

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Open Containers
- 7.16 Personal Wireless Service Facilities
- 7.17 Fireworks
- 7.20 Open Burning
- 7.24 Noise
- 7.28 Prohibition of Marijuana

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 Mayor'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	Establishment
7.08.02	Definitions
7.08.03	Offenses
7.08.04	Defenses
7.08.05	Enforcement
7.08.06	Fine

7.08.01 Establishment. A curfew for minors is hereby established. The hours of the curfew shall be from 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day and from 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday. However, during school vacations and school holidays, the curfew hours shall be only from 12:01 a.m. until 6:00 a.m. every day. (Ord. No. 95-135, Sec. 1.)

7.08.02 Definitions

Emergency – an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment – any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

Guardian – a person who, under court order, is the guardian of the person of a minor or a public or private agency with whom a minor has been placed by a court.

Minor – any person under eighteen (18) years of age.

Operator – any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent – any person who is a natural parent, adoptive parent, or stepparent of another person who is at least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

Public place – any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Remain – to linger or stay or to fail to leave premises when requested to do so by a law enforcement person or the owner, operator, or other person in control of the premises.

Serious bodily injury – a bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ. (Ord. No. 95-135, Sec. 2.)

7.08.03 Offenses

- A. A minor commits an offense if he or she remains in any public place or on the premises of any establishment within the city during curfew hours. A minor charged with this offense shall appear accompanied by at least one parent or guardian at his or her arraignment and at his/her trial, and the citation issued to such minor shall state this requirement but shall not be invalid if it does not so state the requirement.
- B. A parent or guardian of a minor commits an offense if he/she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- C. The owner, operator, or any employee of an establishment commits an offense if he/she knowingly allows a minor to remain upon the premises of the establishment during curfew hours. (Ord. No. 95-135, Sec. 3.)

7.08.04 Defenses

- A. It is a defense to prosecution under this ordinance that the minor was:
 - 1. Accompanied by the minor's parent or guardian;
 - 2. On an errand at the direction of the minor's parent or guardian without any detour or stop;
 - 3. In a motor vehicle involved in interstate travel;
 - 4. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - 5. Involved in an emergency;
 - 6. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence.
 - 7. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or other similar entity that takes responsibility for the minor, or going to or returning home from any such activity without detour or stop;
 - 8. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and

the right to assembly; or

9. Married or had been married or had disabilities of minority removed according to Arkansas law.

- B. It is a defense to prosecution under this ordinance that the owner, operator, or employee of an establishment promptly notified the appropriate law enforcement agency that a minor was present on the premises of the establishment during curfew hours and had refused to leave. (Ord. No. 95-135, Sec. 4.)

7.08.05 Enforcement. Before taking any enforcement action under this ordinance in regard to a minor, the law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer may require the production of an identification card showing the apparent offender's age. The officer shall not issue a citation or make an arrest under this ordinance unless the officer believes that an offense has occurred and that, based on any response and other circumstances, no defense is present. (Ord. No. 95-135, Sec. 5.)

7.08.06 Fine. For a first offense, the offender shall pay a fine of not less than Twenty Dollars (\$20.00) and not more than Fifty Dollars (\$50.00). For a second offense, the offender shall pay a fine of not less than Forty Dollars (\$40.00) and not more than One Hundred Dollars (\$100.00). For a Third and subsequent offenses, the offender shall pay a fine of not less than Seventy Dollars (\$70.00), and not more than Five Hundred Dollars (\$500.00) (Ord. No. 95-135, Sec. 6.)

CHAPTER 7.12

OPEN CONTAINERS

Sections:

- | | |
|---------|---------------------|
| 7.12.01 | Offense |
| 7.12.02 | Definition |
| 7.12.03 | Religious exception |
| 7.12.04 | Fine |

7.12.01 Offense. A person commits the offense of possession of an open container of alcohol if that person in any public place:

- A. Possess a bottle, can or container in which an alcoholic beverage was originally packaged, and
 1. Such bottle, can, or container has been opened, or
 2. The seal on the bottle, can or container has been broken, or
 3. The contents of the bottle, can or container have been partially removed; or

- B. Possess a glass, cup, or other receptacle in which an alcoholic beverage was not originally packaged but which does contain an alcoholic beverage. (Ord. No. 95-137, Sec. 1.)

7.12.02 Definition

Public place – any place to which the public or a substantial group of the public has access and includes, but is not limited to streets, highways, and the common areas of schools, hospitals, apartment buildings, office buildings, transport facilities, and shops. A public area shall not include a place of business licensed to sell alcoholic beverages for consumption on the premises or the yard, porch, or balcony of a private residence. (Ord. No. 95-137, Sec. 2.)

7.12.03 Religious exception. The provisions of this ordinance shall not be construed to prohibit the consumption of alcoholic beverages when consumed as a part of a recognized religious ceremony or ritual. (Ord. No. 95-137, Sec. 3.)

7.12.04 Fine. Any person who pleads guilty, nolo contendere, or is found guilty of violating this ordinance shall be fined not less than Twenty Dollars (\$20.00) nor more than Two Hundred Fifty Dollars (\$250.00). (Ord. No. 95-137, Sec. 4.)

CHAPTER 7.16

PERSONAL WIRELESS SERVICE FACILITIES

Sections:

- 7.16.01 Application
- 7.16.02 Application fee
- 7.16.03 Public hearing
- 7.16.04 Notice of public hearing
- 7.16.05 Recommendation by Planning Commission
- 7.16.06 Decision by City Council
- 7.16.07 Compliance with 47 U.S.C. 332(7)

7.16.01 Application. Any person or company desiring to place, construct, or modify a personal wireless service facility in the city of Little Flock shall field an application with the city, which application shall at least provide:

- A. The name, address, and telephone number of the applicant.
- B. If the applicant is not an individual, the application shall state the home office address of the applicant, the applicant’s state of domicile, and the applicant’s state of incorporation or organization.
- C. A description of the proposed personal wireless service facility.
- D. A statement on whether the proposed personal wireless service facility will comply with all radio frequency emission regulations of the Federal Communications Commission.

- E. A legal description and a laymen's description of the location of the proposed personal wireless service facility.
- F. The name and address of the landowner of the property on which the personal wireless service facility will be located.
- G. The current zoning of the property.
- H. The proposed height of the personal wireless service facility in feet.
- I. A list of all structures that exist within a distance from the personal wireless service facility equal to the height of the personal wireless service facility plus 100 feet, together with the names and addresses of the owners of such structures.
- J. A list of the names and addresses of all owners of property within the greater of 330 feet of the proposed personal wireless service facility or the height of the personal wireless facility plus 100 feet. (Ord. No. 2008-317, Sec. 1.)

7.16.02 Application fee. The applicant shall pay an application fee of Two Hundred Fifty Dollars (\$250.00) plus the estimated costs of the publication notice and the certified mail notices. (Ord. No. 2008-317, Sec. 2.)

7.16.03 Public hearing. The Planning Commission shall hold a public hearing on all personal wireless service facility applications. Minutes shall be kept of the public hearing, and the minutes shall contain summaries of the statements made by each speaker at the public hearing in order to create a written record of the public hearing. (Ord. No. 2008-317, Sec. 3.)

7.16.04 Notice of public hearing. Notice of the public hearing shall be published in a newspaper with a general circulation in the city of Little Flock at least fifteen (15) days before the public hearing. In addition, all owners of property within the greater of 330 feet of the proposed personal wireless service facility or the height of the personal wireless facility plus 100 feet shall receive certified mail notice of the public hearing. (Ord. No. 2008-317, Sec. 4.)

7.16.05 Recommendation by Planning Commission. After the public hearing, the Planning Commission shall make a written recommendation to the City Council on whether to approve or disapprove the application and the reasons therefore. The Planning Commission may once postpone making a decision until the next regularly scheduled meeting of the Planning Commission if the Planning Commission determines that it needs more information or that it needs more time to consider the application and the information received at the public hearing. (Ord. No. 2008-317, Sec. 5.)

7.16.06 Decision by City Council. At the first City Council meeting more than two weeks after receipt by the city of the written recommendation of the Planning Commission, the City Council shall take up the personal wireless service facility application. The City Council may once postpone making a decision until the next regularly scheduled meeting of the City Council if the City Council determines that it needs more time to consider the application. If the City Council approves the application, then no written decision shall be required. If the City Council disapproves the application, the City Council shall instruct the City Attorney to prepare a written decision supported by the substantial evidence considered by the City Council.

The City Attorney shall present the written decision at the next regularly scheduled City Council meeting, and the City Council shall approve or else modify and approve the written statement at such meeting. No decision denying a personal wireless service facility application shall be considered final until the written decision has been approved by the City Council. (Ord. No. 2008-317, Sec. 6.)

7.16.07 Compliance with 47 U.S.C. 332(7). The city shall comply with 47 U.S.C. 332(7) and, in particular, shall:

- A. Not unreasonably discriminate among providers of functionally equivalent personal wireless services;
- B. Not prohibit the provision of personal wireless services;
- C. Not have the effect of prohibiting the provision of personal wireless services, and
- D. Act within a reasonable period of time after an application is filed, taking into account the nature and scope of the application. (Ord. No. 2008-317, Sec. 7.)

CHAPTER 7.17

FIREWORKS

Sections:

7.17.01	Definitions
7.17.02	Explosives
7.17.03	Use of Fireworks
7.17.04	Public Display
7.17.05	Sale of Fireworks
7.17.06	Permit for Sale of Fireworks
7.17.07	Signs
7.17.08	Penalty

7.17.01. Definitions. As used in this chapter:

Fireworks shall mean all articles of fireworks classified as Interstate Commerce Commission Class C common fireworks only and shall include those items described in A.C.A. 20-22-708.

Fireworks stand shall mean a small, temporary, often open-air structure, booth, or other portable stand- alone structure designed and constructed of wood or metal, utilized for the express purpose of display and sale of fireworks at retail.

Person shall mean any corporation, association, co-partnership, limited liability company, trust, or any other form of business entity or one (1) or more individuals.

Special Fireworks shall mean all articles of fireworks that are classified as Class B explosives in the regulations of the United States Surface Transportation Board and shall include all articles other than those classified as Class C but shall not include such dangerous items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs, torpedoes, and fireworks containing more than fifty milligrams (50mg) of explosive powder.

7.17.02. Explosives. Except as otherwise provided by Arkansas law and in this chapter, it shall be unlawful for any person to use, detonate, ignite, cause to be ignited, or assist in the ignition, detonation, or use of explosives within the city limits of Little Flock.

7.17.03. Use of Fireworks. It shall be unlawful to use fireworks within the city except as set out herein:

A. Fireworks may be discharged on private property as follows:

1. From 11:00 am to 11:00 pm beginning July 1st through July 5th
2. From 11:00 pm December 31st to 1:00 am January 1st

B. With the exception of fireworks used or exploded by the city for the purpose of a public display, it shall be unlawful to discharge fireworks on any city street or city-owned property.

C. It shall be unlawful to use fireworks if the city is under a burn ban.

D. The Mayor, Fire Chief, or Police Chief shall be authorized to declare an emergency and prohibit the use of all fireworks upon determining that such use would create a fire hazard.

E. All persons using fireworks within the city shall promptly collect and remove any and all litter and debris resulting from such use.

F. All persons using fireworks within the city shall comply with all applicable provisions of the Arkansas Fire Prevention Code.

7.17.04. Public Display.

Any person holding a valid permit for the use of special fireworks for public display, issued by the Director of the Department of Arkansas State Police, may use special fireworks within the city. Such use shall be in accordance with the rules and regulations promulgated by the Director of the Department of Arkansas State Police.

- B. Any person desiring to conduct a public display of special fireworks shall submit to both the Fire Chief and Police Chief for their review & approval no less than 24 hours in advance of the proposed display a valid permit, issued by the Director of the Department of Arkansas State Police, along with the proposed site of the display. Property owners must provide written, notarized consent authorizing any such display on their property.

7.17.05 Sale of Fireworks. It shall be unlawful to sell fireworks within the city except as set out herein:

- A. The sale of fireworks shall only be permitted within commercial (C1, C2, or C3) or Agricultural (AG/A1) zoned properties after having obtained a firework-sales permit from the city. Property owners must provide written, notarized consent authorizing any such fireworks stand on their property. This does not apply to commercial businesses that own/lease facilities on commercial property within the city and that already have a valid business license for the sole purpose of selling fireworks.
- B. It shall be unlawful to sell fireworks on any city street or city owned property.
- C. It shall be unlawful to sell fireworks to anyone under 16 years of age.
- D. All persons selling fireworks within the city shall comply with all applicable provisions of the Arkansas Fire Prevention Code.
- E. All permittees selling fireworks within the city shall have in place a general commercial liability insurance policy with coverage not less than One Million Dollars (\$1,000,000).
- F. Firework stands must comply with all applicable provisions of the Arkansas Fire Prevention Code and:

1. Shall fully comply with all local, state, and federal laws.
2. Shall not be located within 700 feet of a fuel storage or dispensing facility.
3. Shall not be located within 25 feet of any portion of a roadway.
4. Shall not be located within 100 feet of a habitable building.
5. Shall not be located within 1,000 feet of any institutional facility.
6. Any lighting shall not be disruptive to traffic or the surroundings.
7. The owner/operator is responsible for 24-hour security of the fireworks stand from the time fireworks arrive, until all fireworks are removed, by having someone physically on-site either inside or within 15 feet of the structure. Failure to provide such security will result in the immediate revocation of all permits associated with the sale of fireworks within the city.

G. Fireworks may be sold from June 20th until 10pm on July 5th and from December 10th until 10pm on January 1st.

7.17.06 Permit for Sale of Fireworks. Any person desiring to engage in the sales of fireworks within the city must hold a valid license/permit issued by the Director of the Department of Arkansas State Police and must apply for a firework-sales permit upon such forms as the city may promulgate and require.

The application shall be submitted with:

- A. A fee of Two Hundred Fifty Dollars (\$250) per location.
- B. A valid copy of the applicant's license issued by the Director of the Department of Arkansas State Police.
- C. A valid copy of commercial liability insurance coverage for no less than One Million Dollars (\$1,000,000).

When issued, all permits shall specifically state the permittee's name, dates of operation, and location for the sale of fireworks. Permits shall be valid for the specified period of time stated on the permit.

7.17.07 Signs. The permittee shall be entitled to install one (1), temporary, freestanding sign, not to exceed thirty-two (32) square feet in size, for each permitted location. The sign shall not be located within 10 feet of any roadway. The sign may be lighted so long as the lighting is not deemed any way disruptive to traffic or its surroundings.

7.17.08 Penalty: Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100) and nor more than Five Hundred Dollars (\$500) for each offense. Each day for which a violation continues shall be deemed as a separate offense.

CHAPTER 7.20

OPEN BURNING

Sections:

7.20.01	Notification
7.20.02	Burn ban
7.20.03	Exceptions
7.20.04	Fine
7.20.05	Structure burning permit
7.20.06	Inspection
7.20.07	Issuance of permit
7.20.08	Central Communications notification
7.20.09	Post-burn inspection
7.20.10	Non-fire hazard burn permission
7.20.11	Fine

7.20.01 Notification. All persons desiring to conduct open burning in the city of Little Flock shall first notify Benton County CENCOM or Rural Fire Dispatch of such planned open burn. All requestors shall provide the location of the burn by 9-1-1 address, name, date, time, and type of refuse to be burned in advance of the burn. (Ord. No. 2012-397, Sec. 1.)

7.20.02 Burn ban

- A. The Mayor or his/her designee shall advise the Little Flock Fire Department of unsafe and unfavorable burning conditions when applicable by declaring them Red Flag Days.
- B. No open burning shall be allowed in the city of Little Flock on Red Flag Days. On Red Flag Days, callers desiring to do open burning shall be informed that open burning is banned.
- C. Determination of unsafe or unfavorable conditions will be made by a compilation of past and current weather conditions, humidity, and forecasts provided by the National Weather Service.
- D. If the Benton County Judge orders a county-wide burn ban, then the city of Little Flock will also follow with No Burning Allowed, and any open burning will be a violation of this ordinance and will be punishable by 7.20.04 of this ordinance. (Ord. No. 2012-397, Sec. 2.)

7.20.03 Exceptions. Outdoor recreational cooking devices (grills or gas-fired grills) for individual use or campfires contained in devices regulated by other agencies (Corps of Engineers, state or city) are excluded from the requirement stated herein. Fires used for the non-commercial cooking of food or for ceremonial or recreational purposes, including barbeques and outdoor fireplaces used in connection with any residence are also excluded from the requirements herein. (Ord. No. 2012-397, Sec. 3.)

7.20.04 Fine. Violation of this ordinance shall be punishable by a fine of Twenty-Five Dollars (\$25.00) to Two Hundred Dollars (\$200.00) for a first offense and One Hundred Dollars (\$100.00) to Eight Hundred Dollars (\$800.00) for any subsequent offense. (Ord. No. 2012-397, Sec. 4.)

7.20.05 Structure burning permit. A person desiring to burn a structure on his or her own property inside the city of Little Flock because the structure is or could become a fire hazard shall first apply for a permit from the Little Flock Fire Department on an application form to be provided by the Fire Department. (Ord. No. 2012-402, Sec. 1.)

7.20.06 Inspection. After a structure burn permit application is received but before the permit is issued, the Fire Chief or his designee shall inspect the property. The inspection shall be by a person who is certified under Regulation 21 of the regulations of the Arkansas Pollution Control & Ecology Commission related to asbestos. In the event that the city of Little Flock does not have an employee qualified to make the inspection related to asbestos, then a qualified person shall be obtained to make the inspection and the cost of the qualified person shall be paid by the applicant.

Such inspection shall determine

- A. Whether the structure to be burned and the surrounding property is a current fire hazard or may become one,
- B. Whether hazardous materials, including specifically but not limited to asbestos, are present, and
- C. Whether other circumstances exist regarding the structure or surrounding property that would otherwise make the structure or property unsuitable for destruction by burning. If one or more conditions exist that prevent the issuance of the permit, the Fire Chief or his designee shall notify the applicant of the problem and allow the applicant to correct the problem, after which the structure and surrounding property will be re-inspected. The presence of asbestos in the structure will always cause the structure to fail the inspection. (Ord. No. 2012-402, Sec. 2.)

7.20.07 Issuance of permit. If the structure and surrounding property pass the inspection, the Fire Chief or his designee shall issue the permit upon the payment of a Twenty-Five Dollar (\$25.00) fee by the applicant. The permit will allow the applicant to burn the structure in compliance with the other provisions set forth in this ordinance. The permit will be effective beginning ten (10) days after it is issued and will terminate sixty (60) days after it is issued. A copy of the approved permit will be immediately sent by the Fire Department to the Arkansas Department of Environmental Quality – Air Division, 5301 Northshore Drive, North Little Rock AR 72118-5317 (or such other future address of the division or its successor). (Ord. No. 2012-402, Sec. 3.)

7.20.08 Central Communications notification. Prior to setting fire to the structure approved for burning, the applicant must contact Central Communications for Benton County and inform Central Communications of the applicant's approved permit and the applicant's intent to burn the structure. Central Communications must approve the timing of the burning based on weather conditions and any other criteria used by Central Communications. The

applicant shall follow any and all instructions given by Central Communications, including, but not limited to, attending the fire and having appropriate fire control measures in place. If Central Communications does not approve the burning of the structure, the Fire Chief or his designee shall have the right to extend the effective date of the permit by up to sixty (60) additional days in order for favorable conditions for the burning to exist. (Ord. No. 2012-402, Sec. 4.)

7.20.09 Post-burn inspection. After the burn is completed, the applicant shall notify the Fire Chief or his designee that the structure has been burned. The Fire Chief shall inspect the burn site to determine if any further danger exists. (Ord. No. 2012-402, Sec. 5.)

7.20.10 Non-fire hazard burn permission. Permission to burn a structure on a person's property that is not fire hazard and is not likely to become a fire hazard can only be obtained from the Arkansas Department of Environmental Quality (or its successor agency). However, a person who obtains a permit from the Arkansas Department of Environmental Quality (or its successor agency) shall otherwise follow the requirements of this ordinance. (Ord. No. 2012-402, Sec. 6.)

7.20.11 Penalty for violation. Any person who violates this ordinance shall be guilty of a misdemeanor and shall be punished by a fine up to Five Hundred Dollars (\$500.00). This penalty shall be in addition to any penalty for violation of any state law. (Ord. No. 2012-402, Sec. 7.)

CHAPTER 7.24

NOISE

Sections:

7.24.01	Loud Noises Prohibited
7.24.02	Specific Noises
7.24.03	Exceptions
7.24.04	Fine

7.24.01 Loud noises prohibited. Subject to the exceptions hereinafter provided, no person shall willfully make, continue, or cause to be made or continued any unreasonably loud, disturbing and unnecessary noises within the city of such character, intensity or duration as to be detrimental to the life or health of any individual or to disturb the public peace and welfare from 11:00 p.m. until 6:00 a.m. Noise with a decibel rating at the property line of 60dB(A) in a residential zone, 70dB(A) in a commercial zone, or 80dB(A) in an industrial zone shall be considered a violation of this Ordinance. Decibel (dB) means the unit for measurement for sound pressure level. dBA means the A-weighted unit of sound pressure level. A-weighting means the electronic filtering in sound level meters that model human frequency sensitivity. Exceptions are as follows:

- A. Construction noise, as defined below, is prohibited from 9:00 p.m. until 6:00 a.m.
- B. The use of fireworks is strictly prohibited at all times, except during the period from 11:00 a.m. until 11:00 p.m. on July 1 through July 5 and during the period

from 11:00 p.m. on December 31 until 1:00 a.m. on January 1 of each year.

- C. The discharge of firearms is prohibited from dusk until dawn, except for purposes of self-defense.

(Ord. No. 2007-309., Sec.1., amended by Ord. No. 2015-007 and Ord. No. 2017-011)

7.24.02 Specific noises. Although the following list is not an exhaustive list of the noises prohibited by this ordinance, the following noises are specifically declared to be violations of the ordinance.

- A. Engine exhaust. The discharge into the open air of the exhaust of any internal combustion engine except through a muffler or other device which effectively prevents loud noises therefrom.
- B. Construction noise. Any sound made by construction activities if such sound can be heard beyond the boundaries of the construction site, except in the case of urgent necessity in the interest of public health and safety.
- C. Horns, signaling devices, etc. The sounding of any horn, whistle or other audible signaling device so as to create a loud noise, other than a short sounding for the purpose of giving a warning.
- D. Sound amplification devices. 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.
 - 3. For purposes of this ordinance, the term "plainly audible" shall mean 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. "Plainly audible" shall 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.
- E. Sound trucks. Operating an amplifier, loudspeaker or other device for amplifying sound in, upon or attached to a vehicle within the city for advertising purposes or to attract the attention of the public, except for ice cream trucks.
- F. Yelling, shouting etc. Yelling, shouting, whistling or singing at any time or place so as to create a loud and raucous noise (Ord. No. 2007-309, Sec. 2., amended by Ord. No. 2015-007)

7.24.03 Exceptions. None of the provisions of this ordinance shall apply to or be enforced against:

- A. City activities. Any facility or department of the city while engaged upon necessary business.
- B. Emergency activities. 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. Public addresses. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are non-commercial in character.
- D. Requests for help. Cries for emergency assistance.
- E. Warnings. Warning calls or sounds.
- F. Fire and burglar alarms. The sounding of fire and burglar alarms prior to the owner or tenant of the premises having received notice of the alarm and having had a reasonable opportunity to turn off the alarm.
- G. Religious worship activities. The sound of religious worship activities conducted in a permanent structure.
- H. Farming Activities. Sounds related to agricultural and farming operations and vehicles. (Ord. No. 2007-309, Sec. 3., amended by Ord. No. 2015-007)

7.24.04 Fine Any person who violates this ordinance shall be guilty of a misdemeanor and shall be punished by a fine of Fifty Dollars (\$50.00) to Two Hundred Dollars (\$200.00) for a first violation and a fine of One Hundred Dollars (\$100.00) to Five Hundred Dollars (\$500.00) for each subsequent violation. If the person who violates this ordinance was directing or causing others to create prohibited construction noise, then the fine ranges shall be doubled. (Ord. No. 2007-309, Sec. 4., amended by Ord. No. 2015-007)

CHAPTER 7.28

PROHIBITION OF MARIJUANA

Sections:

7.28.01	Prohibition of Marijuana Smoking in Public Places
7.28.02	Definition of Public Places
7.28.03	Penalty

7.28.01 Prohibition of Marijuana in Public Places. The smoking of marijuana, whether medical marijuana or not, is prohibited in public places in the City of Little Flock.

7.28.02 Definition of Public Places. As used in Section 7.28.01, public places shall mean any place to which the public or a substantial group of the public has access and included, but ins not limited to streets, sidewalks, highways, parks, city owned property, and the common areas of schools, hospitals, apartment buildings, office buildings, transport facilities, and shops. A public area shall not include the yard, porch, or balcony of a private residence.

7.28.03 Penalty. The smoking of marijuana in a public place shall be considered a violation. Upon being convicted of the first offense, the person so convicted shall be fined not less than \$50.00 nor more than \$150.00. Upon being convicted of a second offense, the person so convicted shall be fined not less than \$100.00 nor more than \$300.00. Upon being convicted of a third or subsequent offense, the person so convicted shall be fined not less than \$200.00 no more than \$500.00.