of the Clerk/Treasurer, 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.

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
7.08.04	Finding and purpose - juvenile curfew
7.08.05	Definitions
7.08.06	Curfew for juveniles
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7.08.11	Construction
7.08.12	Dates of operation

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.

7.08.04 Finding and purpose - juvenile curfew The City Council of the city of Sherwood hereby finds there has been a significant breakdown in the supervision normally provided by certain parents and guidance for juveniles under eighteen (18) years of age resulting in juveniles being involved in a wide range of unacceptable behavior including vandalism, noisy and rowdy behavior, breaking and entering, public drinking and littering, harassment of residents, and more serious violent crimes including battery.

The City Council further finds that the offensive activities of the juveniles are not easily controlled by existing laws and ordinances because the activities are concealed whenever police officers are present and that the establishment of reasonable curfew regulations will enable the community to better control the free and unobstructed access to the streets and public places by the majority of the residents and will enable the police to act reasonably and fairly to prevent the violation of laws and ordinances by juveniles.

The City Council further finds and has determined that a curfew meets a very real local need and that curfew ordinances in other communities have been a factor in minimizing juvenile delinquency. A curfew in Sherwood is particularly appropriate in view of the basic residential nature of the community and the sense of the community that there is a proper time for the cessation of outdoor activities of juveniles. This attitude of the community is reflected in the curfew hours declared by this ordinance which takes into consideration the danger hours for nocturnal crime.

Sherwood is basically a family community. Parental responsibility for the whereabouts of children is the accepted norm by a substantial majority of the community. Legal sanctions to enforce such responsibility have had demonstrated effectiveness in many communities over the years. The City Council has determined that as parental control increases there is a likelihood that juvenile delinquency decreases and that there is a need for nocturnal curfew for juveniles in Sherwood and that the establishment of a curfew applicable to juveniles will reinforce the primary authority and responsibility of parents and guardians over juveniles in their care and custody. (Ord. No. 1136, Sec. 1.)

7.08.05 Definitions For the purpose of the Curfew Ordinance the following terms, phrases, word and their derivation shall have the meaning given herein. When not inconsistent with the context, words used in the present tense including the future, words, in the plural number include the singular and words in the singular number include the plural. The word “shall” is always mandatory and not merely directory.

Juvenile or minor is any person under the age of eighteen (18) or, in equivalence phrasing often herein employed, any person seventeen (17) years of age or less.

Parent is any person having custody of a juvenile (i) as a natural or adoptive parent, (ii) as a legal guardian, (iii) as a person who stands in loco parentis, (iv) as a person to whom legal custody has been given by order of a court of competent jurisdiction.

Remain means to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling three (3) or more persons in which any juvenile involved would not be using the streets for ordinary or serious purposes such as mere passage or going home. To implement that thought with additional precision and precaution, numerous exceptions are expressly defined in this ordinance so that this is not a mere prohibition of presence of juveniles. More and more exceptions become available with increasing years and advancing maturity as appropriate in the interest of reasonable regulations.

Street is a way or place, of whatever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term street includes that legal right of way, including but not limited to traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right of way of a street. The term street applies irrespective of what it be called or formally named, whether alley, avenue, court, road or otherwise. The term street shall also include shopping centers, parking lots, parks, playgrounds, public buildings, and similar areas that are open to the use of the public.

Time of night referred to herein is based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Savings Time, generally observed at that hour by the public in the city, prima facie the time then observed in the city Police Department.

Years of age continues from one birthday, such as the seventeenth to (but not including the day of) the next, such as the eighteenth birthday, making it clear that seventeen or less years or age be treated as equivalent to the phrase “under eighteen years of age”. (Ord. No. 1136, Sec. 2.)

7.08.06 Curfew for juveniles It shall be unlawful for any person seventeen (17) or less years of age (under eighteen [18]) to be or remain in or upon the streets within the city of Sherwood at night during the period ending at 5:00 A.M. and beginning

- A. At 12:00 midnight on Friday and Saturday nights, and
- B. 10:00 p.m. on all other nights.
(Ord. No. 1999, Sec. 1.)

7.08.07 Exceptions In the following exceptional cases a minor on a city street during the nocturnal hours prescribed for minors shall not however, be considered in violation of the Curfew Ordinance.

- A. When accompanied by parent of such minor.
- B. When accompanied by and adult, at least twenty-one (21) years of age, who is not the parent and who is authorized by a parent of such minor to take said parent’s place in accompanying said minor for a designated period of time and purpose within a specified area.
- C. When exercising First Amendment rights protected by the United States constitution, such as the free exercise of religion, freedom of speech and the right of such exercise by first delivering to the person designated by the Chief of Police to receive such information, at the Police Department on Kiehl Avenue, a written communication, signed by the juvenile and countersigned by a parent of the

juvenile with their home address and telephone number, specifying when, where and in what manner the juvenile will be on the streets at night (during hours when the Curfew Ordinance is otherwise applicable to said minor) in the exercise of a First Amendment right.

- D. In case of reasonable necessity for a juvenile remaining on the streets, but only after the juvenile's parent has communicated to the person designated by the Chief of Police to receive such notifications the facts establishing the reasonable necessity relating to specified streets at a designated time for a described purpose including points of origin and destination. A copy of the communication, or of the police record thereof, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received and of the names and addresses of the parent and juvenile, shall be admissible evidence.
- E. When returning home from and within one (1) hour after the termination of a school or city sponsored activity, or an activity of a religious or other voluntary association, of which prior notice, indicating the place and probably time of termination, has been given in writing, to and duly filed for immediate reference by, the person designated by the Chief of Police on duty at the police station, this encouraging, as in other exceptional situations, responsible conduct on the part of juveniles involved in such activities and striking a fair balance for any conflicting interests.
- F. When engaging in the duties of bona fide employment or traveling directly, without undue delay or detour from home to the place of employment, or from the place of employment to the home.
- G. When the minor is in a motor vehicle for the purpose of interstate travel, either through, beginning or ending in Sherwood. (Ord. No. 1136, Sec. 4.)

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

- A. Police procedures shall be refined in light of experience and may provide that the police officer may deliver to a parent or guardian thereof a juvenile under appropriate circumstances.
- B. When a parent or guardian has come to take charge of the juvenile, and the appropriate information has been recorded, the juvenile shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of

the juvenile, then the juvenile shall be released in accordance with Arkansas and federal law.

- C. In the case of a first violation by a juvenile, the Police Department shall by certified mail or direct service, send and/or deliver to a parent written notice of a violation with a warning that any subsequent violation will result in full enforcement of the Curfew Ordinance, including enforcement of parental responsibility and of applicable penalties. (Ord. No. 1136, Sec. 5.)

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

In determining the age of the juvenile and in the absence of convincing evidence, a police office shall use his or her best judgment in determining age. (Ord. No. 1136, Sec. 6.)

7.08.10 Penalties

- A. If, after the warning notice pursuant to Section 5 of a first violation by a juvenile, a parent violates Section 6 (in connection with a second violation by the juvenile), this shall be treated as a first offense by the parent. For parental offenses, a parent may be fined not less than \$100.00, nor more than \$500.00.
- B. Any juvenile who shall violate any of the provisions of the curfew ordinance more than three times shall be reported by the Chief of Police to the juvenile authorities as a juvenile in need of supervision and the Chief of Police shall refer the matter to the Pulaski County Prosecuting Attorney and/or the Arkansas Department of Human Services and/or other appropriate authorities. (Ord. No. 1136, Sec. 7.)

7.08.11 Construction Severability is intended throughout and within the provisions of this Curfew Ordinance. If any provision, including any exception, part, phrase, or terms, or the application thereof to any person or circumstances is held invalid, the application thereof to any person or circumstances shall not be affected thereby and the validity of the Curfew Ordinance in any and all other respects shall not be affected thereby. (Ord. No. 1136, Sec. 8.)

7.08.12 Dates of operation In order to allow implementation of administrative procedures and requirements of this Ordinance by the Police Department, the first date and time of the curfew shall be January 20, 1994, at 10:00 p.m. (Ord. No 1136, Sec. 9.)

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 1(a) 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 A.(1) 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 Clerk/Treasurer. The Clerk/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 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.

7.24.02 Volatiles never to be allowed to pass into drainage system In no instance shall gasoline, naphtha, benzene 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

FIRE SERVICE - GENERAL

Sections:

- | | |
|---------|-------------------------------------|
| 7.28.01 | False Alarms |
| 7.28.02 | Conserving water during fire alarms |

7.28.01 False alarms

- A. Definitions For the purpose of this ordinance certain words and phrases shall be defined as herein set forth:

Subscriber is any person, firm, corporation, partnership or entity who or which purchases, leases, contracts for, or obtains an alarm system.

Alarm system means any mechanical or electrical device that is arranged, designed, or used to signal the occurrence in the city of Sherwood of a burglary, robbery, or other criminal offense, fire emergency or medical emergency requiring urgent attention, and to which police, fire, or emergency medical personnel are expected to respond. Alarm systems include those through which public safety personnel and/or the police department are notified directly or

indirectly by way of third persons who monitor the alarm systems and who report such signals to the fire or police department and those designed to register a signal which is so audible, visible, or in other ways perceptible outside a protected building structure or facility as to notify persons in the neighborhood beyond the zoning lot where its signal is located who in turn may notify the Police or Fire Department of the signal. Alarm systems do not include those affixed to automobiles; furthermore, alarm systems do not include auxiliary devices installed by telephone companies to protect telephone equipment or systems which might be damaged or disrupted by the use of an alarm system. Alarms in separate structures are to be counted as separate systems even though owned by the same person or entity.

False alarms means an alarm signal eliciting a response by the Police or Fire Department when a situation requiring a response by the Police or Fire Department does not in fact exist. False alarm does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. Alarms resulting from the following conditions are not considered false alarms:

- 1.. Criminal activity or unauthorized entry;
2. Telephone line malfunction verified in writing to the city by at least a first-line telephone company supervisor;
3. Electrical service interruption verified in writing to the city by the local power company;
4. Communication to the Police or Fire Department before a unit is dispatched to investigate clearly indicating that the alarm resulting from authorized entry, authorized system test, or other non-criminal cause;
5. An alarm caused on the reasonable but mistaken belief that a burglary, robbery, or other criminal offense, fire emergency, or medical emergency is in progress. (Ord. No. 981, Sec. 1.)

B. Response to Alarms

1. Whenever an alarm is activated in the city thereby requiring an emergency response to the location by the Police or Fire Department and the Police or Fire Department does respond, the Police or Fire Department personnel on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm signal was a false alarm.

2. It the Police or Fire Department personnel at the scene of the activated alarm system determines the alarm to be false, said officers shall make a report of the false alarm.
3. The Chief of Police or his designee shall have the right to inspect any alarm system on the premises to which a response has been made, and he may cause an inspection of such system to be made at any reasonable time thereafter. (Ord. No. 981, Sec. 2.)

C. Excessive False Alarms and Fine Assessment

1. In the first instance that an alarm system produces three (3) false alarms in any calendar quarter, the Chief of Police shall provide written notice of the fact, which shall be given by certified mail or delivery to the subscriber asking the subscriber to take corrective action in regard to false alarms and informing subscriber of the false alarm fine schedule provided herein. On subsequent instances of more than three (3) false alarms within a calendar quarter, the Chief of Police shall bill the subscriber by certified mail or delivery in accordance with the fine schedule herein.
2. Subscribers installing a new system or making substantial modifications to an existing system shall be entitled to a grace period during which alarms generated by such system shall be deemed non-false alarms. The grace period shall cease thirty (30) days after installation of or modification to an alarm system.
3. Upon any alarm system producing a fourth (4th), fifth (5th), or sixth (6th) false alarm in a calendar quarter, a fine of Twenty-Five Dollars (\$25.00) per false alarm shall be charged to the subscriber. The following fine schedule shall be used for each additional false alarm:
 - a. Seventh (7th), eighth (8th), and ninth (9th) false alarms in a calendar quarter, a fine of Fifty Dollars (\$50.00) per false alarm shall be assessed.
 - b. Ten (10) or more false alarms in a calendar quarter, a fine of One Hundred Dollars (\$100.00) per false alarm shall be assessed.
4. Refusal or failure of any subscriber to pay any fine assessment as provided for herein shall be fined not less than \$100.00 nor more than \$250.00. In the event the subscriber is a firm, corporation, partnership or other entity, the

principal or employee directly responsible for the operation of the enterprise at the location from which the false alarm was initiated shall be responsible for the payment of any fine assessments levied in accordance with this ordinance. (Ord. No. 981, Sec. 3.)

D. All decisions made pursuant to this Ordinance are final. (Ord. No. 981, Sec. 4.)

7.28.02 Conserving water during fire alarms Ordinance 39, entitle “An Ordinance Entitle, ‘An Ordinance to Conserve Water Pressure in the Corporate Limits of Sherwood during fire Alarms Periods, Describing a Penalty for the Violation Hereof, Declaring an Emergency, and for Other Purposes’ “, dated August 26, 1954. State law covers the purpose of this ordinance. (Ord. No. 1382, Sec. 1.)

CHAPTER 7.32

DISCHARGE OF FIREARMS

Sections:

- 7.32.01 Discharges prohibited
- 7.32.02 Penalty

7.32.01 Discharges prohibited That from and after the passage of this ordinance, it shall be unlawful for any person to discharge a pistol, rifle, cannon or other firearm within the corporate limits of the city of Sherwood, Arkansas. (Ord. No. 11, Sec. 1.)

7.32.03 Penalty Any person violating section one of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Mayor’s Court of the city of Sherwood, shall be fined in any sum of not less than Five Dollars (\$5.00) nor more than Twenty-Five Dollars (\$25.00). (Ord. No. 11, Sec. 2.)

CHAPTER 7.36

9-1-1 SERVICES

Sections:

- 7.36.01 Funding
- 7.36.02 Purpose of 9-1-1 system

7.36.01 Funding The city appropriates the sum of \$28,454.00 from the General Fund to the Sherwood Police Department 911 budget to allow for the system upgrade. (Ord. No. 1757, Sec. 1.)

7.36.02 Purpose of 9-1-1 system The purpose of the 9-1-1 emergency telephone service is to shorten the time and simplify the method required for a citizen to request and receive emergency aid. (Ord. No. 739, Sec. 2.)

CHAPTER 7.40

LOUD AND DISTURBING NOISES

Sections:

- 7.40.01 Loud and raucous sounds or noises
- 7.40.02 Witnessing noises
- 7.40.03 Fine

7.40.01 Loud and raucous sounds or noises

- A. It shall be unlawful for any person to willfully make, continue, cause or allow to be made or continued any loud and raucous noise, which terms shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities within the city limits of the city of Sherwood.
- B. Application of these terms shall be limited to loud and raucous noise heard upon the public streets, public parks, any school or public building or grounds, any church or hospital or grounds, any parking lot open to members of the public as invitees or licenses, or any occupied residential unit or grounds which is not the source of the noise. Determination of such shall be in any event made from a location not less than twenty (20) feet from the source of the noise, to be measured in a straight line from the radio, loudspeaker, motor, horn, or other noise source.
- C. Exceptions to the terms of this ordinance shall be those sounds or noises emitted for the purposes to include emergency vehicles, sirens, warnings, or notices, church bells, school alarms, bells, and those noises emitted for celebration purposes during civic, church, community, school activities, and national holidays.

7.40.02 Witnessing noises Prima facie evidence of a violation of the ordinance shall be provided through testimony from parties witnessing and hearing the emission of loud or raucous noises from horns, signaling devices, radios, stereos, amplifiers, loud speakers, other noise source, or any such noise which meets or exceeds the level of (60) decibels from a distance of no less than twenty (20) feet from the source of said noise.(Ord. No. 1349, Sec. 1)

7.40.03 Fine Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in Municipal Court thereof, shall be fined no less than Twenty-five Dollars (\$25.00) and no more than Five Hundred and Dollars (\$500.00). Each time the terms of this ordinance are violated constitutes a separate offense.

In the event a person convicted of a violation of this ordinance continues such conduct, said continuation shall constitute a nuisance. The Chief of Police, or his authorized agents, is authorized to take the appropriate steps necessary to abate the nuisance, to include filing charges and seeking proper orders from the Municipal Court to adequately ensure such violations do not occur in the future. (Ord. No. 1255, Secs. 1-3.)

CHAPTER 7.44

EVASION OF ARREST A MISDEMEANOR

Sections:

- 7.44.01 Evasion declared unlawful
- 7.44.02 “Evasion” defined
- 7.44.03 Penalty

7.44.01 Evasion declared unlawful Any person who attempts to evade the arrest of a police officer shall be guilty of a misdemeanor. (Ord. No. 303, Sec. 1.)

7.44.02 “Evasion” defined Evading arrest is defined to mean any person who attempts to evade an arrest by a police officer by not following his instructions, failure to stop his vehicle when being apprehended by an officer or otherwise doing such acts that would in fact be evading an arrest by a police officer. (Ord. No. 303, Sec. 2.)

7.44.03 Penalty Any person violating this ordinance shall be found guilty of a misdemeanor and shall be fined not less than \$25.00 nor more than \$250.00 and/or be incarcerated not less than one day nor more than 10 days. (Ord. No. 303, Sec. 3.)

CHAPTER 7.48

FIREWORKS AND PYROTECHNICS

Sections:

7.48.01	Prohibition of sales
7.48.02	Prohibition of discharging fireworks
7.48.03	Permission for displays
7.48.04	Fine
7.48.05	Conflicts

7.48.01 Prohibition of sales Commencing on January 2, 2003, and hereafter it shall be a prohibited act for any entity or individual to sell any fireworks or like devices within the confines of the city of Sherwood, Arkansas. (Ord. No. 1592, Sec. 1.)

7.48.02 Prohibition of discharging fireworks Commencing on January 2, 2003, and hereafter it shall be unlawful for any individual or entity to discharge any fireworks within the confines of the city of Sherwood, Arkansas. (Ord. No. 1592, Sec. 2.)

7.48.03 Permission for displays At the Mayor's discretion bona fide groups or organizations may request permission for firework displays on the Fourth of July or other events. The Mayor's permission is limited to that specific entity's firework display and is not a relaxation of this ordinance to individual citizens. Permission for displays must be in writing from the Mayor's office and held by the entity or individual obtaining permission. (Ord. No. 1592, Sec. 3.)

7.48.04 Fine A violation of this ordinance shall result in a fine of not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00). (Ord. No. 1592, Sec. 4.)

7.48.05 Conflicts Should any part of this ordinance be found unconstitutional it shall not render the remaining sections void.

Any existing ordinance in conflict with this ordinance is repealed to the extent of the conflict. (Ord. No. 1592, Secs. 5-6.)

CHAPTER 7.52

SEXUALLY ORIENTED BUSINESSES

Sections:

7.52.01	Purpose and intent
7.52.02	Definitions
7.52.03	Classification
7.52.04	Conditional use
7.52.05	Penalties
7.52.06	Subsequent location

7.52.01 Purpose and intent It is the purpose of this ordinance to regulate sexually oriented businesses to promote the health, safety, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly it is not the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market, unless other wise restricted by law. (Ord. No. 1415, Sec. 1.)

7.52.02 Definitions

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

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

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

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

1. Persons who appear in a state of nudity; or
2. Live performances which are characterized by the exposing of “specified sexual activities” “specified anatomical areas; or
3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction of “specified sexual activities” or “specified anatomical areas .

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

Adult novelty shop Any commercial establishment which, as its principal or partial business, offers for sale, adult novelty items of a sexual nature or other types of items designed for sexual gratification. (Ord. No. 1536, Sec. 1.)

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

Nudity or state of nudity

- A. The appearance of the bare human buttocks, anus, male genitals, female genitals, or female breast.
- B. A state of dress which fails to opaquely cover a human buttocks, anus, male genitals, female genitals, or areola of the female breast.

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

Sexually oriented business An adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, or adult theater as the same are defined herein.

Specified sexual activities

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse, or sodomy;
- C. Fondling or other erotic touching of human genitals, public region, buttocks, or female breast.

Specified Anatomical Areas

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola; and
- B. Human male gentilas in a discernible turgid state, even if completely and opaquely covered.

Residential District Any land within the city limits of Sherwood, Arkansas, zoned as R-1, F-2, F-3, F-4, F-1 Conditional and P.U D.(Ord. No. 1415, Sec. 2)

7.52.03 Classification Sexually oriented businesses are classified as follows:

- A. Adult arcade;
- B. Adult bookstores and adult video stores;
- C. Adult cabarets;
- D. Adult motion picture theaters;
- E. Adult theaters.
- F. Adult novelty shops. (Ord. No. 1415, Sec. 3.)

7.52.04 Conditional use Sexually oriented business shall not be allowed in any zoning district except C-4 where they may be allowed subject to the following:

- A. No sexually oriented business shall be operated within 660 feet of:
 - 1. A church
 - 2. A public or private elementary, middle school, secondary or post-secondary school, pre-school, or child care facility;
 - 3. A boundary of a residential district (R-1, R-2, R-3, R-4, R-1 Conditional, and P.U.D.
 - 4. A public park; family recreation center as defined in A.C.A., Section 5-27-226; bowling alley; or skating rink.
 - 5. A hospital;

6. Properties listed on the national Register of Historical Places or local historic districts as identified by the Arkansas Historic Preservation Program.
- B. A person commits an offense if the person causes or permits the operation, establishment, or maintenance of a sexually oriented businesses within 660 feet of another sexually oriented businesses, or within 660 feet of any room, building, premises, places, or establishment that sells or dispenses any alcoholic beverage, which means but is not limited to distilled spirits wine or beer.
- C. For the purpose of subsections (a) and (b), measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the sexually oriented business to the nearest property line of any church, public or private elementary, middle school, secondary or post secondary school, pre-school or child care facility, public park, family recreation center, bowling alley skating rink, residential district, or any single family or multiple family residential use, hospital, properties listed on the national Historic Register or local historic districts as identified by the Arkansas Historic Preservation Program, place or establishment that sells or dispenses and alcoholic beverages defined in the previous paragraph, or any other sexually oriented business.
- D. The Zoning Ordinance shall be amended to classify sexually oriented businesses in C-4 Zone. (Ord. No. 1415, Sec. 4.)

7.52.05 Penalties

- A. Any person operating or causing to be operated any sexually oriented business in violation of any part of this ordinance, upon conviction, is punishable by a fine not to exceed Five Hundred Dollars (\$500.00);
- B. If the violation is, in its nature, continuous respect to time, the penalty for allowing the continuance thereof is a fine not to exceed Two Hundred Fifty Dollars (\$250.00) for each day that the same is unlawfully continued.
- C. A person who operates or causes to be operated a sexually oriented business in violation of this ordinance will be subject to a suit for injunction as well as prosecution for criminal violations. (Ord. No. 1415, Sec. 5.)

7.52.06 Subsequent location A lawfully operating sexually business shall not be rendered illegal by the subsequent location of a church, a public or private school, a pre-school, a child care facility, a public park, a family recreation center, a bowling alley, a skating rink, residential zoning, a residential use, or an establishment selling or dispensing alcohol. (Ord. No. 1415, Sec. 6.)

CHAPTER 7.56

CENTRAL ARKANSAS LIBRARY SYSTEM

Sections:

- 7.56.01 Participating
- 7.56.02 Board of Directors
- 7.56.03 Powers
- 7.56.04 Application approved

7.56.01 Participating The city of Sherwood, Arkansas, hereby elects to participate as a public agency in the public body corporate and politic to be known as “Central Arkansas Library System.” (Ord. No. 1441, Sec. 1.)

7.56.02 Board of Directors The names of the participating public agencies, and the number of directors required from each agency to serve on the public body’s Board of Directors, are as follows:

<u>Public Agency</u>	<u>No. of Directors</u>
City of Little Rock, Arkansas	7
City of Jacksonville, Arkansas	1
City of Maumelle, Arkansas	1
City of Sherwood, Arkansas	1
County of Pulaski, Arkansas	2
County of Perry, Arkansas	1

Each director shall have one (1) vote on all matters coming before the Board of Directors. (Ord. No. 1441, Sec. 2.)

7.56.03 Powers Central Arkansas Library System, as a public body corporate and politic, shall have all powers ascribed to it by Arkansas law, and by the terms and provisions of the Application to Create a Public Body corporate and Politic of Central Arkansas Library System, and the Agreement for Joint Cooperative Action for Central Arkansas Library System. (Ord. No. 1441, Sec. 3.)

7.56.04 Application approved The application to create a Public Body corporate and Politic of Central Arkansas Library System, and the Agreement for Joint Cooperative Action for Central Arkansas Library System, are hereby approved in form and substance. The filing of the application with the Secretary of State to create the public body corporate and politic, and the filing of the Agreement with the Attorney General of the State of Arkansas, the county Clerk for Pulaski and Perry Counties, and the Arkansas Secretary of State, are hereby authorized and approved. (Ord. No. 1441, Sec. 4.)

CHAPTER 7.60

NOVELTY LIGHTERS

Sections:

7.60.01	Prohibitions
7.60.02	Definition
7.60.03	Exceptions
7.60.04	Enforcement
7.60.05	Penalty

7.60.01 Prohibitions The retail sale, offer of retail sale, gift or distribution of any novelty lighter within the territorial jurisdiction of the city of Sherwood is prohibited. This prohibition is inapplicable to:

- A. novelty lighters which are only being actively transported through the city; or
- B. novelty lighters located in a warehouse closed to the public for purposes of retail sales. (Ord. No. 1756, Sec. 1.)

7.60.02 Definition

Novelty lighter means a lighter that has entertaining audio or visual effects, or that depicts (logos, decals, art work, etc.) or resembles in physical form or function articles commonly recognized as appealing to or intended for use by children ten (10) years of age or younger. This includes, but is not limited to, lighters that depict or resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages, or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel. (Ord. No. 1756, Sec. 2.)

7.60.03 Exceptions The term “novelty lighter” excludes:

- A. any lighter manufactured prior to 1980; and
- B. any lighter which lacks fuel or a device necessary to produce combustion or a flame. (Ord. No. 1756, Sec. 3.)

7.60.04 Enforcement The provisions of this section shall be enforced by the Fire Marshal any police officer, any Code Enforcement Officer, and any other city official authorized to enforce any provision of the Sherwood city ordinances. (Ord. No. 1756, Sec. 4.)

7.60.05 Penalty Any person or entity violating any provision of this section is guilty of an infraction, and upon conviction therefore, shall be subject to a fine or penalty of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). (Ord. No. 1756, Sec. 5.)

CHAPTER 7.64

STORAGE UNITS

Sections:

7.64.01	Permanent structures
7.64.02	Public right-of-way
7.64.03	Length of time
7.64.04	Definition
7.64.05	Fine

7.64.01 Permanent structures Portable on-demand storage units shall not be placed as permanent structures. (Ord. No. 1842, Sec. 1.)

7.64.02 Public right-of-way Portable on-demand storage units shall not be placed in a public right-of-way. (Ord. No. 1842, Sec. 2.)

7.64.03 Length of time Portable on-demand storage units placed on property within a residential zoning district in the city of Sherwood shall be removed from the subject property within thirty (30) days of initial placement. Exception: Portable on-demand storage units placed behind the principal building on a subject property may be placed for up to ninety (90) days in conjunction with a building project for which a building permit has been obtained. (Ord. No. 1842, Sec. 3.)

7.64.04 Definition

Portable on-demand storage units – any type storage or shipping container designed to be transported by truck, rail, or ship. (Ord. No. 1842, Sec. 4.)

7.64.05 Fine Violation of this ordinance shall, upon conviction thereof, be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) per each day that a violation continues after due notice has been served. (Ord. No. 1842, Sec. 5.)