

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew for Minors
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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

- A. Each and every act, matter or thing which the laws of the state of Arkansas make misdemeanors or violations is hereby prohibited within the corporate limits of the city of Heber Springs, Arkansas, and make unlawful under this ordinance.
- B. The criminal laws of the state of Arkansas, as now existing and as hereafter may be provided, insofar as the same may make any act, matter or thing a

misdemeanor or violation, are hereby adopted and incorporated into the Criminal Code of the ordinances of the city.

STATE LAW REFERENCE-A.C.A. 14-55-501.

7.04.02 State penalties adopted. Each and every person who shall, within the corporate limits of the city of Heber Springs, Arkansas, violate any of the provisions of the laws which are into this ordinance incorporated and adopted shall on conviction thereof be punished by fine or imprisonment, or both, as the case may be, together with the costs of the proceeding of not less than the minimum nor more than the maximum penalty as prescribed by the corresponding State Law in such cases make and provide; which penalty shall be enforced in the manner now prescribed by the law for the enforcement and collection of fines, forfeitures and penalties.

CHAPTER 7.08

CURFEW FOR MINORS

Sections:

7.08.01	Curfew established
7.08.02	Exclusions
7.08.03	Written citation
7.08.04	Fine for second violation
7.08.05	Fine for third violation
7.08.06	Fine for fourth violation
7.08.07	Severability

7.08.01 Curfew established Except as hereinafter provided, from and after the effectiveness hereof, it shall be unlawful:

- A. for the parent, guardian or any person standing in *loco parentis* (hereinafter, "Parent") with respect to any person under the age of eighteen (18) years (hereinafter, "Minor") to permit such Minor; and
- B. for any Minor, to be or remain upon the streets, alleys or highways, parking lots, whether public or private, parks, playgrounds, within any business establishment in the city of Heber Springs, Arkansas, during the following periods:
 - 1. from 12:00 a.m. to 5:00 a.m. on Friday and Saturday nights; and
 - 2. from 11:00 p.m. to 5:00 a.m. on all other nights.
(Ord. No. 2000-7, Sec. 1.)

7.08.02 Exclusions It shall be a defense to prosecution for violation hereof that:

- A. the Minor is accompanied by his/her Parent;
- B. the Minor is accompanied by an adult, at least twenty-one (21) years of age who possess a written authorization from the Parent to accompany the said Minor for a designated period of time, for a specific purpose and within a specified area, which such authorization shall include the name, address and telephone number of such Parent;
- C. the Minor is proceeding directly from his place of employment, a school or city sponsored event, or a function, and within one (1) hour after the conclusion thereof, to his/her place of residence; provided that the said Minor has in his/her possession a written, dated statement from his/her Parent, specifically authorizing such Minor to travel from his/her place of employment or from any such function, which such authorization shall include the name, address and telephone number of such parent. (Ord. No. 00-7, Sec. 2.)

7.08.03 Written citation Upon a first violation of the provisions hereof the Minor shall be required to accompany police officials to the Police Department whereupon the Parent of such Minor will be notified by telephone or other means of communication that the Minor has been found in violation of this ordinance. The Parent shall be required to come to the Police Department and take charge of the said Minor. If the Parent is unavailable, or cannot be located within a reasonable time, police officials shall release the said Minor in accordance with Arkansas and Federal law. Upon any such first violation, a written warning citation shall be issued to the Minor and his/her Parent, wither in person, or by certified mail. A copy of the said written citation as maintained in the records of the Heber Springs Police Department shall be sufficient proof of its service for all purposes hereof. (Ord. No. 00-7, Sec. 3.)

7.08.04 Fine for second violation Upon conviction of a second or subsequent violation of the prohibitions hereof, the Parent of the Minor, shall be fined not less than Fifty (\$50.00) Dollars, nor more than Two Hundred Fifty (\$250.00) Dollars. (Ord. No. 00-7, Sec. 4.)

7.08.05 Fine for third violation Upon conviction of a third or subsequent violation of the prohibitions hereof, the Parent of the Minor, shall be fined not less than One Hundred (\$100.00) Dollars, nor more than Five Hundred (\$500.00) Dollars. (Ord. No. 00-7, Sec. 5.)

7.08.06 Fine for fourth violation Upon conviction of a fourth or subsequent violation of the prohibitions hereof, the Chief of Police shall report the Minor to juvenile authorities as a juvenile in need of supervision, and the Chief of Police shall also refer the matter to the City Attorney for the city of Heber Springs and/or the Arkansas Department of Human Services and/or other appropriate authorities. (Ord. No. 00-7, Sec. 6.)

7.08.07 Severability In the event that any provision or application of this ordinance is later ruled to be invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable. (Ord. No. 00-7, Sec. 7.)

CHAPTER 7.12

LOITERING

Sections:

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|---------|-------------|
| 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 the premises of another without apparent reason and under circumstances that warrant alarm

or concern for the safety of person 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

(b) 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

(c) lingers or remains in a public place or on the premises of another for the purpose of begging; or

(d) lingers or remains in a public place for the purpose of unlawfully gambling; or

(e) 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

(f) lingers or remains in a public place for the purpose of unlawfully buying, distributing, or using a controlled substance; or

(g) lingers or remains on or about the premises of another for the purpose of spying upon or invading the privacy of another.

(2) Among the circumstances that may be considered in determining whether a person is loitering are that the person:

(a) takes flight upon the appearance of a law enforcement officer; or

(b) refuses to identify himself; or

(c) manifestly endeavors to conceal himself or any object.

(3) 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.

(4) It shall be a defense to a prosecution under subsection 1(a) that the law enforcement officer did not afford the defendant an opportunity to identify himself and explain his presence and conduct, or if it appears at trial that an explanation given by the defendant to the officer was true, and if believed by the officer at that time, would have dispelled the alarm.

7.12.03 Penalty As set out in A.C.A. 5-17-213, loitering is a Class C misdemeanor punishable by a maximum fine of One Hundred Dollars (\$100.00).

CHAPTER 7.16

PROHIBITED WEAPONS AND FIREWORKS

Sections:

7.16.01	Definitions
7.16.02	Unlawful discharge, exceptions
7.16.03	Self-defense
7.16.04	Law enforcement
7.16.05	Fine

7.16.01 Definitions

Weapons or firearms shall mean any rifle, pistol, handgun, shotgun, B.B. gun, pellet gun or dart gun powered by compressed air, compressed gas or gasses produced by a chemical reaction. An air-powered soft dart gun, commonly referred to as a "Nerf gun" or the like, is specifically excluded from the definition of weapon or firearm for the purposes of this ordinance. (Ord. No. 2010-17, Sec. 1.)

7.16.02 Unlawful discharge, exemptions No person shall discharge or fire any weapon or firearm within the corporate limits of the city of Heber Springs, except as provided in 7.16.03. (Ord. No. 2010-17, Sec. 2.)

7.16.03 Self-defense A person may discharge a weapon or firearm as defined herein within city limits if the person is lawfully acting in self-defense or in defense of another person as provided by state law. (Ord. No. 2010-17, Sec. 3.)

7.16.04 Law enforcement The prohibition or discharge of a firearm shall not extend to discharge of firearms by law enforcement or military personnel, nor shall it extend to the discharge of firearms as part of any public ceremonial function such as military funeral salutes or color guard presentations. Furthermore, the prohibition of discharge shall not extend to discharge of firearms at any firing range specifically designed and operated for the discharge of firearms. (Ord. No. 2010-17, Sec. 4.)

7.16.05 Fine Any person who shall violate any provisions of this ordinance shall be fined in an amount not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or shall be imprisoned in the county jail for not to exceed one (1) year, or both. (Ord. No. 2010-17, Sec. 5)

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 combustible 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, benzine and other like volatile combustibles or their compounds be allowed to run upon the floor or fall or pass into the drainage system of the premises. Self-closing metal cans shall be used for all oily waste or waste oils.

7.24.03 Penalty Any person who shall violate or fail to comply with any provision 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 violator 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

OUTSIDE FIRE SERVICE

Sections:

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|---------|------------------------------------------|
| 7.28.01 | Authority to dispatch |
| 7.28.02 | Restrictions |
| 7.28.03 | Cost of aid without mutual aid agreement |
| 7.28.04 | Mutual aid agreement |
| 7.28.05 | False alarms |
| 7.28.06 | Fine |

7.28.01 Authority to dispatch No fire department apparatus shall be taken beyond the corporate limits of the city of Heber Springs, Arkansas, as the same now or hereafter exists, to assist at any fire, or for any other purpose, except by order of the Mayor and/or Fire Chief of the city of Heber Springs, or their designated representative, and subject to the restrictions and conditions herein set forth. (Ord. No. 328, Sec. 1)

7.28.02 Restrictions The mayor and/or Fire Chief of the city of Heber Springs, or their designated representative, are authorized, in their discretion, to aid in the extinguishing of fires in another city or town, public institutions, corporations or other property within a reasonable distance from the city of Heber Springs, or on property immediately adjacent to the city of Heber Springs in which there is a possibility of fire spreading within the corporate limits, under the following conditions:

- A. A request from a city or incorporated town for assistance must come only from the Mayor, Fire Chief, or such other person as may be designated, with approval of the city of Heber Springs.

- B. Calls must be responded to only by such apparatus which, in the judgment of the Mayor or the Fire Chief of the city of Heber Springs, Arkansas, or their designated representative, can be safely sent without unduly impairing the fire protection within the city of Heber Springs and when highways and weather conditions are favorable.
- C. The city, incorporated town, public institution, firm or individual requesting assistance must pay the charge for apparatus and service hereinafter provided unless there exists a mutual aid agreement.
- D. The city of Heber Springs, Arkansas, by and through its Mayor and/or Fire Chief or its designated representative, may enter into a mutual aid agreement with any neighboring city or community, public institution, firm or individual outside the corporate limits of the city of Heber Springs and within a reasonable area of the corporate limits of said city as same now or hereinafter exists, to render aid in extinguishing fires.
- E. In the discretion of the Mayor and/or Fire Chief or their designated representatives, the city of Heber Springs, Arkansas, may go beyond the limits set forth herein to assist a reasonable area or community in the extinguishing of fires or where there is adequate evidence that human life is in danger.
- F. If there is a present need for the Fire Department of the city of Heber Springs, Arkansas, to render assistance in the extinguishing of fires within the corporate limits of Heber Springs, or such need develops after a call for fire service outside the corporate limits of Heber Springs, than the first obligation of the Fire Department shall be to render aid in extinguishing of within the corporate limits of the city. (Ord. No. 328, Sec. 2)

7.28.03 Cost of aid without mutual aid agreement Unless there exists a mutual aid agreement, every municipality, institution, firm or individual requesting and receiving such service of the fire department of the city of Heber Springs, Arkansas, shall pay for such services and the use of apparatus in the sum of Five Hundred Dollars (\$500.00) per call. (Ord. No. 91-5, Sec. 1)

7.28.04 Mutual aid agreement The Mayor and/or Chief of the Fire Department or their designated representative, are hereby authorized, but not required, to enter in the mutual aid agreement with other communities, firms, corporations or individuals for the rendering of fire service. (Ord. No. 328, Sec. 5)

7.28.05 False alarm That it shall be declared unlawful and a misdemeanor and a violation of the law punishable in the courts of the city of Heber Springs, Arkansas, for any person or persons to give a false alarm of fire or to dial the telephone number of the Fire Department of the city of Heber Springs, Arkansas, when no out of control fire exists or a fire not under the control and authority of some person or persons. When no fire alarm is necessary or needed, the giving of such false alarms create a hazardous and dangerous condition to the lives and property of the residents of the city of Heber Springs, Arkansas. (Ord. No. 274, Sec. 1)

7.28.06 Fine That any person or persons violating this ordinance shall be subject to a fine in the amount of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00) and/or imprisonment in the city jail of the city of Heber Springs, Arkansas, for not less than one (1) day and not more than ten (10) days. (Ord. No. 274, Sec. 2)

CHAPTER 7.32

BURNING

Sections:

7.32.01	Name
7.32.02	Exception
7.32.03	Restricted time
7.32.04	Container
7.32.05	Location of container
7.32.06	Unlawful disposal
7.32.07	Violations
7.32.08	Open burning
7.32.09	Penalty

7.32.01 Name This ordinance shall be known as the "Burning Ordinance" of the city of Heber Springs. (Ord. No. 514, Sec. 1)

7.32.02 Exception None of the requirements and/or limitations imposed by this ordinance on the burning of combustible material shall apply to the burning of industrial waste products where the waste products are burned in an incinerator which is so constructed and so operated as to comply with the pollution standards of the Arkansas State Pollution Control Commission. (Ord. No. 514, Sec. 2)

7.32.03 Restricted time It shall be unlawful for any person, firm or corporation to burn or cause to be burned any leaves, trash or combustible material of any kind or to permit any such fire or burning within the city limits of the city of Heber Springs between the hours of thirty (30) minutes before sun down and sunrise. (Ord. No. 514, Sec. 3)

7.32.04 Container It shall be unlawful for any person, firm or corporation to burn any leaves, trash or combustible material of any kind except in a closed metal, brick, concrete or rock container with a wire mesh screen cover, not greater than one (1) inch mesh, over said container. (Ord. No. 514, Sec. 4)

7.32.05 Location of container It shall be unlawful for any person, firm or corporation to burn in a container when the location of said container is within fifteen (15) feet of any structure or material composed in whole or in part of combustible or flammable material. All burning must be done on real property that the person, firm or corporation doing such burning has a possessory interest. (Ord. No. 514, Sec. 5)

7.32.06 Unlawful disposal It shall be unlawful for any person, firm or corporation to otherwise dispose of any leaves, trash, weeds, grass, litter or combustible or flammable waste by depositing or causing to be deposited the same in any ditch, street, alley or public property of the city at any time or under any circumstances. (Ord. No. 514, Sec. 6)

7.32.07 Violations The Police Chief and Fire Chief or persons so designated by them are authorized for violations of any provisions of this ordinance to give to the offender a notice to appear in the District Court of the city of Heber Springs. Such notice shall state the name and address of the violator and date of violation and it shall be signed by the person having knowledge of the violation who is also a member of one (1) of the departments of the city of Heber Springs. The notice shall contain a printed statement in which the violator promises to appear in the District Court. Without issuance of any warrant or other process and which statement is to be signed by the violator. Upon failure to sign the notice to appear, the Police Chief or Fire Chief or their representative shall swear out a complaint and the usual procedure upon filing of complaints in District Court shall govern the arrest and trial of the violator. Upon the violator's signing the agreement to appear and his appearance as set out in the notice, no warrant shall be issued for the arrest of the violator. For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, the Police Chief or the Fire Chief or any person designated by them is empowered to enter upon any premises where any violation of this ordinance is or has occurred. No person shall interfere with the Police Chief or Fire Chief or their representative who are carrying out or attempting to carry out their normal or reasonable responsibility herein. (Ord. No. 514, Sec. 7)

7.32.08 Open burning With the written permission and under the supervision of the Fire Chief, burning in vacant lots and open spaces may be permitted without the utilization of the containers hereinabove required. (Ord. No. 514, Sec. 8)

7.32.09 Penalty Any person violating the provisions of this ordinance shall be fined in a sum not less than Fifty Dollars (\$50.00) or more than One Hundred Dollars (\$100.00). (Ord. No. 514, Sec. 11)

CHAPTER 7.36

COMMERCIAL AERONAUTICAL ACTIVITIES

Sections:

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| 7.36.01 | Definitions |
| 7.36.02 | Special restrictions on airport land and facility use |
| 7.36.03 | Applications |
| 7.36.04 | Notice and hearing |
| 7.36.05 | Action on application by City Council |
| 7.36.06 | Lease or contract |
| 7.36.07 | Standard requirements for all aeronautical activities |
| 7.36.08 | Standards for specific activities |
| 7.36.09 | Amendment of standards |
| 7.36.10 | Notices |

7.36.01 Definitions As used herein, the following terms shall have the meanings indicated:

Aeronautical activity shall mean an activity conducted for profit which involves, makes possible, or is required for the safety of such operations and shall include, but not by way of limitation, all activities commonly conducted on airports, such as charter operations, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products, whether or not conducted in conjunction with other included activities, repair and maintenance of aircraft, sale of aircraft, parts, sale and equipment and any other activity which, because of its direct relationship to the operation of aircraft, can appropriately be regarded as an aeronautical activity.

Airport means all lands within the legal boundaries and under the control of the city of Heber Springs, Arkansas, known as Heber Springs Municipal Airport.

Airport Commission shall mean the Heber Spring Airport Authority of the city of Heber Springs as duly constituted by ordinance.

Airport layout plan means the scaled dimensional layout of the entire airport property as originally prepared by Leard and Associates, dated December, 1982 (and amended), indicating current and proposed usage for each identifiable segment.

Airport Rules and Regulations shall mean the Airport Rules and Regulations dated February 3, 1983.

City Council shall mean the City Council of the city of Heber Springs, Arkansas, as duly elected and constituted at any time.

Flying clubs shall mean a strictly non-commercial group of individuals organized on a non-profit basis for the specific purpose of providing flying facilities for their members only.

Manager shall mean the Airport Manager as duly appointed by the city of Heber Springs.

Minimum standards the qualifications established herein, as amended from time to time by the City Council, upon recommendation of the Airport Commission, setting forth the minimum requirements to be met as a condition for the right to conduct any aeronautical activity on the Airport.

Person means any individual, firm, partnership, corporation, flying club, joint stock association or body politic, and includes any trustee, receiver, assignee or other similar representative. (Ord. No. 422, Sec. I)

7.36.02 Special restrictions on airport land and facility use.

- A. No person shall be granted an exclusive right to conduct any aeronautical activity upon the Airport. No person shall be permitted to use any land or conduct any aeronautical activity for commercial purposes or the solicitation of business in connection therewith unless such aeronautical activity is conducted in accordance with the standards herein established and as hereafter amended from time to time by the city of Heber Springs, and, only after that person has been duly licensed in writing by the city of Heber Springs to conduct said activity on Heber Springs Municipal Airport.
- B. No person or persons, corporation or company shall engage in any type of commercial enterprise on Heber Springs Municipal Airport without first having written permission and complying with all federal, state and local laws, Airport Rules and Regulations, including, but not limited to, all orders and ordinances as they pertain to both non-discrimination and equal employment practices. (Ord. No. 422, Sec. II)

7.36.03 Applications Any person wishing to acquire the use of land or establish or use any facility on the airport for an aeronautical activity shall be furnished a copy of these Standards and Procedures, as amended from time to time, and shall thereupon make application in writing, filed with the Airport Manager, setting forth in detail the following:

1. The name and address of the applicant.
2. The proposed land use, facility and/or activity sought.
3. The names and qualifications of the personnel to be involved in conducting such activity.
4. The financial responsibility and ability of the applicant and operator to carry out the activity sought.
5. The tools, equipment, services and inventory, if any, proposed to be furnished in connection with such activity.
6. The requested or proposed date for commencement of the activity and the term of conducting the same.
7. The estimated cost of any structure or facility to be furnished, the proposed plans and specifications for same, and the means or method of financing such construction or method of financing such construction or acquisition of facilities.
8. The specific types and amounts of insurance proposed.
(Ord. No. 422, Sec. III)

7.36.04 Notice and hearing Upon the filing of such an application with the Airport Manager, it shall be referred to the Airport Commission with a request it be considered at the next regularly scheduled meeting. If such application involves conducting of an aeronautical activity for commercial purposes, all other persons then conducting like or similar commercial aeronautical activities on said airport shall also be notified by U. S. Mail of the filing of such application and the time and place of the Airport Commission meeting to consider the same.

Upon the consideration of the application, the Airport Commission shall determine whether or not the applicant meets the standards and qualifications as herein set out and whether or not such application should be granted in whole or in part, and if so, upon what terms and conditions. (Ord. No. 422, Sec. IV)

7.36.05 Action on application by City Council Upon receipt of written recommendation of the Airport Commission, the City Council shall be requested to include said matter upon the agenda of the next regular meeting of the City Council and, at such meeting or at a subsequent meeting to which it may be passed, shall be requested to approve, modify or reject such recommendation and application. (Ord. No. 422, Sec. V)

7.36.06 Lease or contract Upon the approval of any such application as submitted or modified, the Airport Board shall cause to be prepared suitable lease or contract agreement setting forth the terms and conditions of the land and/or facility use, which lease or contract shall in every instance be conditioned upon:

- A. Original and continued compliance with the Standards required for each particular aeronautical activity approved; shall refer to and incorporate these Standards by reference.
- B. That any structure or facility to be constructed or placed upon said airport shall be constructed in a manner to conform to all safety regulations of the State of Arkansas and the city of Heber Springs, and shall be in compliance with the requirements of current building codes and fire regulations of the city of Heber Springs; and that any construction once commenced will be diligently prosecuted to completion.
- C. Shall reserve the right in the Airport Commission to modify or add to the standards for operation of aeronautical activities at the airport; shall provide for termination or cancellation of the lease or contract upon failure to comply after notice. (Ord. No. 422, Sec. VI)

7.36.07 Standard requirements for all aeronautical activities. Every applicant for permission to conduct commercial aeronautical activities at the airport shall satisfy the Airport Commission:

- A. That such applicant has a history of management and personnel ability in conducting the same or similar or comparable type of service or activity in a good and workmanlike manner.
- B. That such applicant has the financial responsibility and ability to provide facilities and service proposed.
- C. That the applicant has or can reasonably secure necessary certificates from the FAA or other authority where the same are required for the activity proposed.
- D. That the applicant has or can furnish suitable indemnity insurance or bond to protect and hold the city harmless from any liability in connection with the conduct of the activity proposed.

In considering every application for establishing commercial aeronautical activities, the Airport Commission and the City Council shall give due consideration to whether or not such proposed activity would be a wasteful or uneconomical duplication of facilities and detrimental to the public interest. (Ord. No. 422, Sec. VII)

7.36.08 Standards for specific activities In addition to meeting the requirements of Section 7.36.07, every person conducting the following specific activities shall meet the additional requirements, on the airport, as hereinafter set out:

- A. Aircraft charter and taxi service. Persons operating aircraft charter and taxi service shall provide:
 - 1. Passenger lounge, rest rooms and telephone facilities.
 - 2. Adequate table, desk or counter for checking in passengers, handling ticketing or fare collection, handling of luggage.
 - 3. Shall have available properly certificated suitable aircraft with properly certificated and qualified operating crew, one of which shall be located at the airport and ready for departure during at least eight (8) hours of daylight operation daily and at other times, stand-by units and crew available upon call within one hour's notice.
 - 4. Shall provide passenger liability insurance of at least Seventy-Five Thousand Dollars (\$75,000.00) per passenger seat and property damage liability of at least One Hundred Thousand Dollars (\$100,000.00).
- B. Aircraft engine, airframe and accessory sales and maintenance All persons operating aircraft engine, airframe, and accessory maintenance facilities to the public for hire shall provide:
 - 1. In case of airframe or engine repairs, sufficient hangar space to house any aircraft upon which such service is being performed.
 - 2. Suitable inside and outside storage space for aircraft awaiting repair or maintenance of delivery after repair and maintenance have been completed, other than major repairs or alterations of less than twenty-four (24) hours duration.
 - 3. Adequate shop space to house the equipment and adequate equipment and machine tools, jacks, lifts and testing equipment to perform top overhauls as required for FAA certification and repair of parts not needing replacement on all single engine land and light multiengine land general aviation aircraft.

4. At least one FAA certificated airframe and power plant mechanic available during eight (8) hours of the day, five (5) days per week.
5. Facilities for washing and cleaning aircraft if operator engages in said business.
6. The Airport Commission reserves the right to waive any of the above if, in their opinion, existing conditions justify such a waiver.

C. Aircraft rental and sales Persons conducting aircraft rental and sales activity must have written authority to conduct such activity and provide:

1. Suitable office space on the airport for consummating sales and/or rentals and the keeping of the proper records in connection therewith.
2. For rental, at least two (2) airworthy aircraft suitably maintained and certified.
3. For sales activity of a new aircraft, a sales or distributorship franchise from a recognized aircraft manufacturer of new aircraft and at least one demonstrator model of such aircraft.
4. Adequate facilities for servicing and repairing the aircraft or satisfactory arrangements with other operators licensed by the Airport Commission on the airport for such service and repair.
5. There shall be available, at least during eight (8) hours of the working day, a properly certificated pilot capable of demonstrating new aircraft for sale or for checking out rental aircraft.
6. The minimum stock-of readily expendable spare parts, or adequate arrangements for securing spare parts required for the type of aircraft and models sold.
7. Current up-to-date specifications and price lists for types and models of new aircraft sold.
8. Proper check lists and operating manuals on all aircraft rented and adequate parts catalog and service manual on new aircraft sold.
9. The Airport Commission reserves the right to waive any of the above if, in their opinion, existing conditions justify such waiver.

D. Flight training All persons conducting flight training activities shall provide:

1. At least one full-time (eight (8) hours per day six (6) days per week) properly certificated flight instructor for single engine land airplanes.
2. At least one dual equipped single engine land aircraft properly equipped and maintained for flight instruction and such additional types of aircraft as may be required to give flight instruction of the kind advertised.
3. Adequate office and classroom space for at least five (5) students with proper rest room and seating facilities.
4. Adequate mock-ups, pictures, slides, film strips or other visual aids necessary to provide proper ground school instruction.
5. Properly certificated ground school instructor providing regularly scheduled ground school instructions sufficient to enable students to pass the FAA written examinations for private pilot and commercial ratings.
6. Continuing ability to meet certification requirements of the FAA for the flight training proposed.
7. Adequate public liability and property damage insurance sufficient to protect the operator and the city from legal liabilities involved.

E. Crop dusting and spraying Persons seeking to conduct crop dusting or spraying of agricultural chemicals shall be required to satisfy the Airport Commission that:

1. Suitable arrangements have been provided for the safe storage and containment of noxious chemicals materials; no poisonous or inflammable materials shall be kept or stored in close proximity to other facility installations at the airport.
2. The operator shall have available properly certificated aircraft suitably equipped for the agricultural operation undertaken.
3. The operator shall make suitable arrangements for servicing the aircraft with adequate safeguards against spillage on runways and taxiways or pollution or disbursement of chemicals by wind or water to other operational areas on the airport or off airport property.

4. Operator shall provide adequate public liability insurance to protect the operator and the city from liability in connection with such operations.

F. Airport structures Each request for buildings or structures to be erected upon the airport will be considered individually and decisions based upon the following guidelines:

1. Any individual, firm, partnership, corporation, association, body politic or agency proposing to make an improvement or improvements upon airport property shall submit to the Airport, and the Airport Commission must approve, the general plan, specifications, design and character of such proposed improvement or improvements. Once approved by the Airport Commission, construction of such improvement must be in accordance with the plans and specifications as approved by the Airport Commission.
2. The Airport Commission must approve the location of a proposed improvement or improvements; the location must be in accordance with the existing Airport layout plan.
3. Any proposed improvement or improvements upon airport property must comply with the existing building code of the city of Heber springs, applicable to such improvement or improvements.
4. Any improvement or improvements approved by the Airport Commission shall be used only for the purpose or purposes for which it was approved and shall under no circumstances be used as a fuel outlet or for fuel storage.
5. Upon completion of the construction of any improvement or improvements upon airport property, title to such improvement or improvements shall vest in the city of Heber Springs.
6. Any individual, firm, partnership, corporation, association, body politic or agency desiring to enter into any contract, lease agreement or other arrangement for the operation, use or improvement of the airport shall agree to comply with and abide by all applicable federal laws, laws of the State of Arkansas and ordinances of the city of Heber Springs.
7. "Improvement" or "improvements", as those terms are used herein shall include but not be limited to any building, structure, fixture or addition to any building, structure or fixture.

- G. Specialized aircraft repair services. A specialized aircraft repair service operator is a person engaged in a business capable of providing one or a combination of Federal Aviation Administration (FAA) approved shops for the repair of aircraft radios or propellers or instruments and accessories for general aviation aircraft up to and including executive-type jet and helicopter. This category shall include the sale of new and/or used aircraft radios or propellers or instruments and accessories, but shall not be an exclusive right. Said operator shall, as a minimum, provide:
1. Sufficient office and shop space, tools and test equipment to adequately repair, maintain, test and install all specialized equipment, radios and accessories contracted for.
 2. Adequate parking facilities for customers' aircraft while undergoing repair or satisfactory arrangements for access thereto.
 3. The proper repair station certificates required by the FAA and certified personnel on duty for eight (8) hours per day five (5) days per week.
- H. Combination activities Any person conducting a combination of the specific activities listed hereunder shall not be required to duplicate the requirements of the individual activities but where the requirement of one activity is sufficient to meet the requirements of a separate activity to be conducted, the one facility shall be sufficient to meet both requirements. (Ord. No. 422, Sec. VIII)

7.36.09 Amendment of standards The Airport Commission shall review the standards for conducting aeronautical activities at least biannually and shall recommend such revisions or amendments as shall be deemed necessary under the use circumstances surrounding the airport to properly protect the health, safety and interest of the city and the public. Upon approval of any such amendments, the operators of aeronautical activities secured hereunder shall be required to conform to such amended standards. (Ord. No. 422, Sec. IX)

7.36.10 Notices Notice of other applications for like similar aeronautical activities or of intent to amend the standards as established herein shall be sent, first class mail, postage prepaid, to all holders of a fixed base operators lease or permit for the conduct of an aeronautical activity on the airport. (Ord. No. 422, Sec. X)

CHAPTER 7.40

FAMILY GAME CENTER

Sections:

- 7.40.01 Definition
- 7.40.02 Operation
- 7.40.03 More than one form of business
- 7.40.04 Penalty

7.40.01 Definitions

Family game center shall mean a place of entertainment consisting of various types of entertainment including pocket billiards, snooker, miniature billiards, ping pong or table tennis, shuffle board, coin operated amusement games that are licensed by the state and are legal under state law, and other forms of wholesome entertainment.

The Heber Springs Community and Aquatic Center shall be specifically excluded from the definition of "family game center," thus, the provisions herein do not apply to said Community and Aquatic Center unless otherwise set forth under Arkansas law. (Ord. No. 2010-15, Sec. 1.)

7.40.02 Operation

- A. No family recreation center shall sell or serve on its premises any type of intoxicating beverages or knowingly allow any type of intoxicating beverages to be consumed or served; nor shall any family gaming center knowingly allow any gambling or gambling device upon the premises within the city limits of Heber Springs
- B. All family game centers shall be well lighted and have sufficient front glass to allow any passing person to observe activities conducted within.
- C. No family game center shall be operated between the hours of 12:00 a.m. and 8:00 a.m.
- D. No family game center shall have on its premises any type of coin operated amusement machine or similar device of like nature unless such machine is licensed by the state and its operation is legal under state law. (Ord. No. 2010-15, Sec. 2.)

7.40.03 More than one form of business Provided, however, in cases in which more than one form of business is operated in a single establishment, building or other premises and all or any part of said business meets the definition of a family game center in 7.40.01, then all of the various types of entertainment devices set forth in 7.40.01 shall be rendered inoperable by covering, unplugging or by taking such other steps as are necessary in order that said devices shall not be operated between the hours of 12:00 a.m. and 8:00 a.m. It is expressly stated as the intent of this paragraph that the portion of the business which may be lawfully classified as a family game center shall be closed and shall not be operated between the hours of 12:00 a.m. and 8:00 a.m. although any other form of business within the establishment, building or premises might otherwise be lawfully operated within these hours. (Ord. No. 2010-15, Sec. 3.)

7.40.04 Penalty Any violation of the foregoing provisions by an operator or operators of a family game center shall constitute a misdemeanor. Violators shall be subject to a fine in the amount of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). (Ord. No. 2010-15, Sec. 4.)

CHAPTER 7.44**DRUG CONTROL FUND****Sections:**

7.44.01 Fund created

7.44.01 Fund created

- A. Pursuant to the provisions of Arkansas Code Annotated, Section 5-64-505(k)(4)(i), as amended, there is hereby created, as an account within the General Fund of the city of Heber Springs, Arkansas, an account which shall be denominated as the "Drug Control Fund."
- B. All forfeitures, proceeds from the sale of contraband and other revenues as may otherwise be provided by law or ordinance, payable to or inuring to the benefit of, the city of Heber Springs, Arkansas, arising out of or payable under, the auspices of A.C.A. 5-64-505 shall be deposited into the said Drug Control Fund.
- C. No expenditure shall be made from the Drug Control Fund except for law enforcement or prosecutorial purposes. All expenditures for the said Fund shall be accomplished only upon appropriation thereof by the City Council. (Ord. No. 92-8, Secs. 1-3)

CHAPTER 7.48**POLICE OFFICER FOR SCHOOL DISTRICT****Sections:**

7.48.01 Contract
7.48.02 Agreement

7.48.01 Contract There is hereby authorized a contract to be entered into with the Heber Springs School District for the utilization of a Police Officer by the city of Heber Springs, with duties to be performed at the facilities of the Heber Springs School District, and such services shall be fully paid for by the Heber Springs School District. The form of said contract shall be approved by the Mayor. (Ord. No. 2005-15, Sec. 1.)

7.48.02 Agreement The Mayor and City Clerk are hereby authorized and directed to enter into and execute such agreement, along with any other necessary documents, to accomplish such an operating agreement. (Ord. No. 2005-15, Sec. 2.)

CHAPTER 7.52

NOISE

Sections:

7.52.01	Prohibited
7.52.02	Exemptions
7.52.03	Special permit
7.52.04	Penalty

7.52.01 Prohibited It shall be unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities, within the limits of the city.

The following acts, among other, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive namely:

- A. **Horns, etc.** The excessive sounding of any horn or device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal; the creation by means of any such signaling device of any unreasonable period of time.
- B. **Radios, musical instruments, etc.** The playing of any radio or musical instrument or other musical device for producing or reproducing of sound, in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to disturb the quiet, peace and enjoyment, or comfort of persons in any office, hospital, hotel, in any dwelling, other type of residence, or of any persons in the vicinity. The operation of any such instrument, machine, or device, between the hours of 11:00 p.m. and 7:00 a.m., in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this ordinance.
- C. **Singing, shouting, etc.** Yelling, shouting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, peace and enjoyment, or comfort of persons in any office, hospital, hotel, in any dwelling, other type of residence, or of any persons in the vicinity shall be prohibited.

- D. **Animals and fowl, etc.** The keeping of any animal or fowl which by causing frequent or long continued noise shall disturb the quiet, peace and enjoyment, or comfort of any person in the vicinity.
- E. **Unrepaired vehicle** The use of any automobile, motorcycle, or other motorized vehicle so out of repair or so modified, as to create loud and unnecessary grating, grinding, rattling or other noise.
- F. **Near schools, courts, churches, hospitals, etc.** The creating of any excessive and unnecessary noise on any street adjacent to any school, church, court, while the same are in session, or adjacent to any hospital, which unreasonably interferes with the working or sessions thereof. (Ord. No. 2007-17, Sec. 1.)

7.52.02 Exemptions None of the terms or prohibitions shall apply to, or be enforced against:

- A. Any vehicle of the city of Heber Springs while engaged upon necessary public business.
- B. Excavations or repairs of bridges, streets or highways by or on behalf of the city, Cleburne County, or the state of Arkansas, during the nighttime, when the public welfare and convenience renders it impossible to perform such work during the day.
- C. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are non-commercial in character.
- D. Emergency vehicles in the normal course of providing services within the city of Heber Springs.
- E. Necessary warning signals given by any vehicle.
(Ord. No. 2007-17, Sec. 2.)

7.52.03 Special permit In the event of situations unforeseen and requiring special attention, the Mayor or his or her designated agent may issue a special permit as exemption from this ordinance. (Ord. No. 2007-17, Sec. 3.)

7.52.04 Penalty Any person, firm and/or corporation violating any of the provisions of this ordinance shall, except as provided for, be guilty of misdemeanor and upon conviction shall be fined not less than Twenty Dollars (\$20.00) , and not more than Two Hundred Fifty Dollars (\$250.00) for each offense. (Ord. No. 2007-17, Sec. 4.)

CHAPTER 7.56

MORATORIUM ON DRILLING

Sections:

7.56.01	Definitions
7.56.02	Duration of moratorium
7.56.03	Conditions of moratorium
7.56.04	Penalty
7.56.05	Enforcement
7.56.06	Panel
7.56.07	Notice

7.56.01 Definitions

Permit means any permit required from the city for land use related to the exploration, construction, drilling, development or citing of any processes or facilities necessary for mineral drilling, exploration and/or other production activities within the city limits of Heber Springs.

Technical language relating to the crude oil or natural gas industry used herein and not specifically defined shall have that meaning customarily attributable there by prudent operators in the oil and gas industry. (Ord. No. 2007-9, Sec. 1.)

7.56.02 Duration of moratorium The moratorium set forth herein shall expire at the end of one hundred and twenty (120) days after the effective date of this ordinance, unless extended by further majority vote of the City Council of Heber Springs. (Ord. No. 2007-9, Sec. 2.)

7.56.03 Conditions of moratorium

- A. A temporary moratorium is imposed on the activity described herein, and all applications for land use permits with regard to the drilling, exploration, and/or other production activities of crude oil and natural gas, within the city limits of Heber Springs. By this ordinance, unless otherwise excepted herein, it shall be unlawful to:
 - 1. drill, develop, and or commence any other exploration, development or production activities with regard to crude oil, and natural gas, located within the city limits of Heber Springs, Arkansas, and therefore, no person or entity has consent to engage in any such activities with regard to minerals located in the city limits of Heber Springs and no permit or license shall be granted for the same;

2. construct or develop gas processing, storage, or any support facilities, within the city limits of Heber Springs, Arkansas, and therefore, no person or entity has consent to engage in any such activities and no permit or license shall be granted for the same.
- B. The actions set forth in subsection (A) above, and or shall be prohibited for the duration of this ordinance.
 - C. The temporary moratorium imposed by this ordinance would not prohibit an entity in the industry of crude oil and natural gas exploration, drilling, and production from conducting any business relevant to minerals located outside the city limits of Heber Springs, Arkansas.
 - D. The temporary moratorium imposed by this ordinance would not prohibit an entity in the industry of crude oil and natural gas exploration, drilling, and production from conducting general administrative activities, such as office management, general business duties unrelated to the physical exploration or drilling, and/or research related activities pertaining to property title searching, contracting or the business of mineral leasing activity, relevant to minerals located within the city limits of Heber Springs, Arkansas.
 - E. The temporary moratorium imposed by this ordinance does not apply to any mineral related pipelines or infrastructure in existence at the time of the passage of this ordinance. (Ord. No. 2007-9, Sec. 3.)

7.56.04 Penalty

- A. Any person who negligently, recklessly, knowingly, or purposefully engages in any action, and/or directs or causes another person or entity to commit any activity in violation of this ordinance shall be guilty of an unclassified misdemeanor.
- B. Any person convicted of a misdemeanor in violation of this ordinance shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00), nor more than six (6) months in jail or both.
- C. Each day's violation of this ordinance shall constitute a separate and distinct offense. Each separate exploration, development, construction, production activity or separate and continuing act shall constitute a separate and distinct offense.

- D. Any person charged in violation of this ordinance during the period of time imposed by the moratorium who is found to have violated this ordinance shall be required to restore, at their expense, any property disturbed, or altered in any manner, by said actions in violation of this ordinance. Said property shall be restored to its original condition prior to the violation, within twenty (20) days of the disposition of any charge arising from a violation of this ordinance.
- E. Any person found to have violated this ordinance who does not comply with the requirements set out in subsection (D) above shall be guilty of a separate offense and shall be punished by an additional fine of Five Hundred Dollars (\$500.00) per day until the property is restored to its original condition or restoration approved as set forth in subsection (F) below.
- F. A charge of non-compliance under subsection (E) above for a violation of subsection (D) above will survive the time period set forth by this moratorium, and thus, any person who is charged with a violation of this ordinance who does not comply subsection (D) above can continue to incur the charges and penalties set forth in subsection (E) above if the property has not been restored, regardless of whether the moratorium period set forth in 7.56.02 has expired.
- G. If complete restoration is not possible, then substantial restoration to the original condition of the property will be acceptable if approved by the Code Enforcement Officer appointed by the Mayor. (Ord. No. 2007-9, Sec. 4.)

7.56.05 Enforcement This ordinance may be enforced by any of the following persons by the issuance of a citation requiring the person charged to appear in the Heber Springs District Court:

- A. The Police Chief of Heber Springs, or any Heber Springs City Police Officer.
- B. A Code Enforcement Officer to be designated by the Mayor of Heber Springs. (Ord. No. 2007-9, Sec. 5.)

7.56.06 Panel A panel shall be created by the Mayor of Heber Springs to study the need for permanent and comprehensive controls with regard to regulating the industry subject of this ordinance. Said panel shall make recommendations to the City Council of Heber Springs, (prior to the expiration of the period set by the moratorium), to assist city officials in developing a comprehensive zoning ordinance to meet the needs of the city of Heber Springs with regard to the drilling of crude oil and natural gas, exploration, and or other production activities, within the city limits of Heber Springs, Arkansas. In making recommendations to the City Council, this panel shall consider and make determinations about the following: the social, economic, and

physical impact of the exploration, use, development, and construction related to crude oil, and or natural gas, and the drilling, exploration and or other production activities, of the same, as well as any gas processing, storage, and support facilities, and the needs and goals of Heber Springs, Arkansas. (Ord. No. 2007-9, Sec. 6.)

7.56.07 Notice Notice of and public hearing on this ordinance in the normal course will undermine city planning by allowing activities to commence or non-use applications for oil, natural gas, and mineral drilling exploration and/or other production activities to be submitted between the time notice was published and the time ordinance was adopted to vest in city regulations which may be inadequate to protect the public, safety and general welfare. (Ord. No. 2007-9, Sec. 7.)

CHAPTER 7.60

NOVELTY LIGHTERS

Sections:

7.60.01 Unlawful

7.60.01 Unlawful It shall be unlawful to sell, distribute or gift novelty lighters within the territorial limits of the city of Heber Springs, as specifically set forth below:

- A. The retail sale, offer of retail sale, gift or distribution of any novelty lighter with the territorial jurisdiction of the city of Heber Springs is prohibited. This prohibition is inapplicable to:
 - 1. novelty lighters which are only being actively transported through the city, or
 - 2. novelty lighters located in a warehouse closed to the public for purposes of retail sales.
- B. **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.

- C. Exceptions The term “novelty lighter” excludes:
1. any lighter manufactured prior to 1980, and
 2. any lighter which lacks fuel or a device necessary to produce combustion or a flame.
- D. Enforcement The provisions of this section shall be enforced by the Fire Marshal, any police officer and Code Enforcement Officer, and any other city official authorized to enforce any provision of the Heber Springs Municipal Code.
- E. Penalty Any person or entity violating any provision of this section is guilty of an unclassified violation, and shall be subject to a fine or penalty of not less than Twenty-Five Dollars (425.00) nor more than Five Hundred Dollars (\$500.00) per occurrence. (Ord. No. 2008-4, Sec. 1.)

CHAPTER 7.64**FIREWORKS****Sections:**

- 7.64.01 Definition
- 7.64.02 Discharge and sale of fireworks
- 7.64.03 Public firework display
- 7.64.04 Removal of illegal fireworks
- 7.64.05 Fine

7.64.01 Definition

Fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include consumer fireworks or fireworks of like construction and any fireworks containing any explosive of flammable compound, or any tablets or other device containing any explosive substance. The term "fireworks" shall not include model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models and shall not include paper and/or plastic caps for toy pistols, toy guns or other devices. (Ord. No. 2012-16, Sec. 1.)

7.64.02 Discharge and sale of fireworks Pursuant to the authority of its police powers for the health, safety and welfare of its citizens, the city prohibits the discharge and/or sales of fireworks within the city limits of Heber Springs. It shall be unlawful for any person to discharge or to sell fireworks within the city limits. (Ord. No. 2012-16, Sec. 2.)

7.64.03 Public firework display Excepted from the provisions of this section is the discharge of fireworks at a public fireworks show or event open to the general public, which is supervised and coordinated by persons who are qualified in the safe handling and storage of fireworks. The show or event must be approved in writing by the Fire Chief of the city of Heber Springs not less than fourteen (14) days prior to the show or event. (Ord. No. 2012-16, Sec. 3.)

7.64.04 Removal of illegal fireworks The city of Heber Springs or its designated agent(s) shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this ordinance. (Ord. No. 2012-16, Sec. 4.)

7.64.05 Fine Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than One Hundred Dollars (\$100.00), plus court cost. (Ord. No. 2012-16, Sec. 5.)