



AGENDA

MEETING OF THE MOUNTAIN HOME CITY COUNCIL
MARCH 16, 2023 @ 6 P.M.
COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING

Pledge of Allegiance
Prayer
Roll call
Minutes from March 2nd Council meeting
Committee reports
Bank reconciliations
Announcements

NEW BUSINESS

REQUEST FOR AUCTION OF VEHICLES AND DESTRUCTION OF POLICE EQUIPMENT, presented by Eddie Griffin

REQUEST FOR THE DESTRUCTION OF CERTAIN PAPERWORK, presented by Eddie Griffin

REQUEST TO DISPOSE OF SHOTGUNS, GLOCK .40 PISTOLS AND A .223 RIFLE, presented by Eddie Griffin

AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE PURCHASE OF AXON BODY WORN CAMERAS AND SOFTWARE, presented by Eddie Griffin

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 98-21 OF THE CITY OF MOUNTAIN HOME, ARKANSAS; CLARIFYING AND EXPANDING THE PERMITTED USES WITHIN THE ZONING DISTRICTS, presented by Greg Iffland

REQUEST TO OPEN A NEW CHECKING ACCOUNT FOR FIRE DEPARTMENT DONATION FUNDS AT FIRST SECURITY BANK AND MOVE THE CURRENT AMOUNT FOR DONATIONS (\$125,335.55) INTO THIS ACCOUNT FROM FARMERS & MERCHANTS BANK USING THE SAME LINE ITEM (113-1000-11020), presented by Alma Clark

REQUEST TO OPEN NEW CHECKING ACCOUNT AT FIRST SECURITY BANK FOR ACT 833 FUNDS WITH LINE ITEM 109-1000-11020 AND MOVE ACT 833 FUNDS CURRENTLY IN THE FIRE DEPARTMENT DONATION FUNDS ACCOUNT AT FARMERS & MERCHANTS BANK (\$44,568.75) TO THE NEW ACT 833 FUND CHECKING ACCOUNT WHEN OPENED, presented by Alma Clark

REQUEST TO CREATE NEW FUNDS FOR ACT 833 INSIDE INCODE (FUND 109) AND CREATE LINE ITEMS FOR RECORDING REVENUES AND EXPENSES FOR ACT 822 TO RECORD TRANSACTIONS AND TO FUND AT CURRENT BUDGETED LEVELS TO NEW FUND 109 FROM THE OLD FUND 113, presented by Alma Clark

Line items to be created:

- 109-1000-11020 ACT 833 CHECKING***
- 109-4000-36010 ACT 833 REVENUE***
- 109-4000-61230 ACT 833 INTEREST INCOME***

- 109-4000-83300 ACT 833 CARRYOVER
- 109-5109-23010 ACT 833 PURCHASE EXPENSES
- 109-5109-79000 PROJECTED CARRYOVER

REQUEST TO CLOSE FARMERS & MERCHANTS BANK FIRE DEPARTMENT DONATION ACCOUNT AFTER ALL FUNDS HAVE BEEN TRANSFERRED SATISFACTORILY TO NEW ACCOUNTS, presented by Alma Clark

REQUEST TO OPEN NEW CHECKING ACCOUNT AT FIRST SECURITY BANK FOR PUBLIC SAFETY FOR SAVED FUNDS FOR NEW FIRE STATION AND SUBSEQUENT ACTIONS, presented by Alma Clark

Subsequent actions:

- **CREATE A LINE ITEM FOR NEW FIRE DEPARTMENT CHECKING ACCOUNT TO BE NUMBERED 134-1000-11021 NEW FIRE STATION**
- **MOVE CURRENT SAVED FUNDS FROM PRIOR YEARS SAVINGS THRU THE END OF 2022 AND THE FIRST THREE MONTHS OF 2023 FROM SHARED CHECKING ACCOUNT 134-1000-11020 TO THE NEW CHECKING ACCOUNT 134-1000-11021 FOR A TOTAL INITIAL TRANSFER OF \$2,749,999.99**
- **TRANSFER INTO NEW CHECKING 134-1000-11021 FROM SHARED CHECKING 124-1000-11020 EACH MONTH AN AMOUNT TO EQUAL \$83,333/4 EACH MONTH THRU DECEMBER 2023 TO MEET THE REMAINING TOTAL OF \$750,000.01 OF THE 2023 BUDGETED MONIES, MINUS ANY EXPENSES THAT ARE PAID OUT PRIOR TO GETTING ACCOUNT OPENED AND MOVED TO A NEW ONE**

AN ORDINANCE AMENDING THE SCHEDULE OF RATES TO BE CHARGED AND COLLECTED FOR WATER SYSTEM USERS OF THE CITY OF MOUNTAIN HOME; REPEALING ORDINANCE NO. 2022-20 AND PRESCRIBING OTHER MATTERS RELATING THERETO, presented by Alma Clark

AN ORDINANCE AMENDING THE SCHEDULE OF RATES TO BE CHARGED AND COLLECTED FOR SEWER SYSTEM USERS OF THE CITY OF MOUNTAIN HOME, AMENDING ORDINANCE NO. 2022-19, presented by Alma Clark

AN ORDINANCE AMENDING ORDINANCE NO. 2007-3 TO ADDRESS HUMIDITY LEVELS IN REGARD TO OPEN BURNING OF YARD WASTE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSE; presented by Kris Quick

A RESOLUTION ESTABLISHING INCENTIVES FOR RESIDENTIAL DEVELOPMENT WITHIN THE CITY LIMITS OF THE CITY OF MOUNTAIN HOME, ARKANSAS, presented by Wayne Almond

AN ORDINANCE AMENDING SECTION 2(B) OF ORDINANCE NO. 2023-2, AN ORDINANCE REGULATING NOISE WITHIN THE CITY OF MOUNTAIN HOME, ARKANSAS, presented by Hillrey Adams

COMMENTS

ADJOURN

Respectfully submitted,
Scott Liles, City Clerk

MINUTES
REGULAR CITY COUNCIL MEETING – March 2nd, 2023

1. The Mountain Home City Council met in regular session March 2nd, 2023, in the Council Chambers of the Municipal Building. Mayor Hillrey Adams called the meeting to order at 6 p.m., followed by the Pledge of Allegiance and a prayer.
2. **ROLL CALL** The following council members were present for the roll call: Bob Van Haaren, Susan Stockton, Jennifer Baker, Wayne Almond, Paige Evans, Carry Manuel, Jim Bodenhamer and Nick Reed.
3. **IN ATTENDANCE** Mayor Hillrey Adams, City Clerk Scott Liles, City Attorney Roger Morgan and Building Inspector Greg Ifland. Media present: Chris Fulton (Mountain Home Observer).
4. **MINUTES** Council member Jennifer Baker made a motion to approve the minutes from February 16th, 2023, meeting with one revision, correcting the year to 2022 on the entry for the budget cleanup resolution. The motion was seconded by council member Susan Stockton. The vote was recorded as follows: All present -- yes.
5. **NEW BUSINESS**

AN ORDINANCE ANNEXING PROPERTY CONTIGUOUS THEREWITH TO WATER & SEWER IMPROVEMENT DISTRICT NO. 3 OF THE CITY OF MOUNTAIN HOME, ARKANSAS; ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF MOUNTAIN HOME, ARKANSAS; AND TO ANNEX PROPERTY TO THE CITY OF MOUNTAIN HOME, ARKANSAS, AS COMMERCIAL C-2 This item was presented by attorney Ted Sanders. If approved, the annexation would incorporate a portion of property bordering U.S. Highway 62/412 and Hilltop Lane into the city with a Commercial C-2 designation. This property includes the Dollar General Store located at 3436 Highway 62 West and the currently undeveloped property where the Arkansas Game & Fish plans to build its office. If approved, the annexation would not go into effect until May 1, 2023.

SECOND READING After city attorney Roger Morgan read the ordinance, council member Jennifer Baker made the motion to suspend the rules and place it on its second reading by title only. That motion was seconded by council member Wayne Almond. The vote was recorded as follows: All present -- yes.

THIRD READING Following the ordinance's second reading, council member Jennifer Baker made the motion to suspend the rules and place the ordinance on its third reading by title only. That motion was seconded by council member Paige Evans. The vote was recorded as follows: All present -- yes.

ADOPTION After the third reading, council member Jennifer Baker made a motion to adopt the proposed ordinance and was seconded by council member Susan Stockton. The vote was recorded as follows: All present -- yes. The ordinance was declared adopted numbered as Ordinance No. 2023-7.

A RESOLUTION ESTABLISHING INCENTIVES FOR RESIDENTIAL DEVELOPMENT WITHIN THE CITY LIMITS OF THE CITY OF MOUNTAIN HOME, ARKANSAS This item was pulled from the agenda before any action could be taken, If approved, this resolution would have encouraged the construction of single-family homes in the city by offering developers a 2-percent cashback payment based on the estimated cost of the residence's construction, with an upper limit of \$7,000 per house. It was identical in many ways to the incentives presented in Resolution 2021-4 that expired at the end of 2022. Mayor Hillrey Adams noted that Resolution 2021-4 was adopted to encourage developers to build on vacant lots in the City's existing subdivisions -- to take "inventory off the shelf" -- and if adopted as written the new resolution would open the door for several newly platted subdivisions -- which were not in existence at the time of Resolution 2021-4's adoption on May 6, 2021 -- to qualify for the cashback incentive. The resolution might return later with modified language restricting the incentive program to subdivisions that were in existence when Resolution 2021-4 was adopted.

PRESENTATION AND DISCUSSION ON THE CITY'S AGREEMENT WITH THE NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT'S NORTH ARKANSAS TRANSPORTATION SERVICES City Council received a brief presentation by NWAEDD representatives Joe Willis, Jeremy Ragland and Jack Chisum on the impact of the city's three-month trial run of NATS' no-cost transportation service to Mountain Home residents. Under that agreement, residents were not charged with ride fares directly and instead the city was charged a flat \$1,250 per month for the ride services. Between December 1, 2022, and February 28, 2023, NATS provided 1,328 trips for Mountain Home citizens at no cost to the residents themselves. That figure includes 450 no-cost rides in December, a total of 413 rides in January and 465 rides in February. That three-month trial window closed at the end of February, meaning that NATS had begun charging city residents directly for transportation again. After discussion on the no-cost transportation program, council member Jennifer Baker made a motion to extend the City's agreement with NATS another three months -- through the months of March, April and May -- at the ongoing rate of \$1,250 per month for the ride service. This motion was seconded by Bob Van Haaren. The vote was recorded as follows: Yes -- Bob Van Haaren, Susan Stockton, Jennifer Baker, Wayne Almond, Nick Reed, Jim Bodenhamer and Carry Manuel; No -- Paige Evans. The motion was declared passed.

Council member Jennifer Baker also specified that her motion was retroactive to include the first few days of March when Mountain Home riders had been charged fares. NATS transportation director Jack Chisum said that the transportation service had been keeping records of individual Mountain Home rides since NATS began charging residents

on a per-trip basis once again, and those riders would be refunded the cost of their fares for the few days there was a gap in the no-cost program's coverage.

6. **COMMENTS** Mayor Hillrey Adams gave a brief update on construction plans for the city's combination community center and aquatic facility that will be built at McCabe Park. Dirt work will hopefully begin at the site in May, with construction time estimated to take about two years. Mayor Adams said his goal was for the city to not have to open its current pool at Cooper Park in the spring of 2025.

7. **ADJOURN**

With no further business to come before the council, Mayor Hillrey Adams declared the meeting adjourned at 6:38 p.m.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

MARCH 2023

03/09/2023 - W/S Committee Meeting

@ 4:30pm. Attending: Alma Clark, Johnny Dewey, Arnold Knox, Mayor Adams, Scott Liles, Nick Reed, Bob Van Haaren, & Kirby Rowland & one citizen Mary Ellen. We met in council chamber. The meeting adjourned at 5:00pm.

- **Cash analysis / Revenue / Expense Report ending FEBRUARY 2023 were passed out.**
- **Project reports for month ending FEBRUARY 2023 passed out.**
- **Our water loss was 30.6% Ending FEBRUARY 2023. The previous month was at 28.4%. We continue to fix and find leaks daily as these leaks present themselves.**
- **Alma passed out copies of the spreadsheet showing past to present water/sewer increase percentages per request of Paige Evans at the last w/s committee meeting.**
- **Alma Passed out a copy of the spreadsheet showing impact on users for water/sewer rate increases being proposed.**
- **Alma prepared and passed out copies of the water/sewer ordinances for water & sewer rate increases for Mayor and Committee review – Water will be at the CPI% of 7.0% and Sewer will be at 12.0% total = 7.0% CPI + 5.0% catch up. Water & Sewer ordinances will be on the March 16, 2023, Council agenda for a vote to implement the increases and will be effective on the bill that customers receive at the first of June 2023.**
- **Kirby passed out copies of Garver project updates to the W/S Committee that are in progress: WWTP upgrades & additional upgrades at WWTP, New Lake intake project, Master Plan Updates.**

PROJECT UPDATES:

- **Dyer St. phase II Sewer Line Upgrade: Started on 12/19/2022. Total footage to be upgraded is 2900' of pipe and 21 manholes to be replaced. To date we have laid 1078' of SDR 26 pipe and have set 6 manholes and 1 bore has been completed. Remaining to be laid is 1822' and 15 manholes. We moved back to 8th street to set one manhole and cleaned up after installing.**
- **Sharp Annexation Sewer Line Extension Phase 3: Still waiting on last payment from Delta Regional Authority. The last request for reimbursement was sent in February 2023 should be issued soon...**
- **Clysta Willet/Gregg Rd Water Line Extension: Started 11/07/22. All remaining dirt work, seed & strawing and hauling off extra dirt, asphalt road back inside the park & placing protective poles around fire hydrant and meter box is completed as of 03/07/2023. This crew will be going to Morris St /N Church Street to water line work & will have more information on this project later.**

Conway Sewer Line upgrade: Started on 02/21/2023. Total of approximately 300' of 8" pipe will be replaced due to concrete line collapsing. To date we have laid 42' of pipe and have been delayed due to rain and depth of line at around 20' deep with bad soil conditions making the job more difficult.

Morris St / N Church Water Line Upgrade: Started _____. Total footage that will be redone on church St is 786' of 8". On Morris St 705' of 6" water line.

Morris St / N Church Sewer Line Upgrade: Started _____. Total footage that will be redone on Church St is 697' of 8" and 2 manholes. On Morris St 904' & 3 manholes.

*******OUR NEXT MEETING IS (CHANGE DAYS & DATE) *******

NEXT MEETING WILL BE HELD ON APRIL 13, 2023 @ 4:30PM

Meeting will be held in council chambers.

Vehicle and Equipment Destruction Request

2003 Ford Ambulance Vin # 1FDWF36F5YEA44513 with 194,574 miles - **Auction**

2011 BMW Motorcycle Vin # WB1044005BZW19126 with 25,589 miles - **Auction**

1 dog kennel/cage out of a 2009 Ford Crown Vic – **Scrap Metal**

1 whole cage out of a Crown Vic – **Scrap Metal**

1 whole cage out of a 2014 Toyota Camry – **Scrap Metal**

1 half cage out of a 2015 Toyota Camry – **Scrap Metal**

2 half cages out of old Dodge Chargers – **Scrap Metal**

1 push bumper off a 2009 Ford Crown Vic – **Scrap Metal**

Window bars off Ford Crown Vics and old Dodges – **Scrap Metal**

9 old consoles from out of service vehicles – **Scrap Metal**

Several of the old-style computer stands that will not fit the new style consoles or computers. – **Scrap Metal**

9 old bar lights (5 off Crown Vics 3 off Dodge Chargers and 1 off a Ford Mustang) - **Destroy**

Several unusable siren control and light switch boxes out of the old units. - **Destroy**

Several unusable radars - **Destroy**

Various brackets and equipment from old units. – **Destroy**

The above listed items designated as scrap metal will be donated to the Mountain Home Citizen Police Academy Association. They will scrap the items and the funds raised will be donated back to benefit Mountain Home Police Department.

Paperwork Destruction Request All below listed items will be shredded.

Case files include: Paper copies of initial reports, handwritten citations, audio tape recordings, handwritten witness statements, polaroid pictures of discarded evidence, copies of warrants, interview transcripts, and other miscellaneous case paperwork. Cases are closed cases resulting in arrests, fines, or dropped cases.

2018, 2019, and 2020 Original Incident Reports. (All are stored in iSOMS)

According to Record Retention Laws for Arkansas Municipalities Destruction/Retention Laws (code ann. 14-2-204 & code ann 16-10-21) the records listed above are eligible for destruction after 3 years.

This is a request to destroy the following documents:

1975-2015 Case files

2016-2019 Step Grant Documentation

Box #1- 1993 Case files
Box #2- 1992-1993 Case files
Box #3- 1991-1992 Case files
Box #4- 1991 Case files
Box #5- 1990 Case files
Box #6- 1998-1990 Case files
Box #7- 1984-1987 Case files
Box #8- 1975-1984 Case files
Box #9- 1997 Case files
Box #10- 1996 Case files
Box #11- 1995-1996 Case files
Box #12- 1995 Case files
Box #13- 1994-1995 Case files
Box #14- 1993-1994 Case files
Box #15- 2000 Case files
Box #16- 1999 Case files
Box #17- 1998-1999 Case files
Box #18- 1998 Case files
Box #19- 1997-1998 Case files
Box #20- 1999 Case files Juvenile Files 2000-2011
Box #21- 1997 Case files
Box #22- 2000-2001 Case files
Box #23- 2001 Case files

Box #24- 2009 Case files
Box #25- 2006,2009 Case files
Box #26- 2003-2006 Case files
Box #27- 2003 Case files
Box #28- 2002 Case files
Box #29- 2001-2002 Case files
Box #30- 2009-2010 Case files
Box #31- 1986-1998 Juvenile Case files
Box #32- 1998-2011 Juvenile Case files
Box #33- 2010 Case files
Box #34- Step Grant Documentation 2017, 2018, 2019
Box #35- Step Grant Documentation 2016, 2017
Box #36- 2011 Case files
Box #37- 2011-2012 Case files
Box #38- 2012 Case files
Box #39- 2012-2013 Case files
Box #40- 2013 Case files
Box #41- 2013-2014 Case files
Box #42- 2014 Case files
Box #43- 2014-2015 Case files
Box #44- 2015 Case files
Box #45- 2015 Case files Juvenile Case files 2000-2001

- These files are 7 years old or greater.
 - All contents within the folders have been checked and are within iSOMS, Virtual Justice (District Court System), or F Drive Storage.
 - These records could include the following: handwritten citations/warnings, incident report involving subject listed on file, accident reports involving the listed subject on file (if fault is shown), District Court fine payments (handwritten) prior to the current digital court system, Freedom of Information requests on subject listed on file, Motion of Discovery on subject listed on file. Arkansas Code Ann 16-10-211 (Court Records)
-

Mountain Home Police Department no longer uses shotguns, we currently have 16 to be disposed of. They will be offered to officers for market value. If they are not purchased by officers, they will be sold at auction. The estimated market value is \$150 each. Serial numbers are included.

16 Shot Guns all 12 Gauge. Serial #'s

R670116
L1945010
L2057161
L1945213
277715
T003060V
S265594V
3229881
P398347
P573097
P331015
L348645
L348609
P583228
R492275
U607398

Mountain Home Police Department is transitioning from Glock .40 caliber pistols to 9 mm. We currently have 44 Glock .40 calibers in our inventory. There are a couple of reasons for the transition. First, in recent years availability of .40 ammunition has been limited at times and is more costly than 9mm; second, advancements in optics for pistols have greatly improved which will result in more proficient shooting. Mountain Home Police Department has been offered \$250 per pistol trade-in for the .40 calibers, it is our belief that figure is low. The .40 calibers will be offered to officers for \$300 for the Gen 4 .40 calibers and \$350 for the Gen 5 .40 calibers. The transition will cost approximately \$250 per weapon.

42 Glocks, all 40 Caliber. Serial #'s

Glock 22 BKRY476
Glock 22 AFDV833
Glock 23 AFDV486
Glock 22 AFDV856
Glock 22 BUSF872 Gen 5
Glock 22 BSYH342 Gen 5
Glock 22 BUSF871 Gen 5
Glock 22 BSYH343 Gen 5
Glock 22 BUSF874 Gen 5
Glock 22 BUSF873 Gen 5
Glock 23 BUSN322 Gen 5
Glock 23 BUSN321 Gen 5

Glock 22 KFB820
Glock 22 KFB821
Glock 22 KFB880
Glock 22 KFB881
Glock 22 KFB882
Glock 22 KFB885
Glock 22 KFB886
Glock 22 KFB887
Glock 22 KFB888
Glock 22 KFB890
Glock 22 KFB891
Glock 22 KFB892
Glock 22 TPM077
Glock 22 UFB549
Glock 22 XXU490
Glock 22 XXU491
Glock 23 EXR089
Glock 23 NMT858
Glock 23C DAZ124US
Glock 23C DAZ428US
Glock 23C BFGB205
Glock 23C BFGC755
Glock 23 BBTG504
Glock 22 BMCZ555
Glock 22 BMCZ556
Glock 23 BFGE759
Glock 22 KFB811
Glock 22 KFB812
Glock 22 KFB818
Glock 22 KFB819

1 Rifle Savage Model 110FP .223 Rem Serial # F599161

ORDINANCE NO. 2023 - ____

AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE PURCHASE OF AXON BODY WORN CAMERAS AND SOFTWARE

WHEREAS, the City of Mountain Home Police Department is desirous of purchasing thirty (30) body worn cameras with software and accessories; and

WHEREAS, the thirty (30) body worn cameras are necessary to meet the needs of the Police Department.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MOUNTAIN HOME, ARKANSAS

SECTION 1. The Police Department of the City of Mountain Home, Arkansas desires to purchase of thirty (30) body worn cameras for the purpose of replacing existing body worn cameras that are inoperable.

SECTION 2. Due to the nature of the purchase and the amount of the purchase the Police Department would like to purchase this equipment from Axon Enterprise as their equipment provided the most efficient and effective evidence library to protect the officers as well as the citizens of Mountain Home.

Section 3. That the Police Department is hereby authorized to purchase of thirty (30) body worn camera for a sum not to exceed \$275,000 (Two hundred seventy five thousand) from Axon Enterprise Inc. This amount will be invoiced over a 5-year period, in equal portions.

WHEREAS, the purchase of the body worn cameras is necessary for Police Department. An emergency is therefore declared to exist; and this Ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED THIS ____ DAY OF _____, ____ .

Hillrey Adams, Mayor

ATTEST:

Scott Liles, City Clerk

ORDINANCE NO. 2023-XX

AN ORDINANCE AMENDING THE ZONING ORDINANCE NO. 98-21 OF THE CITY OF MOUNTAIN HOME, ARKANSAS; CLARIFYING AND EXPANDING THE PERMITTED USES WITHIN THE ZONING DISTRICTS

WHEREAS, it is in the best interest of the residents of the City of Mountain Home that the City Council have input into development of the City; and

WHEREAS, the Zoning Ordinance is in need of amendment to better aid future development and growth of the City;

WHEREAS, there is a need for clarification and expansion of permitted uses within the zoning districts of the City of Mountain Home Zoning Ordinance.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNTAIN HOME, ARKANSAS, TO WIT:

Section 1. Permitted uses under all zoning districts in Ordinance No. 98-21 shall be deleted and replaced with. See Mountain Home Zoning Ordinance Permitted Use Table.

Section 2. Mountain Home Zoning Ordinance Permitted Use Table shall be adopted as Appendix A (See Attached) to the current Zoning Ordinance No. 98-21.

Section 3. When the Administrative Officials cannot determine the compatibility of a use in the Permitted Use Table, the Planning Commission shall recommend a Zoning District(s) in which the use can be determined to be compatible based upon the nature and external impacts of the use. The Planning Commission's recommendation shall be forwarded to the City Council to determine if the Zoning Ordinance Permitted Use Table should be amended to include the Planning Commission's recommendation.

PASSED AND APPROVED THIS 16TH DAY OF MARCH, 2023

HILLREY ADAMS, MAYOR

SCOTT LILES, CITY CLERK

MOUNTAIN HOME ZONING ORDINANCE PERMITTED USE TABLE

Permitted Uses	R-1	R-1A	R-2	R-3	R-4	R-5	C-1	C-2	C-2A	C-3	C-4	I-1	M-1	M-1R	A-1	S
Agriculture															X	
Animal Care or Boarding								X	X							
Animal Care or Boarding with Outdoor Area								X								
Automobile/Vehicle- Fueling Station (no repair)							X	X								
Automobile/Vehicle-Repair and or Service							X	X								
Automobile/Vehicle-Sales or Leasing							X	X								
Automobile/Vehicle-Tire Shop							X	X								
Automobile/Vehicle-Wash or Detailing							X	X								
Bar or Nighclub								X								
Barber or Beauty Shop							X	X	X							
Broadcasting Station							X	X								
Carnival-Temporary								X								
Cemetery								X	X	X						
Church or Place of Worship			X	X			X	X	X	X						
Columbarium								X	X	X						
Communication Tower								X	X	X						
Crypto Mining												S				S
Daycare-Adult							X	X	X	X						
Daycare-Center							X	X	X	X						
Daycare-Home Residential	S	S	S	S	S	S										S
Educational Institution			X	X			X	X	X	X						
Educational Institution-Real Estate School							X	X	X	X						
Event Center							X	X								
Food-Mobile Vehicle Court							X	X								
Funeral Home								X								

"X" means permitted by right

"S" means permitted subject to approval of a Special Use

MOUNTAIN HOME ZONING ORDINANCE PERMITTED USE TABLE

Permitted Uses	R-1	R-1A	R-2	R-3	R-4	R-5	C-1	C-2	C-2A	C-3	C-4	I-1	M-1	M-1R	A-1	S
Governmental Facility-Building or Office			X	X			X	X	X	X						
Hospital							X	X	X	X						
Hotel or Motel							X	X								
Junk, Salvage, Wrecking Yard								S								S
Large Implement/Vehical Repair								X								
Large Implement/Vehical Sales								X								
Manufacture/Modular Home Sales								X								
Manufacturing, Assemblage or Processing												X				
Medical Marijuana Cultivation Facility							X	X	X							
Microbrewery or Microdistillery with or without Restaurant							X	X								
Mining-Processing and Storage												X				
Monuments Sales							X	X	X	X						
Office- Bail Bondsman							X	X	X	X						
Office- Bank							X	X	X	X						
Office-Contractor With Outside Storage							X	X	X							
Office-Contractor Without Outside Storage							X	X	X	X						
Office-Professional Business							X	X	X	X						
Public Utility Structures	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Recreational Vehicle Park								X								
Recreation-Indoor Facility							X	X	X							
Recreation-Park or Playground	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

"X" means permitted by right

"S" means permitted subject to approval of a Special Use

MOUNTAIN HOME ZONING ORDINANCE PERMITTED USE TABLE

Permitted Uses	R-1	R-1A	R-2	R-3	R-4	R-5	C-1	C-2	C-2A	C-3	C-4	I-1	M-1	M-1R	A-1	S
Recycling Center								X								
Residential -Three Family Dwelling			X													
Residential -Two Family Dwelling		X	X													
Residential-Above Commercial							X	X	X	X						
Residential-Apartment 4 Units or more per Building				X	X											
Residential-Bed & Breakfast	X	X					X	X	X	X						
Residential-Boarding House	S	S					S									S
Residential-Condominium			X	X	X											
Residential-Four Family Dwelling			X	X	X											
Residential-Half-way House		S	S	S			S									S
Residential-Homeless Housing			S	S	S											S
Residential-Nursing Home and/or Assisted Living								X	X	X						
Residential-One Family Dwelling	X	X	X	X	X	X	X	X	X	X						
Residential-One Family Dwelling (Manufactured or Modular)														X		
Residential-Probation Parolee Housing		S	S	S			S									S
Residential-Short Term Rental	X	X	X	X	X	X	X	X	X	X						
Retail-Convenience Store							X	X								
Retail-Grocery Store							X	X								
Retail-Home Improvement								X								
Retail-Large Business (10,000+sq ft)								X								
Retail-Liquor Store								X								

"X" means permitted by right

"S" means permitted subject to approval of a Special Use

Fire Department needs for council meeting on March 16, 2023

- 1. Request to open new Checking Account for Fire Department Donation Funds at First Security Bank and move current amount for donations in amount of \$ 125,335.55 into this account from Farmers & Merchants using same line item in Incode for checking 113-1000-11020. Interest Rate at first security bank is @ 3.67% we are only drawing .14% at Farmers on this account.**
- 2. Request to open new Checking Account at First Security Bank for Act 833 Funds W/line item 109-1000-11020 in Incode for checking and move Act 833 funds that are currently inside Fire Department Donation Funds account at farmers to the new Act 833 fund checking in the amount of \$44,568.75 to new account when opened.**
- 3. Request to Create new funds for Act 833 inside Incode (Fund 109) and create line items for recording revenues & expenses for Act 833 to record transactions: Fund at current budgeted levels to new fund 109 from old fund 113. Fire Chief feel this will be a better way to track Act 833 due to the limitations and tracking/reporting ability for Act 833 funds.**
 - 109-1000-11020 - Act 833 Checking**
 - 109-4000-36010 - Act 833 - Revenue**
 - 109-4000-61230 - Act 833- Interest Income**
 - 109-4000-83300 - Act 833 – Carryover**
 - 109-5109-23010 - Act 833- Purchase Expenses**
 - 109-5109-79000 - Projected Carryover**
- 4. Request to close Farmers & Merchants Fire Department Donation Account after all funds have been transferred to new accounts satisfactorily.**
- 5. Request to open new Checking Account at First Security Bank for Public Safety for saved funds for (New Fire Station).**
 - Request approval to create a line item within Incode for new fire department checking account to be 134-1000-11021 - New Fire Station.**
 - Request authorization to move current saved funds from prior years savings thru end of 2022 in the amount of \$2,500,000 + 249,999.99 from January, February & March 2023 = for a TOTAL INITIAL TRANSFER of \$2,749,999.99 from the shared checking account 134-1000-11020 to new checking account 134-1000-11021 - New Fire Station.**
 - Request approval to then transfer to new checking 134-1000-11021 from shared checking 134-1000-11020 each month an amount to equal \$83,333.33/4 each month thru December 2023 to meet the remaining total of \$750,000.01 of the 2023 budgeted monies – minus any expenses that are paid out prior to getting account opened and moved to new one. This to allow for payment of invoices that have already started coming in will and will continue until the building is completed. The purpose for separation is for better tracking of expenses for this project. The total of saved and current budgeted funds for this project will be equal to \$3,500,000.00 at yearend.**

ORDINANCE NO. 2023 -

AN ORDINANCE AMENDING THE SCHEDULE OF RATES TO BE CHARGED AND COLLECTED FOR WATER SYSTEM USERS OF THE CITY OF MOUNTAIN HOME; REPEALING ORDINANCE NO. 2022-20 AND PRESCRIBING OTHER MATTERS RELATING THERETO

WHEREAS, it is determined by the City Council of Mountain Home, Arkansas, that current or existing rates charged for water service by the City of Mountain Home are not adequate for the operation and maintenance of the water system, and to retire the bonds and provide the margin of security for the bonds required and issued.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MOUNTAIN HOME, ARKANSAS, AS FOLLOWS:

Section 1.

That Ordinance No. 2022-20 and any other Ordinance concerning rates charged for water service by the City of Mountain Home, Arkansas shall specifically be amended by the rates set forth in this Ordinance. All provisions of said previous Ordinances shall remain in full force unless specifically changed by the terms of this Ordinance.

Section 2.

Monthly rates for **customers inside the City of Mountain Home** shall be as follows:

First 2,000 gallons used per month is the minimum charge.

Excess over 2,000 gallons per month is \$3.07 per 1,000 gallons.

MINIMUM CHARGE

	Combined	Mtr. Min.	Demand	ADH Fee
Residential ¾"	\$ 16.84	\$ 8.59	\$ 7.85	.40
Commercial ¾"	\$ 30.39	\$ 17.21	\$ 12.78	.40
Commercial 1"	\$ 54.39	\$ 29.47	\$ 24.52	.40
Commercial 1 ¼"	\$ 80.42	\$ 44.17	\$ 35.85	.40
Commercial 1 ½"	\$ 111.57	\$ 60.13	\$ 51.04	.40
Commercial 2"	\$ 213.19	\$ 121.49	\$ 91.30	.40
Commercial 3"	\$ 450.22	\$ 244.18	\$ 205.64	.40
Commercial 4"	\$ 735.41	\$ 366.90	\$ 368.11	.40
Commercial 6"	\$1,534.28	\$ 719.04	\$ 814.84	.40
Commercial 8"	\$2,950.21	\$ 1,492.08	\$ 1,457.73	.40

Monthly rates for customers **outside the City of Mountain Home** shall be as follows:

First 2,000 gallons per month is the minimum charge.

Excess over 2,000 gallons used per month is \$6.10 per 1,000 gallons.

MINIMUM CHARGE

	Combined	Mtr. Min.	Demand	ADH Fee
Residential ¾”	\$ 33.35	\$ 17.21	\$ 15.74	.40
Commercial ¾”	\$ 60.30	\$ 34.37	\$ 25.53	.40
Commercial 1”	\$ 108.40	\$ 58.90	\$ 49.10	.40
Commercial 1 ¼”	\$ 160.41	\$ 88.36	\$ 71.65	.40
Commercial 1 ½”	\$ 222.75	\$ 120.25	\$ 102.10	.40
Commercial 2”	\$ 425.96	\$ 242.98	\$ 182.58	.40
Commercial 3”	\$ 900.06	\$ 488.38	\$ 411.28	.40
Commercial 4”	\$ 1,470.44	\$ 733.79	\$ 736.25	.40
Commercial 6”	\$ 3,077.82	\$ 1,438.08	\$ 1,639.34	.40
Commercial 8”	\$ 5,862.25	\$ 2,946.37	\$ 2,915.48	.40

Section 3.

The schedule of charges as described above in section 2 shall be indexed at the first part of February of each year by the amount of increase in the (CPI) Consumer Price index for the preceding annual year January – December and will affect water used after February 15th of each year. The CPI percentage rate that will be used each year will be at the Arkansas Rate (The South Region) for water/sewer. The CPI rate adjustment will be accepted, declined, or modified as determined by the Council before it is applied each year. A copy of the revised rates will be available at all times at the water/sewer department office.

That it shall be the duty of the Mayor and City Council of the City of Mountain Home to authorize and conduct a review of rates charged by the City of Mountain Home on an annual basis.

Section 4. Effective Date

This ordinance shall be in full force and effect 30 days after passage.

PASSED AND APPROVED THIS _____ DAY OF _____ 2023.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

RATE INCREASE INFORMATION - COMMERCIAL & RESIDENTIAL CUSTOMERS ONLY

YEAR	WATER %	SEWER %			
2006	26.5%	NONE			
2007	25.0%	20.0%			
2008	20.0%	25.0%			
2009	5.0%	5.0%			
2010	NONE	NONE			
2011	NONE	NONE			
2012	NONE	NONE			
2013	NONE	NONE			
2014	NONE	NONE			
2015	NONE	NONE			
2016	NONE	NONE			
2017	2.0%	2.0%			
2018	NONE	NONE			
2019	1.5%	1.5%			
2020	2.1%	2.1%			
2021	1.4%	1.4%			
2022	7.4%	12.4%			
2023 PROPOSED	7.0%	12.0%			

IMPACT ON RESIDENTIAL / COMMERCIAL

ENDING

IN CITY / OUT OF CITY WATER / SEWER RATES

CPI

2022

Minimum 2000gal or less Residential 3/4" meter	
WATER CPI - 7.0%	\$0.56
DEMAND CPI - 7.0%	\$0.51
SEWER CPI 7.0% + INCREASE 5%	\$2.37
TOTAL INCREASE	\$3.44

Average user of 4500gal Residential 3/4" meter			
	Minimum	per 1000	total over
WATER CPI - 7.0%	\$0.56	0.20	\$0.50
DEMAND CPI - 7.0%	\$0.51		
SEWER CPI 7.0% + INCREASE 5%	\$2.37	0.44	\$1.10
TOTAL INCREASE	\$3.44		\$1.60
TOTAL INCREASE			\$5.04

Minimum 2000gal or less Commercial 3/4" meter	
WATER CPI - 7.0%	\$1.13
DEMAND CPI - 7.0%	\$0.84
SEWER CPI 7.0% + INCREASE 5%	\$3.53
TOTAL INCREASE	\$5.50

Average user of 4500gal Commercial 3/4" meter			
	Minimum	per 1000	total over
WATER CPI - 7.0%	\$1.13	0.20	\$0.50
DEMAND CPI - 7.0%	\$0.84		
SEWER CPI 7.0% + INCREASE 5%	\$3.53	0.44	\$1.10
TOTAL INCREASE	\$5.50		\$1.60
TOTAL INCREASE			\$7.10

OUT OF CITY WATER ONLY NO SEWER

Minimum 2000gal or less Residential 3/4" meter	
WATER CPI - 7.0%	\$1.13
DEMAND CPI - 7.0%	\$1.03
TOTAL INCREASE	\$2.16

Average user of 4500gal Residential 3/4" meter			
	Minimum	per 1000	total over
WATER CPI - 7.0%	\$1.13	0.40	\$1.00
DEMAND CPI - 7.0%	\$1.03		
TOTAL INCREASE	\$2.16		\$1.00
TOTAL INCREASE			\$3.16

Minimum 2000gal or less Commercial 3/4" meter	
WATER CPI - 7.0%	\$2.25
DEMAND CPI - 7.0%	\$1.67
TOTAL INCREASE	\$3.92

Average user of 4500gal Commercial 3/4" meter			
	Minimum	per 1000	total over
WATER CPI - 7.0%	\$2.25	0.40	\$1.00
DEMAND CPI - 7.0%	\$1.67		
TOTAL INCREASE	\$3.92		\$1.00
TOTAL INCREASE			\$4.92

WATER CPI 7.0%
 DEMAND CPI 7.0%
 SEWER CPI 7.0% / SEWER 5% CATCH UP FROM DEFICIT = 12.0% TOTAL SEWER INCREASE

ORDINANCE NO. 2023 -

AN ORDINANCE AMENDING THE SCHEDULE OF RATES TO BE CHARGED AND COLLECTED FOR SEWER SYSTEM USERS OF THE CITY OF MOUNTAIN HOME, AMENDING ORDINANCE NO. 2022-19

WHEREAS, it is necessary for the City to amend rates to be charged for the services of the Sewer System in accordance with the requirements of the bonds;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MOUNTAIN HOME, ARKANSAS:

Section 1.

That Ordinance No. 2022-19 and any other ordinance concerning rates charged for sewer service by the City of Mountain Home, Arkansas shall specifically be amended by the rates set forth in this ordinance. All provisions of said previous ordinances shall remain in full force unless specifically changed by the terms of this ordinance.

(a) That the City hereby established the rates to be charged for services furnished by the Sewer System; which the City Council finds and declares to be fair, reasonable and necessary, to be charged to all users who contribute wastewater to the Sewer System. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the Sewer System, including replacement (“OM&R”). (Replacement is defined as expenditures for obtaining and installing equipment, accessories or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which they were designed and constructed).

Section 2.

Minimum User Charges – The minimum monthly charge for 2,000 gallons per **residential user** of the Sewer System is comprised of and includes OM&R, Debt Service and an Administration Charge. The minimum monthly charge is as follows:

<u>Meter Size</u>	<u>Minimum Bill</u>
¾”	\$ 22.11
1”	\$ 31.04

(b) All **residential users** of the Sewer System shall be charged monthly \$4.12 per 1,000 gallons of metered water consumption.

(c) The minimum monthly charge for 2,000 gallons per **commercial and industrial users** of the Sewer System is comprised of and includes OM&R, Debt Service and an Administration Charge. The minimum monthly charge is as follows:

<u>Meter Size</u>	<u>Minimum Bill</u>
¾”	\$ 32.93
1”	\$ 48.25

1-1/2"	\$ 82.68
2"	\$ 134.94
3"	\$ 282.86
4"	\$ 494.52
6"	\$ 1,081.08
8"	\$ 1,909.90

All commercial and industrial users of the Sewer System shall be charged monthly \$4.12 per 1,000 gallons of metered water consumption.

(d) The minimum monthly charge for 2,000 gallons per **Baxter County Industrial Park user** of the Sewer System is comprised of and includes OM&R, Debt Service and an Administration Charge. The minimum monthly charge is as follows:

<u>Meter Size</u>	<u>Minimum Bill</u>
3/4"	\$ 47.20
1"	\$ 62.51
1-1/2"	\$ 96.91
2"	\$149.20

All Baxter County Industrial Park users of the Sewer System shall be charged monthly \$5.97 per 1,000 gallons.

(e) **Tapping Fee** That there shall be a tapping fee in an amount established by the City for every customer who connects to the Sewer System.

(f) None of the facilities or services afforded by the Sewer System shall be furnished without a charge being made therefore.

Section 3. Special Application

(a) **Sewer** – There shall be no connection to the City’s sanitary sewer system that is not physically located within the corporate limits of the City.

Section 4.

That a financial management system shall be established and maintained by the City to document compliance with federal regulations pertaining to the bonds. Such system will account for all revenues generated and expenditures for OM&R.

Section 5.

The schedule of charges as described above in section 2 shall be indexed at the first part of February of each year by the amount of increase in the (CPI) Consumer Price index for the preceding annual year January – December and will affect sewer used after February 15th of each year. The CPI percentage rate that will be used each year will be at the Arkansas Rate (The South Region) for water/sewer. The CPI rate adjustment will be accepted, declined, or modified as determined by the Council before it is applied each year. A copy of the revised rates will be available at all times at the water/sewer department office.

(a) The City will continuously monitor the revenues of the Sewer System, including specifically the adequacy of its rates and delinquent billings, and will take appropriate steps to remedy any delinquent billings or inadequacy of rates. The City will make a full review annually of the rates and charges of the Sewer System.

(b) The City shall at all times fix, charge and collect rates and charges for services furnished by the Sewer System, including increasing rates and charges as necessary, which shall provide revenues sufficient to at least: (1) pay the City's annual costs of OM&R; (2) pay annual debt service; and (3) provide the necessary bond coverage.

Section 6.

That the user charge system for the Sewer System shall take precedence over any terms or conditions of agreements or contracts between the City and any of the users which are inconsistent with applicable federal regulations regarding such user charge systems.

Section 7.

That the provisions of this Ordinance are severable and if a section, phrase or provision shall be declared invalid; such declaration shall not affect the validity of the remainder of the Ordinance.

Section 8.

That all Ordinances and Resolutions and parts thereof in conflict hereby repealed to the extent of such conflict.

Section 9. Effective Date

This ordinance shall be in full force and effect 30 day after passage.

PASSED AND APPROVED THIS _____ DAY OF _____ 2023.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

ORDINANCE NO. 2023-xx

AN ORDINANCE AMENDING ORDINANCE NO. 2007-3 TO ADDRESS HUMIDITY LEVELS IN REGARD TO OPEN BURNING OF YARD WASTE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, it is determined by the City Council of Mountain Home, Arkansas, that the City's existing ordinance addressing the burning of outside yard waste does not consider relative humidity levels in its prescribed safety standards; and

WHEREAS, after due consideration and deliberation, the City Council finds that such a change is reasonable and necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MOUNTAIN HOME, ARKANSAS, AS FOLLOWS:

Section 1

Ordinance No. 2007-3 is amended to read as follows:

Section 4. RESIDENTIAL SAFETY STANDARDS

No person, firm or corporation shall burn yard waste, unless the following safety standards are followed:

1. Burning shall be done only on a day with a five (5) mile per hour wind, or less.
2. All burning shall be constantly supervised by a competent person of not less than sixteen (16) years of age.
3. All burning shall not be less than twenty-five (25) feet from any structure.
4. All burning shall be ACCOMPLISHED during DAYLIGHT hours only.
5. Burning shall be always controlled and maintained in a safe manner, and a means to extinguish the fire shall be at the burn site, readily available and fully operational.
6. No open burning will be allowed when Fire Officials, or the Mayor, post a ban on outside burning due to weather conditions which make outside burning hazardous to the community;
7. No outside burning shall take place if the relative humidity level is at twenty-five (25) percent or less. This level will be determined by on-duty Fire Department personnel through local weather conditions or reports.
8. No person, firm or corporation shall burn household waste outside at any time.

Section 2

All other provisions of Ordinance No. 2007-3, or any Ordinances updating or repealing it, shall remain in full force and effect unless specifically changed by Ordinance.

Section 3

This ordinance shall be in full force and effect 30 days after passage.

Section 4

Emergency Clause As efficient and responsible administration of the open burning of yard waste is vital to the safety and welfare of the residents of Mountain Home, Arkansas; therefore, an emergency is declared to exist, and this Ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED THIS _____ DAY OF _____ 2023.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

RESOLUTION NO. _____

**A RESOLUTION ESTABLISHING INCENTIVES
FOR RESIDENTIAL DEVELOPMENT WITHIN
THE CITY LIMITS OF THE CITY OF MOUNTAIN HOME, ARKANSAS**

WHEREAS; demand for residential single family housing has increased significantly within the City's corporate limits; and

WHEREAS; the increase in demand has significantly reduced residential Single family housing inventory available within the City's corporate limits; and

WHEREAS; there is a limited quantity of available single family housing within the City's corporate limits; and

WHEREAS; the City of Mountain Home recognizes the need to incentivize the development of new residential single family housing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Mountain Home, Arkansas, that:

Section I: For new R-1 single family construction (R-1 one-family dwellings with suitable lot area, as defined by the Zoning Code of the City of Mountain Home) within the city limits of Mountain Home on currently existing improved lots within an existing platted subdivision that was in existence on or before July 17th, 2020, the City of Mountain Home will provide a one-time payment of two percent (2%) of the estimated cost of construction listed on the building permit up to but not to exceed seven thousand dollars (\$7,000) per R-1 single family application, subject to the terms of this Resolution.

Section II: To qualify for this 2% payment, a residential building permit application must be made after the passage of Resolution 2021-4 (dated May 6th, 2021) and construction completed before December 29th, 2023; and the City must complete a successful inspection of the property upon completion of construction.

Section III: Should all qualifications of this Resolution be met, a one-time 2% payment not to exceed \$7,000 shall be paid to the person or entity whose name appears on the application for the building permit, up to and until the cap set by the City Council has been reached.

Section IV: The 2% payment of up to \$7,000 shall be payable for every R-1 single family construction that meets the requirements of this Resolution. For example: If the permit

has an estimated cost of \$150,000 the permit holder would receive a \$3,000 payment. If the permit has an estimated cost of \$250,000 the permit holder would receive a \$5,000 payment.

Section V: The City will set a cap of \$100,000 to be paid to qualifying permit holders for any outstanding 2022 claims and any claims that might arise in 2023.

PASSED AND ADOPTED this _____ day of _____ 2023

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

ORDINANCE

NO. 2023-_____

AN ORDINANCE AMENDING SECTION 2 (B) OF AN ORDINANCE REGULATING NOISE WITHIN THE CITY OF MOUNTAIN HOME, ARKANSAS

WHEREAS, on January 19, 2023 the City Council of the City of Mountain Home passed an Ordinance Regulating Noise Within the City of Mountain Home; and

WHEREAS, an amendment is needed to clarify the intent and purpose of the Ordinance

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF MOUNTAIN HOME:

Section 1: Section 2(B) of Ordinance No. 2023-2 shall be and is hereby deleted and shall be replaced with the following, to wit:

- (B) The provisions of this section shall not apply to:
- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency;
 - (2) The emission of sound in the performance of emergency work;
 - (3) The movement of aircraft which is in all respects conducted in accordance with, or pursuant to applicable federal laws or regulations;
 - (4) The use of bells or chimes in conjunction with places of religious worship; and
 - (5) The intentional sounding or permitting the sounding of any fire, burglar or civil defense alarm, siren, whistle or similar stationary or emergency signaling device, for emergency purposes or for testing, provided such testing uses only the minimum cycle test time.
 - (6) The use of generators as may be needed to supply power in commercial or residential zones.
 - (7) Existing industrial installations which, over the previous one (1) year, have consistently operated as a consequence of process necessity and/or demonstrated routine normal operation.

Section 2: That all other provisions of Ordinance No. 2023-2 shall remain in full force and effect unless specifically changed by the terms of this Ordinance.

Section 3: That the control of noise within the City of Mountain Home is vital for the health and safety of its residents. Therefore, the terms and conditions of this Ordinance shall be in full force and effect from and after its passage.

PASS AND APPROVED this _____ day of _____, 2023.

MAYOR HILLREY ADAMS

ATTEST:

SCOTT LILES, CITY CLERK