

MOUNTAIN HOME CITY COUNCIL REGULAR MEETING AGENDA

THURSDAY, OCTOBER 19th, 2023 @ 6 P.M.
COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
720 HICKORY STREET, MOUNTAIN HOME, ARKANSAS

Pledge of Allegiance

Prayer

Roll call

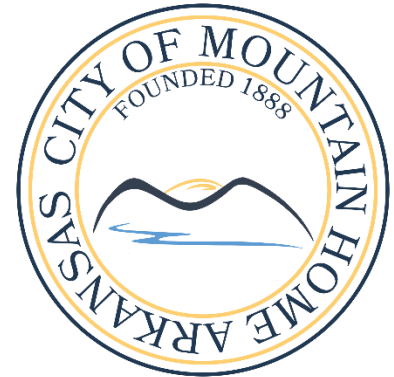
Minutes from the October 5th Council meeting

Committee reports

Bank reconciliations

Agenda additions

Announcements



NEW BUSINESS

AWARDING A KEY TO THE CITY TO THE CREW OF THE U.S.S. ARKANSAS, presented by Hillrey Adams and Allan Hale

AN ORDINANCE DECLARING A PROCEDURE FOR THE COPYING, RETENTION AND DISPOSAL OF EXHIBIT FILES FROM MEETINGS OF THE MOUNTAIN HOME CITY COUNCIL UNDER THE PROVISIONS OF A.C.A. §14-2-201 THROUGH §14-2-203, presented by Scott Liles

AN ORDINANCE SPECIFYING THE TYPE OF CEMENT TO BE USED WHEN POURING THRUST BLOCKS FOR UNDERGROUND PIPING SERVING SPRINKLER SYSTEMS AND STANDPIPE SYSTEMS, presented by Shawn Lofton

AN ORDINANCE ADDRESSING FIRE DEPARTMENT CONNECTIONS FOR SPRINKLER SYSTEMS OR STANDPIPE SYSTEMS AND SETTING A MAXIMUM DISTANCE FROM THE NEAREST FIRE HYDRANT FOR SUCH FIXTURES, presented by Shawn Lofton

AN ORDINANCE AMENDING ORDINANCE NO. 2003-24, WHICH REGULATES THE RETAIL SELLING, MANUFACTURE, SHOOTING, OR DISCHARGING OF FIREWORKS WITHIN THE BOUNDARIES OF THE CITY OF MOUNTAIN HOME, ARKANSAS, presented by Shawn Lofton

COMMENTS

ADJOURN

Respectfully submitted,
Scott Liles, City Clerk

MINUTES

PUBLIC HEARING ON GRANT FOR GRANDMA'S HOUSE – Thursday, October 5th, 2023

1. A public meeting was held in the Council Chambers of the City of Mountain Home's Municipal Building on Thursday, October 5th, 2023. Mayor Hillrey Adams called the meeting to order at 5:34 p.m. with 20 residents in attendance. This was a post-action hearing to follow up on Grandma's House Childrens Advocacy Center being awarded a \$200,000 Community Development Block Grant (CDBG) in 2020.
2. Chelsey Weaver with the Northwest Arkansas Economic Development District and Michelle Steiner with Grandma's House addressed the public at the hearing.
3. Weaver explained that the hearing was a necessary step to close out the file on the grant. Under the terms of the grant, the City was a pass-through entity, receiving the funds first before dispensing the money to Grandma's House for numerous improvements and renovations.
4. Steiner explained that the improvements funded by the grant have made "a world of difference" to the center. Some of the improvements/construction projects funded through the grant included HVAC improvements, gutter work, bathroom updates and improving the center's therapy area to provide more privacy. The last of the construction work was completed earlier this year.
5. Comments or questions from the audience were then solicited. No comments were offered from the floor.
6. With no further business, Mayor Hillrey Adams declared the public hearing adjourned at 5:40 p.m.

MINUTES

REGULAR CITY COUNCIL MEETING – Thursday, October 5th, 2023

1. The Mountain Home City Council met in regular session on October 5th, 2023, in the Council Chambers of the Municipal Building. Mayor Hillrey Adams called the meeting to order at 5:40 p.m. following the conclusion of the public hearing on the grant for Grandma's House.
2. **ROLL CALL** Following the Pledge of Allegiance and an invocation, 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. **CITY OFFICIALS IN ATTENDANCE** City officials present: Mayor Hillrey Adams, City Clerk Scott Liles, Parks Director Daniel Baxley, Police Chief Eddie Griffin and Code Enforcement Officer Mike Anderson.
4. **MEDIA IN ATTENDANCE** Caroline Spears with The Baxter Bulletin and David Taylor with the Daily Citizen Journal.

5. **MINUTES** Council member Jennifer Baker made a motion to approve the minutes from the September 28th, 2023, meeting. The motion was seconded by council member Wayne Almond. *The vote was recorded as follows: Bob Van Haaren, Susan Stockton, Wayne Almond, Jennifer Baker, Paige Evans, Carry Manuel, Jim Bodenhamer and Nick Reed – Yes. The motion carried and the September 28th minutes were declared adopted.*
6. **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 RESIDENTIAL R-2 If adopted, this Ordinance would annex into the City two wooded lots at the corner of Sunset Drive and Robin Drive as Residential R-2. The lots' owners hope to develop the area as a subdivision with triplexes and need to connect to the City's sewer system, hence their petition for annexation. City Clerk Scott Liles placed the item on its first reading in its entirety.

SECOND READING After the item's first reading, council member Bb Van Haaren made a motion to suspend the rules and place the Ordinance on its second reading by title only. His motion was seconded by council member Carry Manuel. *The vote was recorded as follows: All present – Yes; and the motion was declared passed.*

THIRD READING Following the proposed Ordinance's second reading, council member Bob Van Haaren made a motion to suspend the rules and place the item on its third reading by title only. Council member Nick Reed seconded that motion. *The vote was recorded as follows: All present – Yes; and the motion was declared passed.*

ADOPTION Ater the item's third reading, council member Bob Van Haaren made a motion to adopt the proposed Ordinance. His motion was seconded by council member Carry Manuel. *The vote was recorded as follows: All present – Yes; and the Ordinance declared adopted and numbered Ordinance No. 2023-37.*

A RESOLUTION LEVYING A 2 MILL CITY TAX ON THE COUNTY TAX COLLECTOR'S BOOKS FOR THE FORTHCOMING YEAR If adopted, this resolution would set the City's municipal property tax millage for 2023. Residents would see that millage on the 2023 tax statements that the county mails out early next year and collects in the fall. Under Arkansas law, cities must adopt their desired millage each year and report that information to the county for its countywide appropriation ordinance addressing millages it adopts each November. Last year's 2-mill property tax generated \$704,605 for the City, with 60 percent of that revenue going into the General Fund and the remaining 40 percent going to the Street Department. Council member Jennifer Baker made a motion to adopt the proposed resolution, which would continue to see the City levy a 2-mill property tax like it has done in years past. Council member Jim Bodenhamer seconded the motion. *The*

vote was recorded as follows: All present – Yes; and the Resolution declared adopted and numbered Resolution No. 2023-11.

CLERK'S NOTE *A letter stating the City's desire to continue to collect 2 mills in property tax and a copy of resolution No. 2023-11 were hand-delivered to the County Judge's office on the morning of Friday, October 6th, 2023, by City Clerk Scott Liles. A copy of that millage letter may also be found in the paperwork file for Resolution No. 2023-11.*

7. ADJOURN

With no further business to come before the council, Mayor Hillrey Adams declared the meeting adjourned at 5:57 p.m.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

MH Parks & Recreation Committee Meeting
City Hall / Tuesday October 3rd , 2023 4:30 p.m.

Member Attendance: Wayne Almond, Nick Reed, Susan Stockton, Paige Evans, Daniel Baxley, Scott Liles

New Business: Daniel presented the 3rd Quarter report. Daniel discussed that there is a leak in the restrooms at the soccer complex that they are currently working to repair. Paige presented that the committee would like to receive the “quarterly” report monthly going forward. The committee agreed that going forward the report would be presented monthly.

Updates: Daniel presented that Soccer is going well, with the exception of a power outage this week. Daniel updated that the drawings and quotes have been sent in for the USTA grant, with an additional \$10,000 being a possibility to receive. Daniel then presented that the couch to 5K registration is still open. Daniel also discussed that we are currently looking at different photography company options for sports pictures for this season and going forward. Daniel will bring the proposals at the November commission meeting.

Open Discussion: Daniel discussed the NICA race and attendance of 613 racers, 330 coaches & 2200 spectators. Daniel discussed future applicants for the ARPA awards. Daniel updated that we are still looking for teams to participate in the Parks & Recreation Dodgeball tournament on November 4th. Daniel then presented that ASUMH wants to participate in the volleyball program on Wednesday nights and do a trade of the use of their canoes for our outdoor day for the use of the facility for volleyball.

Grant Updates: Daniel presented that we have two outstanding grants that have been applied for, the RTP grant and the USTA grant are submitted and waiting for response. Danile then presented that the Arkansas Outdoor grant was denied due to deficiencies in the submittal, but that we will be able to re-apply next year.

Meeting was adjourned.

Meeting Recorded 10/3/23.

PROPOSED ORDINANCE; NOT FOR FIRST READING

ORDINANCE NO. 2023-xx

**AN ORDINANCE DECLARING A PROCEDURE FOR THE COPYING,
RETENTION AND DISPOSAL OF EXHIBIT FILES FROM MEETINGS
OF THE MOUNTAIN HOME CITY COUNCIL UNDER THE PROVISIONS
OF A.C.A. §14-2-201 THROUGH §14-2-203**

WHEREAS, the City of Mountain Home desires to create an official policy in order to address the ongoing scanning, preservation, and retention of Exhibit Files from its City Council meetings, and;

WHEREAS, the preservation and retention of these files is best addressed by converting said Exhibit Files from its original paper form into a electronic facsimile, and;

WHEREAS, Arkansas Code Annotated §14-2-201 through §14-2-203 addresses the copying of such documents and allows cities to establish its own record retention policies, provided they comply with specific state statutes regarding municipal records.

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

EXHIBIT FILES PROCEDURE

1. Upon the completion of the minutes from a particular City Council meeting, workshop or public hearing, the City Clerk shall make a digital copy that meeting's Exhibit Files to be retained by the City.

2. At the time of reproduction, the City Clerk shall prepare a certificate certifying that the reproduced document is an accurate copy of the original record, and that certificate shall be reproduced with the original documents.

3. Once an electronic copy of the Exhibit Files has been produced, that copy shall be considered a true and accurate version of the document. The City shall treat the electronic copies of Exhibit Files with the same caution as it would with the original documents. Exhibit Files existing in electronic form shall continue to remain available to the public.

4. Once an electronic copy has been produced and preserved, the City Clerk may then destroy the original paper Exhibit Files in whatever manner and timeframe is most

efficient. As this is planned as a routine procedure going forward, this Ordinance shall satisfy any requirements that the Mayor or the City Council order the destruction of any original Exhibit Files.

5. The following records shall continue to be maintained permanently in either the original or electronic format as required by law:

- (A) Ordinances;
- (B) City council minutes;
- (C) Resolutions;
- (D) Annual financial audits;
- (E) Year-end financial statements.

REPEALING CLAUSE

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

DATE OF ENACTION

This ordinance and its procedures shall be in effect beginning January 1, 2024.

PASSED AND APPROVED THIS XXth DAY OF XXXXXXXX, 2023.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

Publisher's Notes. Acts 2015, No. 137 became law without the Governor's signature.

RESEARCH REFERENCES

U. Ark. Little Rock L. Rev. John M. A. DiPippa, Bias in Disguise: The Constitutional Problems of Arkansas's Intrastate Commerce Improvement Act, 37 U. Ark. Little Rock L. Rev. 469 (2015).

CASE NOTES

Ordinance Invalid.

City of Fayetteville Ordinance 5781 violated the Intrastate Commerce Improvement Act, § 14-1-401 et seq., by extending the city's discrimination laws to include two classifications not previously included under state law, i.e., sexual orientation and gender identity, thereby creating a nonuniform nondiscrimination law. Protect Fayetteville v. City of Fayetteville, 2017 Ark. 49, 510 S.W.3d 258 (2017).

Ark. Const., Art. 12, § 4, states that "[n]o municipal corporation shall be authorized to pass any laws contrary to the general laws of the state", and case law has held that municipal corporations have only the power bestowed on them by statute or the state constitution; therefore, city ordinances that conflict with state statutes are void under the Arkansas Constitution. Protect Fayetteville v. City of Fayetteville, 2019 Ark. 30, 565 S.W.3d 477 (2019).

Supreme Court's prior opinion and mandate operated as a binding adjudication that a Fayetteville ordinance violated Acts 2015, No. 137, codified as § 14-1-401 et seq., which prohibits a county, municipality, or other political subdivision of the state from adopting or enforcing an ordinance, resolution, rule, or policy that creates a protected classification or prohibits discrimination on a basis not contained in state law. Because the circuit court exceeded its jurisdiction on remand in denying appellants' motion for a preliminary injunction enjoining enforcement of the ordinance, its actions following remand were void. Protect Fayetteville v. City of Fayetteville, 2019 Ark. 30, 565 S.W.3d 477 (2019).

14-1-403. Prohibited conduct.

(a) A county, municipality, or other political subdivision of the state shall not adopt or enforce an ordinance, resolution, rule, or policy that creates a protected classification or prohibits discrimination on a basis not contained in state law.

(b) This section does not apply to a rule or policy that pertains only to the employees of a county, municipality, or other political subdivision.

History. Acts 2015, No. 137, § 1.

Publisher's Notes. Acts 2015, No. 137 became law without the Governor's signature.

RESEARCH REFERENCES

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CHAPTER 2

PUBLIC RECORDS GENERALLY

SUBCHAPTER 2 — REPRODUCTION OF RECORDS

SECTION.

- 14-2-201. Authority — Requirements.
- 14-2-202. Copy of record — Admissibility.
- 14-2-203. Disposal, etc., of copied records.
- 14-2-204. Municipal police department records.

Publisher's Notes. Acts 1947, No. 218, is also codified as § 25-18-101.

14-2-201. Authority — Requirements.

(a) The head of any county or municipal department, commission, bureau, or board may cause any or all records kept by the official, department, commission, or board to be photographed, microfilmed, photostated, or reproduced on or by film, microcard, miniature photographic recording, optical disc, digital compact disc, electronic imaging, or other process that accurately reproduces or forms a durable medium for reproducing the original when provided with equipment necessary for such method of recording.

(b) At the time of reproduction, the agency head shall attach his or her certificate to the record certifying that it is the original record, and the certificate shall be reproduced with the original.

(c) The device used to reproduce the records shall be such as to accurately reproduce and perpetuate the original records in all details.

History. Acts 1947, No. 218, § 1; A.S.A. 1947, § 16-501; Acts 2001, No. 1630, § 1.

Cross References. Photographic recording authorized, § 16-46-101.

14-2-202. Copy of record — Admissibility.

(a) The reproduction made in accordance with § 14-2-201, when satisfactorily identified, shall be admissible into evidence as provided in § 16-46-101 or any other provision of law or court rules governing the admission of evidence.

(b) For all purposes recited in this section, a facsimile, exemplification, or certified copy thereof shall be

Accurate reproduction certificate certifying this is original record

deemed to be a transcript, exemplification, or certified copy of the original.

History. Acts 1947, No. 218, § 2; A.S.A. 1947, § 16-502; Acts 2001, No. 1630, § 2.

14-2-203. Disposal, etc., of copied records.

(a) Whenever reproductions of public records have been made in accordance with § 14-2-201 and have been placed in conveniently accessible files or other suitable format and provision has been made for preserving, examining, and using them, the head of a county office or department or city office or department may certify those facts to the county court or to the mayor of a municipality, respectively, who shall have the power to authorize the disposal, archival storage, or destruction of the records.

(b) Cities of the first class, cities of the second class, and incorporated towns may by ordinance declare a policy of record retention and disposal, provided that:

(1) The city or town complies with any specific statute regarding municipal records; and

(2) The following records are maintained permanently in either the original or electronic format as required by law:

- (A) Ordinances;
- (B) City council minutes;
- (C) Resolutions;
- (D) Annual financial audits; and
- (E) Year-end financial statements.

History. Acts 1947, No. 218, § 4; A.S.A. 1947, § 16-504; Acts 2001, No. 1630, § 3; 2005, No. 1252, § 1.

RESEARCH REFERENCES

U. Ark. Little Rock. L. Rev. Survey of Legislation, 2005 Arkansas General Assembly, Local Government, 28 U. Ark. Little Rock. L. Rev. 373.

14-2-204. Municipal police department records.

(a) All municipalities of the State of Arkansas shall maintain records for the city or town police department or marshal's office, if the records are currently being maintained, as follows:

(1) Maintain for seven (7) years after closure of the case file or permanently, as the municipality shall determine, provided that §§ 12-12-104 and 14-2-203(b)(1) are complied with and that records related to crimes of violence as defined by § 5-42-203 are maintained permanently:

(A) Closed municipal police case files for felony and Class A misdemeanor offenses; and

(B) Expungement orders of municipal police cases; and

(2) Maintain for three (3) years:

- (A) Accident reports;
- (B) Incident reports;
- (C) Offense reports;
- (D) Fine and bond records;
- (E) Parking meter records;
- (F) Radio logs and complaint cards; and

(G) Employment records, payroll sheets, time cards, and leave requests.

(b)(1) If maintained for more than ten (10) years after the date the record was created, records under subdivision (a)(1) of this section may be copied and maintained in accordance with § 14-2-203.

(2) Records under subdivision (a)(2) of this section may be copied in accordance with § 14-2-203 or are subject to disposal after the specified time period has passed.

History. Acts 2003, No. 1187, § 1; 2005, No. 1252, § 2.

RESEARCH REFERENCES

U. Ark. Little Rock. L. Rev. Survey of Legislation, 2005 Arkansas General Assembly, Local Government, 28 U. Ark. Little Rock. L. Rev. 373.

SUBCHAPTER 3 — UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT

SECTION.

14-2-305. Administration and standards.

14-2-305. Administration and standards.

(a)(1) An Electronic Recording Commission consisting of eleven (11) members appointed by the Governor is created to adopt standards to implement this subchapter.

(2) A majority of the members of the commission shall be county recorders.

(3) A member of the commission shall be from the banking, title, or real estate industry.

(4) A member of the commission shall serve a term of four (4) years.

(5) The terms of the current commission members shall expire on December 31, 2021.

(6) Each member of the commission may receive expense reimbursement in accordance with § 25-16-901 et seq.

(b) To keep the standards and practices of county recorders in this state in harmony with the standards and practices of recording offices in other jurisdictions that enact substantially this subchapter and to keep the technology used by county recorders in this state compatible with technology used by recording offices in other jurisdictions that enact substantially this subchapter, the Electronic Recording Commission, so far as is consistent with the purposes, policies, and provisions of this subchapter, in adopting, amending, and repealing standards shall consider:

(1) Standards and practices of other jurisdictions;

(2) The most recent standards promulgated by national standard-setting bodies, such as the Property Records Industry Association;

(3) The views of interested persons and governmental officials and entities;

(4) The needs of counties of varying size, population, and resources; and

(5) Standards requiring adequate information security protection to ensure that electronic documents are

SUBJECT		ADOPTION	AYE	NAY	ABSTAIN
		Bob Van Haaren			
		Susan Stockton			
		Jennifer Baker			
		Wayne Almond			
		Paige Evans			
	Motion to adopt:	Carry Manuel			
1st		Jim Bodenhamer			
2nd		Nick Reed			

5:34
5:42
City as pass thru
in 2020
\$200K work first feed in 2022

Chelsey Weaver
WINVAEDD
Ages 0-18

Grandma's House
Michelle Steiner Center
Children's Agency
Construction Community development
in 2020
\$200K work first feed in 2022

SUBJECT		ADOPTION	AYE	NAY	ABSTAIN
		Bob Van Haaren			
		Susan Stockton			
		Jennifer Baker			
		Wayne Almond			
		Paige Evans			
	Motion to adopt:	Carry Manuel			
1st		Jim Bodenhamer			
2nd		Nick Reed			

Modifications have made 'a world of difference'

HVAC, gutters
Change therapy area for more privacy
& bathrooms update

SUBJECT		ADOPTION	AYE	NAY	ABSTAIN
		Bob Van Haaren			
		Susan Stockton			
		Jennifer Baker			
		Wayne Almond			
		Paige Evans			
	Motion to adopt:	Carry Manuel			
1st		Jim Bodenhamer			
2nd		Nick Reed			

COUNCIL MEETING DATE 10/5/23 92

MEETING STARTS: 5:40 PM MEETING ENDS: 5:57 PM

ROLL CALL		PRESENT	ABSENT
8	Bob Van Haaren	<i>[Handwritten initials]</i>	
	Susan Stockton		
	Jennifer Baker		
	Wayne Almond		
	Paige Evans		
	Carry Manuel		
	Jim Bodenhamer		
	Nick Reed		

MINUTES	ADOPTION	AYE	NAY	ABSTAIN
Date of minutes: <u>9/28/23</u>	Bob Van Haaren	<i>[Handwritten initials]</i>		
	Susan Stockton			
	Jennifer Baker			
	Wayne Almond			
	Paige Evans			
Motion to adopt:	Carry Manuel			
1st <u>Sen</u>	Jim Bodenhamer			
2nd <u>Wayne</u>	Nick Reed			

MINUTES	ADOPTION	AYE	NAY	ABSTAIN
Date of minutes:	Bob Van Haaren			
	Susan Stockton			
	Jennifer Baker			
	Wayne Almond			
	Paige Evans			
Motion to adopt:	Carry Manuel			
1st	Jim Bodenhamer			
2nd	Nick Reed			

Hilrey Adams, Mayor
Scott Liles, City Clerk

Daniel Bortley, Parks
Eddie Griffin, PD
Mike Anderson, Code Enforcement

David Tzylin, Citizens Jour
Caroline Speers, Baxter Bulleb

SUBJECT				
	ADOPTION	AYE	NAY	ABSTAIN
2-mill property tax for coming year	Bob Van Haaren	AYE		
	Susan Stockton			
	Jennifer Baker			
	Wayne Almond			
	Paige Evans			
	Motion to adopt:		Carry Manuel	
1st <i>Den</i>	Jim Bodenhamer			
2nd <i>Sum</i>	Nick Reed			
<p>60% general fund \$555,256 40% streets \$149,349 <u>\$704,605</u></p>				

SUBJECT				
	ADOPTION	AYE	NAY	ABSTAIN
	Bob Van Haaren			
	Susan Stockton			
	Jennifer Baker			
	Wayne Almond			
	Paige Evans			
	Motion to adopt:	Carry Manuel		
1st	Jim Bodenhamer			
2nd	Nick Reed			

SUBJECT				
	ADOPTION	AYE	NAY	ABSTAIN
	Bob Van Haaren			
	Susan Stockton			
	Jennifer Baker			
	Wayne Almond			
	Paige Evans			
	Motion to adopt:	Carry Manuel		
1st	Jim Bodenhamer			
2nd	Nick Reed			

CERTIFICATE

The undersigned, City Clerk of the City of Mountain Home, Arkansas, hereby certifies that the foregoing pages are a true and correct copy of Exhibit Files generated by a meeting of the Mountain Home City Council, held at the regular meeting place of the Council at _____ on the _____ of _____, 2024.

GIVEN under my hand and seal this _____ day of _____, 2024.

SCOTT LILES, CITY CLERK

ORDINANCE NO. 2023-xx

AN ORDINANCE SPECIFYING THE TYPE OF CEMENT TO BE USED WHEN POURING THRUST BLOCKS FOR UNDERGROUND PIPING SERVING SPRINKLER SYSTEMS AND STANDPIPE SYSTEMS

WHEREAS, the National Fire Protection Association Volume 13 (NFPA 13) requires concrete thrust blocks by poured for underground piping serving sprinkler systems and standpipe systems;

WHEREAS, the quality and consistency of the cement poured in said thrust blocks is pertinent to health, safety and welfare of the residents of the City of Mountain Home;

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

SECTION 1. TYPE OF CONCRETE TO BE USED IN THRUST BLOCKS

For contractors, builders, property owners and others pouring thrust blocks for underground piping serving sprinkler systems and standpipe systems as required by NFPA 13, the cement used in the pour must be ready-mix concrete. The use of site-mixed concrete in pouring thrust blocks will not be permitted. The Fire Marshal or his designee shall be present at pouring.

SECTION 2. PENALTY

Any person, firm or corporation found guilty of violating this Ordinance shall be guilty of a misdemeanor and shall upon conviction be fined Five Hundred Dollars (\$500.00) for every violation. A violation may also lead to the City suspending or revoking any applicable building permits the ticketed person, firm or corporation has on file with the City until the violation is resolved.

SECTION 3. EMERGENCY CLAUSE

There is an immediate need to bring the current regulations providing for the protection of dwellings, structures and businesses from fire hazard. Therefore, an emergency is hereby declared to exist and this ordinance, being necessary for the preservation of public safety, property and welfare, shall be in full force and effect from and after its passage.

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER, 2023.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

ORDINANCE NO. 2023-xx

**AN ORDINANCE ADDRESSING FIRE DEPARTMENT CONNECTIONS
FOR SPRINKLER SYSTEMS OR STANDPIPE SYSTEMS
AND SETTING A MAXIMUM DISTANCE FROM
THE NEAREST FIRE HYDRANT FOR SUCH FIXTURES**

WHEREAS, the Mountain Home City Council currently operates under the Arkansas Fire Prevention Code as adopted in Ordinance No. 2003-10 and modified under Ordinance No. 2022-23;

WHEREAS, specific language addressing connections for sprinkler systems or standpipe systems appeared in Volume I of the 2012 Arkansas Fire Prevention Code but was removed from the Code's 2021 edition;

WHEREAS, the City of Mountain Home wishes to re-adopt such deleted language back into its own municipal fire code;

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

SECTION 1. LANGUAGE TO BE ADOPTED

The following language is hereby adopted for use in the City of Mountain Home's municipal fire code alongside the provisions of the current Arkansas Fire Prevention Code:

Fire department connections for each sprinkler system or standpipe system shall be located no more than 100 feet (30,480 meters) from the nearest fire hydrant connected to an approved water supply measured along the path of vehicle travel.

SECTION 2. PENALTY

Any person, firm or corporation found guilty of violating this Ordinance shall be guilty of a misdemeanor and shall upon conviction be fined Five Hundred Dollars (\$500.00) for every violation. A violation may also lead to the City suspending or revoking any applicable building permits the ticketed person, firm or corporation has on file with the City until the violation is resolved.

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SHOOTING, OR DISCHARGING OF FIREWORKS WITHIN
THE BOUNDARIES OF THE CITY OF MOUNTAIN HOME, ARKANSAS**

WHEREAS, it has been determined that fireworks displays should be managed and operated by duly certified pyrotechnics technicians, for the safety of our city inhabitants and visitors to the city, and;

WHEREAS, it has been determined that all fireworks displays and fireworks retail sales require a duly authorized written permit, issued by the Fire Chief or City Fire Inspector, and must be approved by the Fire Chief, and;

WHEREAS, it has been deemed appropriate that the permit must be obtained five days in advance of the fireworks display and retail sales of fireworks, and the custody of the permit will be retained by the pyrotechnics technician or sales associate and produced when required by police or fire officials at the display location.

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

SECTION 1. MANUFACTURE, SELLING OR USE OF FIREWORKS.

It shall be unlawful for any person, firm or corporation to sell or offer for sale, or to make or manufacture; or to use by shooting, exploding, discharging, firing or setting off, ANY type of firework or other explosive within the City limits of Mountain Home, Arkansas, without first obtaining a duly authorized written permit issued by the Fire Chief or City Fire Inspector, and approved by the Fire Chief.

PERMIT FOR RETAIL SALES: A permit for retail sales of fireworks shall be obtained from the Arkansas State Police. A permit for the retail sales of fireworks within the City limits shall be obtained from the City Of Mountain Home Fire Department Inspection Division and shall be signed by City of Mountain Home Fire Department Chief and Fire Inspector. The cost of the retail sales permit from the City of Mountain Home shall be One Hundred Dollars (\$100.00). To obtain a retail sales permit, a copy of the Arkansas State Police Retail Sales Permit and a corporate surety bond in the principal

sum of One Hundred Thousand Dollars (\$100,000.00) (or a public liability insurance policy for the same amount), shall be provided to the City of Mountain Home Fire Department Fire Inspection Division. The person purchasing the permit must be a least twenty-one (21) years of age.

PERMIT FOR PUBLIC DISPLAYS: A permit for public display of fireworks shall be obtained from the Arkansas State Police. A permit for the public display of fireworks shall be obtained from the City of Mountain Home Fire Department Fire Inspection Division and shall be signed by the Fire Chief and Fire Inspector. To obtain a permit for public fireworks display, a copy of the Arkansas State Police permit and a corporate surety bond in the principal sum of Two Hundred-Fifty Thousand Dollars (\$250,000.00) (or a public liability insurance policy for the same amount) shall be provided. A site plan shall be submitted to the Mountain Home Fire Department Fire Inspection Division. The site plan shall include the dimensions of the discharge site, spectator viewing area, parking areas, and the fallout area as well as the required separation distances of seventy-five feet per the largest inch diameter of the firework shell.

SECTION 2. TIME LIMITATIONS

All applications for firework permits shall be made at least five (5) days prior to the requested date of discharging the fireworks.

Fireworks may be sold beginning on June 20th through July 10th and beginning on December 10th through January 5th of each year. Fireworks shall not be discharged within the corporate limits of Mountain Home, Arkansas without a permit.

SECTION 3. SAFETY REQUIREMENTS FOR RETAIL SALES

All fireworks shall have the fuses protected. Smoking of lighted cigarettes, cigars or pipes shall not be permitted inside or within 50 feet of the consumer fireworks retail sales area. **“FIREWORKS—NO SMOKING”** signs shall be provided and must be visible from all directions inside and outside the retail sales location. The signs shall have letters 4 inches in height, red in color with contrasting background. Fireworks shall not be discharged within 300 feet of retail sales of fireworks. At least one (1) sign that reads, **“NO FIREWORKS DISCHARGE WITHIN 300 FEET”** shall be provided at each entrance. The signs shall have letters 4-inch inches in height, red in color with contrasting background. Fireworks shall not be sold at locations that use, store or sell flammable liquids or highly combustible products. All retail sales locations shall provide at least one fire extinguisher, minimum 10-pound, ABC-type fire extinguisher, or provide a water

hose connected to an adequate water supply. In all structures, the placement of fire extinguishers shall be located so that the maximum travel distance to any extinguisher from any point will not exceed 75 feet. ALL tent and temporary structures shall be Fire Department approved, and all other retail sales facilities shall meet interior and exterior requirements as stated in the Arkansas Fire Prevention Code. There shall be at least two approved exits available from each tent or structure. All temporary and permanent structures for the retail sale of fireworks shall be located no further than 150 feet from a public way, or an approved fire apparatus access road. There shall be no parking within 15 feet of where fireworks are sold.

SAFETY REQUIREMENTS FOR PUBLIC DISPLAYS: All public displays of fireworks, including all requirements for safety, display site selection, fallout areas and operation of the display, shall be done in accordance with the current edition of the National Fire Protection Association 1123, Code of Fireworks Display.

SECTION 4. PROHIBITED SALES

It shall be unlawful to sell or to offer to sell fireworks to children under the age of twelve (12) years old. It shall be unlawful to knowingly sell fireworks to person(s) known to be intoxicated.

SECTION 5. UNLAWFUL USE

It shall be unlawful to discharge fireworks on or in city streets, highways, alleys and public property. It shall be unlawful to discharge fireworks within 600 feet of any church, hospital, nursing home, or public school while such facility is occupied, and shall be unlawful to discharge fireworks within 300 feet of where fireworks are sold or stored. It shall be unlawful to throw fireworks at or from any motor vehicle. It shall be unlawful to throw fireworks at or near any person.

SECTION 6. PENALTY

Any person, firm or corporation found guilty of violating this ordinance shall be guilty of a misdemeanor and shall upon conviction be fined not less than One Hundred and Twenty-Five Dollars (\$125.00), nor more than Three Hundred and Fifty Dollars (\$350.00) for each and every violation.

SECTION 7. REPEALER

All ordinances or parts of ordinances, which are inconsistent herewith, are hereby repealed.

PASSED AND APPROVED THIS 19th DAY OF OCTOBER, 2023.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

*Amended
Ord # 505*

ORDINANCE NO. 160

AN ORDINANCE PROHIBITING THE SALE AND/OR USE OF FIREWORKS, DYNAMITE, OR OTHER EXPLOSIVES WITHIN THE CITY LIMITS OF MOUNTAIN HOME, ARKANSAS, WITHOUT A WRITTEN PERMIT DULY ISSUED BY THE CITY COUNCIL OF SAID CITY.

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

It shall be unlawful for any person, firm or corporation to sell or offer for sale, or to make or manufacture; or to use by shooting, exploding, discharging, firing or setting off, any type of firework, dynamite, or other explosive, within City Limits of Mountain Home, Arkansas; without first obtaining a written permit duly issued by the City Council of Mountain Home, Arkansas.

Any person, firm, or corporation found guilty of violating this ordinance shall be guilty of a misdemeanor and shall upon conviction be fined an amount not less than five dollars (\$5.00), nor more than one hundred dollars (\$100.00) for each and every violation.

This Ordinance shall take effect and be in force from and after its approval as required by law.

DATED this 18th day of September 1961.

Richard Fair
Richard Fair, Mayor

Attest:

Marjorie L. Harned
Marjorie L. Harned, Recorder

Amending
Ord. 160
1978

ORDINANCE NO. 505

AN ORDINANCE AMENDING ORDINANCE NO. 160
PROHIBITING SALE AND USE OF FIREWORKS,
DYNAMITE AND OTHER EXPLOSIVES AND
AUTHORIZING PERMIT, DECLARING AN
EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, Ordinance no. 160 dated the 18th day of
September, 1961, prohibits the sale and use of fireworks,
dynamite and other explosives without first securing a permit
in order to protect the citizen's safety; and

WHEREAS, such ordinance requires a permit duly issued
by the City Council; and

WHEREAS, the issuance of a permit by the Council is
impracticable under the circumstances; and

WHEREAS, it is necessary for the health, safety and
welfare of the City that such a permit be issued prior to the
detonation of and use of explosives;

It is determined that permits should be immediately
available to qualified persons and therefore, an emergency
is declared to exist and this ordinance being necessary for
the preservation of the public health, safety and welfare
shall be in full force and effect from and after its passage
and approval.

THEREFORE, BE IT ORDAINED by the City Council of the
City of Mountain Home, Arkansas, the words "City Council"
as the same appear in the first paragraph of Ordinance No. 160
of September 18, 1961, be deleted and inserted therefore, the
word "Mayor".

PASSED AND APPROVED THIS THE 13th DAY OF FEBRUARY, 1978.

Ronald E. Pierce
Mayor Ronald E. Pierce

Penelope R. Feist
Penelope R. Feist, City Clerk

Swaps
Permit
issuance
from
City Council
to Mayor

AN ORDINANCE AMENDING CITY ORDINANCE NO. 160, WHICH REGULATES THE SELLING, MANUFACTURE, SHOOTING, OR SETTING OFF OF FIREWORKS WITHIN THE BOUNDARIES OF THE CITY OF MOUNTAIN HOME, ARKANSAS.

*Amends
ord. 160
+ ord. 505*

WHEREAS, it has been determined that fireworks displays should be managed and operated by duly certified pyrotechnics technicians, for the safety of our city inhabitants and visitors to the city, and;

WHEREAS, it has been determined that all fireworks displays require a duly authorized written city permit, issued by the City Fire Marshal or the Fire Inspector, and must be approved by the Fire Chief, and;

WHEREAS, it has been deemed appropriate that the permit must be obtained five days in advance of the discharge of the fireworks, and the custody of the permit will be retained by the pyrotechnics technician, and produced when required by police or fire officials at the display location.

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

*Permits issued
by Fire Dept
(Marshal + Chief)*

SECTION 1. MANUFACTURE, SELLING, USE OF FIREWORKS.

It shall be unlawful for any person, firm, or corporation to sell or offer for sale, or to make or manufacture; or to use by shooting, exploding, discharging, firing or setting off, ANY type of firework, or other explosive, within the City limits of Mountain Home, Arkansas, without first obtaining a duly authorized written permit, issued by the City Fire Marshal or Fire Inspector, and approved by the Fire Chief.

Adds time frame

SECTION 2. TIME LIMITATIONS.

All applications for fireworks permits must be made five (5) days prior to the requested date of discharging the fireworks.

Qualifications

SECTION 3. QUALIFIED PYROTECHNIC PERSONNEL.

Any permit issued for the discharge of fireworks in the City must be issued only to a duly certified pyrotechnics technician, and the fire department will verify that a proper and current certification is in effect. The technician will retain custody of the permit.

*Updates
penalties from
1961
\$5 → \$75
\$100 → \$200*

SECTION 4. PENALTY

Any person, firm, or corporation found guilty of violating this ordinance shall be guilty of a misdemeanor and shall upon conviction be fined not less than Seventy-Five Dollars (\$75.00), nor more than Two-Hundred Dollars (\$200.00) for each and every violation.

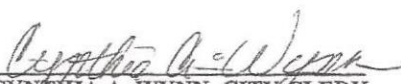
SECTION 5. REPEALER

All ordinances or parts of ordinances, which are inconsistent herewith, are hereby repealed.

PASSED AND APPROVED THIS 17TH DAY OF JULY, 2003.


ED HOUSE, MAYOR

ATTEST:


CYNTHIA A. WYNN, CITY CLERK