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# **MUNICIPAL CODE**

**A Code of the General Ordinances  
of the city of Fairfield Bay, Arkansas**

## **Date of Incorporation**

July 29, 1993

## **Date of Codification**

September 2005

Prepared with  
assistance of the

**ARKANSAS MUNICIPAL LEAGUE**

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**TITLE 2**

**CLASSIFICATION, ADMINISTRATION**

**AND PERSONNEL**

Chapters:

- 2.04 City Classification
- 2.08 City and Ward Boundaries
- 2.12 City Council
- 2.16 Mayor
- 2.20 City Hall and Officials
- 2.24 Recorder/Treasurer
- 2.28 Department of Public Safety
- 2.32 Personnel Policies
- 2.36 Advertising and Promotion Commission

**CHAPTER 2.04**

**CITY CLASSIFICATION**

Sections:

- 2.04.01 Classification of city

2.04.01 Classification of city. The city of Fairfield Bay, Arkansas, shall operate as a city of the second class under the laws of the state of Arkansas.

STATE LAW REFERENCE - See A.C.A. 14-37-105, 14-37-103.

## TITLE 3

### FISCAL AFFAIRS

Chapters:

- 3.04 Purchases
- 3.05 Travel
- 3.08 Cash Management Trust
- 3.12 Hotel or Motel Tax
- 3.16 Professional Services
- 3.20 Economic Development Grant Program

#### CHAPTER 3.04

#### PURCHASES

Sections:

- 3.04.01 Emergency fund
- 3.04.02 Contracts without approval
- 3.04.03 Report to the Council
- 3.04.04 Excess of \$10,000.00

3.04.01 Emergency fund There is hereby created and funded an "Emergency Fund" of Five Thousand Dollars (\$5,000.00) for use by the Mayor for any legal city expenditures or purchases without prior approval of the City Council. (Ord. No. 2006-7, Sec. 1.)

3.04.02 Contracts without approval The Mayor is also authorized to enter into any legal commitment for public purpose contracts for the city, for amounts up to Five Thousand Dollars (\$5,000.00) without prior approval of the City Council. (Ord. No. 2006-7, Sec. 1.)

3.04.03 Report to the Council Any purchase, expenditure or commitment by the Mayor under 3.04.01 or 3.04.02 above, shall be reported to the City Council at the next regular monthly meeting of the City Council. The Council shall, at that time, consider and determine whether and to what extent the Emergency Fund should be replenished and review any contracts or expenditures by the Mayor for amount up to Five Thousand Dollars (\$5,000.00) or less. (Ord. No. 2006-7, Sec. 1.)

3.04.04 Excess of \$10,000.00 All contracts and purchases in excess of Ten Thousand Dollars (\$10,000.00) shall be made only after public bidding, and with Council approval. (Ord. No. 2002-6, Sec. 5.)

**TITLE 4**

**BUSINESS LICENSES AND REGULATIONS**

(Reserved)

## TITLE 5

### HEALTH AND SANITATION

Chapters:

- 5.04 Maintenance of Real Property
- 5.06 Smoking

#### CHAPTER 5.04

#### MAINTENANCE OF REAL PROPERTY

Sections:

- 5.04.01 Maintenance of unlawful conditions
- 5.04.02 Clearing of weeds, grass, underbrush and growth
- 5.04.03 Inspections; authority
- 5.04.04 Abatement by city; lien
- 5.04.05 Collection of lien for cost
- 5.04.06 Penalty

5.04.01 Maintenance of unlawful conditions It is declared unlawful for any owner, owners or occupants of property, residences, business, commercial establishments or institutions to allow grass, weeds, debris, garbage, rubbish, inoperable appliances, junk, tree limbs and other unsightly or offensive unsanitary articles to accumulate on the property, when such conditions have or likely will become a fire, health, police or safety hazard to the public or adversely and materially affect the value of property within the city. (Ord. No. 94-14, Sec. 1.)

5.04.02 Clearing of weeds, grass, underbrush and growth

- A. Occupied lots It shall be declared unlawful for any owner, owners or occupants of improved, developed lots or property, on which a house, dwelling, apartment, business or commercial building or other structure has been erected to allow weed growth or grass growth in excess of ten (10) inches, and the owner or occupant shall keep said lot clear of weeds, grass, underbrush and other conditions prohibited by 5.04.01.
- B. Empty lots Empty lots in highly visible and in high traffic areas such as malls and along major thoroughfares, shall be kept clear of weeds and refuse, and other conditions prohibited by 5.04.01. (Ord. No. 94-14, Sec. 2.)

## TITLE 6

### ANIMALS AND FOWL

#### Chapters:

6.04 Dogs

#### CHAPTER 6.04

#### DOGS

#### Sections:

6.04.01	Definitions
6.04.02	Licensing
6.04.03	Rabies vaccination required
6.04.04	Restraint
6.04.05	Animal care
6.04.06	Animal waste
6.04.07	Excessive noise
6.04.08	Animal bites
6.04.09	Wild, exotic or farm animals
6.04.10	Shooting, trapping, killing or molesting animals prohibited
6.04.11	Impoundment
6.04.12	Reclaiming impounded animals
6.04.13	Relinquishment of unwanted animals
6.04.14	Adoption
6.04.15	Enforcement
6.04.16	Penalties for violations
6.04.17	Interference

6.04.01 Definitions As used in this ordinance, the following terms have the following meanings:

**Abandon** An act of any person, partnership, firm or corporation owning, in possession of, harboring or having custody of an animal who knowingly refuses to provide care for the animal.

**Altered animal** A neutered male or spayed female – an animal incapable of reproduction.

**TITLE 7**

**PUBLIC PEACE, SAFETY AND MORALS**

Chapters:

- 7.04 Curfew
- 7.08 Open Burning
- 7.12 Firearms

**CHAPTER 7.04**

**CURFEW**

Sections:

- 7.04.01 Title
- 7.04.02 Purpose
- 7.04.03 Definitions
- 7.04.04 Responsibility of minors and parents
- 7.04.05 Exceptions
- 7.04.06 Citations
- 7.04.07 Penalties

7.04.01 Title This ordinance shall be known as the Minor Curfew Ordinance. (Ord. No. 96-44, Sec. 1.)

7.04.02 Purpose The City Council of the city of Fairfield Bay finds that special circumstances exist within the city that call for the special regulation of minors within the city in order to protect them from each other and from other persons on the street during the nocturnal hours, to aid in crime prevention, to promote parental supervision and authority over minors and to decrease nocturnal crime rates. Among the special circumstance that exists is the recent enactment of juvenile curfew laws in nearby cities, resulting in a substantial influx of juveniles to this city to escape the curfew of other cities. (Ord. No. 96-44, Sec. 2.)

7.04.03 Definitions For purposes of the Minor Curfew Ordinance, the following terms, phrases, words and their derivations shall have the meanings:

**City** is the city of Fairfield Bay, Arkansas.

## **TITLE 8**

### **VEHICLES AND TRAFFIC**

#### **Chapters:**

- 8.04 Non-Operating Vehicles
- 8.08 Snow Routes and Barricades

#### **CHAPTER 8.04**

### **NON-OPERATING VEHICLES**

#### **Sections:**

- 8.04.01 Prohibition
- 8.04.02 Exceptions
- 8.04.03 Definitions
- 8.04.04 Violators
- 8.04.05 Enforcement
- 8.04.06 Penalty
- 8.04.07 Abatement or removal by city

8.04.01 Prohibition It is unlawful to own or to have possession or control of a junk or non-operating motor vehicle, in the city of Fairfield Bay, Arkansas. (Ord. No. 94-16, Sec. 1.)

8.04.02 Exceptions Nothing in this ordinance shall be construed so as to apply to:

- A. Any motor vehicle that can be started and moved under its own power on demand.
- B. Motorcycles and motor bikes.
- C. Antique automobiles, provided the vehicle has an antique license as required by law.
- D. Temporarily disabled motor vehicles provided they are restored to running condition within thirty (30) days from date of disablement.
- E. Vehicles stored out of sight in a permanent enclosed building.

## TITLE 9

### STREETS AND SIDEWALKS

#### Chapters:

- 9.04 Excavations and Alterations
- 9.08 Acceptance of Streets

#### CHAPTER 9.04

### EXCAVATIONS AND ALTERATIONS

#### Sections:

- 9.04.01 Prohibition
- 9.04.02 Definitions
- 9.04.03 Road cut permits
- 9.04.04 Notice required
- 9.04.05 Warning signs
- 9.04.06 Emergency repairs
- 9.04.07 Repair maintenance and new construction
- 9.04.08 Penalties
- 9.04.09 Application

9.04.01 Prohibition It shall be unlawful for any person to cut, dig-up, tunnel under, break, excavate, or otherwise undermine or weaken the surface or substructure of any street or road in the city of Fair field Bay, Arkansas, except, in compliance with this ordinance. (Ord. No. 02-7, Sec. 1.)

#### 9.04.02 Definitions

**Road cut** shall mean any cutting, breaking, digging, excavating, tunneling into or under, any tunneling or boring underneath the surface of the road or shoulders and ditches that weakens, undermines, causes or will cause the weakening, undermining, breaking, crumbling deterioration, disintegration of the road surface whether the street or road is dirt, paved asphalt, cement, concrete, bituminous ship-seal, graveled, sealed or finished in some other manner.

**TITLE 10**

**UTILITIES**

**(Reserved)**

## **TITLE 11**

### **BUILDINGS AND CONSTRUCTION**

#### **Chapters:**

- 11.04 Building Permit
- 11.08 Plumbing Code
- 11.12 Electrical Code
- 11.16 Condemnation of Structures
- 11.20 Technical Codes Filed
- 11.24 Mechanical Code
- 11.28 International Residential Code

#### **CHAPTER 11.04**

#### **BUILDING PERMIT**

#### **Sections:**

- 11.04.01 Fees
- 11.04.02 Individual permits required
- 11.04.03 Required inspections
- 11.04.04 Inspection procedures
- 11.04.05 Penalties
- 11.04.06 New construction

11.04.01 Fees The cost of a building permit for all new structures shall be as follows:

\$ .10 per sq. ft. (under roof) all single family and two family residential.

\$ .06 per sq. ft. (under roof) all commercial buildings.

\$50.00 new mobile home (Ord. No. 05-3, Sec. 1.)

Remodel, add on, and specific work, permit costs are based on the following schedule according to the job cost. Separate permits are required for plumbing electrical, mechanical and gas piping work when as required in 11.04.02.

\$5.00 per \$1,000 for first \$5,000. Minimum \$15.00

\$1.00 per \$1,000 for \$5,001 up to \$50,000.

## **TITLE 12**

### **PARKS AND RECREATION**

#### Chapters:

- 12.04 Fairfield Bay Park
- 12.08 Fairfield Bay Senior Citizens' Center

#### **CHAPTER 12.04**

#### **FAIRFIELD BAY PARK**

#### Sections:

- 12.04.01 Quiet hours
- 12.04.02 Speed limits
- 12.04.03 Alcoholic beverages
- 12.04.04 Glass containers
- 12.04.05 Laws and regulations
- 12.04.06 Park enforcement

12.04.01 Quiet hours Quiet hours will be observed from 10:00 p.m. to 6:00 a.m. daily. During quiet hours activities which interfere with the peace and quiet of the nearest campsite adjacent to your campsite are prohibited. Such activities include, but are not limited to, loud music, loud talk or large campfires. A warning by the park management or police will be issued for the first occurrence. If there is a second occurrence you will be instructed to leave the park. No refund of park fees will be made. (Ord. No. 02-11, Sec. 1.)

12.04.02 Speed limits Speed limits will be strictly enforced. Speeding tickets will be issued according to guidelines established by state law. Speed limit signs are posted throughout the park. (Ord. No. 02-11, Sec. 2.)

12.04.03 Alcoholic beverages Use of alcoholic beverages is controlled by state law. (Ord. No. 02-11, Sec. 3.)

12.04.04 Glass containers Glass containers are prohibited in or near the swimming and boat launch areas. Persons violating this section will be requested to remove glass containers from the area. Failure to do so will result in removal from the park. No refund of park fees will be made. (Ord. No. 02-11, Sec. 4.)

## **TITLE 13**

### **PLANNING**

#### **Chapters:**

13.04 Planning Commission

### **CHAPTER 13.04**

#### **PLANNING COMMISSION**

#### **Sections:**

13.04.01 Commission created  
13.04.02 Recommendations  
13.04.03 Terms  
13.04.04 Meetings  
13.04.05 Secretarial services

13.04.01 Commission created Pursuant to Title 14, Chapter 56, subchapter 4 of the Arkansas Code of 1987 Annotated, as amended, a City Planning Commission is hereby created and shall be bound by, and operate under, and in accordance with the requirements and conditions of said statute. (Ord. No. 94-13, Sec. 1.)

13.04.02 Recommendations Following the completion of adequate studies, through discussion and appropriate public input and disclosure, the Commission shall submit recommendations regarding development and redevelopment policies, general and specific plans, ordinances and regulations to the Mayor and Council. It is the intent that this planning process be continuous and that the Commission will be an ongoing part of the decision-making process relative to development and redevelopment activity in Fairfield Bay. Such studies and recommendations may be initiated by the Planning Commission or may be requested by the Mayor and Council. (Ord. No. 94-13, Sec. 1.)

13.04.03 Terms The Commission shall be comprised of seven members, all appointed by the Mayor with the advice and consent of the City Council. Two members shall be appointed from each ward, the seventh member shall be appointed at large. All members shall be residents of Fairfield Bay. Members shall receive no compensation for Planning Commission service. Terms of members shall be three (3) years, provided that members of the first Commission shall have terms as follows:

## **TITLE 14**

### **ZONING**

#### **Chapters:**

- 14.04 Zoning Ordinance
- 14.08 Zoning Ordinance Adopted
- 14.12 Communication Towers
- 14.16 Annexing, Vacating and Rezoning Property

#### **CHAPTER 14.04**

### **ZONING ORDINANCE**

#### **Sections:**

- 14.04.01 Title
- 14.04.02 Purpose
- 14.04.03 Definitions
- 14.04.04 General provisions
- 14.04.05 Non-conforming buildings, structures, and uses
- 14.04.06 Zoning districts
- 14.04.07 District A, Agriculture District
- 14.04.08 District R-1A, Low Density Single Family Residential District
- 14.04.09 District R-1B, Standard Single Family Residential District
- 14.04.10 District R-2, Two Family Residential District
- 14.04.11 District RP-3, Cluster Homes, Townhouse or Garden Apartment District
- 14.04.12 District RP-4, Medium Density Residential District
- 14.04.13 District RMP, Mobile Home or Manufactured Home District
- 14.04.14 District CP-O, Non-Retail Business District
- 14.04.15 District CP-1, Local Business District
- 14.04.16 District CP-2, General Business District
- 14.04.17 District CP-3, Service Business District
- 14.04.18 District MP-1, Light Industrial District
- 14.04.19 Special Use Permits
- 14.04.20 Accessory uses
- 14.04.21 Signs
- 14.04.22 Prohibited uses
- 14.04.23 Mobile Homes, Recreation Vehicles and Trailers

**TITLE 15**

**SUBDIVISION REGULATIONS**

Chapters:

- 15.04 Subdivision Regulations Adopted
- 15.08 Subdivision Code
- 15.12 Approval of Specific Subdivision Plats

**CHAPTER 15.04**

**SUBDIVISION REGULATIONS ADOPTED**

Sections:

- 15.04.01 Subdivision regulations adopted
- 15.04.02 Filing fees

15.04.01 Subdivision regulations adopted That certain document known as the Fairfield Bay Subdivision Code of which not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer and the same are adopted as fully as if set out at length herein and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling on all land located within the city of Fairfield Bay. (Ord. No. 95-30, Sec. 1.)

15.04.02 Filing fees

Preliminary plat	\$25.00	Additional final	\$25.00
	Revision to plat	\$25.00	

The first final plat is included in the preliminary plat fee.

All costs associated with the recording of the plat in the County Clerk's office shall be paid by the owner or developer. (Ord. No. 95-30, Sec. 2.)

**SUPPLEMENT NO. 1**  
**CODE OF ORDINANCES**  
**CITY OF FAIRFIELD BAY, ARKANSAS**

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January 31, 2006