

MOUNTAIN HOME CITY COUNCIL REGULAR MEETING AGENDA

THURSDAY, AUGUST 15, 2024 @ 5 P.M.

**COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
720 HICKORY STREET, MOUNTAIN HOME, ARKANSAS**

Pledge of Allegiance

Prayer

Roll call

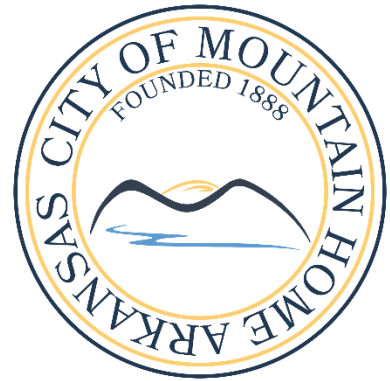
Minutes from the August 1ST Council meeting

Committee reports

Bank reconciliations

Agenda additions

Announcements



OLD BUSINESS

[SECOND READING] AN ORDINANCE TO UPDATE THE MOUNTAIN HOME CITY CODE BY REPEALING OUTDATED AND ANTIQUATED SECTIONS OF CODE; TO REPEAL AND REMOVE SECTIONS 2.60 "PUBLIC FACILITIES BOARD," 4.20 "TAXI FRANCHISE," AND 9.20 "STREET CONSTRUCTION AND REPAIR" FROM THE MOUNTAIN HOME CITY CODE; TO REPEAL ORDINANCES 1991-12, 1995-01, 2002-22, 2002-23, 2004-24, 2004-34 AND 2007-21, presented by Scott Liles

[SECOND READING] AN ORDINANCE REGULATING THE RETAIL SELLING, MANUFACTURE, SHOOTING, OR DISCHARGING OF FIREWORKS WITHIN THE BOUNDARIES OF THE CITY OF MOUNTAIN HOME, ARKANSAS; REPEALING ORDINANCE NO. 2003-24 AND ORDINANCE NO. 2023-41, presented by Scott Liles

NEW BUSINESS

CREATE LINE ITEM 101-5107-43289 FOR LESTER WHITE FIELD RENOVATION, presented by Daniel Baxley and Alma Clark

TRANSFER \$71,625.00 FROM LINE ITEM 101-5101-79000 PROJECTED CARRYOVER INTO LINE ITEM 101-5107-43289 LESTER WHITE FIELD RENOVATION, presented by Daniel Baxley and Alma Clark

***A RESOLUTION ADOPTING THE 2024 BAXTER COUNTY HAZARD MITIGATION PLAN
UPDATE, presented by Hillrey Adams***

COMMENTS

ADJOURN

Respectfully submitted,
Scott Liles, City Clerk

MINUTES
REGULAR CITY COUNCIL MEETING – Thursday, August 1st, 2024

1. The Mountain Home City Council met in regular session on August 1, 2024, in the Council Chambers of the Municipal Building. Mayor Hillrey Adams called the meeting to order at 5 p.m.
2. **CITY OFFICIALS IN ATTENDANCE** Mayor Hillrey Adams, City Clerk Scott Liles, City Attorney Roger Morgan, Police Chief Eddie Griffin, Parks Director Daniel Baxley, Fire Inspector Shawn Lofton, and Code Enforcement Officer Todd Pease
3. **MEDIA IN ATTENDANCE** Caroline Spears of the Baxter Bulletin. The meeting was also streamed on Facebook by XL-7 TV.
4. **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, Carry Manuel, Jim Bodenhamer and Nick Reed. Council member Paige Evans was absent.
5. **APPROVAL OF THE JULY 18th MINUTES** Council member Jennifer Baker made a motion to approve the minutes from the Council's July 18th meeting. The motion was seconded by Council member Susan Stockton. *The vote was recorded as follows: Yes – All present, Absent – Paige Evans. The motion carried, and the July 18th minutes were adopted.*
6. **NEW BUSINESS**

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF MOUNTAIN HOME, ARKANSAS, TO UTILIZE THE ARKANSAS DEPARTMENT OF PARKS, HERITAGE & TOURISM OUTDOOR RECREATION MATCHING FUNDS GRANT If approved, this Resolution would be used to help the Parks Department apply for a federal grant to help build an ADA-compliant fishing pier around the lake at McCabe Park. The grant is a 50-50 type grant worth up to \$250,000. The pier would use plastic, wood-like material in its construction and be highly resistant to water, weather and aging. The City has until the end of August to apply for the grant and will know if they have advanced to the next round of consideration in October. Council member Jennifer Baker made a motion to adopt the Resolution and was seconded by council member Nick Reed. *The vote was recorded as follows: Yes – All present, Absent – Paige Evans. The Resolution was declared adopted and numbered Resolution No. 2024-19.*

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF MOUNTAIN HOME TO ATTACH LIENS TO CERTAIN PROPERTIES LOCATED AT THE ADDRESSES SPECIFIED IN THIS RESOLUTION FOR THE PURPOSE OF COLLECTING MONIES WHICH ARE OWED THE CITY OF MOUNTAIN HOME FOR ENFORCEMENT OF ORDINANCE NO. 2020-20 If approved, this Resolution would allow the City to place cleanup liens against two properties. Those

properties include 1101 Glenbriar Lane, owned by Joann Padget c/o Brenda Copas, and 1209 Mark Drive, owned by the Mary Elumbaugh Estate. The City has performed \$225 worth of mowing and cleanup services at the Glenbriar Lane property, and \$840.93 worth of cleanup services at the Mark Drive address. Council member Bob Van Haaren made a motion to adopt the Resolution and was seconded by council member Nick Reed. *The vote was recorded as follows: Yes – All present, Absent – Paige Evans. The Resolution was declared adopted and numbered Resolution No. 2024-20.*

AN ORDINANCE TO UPDATE THE MOUNTAIN HOME CITY CODE BY REPEALING OUTDATED AND ANTIQUATED SECTIONS OF CODE; TO REPEAL AND REMOVE SECTIONS 2.60 "PUBLIC FACILITIES BOARD," 4.20 "TAXI FRANCHISE," AND 9.20 "STREET CONSTRUCTION AND REPAIR" FROM THE MOUNTAIN HOME CITY CODE; TO REPEAL ORDINANCES 1991-12, 1995-01, 2002-22, 2002-23, 2004-24, 2004-34 AND 2007-21

If approved, this Ordinance would repeal three antiquated pieces of the Mountain Home Municipal Code – Section 2.60, "Public Facilities Board;" Section 4.20, "Taxicab Franchise," and Section 9.20, "Street Construction and Repair." The proposed Ordinance would also repeal the Ordinances supporting those sections of City Code. Section 2.0 details a nonexistent board that has not met in years. Section 4.20 details a taxicab franchise that has not been in effect for 12 years. Section 9.20 details a street building/repair process that the City has not adhered to for over two decades. If approved, all three sections of Code would be removed from the next edition of the Mountain Home City Code, which would likely be released sometime in 2025. City attorney Roger Morgan placed the item on its first reading in its entirety. This Ordinance will return for a second reading at the August 15th meeting, with a third reading/possible adoption at the September 5th meeting.

AN ORDINANCE REGULATING THE RETAIL SELLING, MANUFACTURE, SHOOTING, OR DISCHARGING OF FIREWORKS WITHIN THE BOUNDARIES OF THE CITY OF MOUNTAIN HOME, ARKANSAS; REPEALING ORDINANCE NO. 2003-24 AND ORDINANCE NO. 2023-41

If approved, this Ordinance would fine-tune the City's existing fireworks ordinance (Ordinance No. 2023-41) to streamline the application process for the operation of fireworks stands. It would also require all applicants seeking a retail fireworks permit or a permit for a fireworks display to be at least 12 years old and would require the applicant to provide a written letter from the property owner where the stand would be located or the display would be held.

Given that the proposed Ordinance was only adding four lines to the existing five-page Ordinance, City Clerk Scott Liles asked the Council to consider reading the proposed Ordinance by title only on its first read to save time. Council member Jim Bodenhamer made a motion to suspend the rules and read the Ordinance by title only on the first read and was seconded by council member Bob Van Haaren. *The vote was recorded as follows: Yes – All present, Absent – Paige Evans. The motion carried and the Ordinance was to be read by title only on first reading.*

City attorney Roger Morgan placed the item on its first reading by title only. The proposed Ordinance will return at the August 15th meeting, with a third reading/possible adoption on the September 5th meeting.

7. COMMENTS

Mayor Hillrey Adams updated the Council on several community items:

ART WALK The Ark Walk will begin Thursday, August 8, at the Arkansas State University-Mountain Home campus. The public is invited to a reception to meet the artists on Friday, August, 9, at 10 a.m. on the ASUMH campus.

COMMUNITY CENTER UPDATE Workers began pouring the concrete for the community and aquatic center's kiddie pools this week, and concrete for the competition swimming pool will start being poured next week. The concrete underneath the gymnasium floor has also been poured.

SHARP FAMILY FIRE STATION UPDATE The blocks for the footings of the City's new fire station have now been set. The City is hoping to open the new station by March 2025.

NEW POLICE DEPARTMENT BUILDING The former bank building has now been completely gutted thanks in part to Mark Bertel, who donated one of his demolition crew's time. Inmate laborers from the Baxter County Jail are now in the process of cleaning up the debris and prepping the building for renovation. While the City will handle some of the renovation work in-house, packages like electrical, natural gas, HVAC and glass work are expected to be put out for bids.

TORNADO ASSISTANCE Area residents impacted from the May 26 tornado have until August 9 to apply for assistance through the North Central Arkansas Food Bank. Through July 30, there had been about a dozen applications filed, with several more anticipated of being returned before the deadline. Applications will be reviewed mid-August with assistance checks hopefully being issued late that month.

8. ADJOURNMENT

With no further business to come before the Council, Council member Bob Van Haaren made a motion to adjourn the meeting and drew a second from Council member Susan Stockton. *A voice vote was recorded as follows: Yes – All present, Absent – Paige Evans. Mayor Hillrey Adams then declared the meeting adjourned at 5:35 p.m.*

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

ORDINANCE NO. 2024-xx

AN ORDINANCE TO UPDATE THE MOUNTAIN HOME CITY CODE BY REPEALING OUTDATED AND ANTIQUATED SECTIONS OF CODE; TO REPEAL AND REMOVE FROM THE MOUNTAIN HOME CITY CODE SECTIONS 2.60 “PUBLIC FACILITIES BOARD,” 4.20 “TAXI FRANCHISE,” AND 9.20 “STREET CONSTRUCTION AND REPAIR”; AND TO REPEAL ORDINANCES 1991-12, 1995-01, 2002-22, 2002-23, 2004-24, 2004-34 AND 2007-21

WHEREAS, the Mountain Home City Council did adopt Ordinance No. 121 on September 21, 1954, to create a unified City Code and said Code has been updated numerous times since that initial adoption; and

WHEREAS, a review of the current City Code has shown that the following sections are antiquated, invalid, outdated or no longer applicable and should be repealed: Section 2.60 “Public Facilities Board,” Section 4.20 “Taxi Franchise” and Section 9.20 “Street Construction and Repair”; and

WHEREAS, the following Ordinances support the previously mentioned sections of Code to be repealed, and should likewise be repealed: Ordinances 1991-12, 1995-01, 2002-22, 2002-23, 2004-24, 2004-34 and 2007-21;

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

SECTION 1. REPEAL AND REMOVAL FROM CODIFICATION Section 2.60 “Public Facilities Board,” Section 4.20 “Taxi Franchise,” and Section 9.20 “Street Construction and Repair” of the Mountain Home City Code are hereby repealed and deleted in their entirety.

SECTION 2. REPEAL OF ASSOCIATED ORDINANCES The following Ordinances are antiquated, invalid, outdated or no longer applicable and are hereby repealed in their entirety: Ordinances numbered 1991-12, 1995-01, 2002-22, 2002-23, 2004-24, 2004-34 and 2007-21.

PASSED AND APPROVED THIS 5TH DAY OF SEPTEMBER, 2024.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

CHAPTER 2.60

PUBLIC FACILITIES BOARD

Sections:

2.60.01	Authorized
2.60.02	Creation
2.60.03	Membership
2.60.04	Powers
2.60.05	Officers
2.60.06	Meetings
2.60.07	Removal of members
2.60.08	Severability

** Not
a functioning
body*

2.60.01 Authorized. The City Council of the city of Mountain Home, Arkansas, finds that the city is authorized by the provisions of the Act (A.C.A. §§ 14-137-101 - 123) to create a Public Facilities Board, and it is in the best interest of the city and its citizens and residents to do so. (Ord. No. 95-001, Section 1)

2.60.02 Creation.

- A. In accordance with and pursuant to the authority conferred by the provisions of the Act (A.C.A. §§ 14-137-101 - 123) there is hereby created and established a Public Facilities Board (hereinafter referred to as the "Board") with the authority provided in the Act (A.C.A. §§ 14-137-101 - 123), as set forth in Section 2.56.01. (Ord. No. 95-001, Section 2)
- B. The name of the board shall be the "city of Mountain Home, Arkansas Public Facilities Board." (Ord. No. 95-001, Section 3)

2.60.03 Membership.

- A. The initial members of the Public Facilities Board shall be appointed by the Mayor as soon as practicable after the adoption of this chapter with the members being approved by a majority vote of the City Council. (Ord. No. 95-001, Section 4)
- B. Notwithstanding the limitation on the terms of members hereby appointed to the Public Facilities Board, each such member and each member hereafter elected to

ACA 14-137-101 thru 123
own/acquire / construct /
operate facilities
like:

S-50

fill vacancies shall serve until his or her successor is elected and qualified. A member of the Board shall be eligible to succeed himself or herself. The members of the Board must be residents of the city of Mountain Home, and as soon as practicable after their appointment, each member of the Board shall qualify by taking and filing with the City Clerk the oath of office prescribed by the Act (A.C.A. §§ 14-137-101 - 123). (Ord. No. 95-001, Section 4)

2.60.04 Powers.

* Jails
* Hospitals
* Parking
facilities
* Stadiums
* Libraries

* Mzrins
* Power plants

Can
issue
bonds

- A. That the Public Facilities Board is empowered, from time to time, to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in or dispose of any and all facilities authorized by the Act (A.C.A. §§ 14-137-101 - 123) or any interest in such facilities, including, without limitation, leasehold interests and mortgages on such facilities as shall be determined by the Board to be necessary to effect the purposes of this chapter. The Board is specifically given all of the authority which may be granted to public facilities boards pursuant to the Act (A.C.A. §§ 14-137-101 - 123). (Ord. No. 95-001, Section 5)
- B. That the Public Facilities Board is authorized to issue revenue bonds from time to time and to use the proceeds, either alone or together with other available funds and revenues, to accomplish the purposes for which the Board is created. Such revenue bonds shall be obligations only of the Public Facilities Board and shall not constitute an indebtedness for which the faith and credit of the city of Mountain Home or any of its revenues are pledged, and the principal of and interest on the bonds may be payable from and secured by a pledge of revenues derived from the public facilities project acquired, constructed, reconstructed, equipped, extended, or improved, in whole or in part, with the proceeds of the bonds, together with such other collateral as may properly be pledged under the Act (A.C.A. §§ 14-137-101 - 123) and as the Board in its discretion may determine. The aggregate principal amount of any revenue bond issued pursuant to the authority granted by this section and by the Act (A.C.A. §§ 14-137-101 - 123) shall be determined by the Board in its discretion; provided, however, each issuance of such revenue bonds shall be approved by resolution of the City Council of the city of Mountain Home. (Ord. No. 95-001, Section 6)
- C. The Public Facilities Board shall have all of the powers provided in the Act (A.C.A. §§ 14-137-101 - 123), subject to the provisions of this chapter, and shall carry out its duties in accordance with the Act (A.C.A. §§ 14-137-101 - 123), including specifically, but without limitation, the filing of the annual report of the City Council of the city of Mountain Home as required by Section 14-137-123 of the Act. (Ord. No. 95-001, Section 7)

2.60.05 Officers*No current members*

- A. As soon as practicable after the members of the Public Facilities Board are appointed, they shall meet and organize by electing one of their number as a chairman, one as a vice-chairman, one as a secretary, and one as a treasurer, and such officer shall be elected annually for terms of one year thereafter in like manner. (Ord. No. 95-1, Section 8)
- B. The duties of secretary and treasurer may be performed by the same member. (Ord No. 95-1, Section 8)
- C. The Board may, at its option, designate an executive director who shall not be a member of the Board and who shall serve at the pleasure of the Board with such compensation as shall be fixed by the Board, from time to time. (Ord. No. 95-1, Section 8)
- D. The members of the Board shall receive no compensation for their services but shall be entitled to reimbursement for expenses incurred in the performance of their duties. (Ord. No. 95-1, Section 8)

Has not met in 2000 yet

2.60.06 Meetings That the Public Facilities Board shall meet upon the call of its chairman, or a majority of its members, and at such times as may be specified in its by-laws for regular meetings, and a majority of its members shall constitute a quorum for the transaction of business. The affirmative vote of the majority of the members present at a meeting of the Board shall be necessary for any action taken by the Board. Any action taken by the Board may be authorized by a resolution and such resolution shall take effect immediately unless a later effective date is specified in the resolution. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all of the rights and perform all of the duties of the Board. The secretary shall keep a record of the proceedings of the Board and shall be the custodian of its books, documents and papers and of the minute book or journal of the Board and its official seal if any shall be adopted. The secretary may cause copies of all minutes and other records and documents of the Board to be made and may give certificates of the Board to the effect that such copies are true copies, and all persons dealing with the Board may rely upon such certificates. (Ord. No. 95-1, Section 9)

2.69.07 Removal That any member of the Public Facilities Board may be removed from misfeasance, malfeasance or willful neglect of duty, by the Mayor of the city of Mountain Home, after reasonable notice of and an opportunity to be heard concerning the alleged grounds for removal.

2.60.08 Severability If any provision of this chapter shall for any reason be held illegal or invalid, the invalidity of such provision shall not affect the validity of the remaining provisions of this chapter.

ORDINANCE NO. 95-001

AN ORDINANCE CREATING A PUBLIC FACILITIES BOARD PURSUANT TO THE PROVISIONS OF ARKANSAS CODE ANNOTATED SECTIONS 14-134-101 TO -123 (1987 & SUPP. 1993); PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY

WHEREAS, the continued growth and improvement of the City of Mountain Home, Arkansas (the "City"), from time to time, requires the special attention of a public facilities board with authority to issue bonds for the purpose of providing public facilities and services; and

WHEREAS, the City Council of the City, pursuant to the provisions of Arkansas Code Annotated Sections 14-137-101 to -123 (1987 & Supp. 1993) (the "Act"), is authorized to establish such a board for the purposes set forth in the Act;

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

Section 1. That the City Council of the City finds that the City is authorized by the provisions of the Act to create a public facilities board, and it is in the best interest of the City and its citizens and residents to do so.

Section 2. That in accordance with and pursuant to the authority conferred by the provisions of the Act there is hereby created and established a public facilities board (hereinafter referred to as the "Board") with the authority provided in the Act, as herein set forth.

Section 3. That the name of the Board shall be the "City of Mountain Home, Arkansas Public Facilities Board."

Section 4. That the initial members of the Board shall be appointed by the Mayor as soon as practicable after the adoption of this Ordinance with the members being approved by a majority vote of the City Council.

Notwithstanding the limitation on the terms of members hereby appointed to the Board, each such member and each member hereafter elected to fill vacancies, shall serve until his or her successor is elected and qualified. A member of the Board shall be eligible to succeed himself or herself. The members of the Board must be residents of the City, and as soon as practicable after their appointment each member of the Board shall qualify by taking and filing with the City Clerk the oath of office prescribed by the Act.

Section 5. That the Board is empowered, from time to time, to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in or dispose of any and all facilities authorized by the Act or any interest in such facilities, including without limitation, leasehold interests and mortgages on such facilities as shall be determined by the Board to be necessary to effect the purposes of this Ordinance. The Board is specifically given all of the authority which may be granted to public facilities boards pursuant to the Act.

Section 6. That the Board is authorized to issue revenue bonds from time to time and to use the proceeds, either alone or together with other available funds and revenues, to accomplish the purposes for which the Board is created. Such revenue bonds shall be obligations only of the

Board and shall not constitute an indebtedness for which the faith and credit of the City or any of its revenues are pledged, and the principal of and interest on the bonds may be payable from and secured by a pledge of revenues derived from the public facilities project acquired, constructed, reconstructed, equipped, extended, or improved, in whole or in part, with the proceeds of the bonds, together with such other collateral as may properly be pledged under the Act and as the Board in its discretion may determine. The aggregate principal amount of any revenue bond issued pursuant to the authority granted by this Section 6 and by the Act shall be determined by the Board in its discretion; provided, however, each issuance of such revenue bonds shall be approved by resolution of the City Council of the City.

Section 7. That the Board shall have all of the powers provided in the Act, subject to the provisions of this Ordinance, and shall carry out its duties in accordance with the Act, including specifically, but without limitation, the filing of the annual report with the City Council of the City as required by Section 14-137-123 of the Act.

Section 8. That as soon as practicable after the members of the Board are appointed, they shall meet and organize by electing one of their number as a chairman, one as a vice-chairman, one as a secretary, and one as a treasurer, and such officer shall be elected annually for terms of one year thereafter in like manner. The duties of secretary and treasurer may be performed by the same member. The Board may, at its option, designate an executive director who shall not be a member of the Board and who shall serve at the pleasure of the Board with such compensation as shall be fixed by the Board, from time to time. The members of the Board shall receive no compensation for their services, but shall be entitled to reimbursement for expenses incurred in the performance of their duties.

Section 9. That the Board shall meet upon the call of its chairman, or a majority of its members, and at such times as may be specified in its by-laws for regular meetings, and a majority of its members shall constitute a quorum for the transaction of business. The affirmative vote of the majority of the members present at a meeting of the Board shall be necessary for any action taken by the Board. Any action taken by the Board may be authorized by a resolution and such resolution shall take effect immediately unless a later effective date is specified in the resolution. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all of the rights and perform all of the duties of the Board. The secretary shall keep a record of the proceedings of the Board and shall be the custodian of its books, documents and papers and of the minute book or journal of the Board and its official seal if any shall be adopted. The secretary may cause copies of all minutes and other records and documents of the Board to be made and may give certificates of the Board to the effect that such copies are true copies, and all persons dealing with the Board may rely upon such certificates.

Section 10. That any member of the Board may be removed for misfeasance, malfeasance or willful neglect of duty, by the Mayor of the City after reasonable notice of and an opportunity to be heard concerning the alleged grounds for removal.

Section 11. That if any provision of this Ordinance shall for any reason be held illegal or invalid, the invalidity of such provision shall not affect the validity of the remaining provisions of this Ordinance.

Section 12. That all Ordinances of the City Council of the City, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

Section 13. That it is hereby ascertained and declared that there is an immediate and urgent need for providing financial assistance for public facilities for the citizens and residents of the

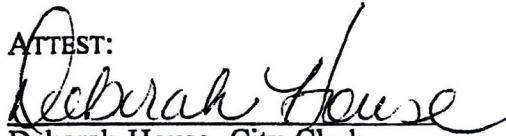
City in order to protect the health, lives and property of the inhabitants of the City; therefore, an emergency exists, and this Ordinance, being necessary for the preservation of the public peace, health and safety, shall take effect and be in force immediately upon and after its passage.

Passed: January 19, 1995.

APPROVED:


Carol Howell, Mayor

ATTEST:


Deborah House, City Clerk

[S E A L]

CHAPTER 4.20**TAXI FRANCHISE**Sections:

- 4.20.01 Exclusive right
- 4.20.02 Franchise fee
- 4.20.03 Term
- 4.20.04 Permitted rates and tariffs - Maximum
- 4.20.05 Establishment of zones
- 4.20.06 Hours of operation
- 4.20.07 Special services
- 4.20.08 Communication/dispatch
- 4.20.09 Liability insurance
- 4.20.10 Safety
- 4.20.11 Notice - Hearing - Termination
- 4.20.12 Penalties
- 4.20.13 Other taxes
- 4.20.14 Independent contractor

*Franchise
expired
Aug 2012
2002-23
2007-21
2004-24*

4.20.01 Exclusive right Mountain Home Taxi Service, Inc. is hereby granted an exclusive franchise for the operation of a taxicab service within the corporate limits of the city of Mountain Home, Arkansas. Provided that North Arkansas Transportation System is to have city-wide route authority, so long as it does not provide door-to-door service. (Ord. No. 2002-23, Sec.1)

4.20.02 Franchise fee Mountain Home Taxi Services, Inc. shall pay for the exclusive franchise granted in Section 1 the following franchise fees:

First automobile in use	\$20.00 per year
Second automobile in use	\$15.00 per year
Each additional automobile in use	\$10.00 per year
(Ord. No. 2002-23, Sec. 2)	

*2002
prices?*

4.20.03 Term The duration of this exclusive franchise and grant shall be for a period of five (5) years commencing the 14th day of August 2007. (Ord. No. 2007-21, Sec. 1.)

4.20.04 Permitted rates and tariffs - Maximum

A. The franchisee shall not charge more than the following rates and tariffs:

1. Base fee: \$3.75, plus \$1.75 per mile.

set 2004

2. Extra stop: \$1.50. | set 2004

3. Extra passenger: A surcharge of \$1.25 each for each person in excess of one, in addition to the rates set out above.

4. ~~X~~ Waiting: \$.50 per minute (first 5 minutes are free). Then the lesser of \$.50 per minute or \$18.75 per hour, with a minimum of \$18.75 per hour rate. (Ord. No. 2004-24, Sec. 1.) - From 2004?

B. The City Council has determined the rates or tariffs permitted may be increased by the franchisee upon his showing that increased cost of operation has prohibited a fair profit derived from his operation of such franchise. Upon written request by the applicant, the City Council shall grant to the applicant fee increases equal to any increase may be granted for good cause shown. Such increases shall not be granted nor requested more often than semi-annually.

C. ~~X~~ The franchisee is hereby authorized to charge an additional surcharge of One Dollar and Fifty Cents (\$1.50) for any services provided outside the hours of operation set forth in Section 6 of Ord. 97-028. (Ord. No. 02-23, Sec. 4.) | 2002 price?

4.20.05 Establishment of zones. The areas delineated on the map attached to and made a part of this ordinance by reference thereto shall be the zones for which the fees, tariffs and rates as set forth hereinabove in Section 4 shall be applicable. (Ord. No. 02-23, Sec. 5)

4.20.06 Hours of operation. The franchisee shall operate and maintain the service on a five (5) day a week, ten (10) hours per day basis. (Ord. No. 02-23, Sec. 6)

4.20.07 Special services. The franchisee will provide service to the Mountain Home Municipal Airport on a seven (7) day per week basis, special call. The franchisee shall provide service to citizens and residents of Mountain Home, Arkansas, preferentially to other accounts which may be serviced by the franchisee. (Ord. No. 02-23, Sec. 7)

4.20.08 Communication/dispatch. The franchisee shall maintain Federal Communications Commission licensed two-way radio systems or a mobile phone system for the dispatch of his vehicle within the zones and to the locations it services. (Ord. No. 02-23, Sec. 8)

4.20.09 Liability insurance. The franchisee shall procure and maintain in continuous force and effect liability insurance upon its vehicles and equipment in a sum not less than the minimum amounts required by the laws of the state of Arkansas. (Ord. No. 02-23, Sec. 9)

4.20.10 Safety. The franchisee shall keep all vehicles operated by it in a safe, serviceable condition for the safety and protection of the citizens and inhabitants of the city to whom this service is being furnished. Failure of the franchisee to provide such equipment shall be cause for termination of this franchise grant by the city as hereinafter set out. (Ord. No. 02-23, Sec. 10)

4.20.11 Notice - Hearing - Termination. The city may terminate this franchise grant due to the failure of the franchisee to provide safe equipment as required in Section 10 hereinabove and for failure to perform pursuant to any section of this ordinance after reasonable notice to the franchisee and an opportunity for hearing, if desired. (Ord. No. 02-23, Sec. 11)

4.20.12 Penalties. Any person, firm, partnership or organization operating a taxicab, automobile for hire or other similar service in conflict with the grant of this franchise, shall be unlawful and for the operation of such without a franchise shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) and each day of operation shall be deemed a separate and distinct offense. (Ord. No. 02-23, Sec. 12)

4.20.13 Other taxes. The service furnished the city by the franchisee and the payment of the fees set out hereinbefore in 4.20.02 for the exclusive grant herein, and privilege hereof, shall be in lieu of all other licenses, fees, charges, impositions of taxes (other than automobile license fees, special millage taxes, improvement district taxes and general ad valorem taxes) charged or imposed or levied by the city of Mountain Home, Arkansas. (Ord. No. 02-23, Sec. 13)

4.20.14 Independent contractor. Nothing in this chapter shall be construed as giving or making the franchisee herein an agent, servant or employee of the city of Mountain Home, Arkansas. (Ord. No. 02-23, Sec. 14)

CHAPTER 4.24

ELECTRIC FRANCHISE; NORTH ARKANSAS

ELECTRIC COOPERATIVE

Sections:

4.24.01	Electric franchise granted to North Arkansas Electric Cooperative
4.24.02	Rights and responsibilities
4.24.03	Facilities
4.24.04	Rights of way
4.24.05	Authority
4.24.06	Rates
4.24.07	Liability
4.24.08	Franchise tax
4.24.09	Other fees and taxes waived
4.24.10	Service to city
4.24.11	Franchise exceptions
4.24.12	Contract

ORDINANCE NO. 02-22

AN ORDINANCE WAIVING COMPETITIVE BIDDING ON OPERATION OF
TAXI CAB SERVICE.

WHEREAS, an efficient taxi cab service within the City is necessary to promote the health safety and welfare of the citizens of the community since many elderly persons depend on this service as their only means of transportation to acquire the common necessities of life and for medical treatment; and

WHEREAS, it is not feasible or practical to require competitive bidding on such franchise;

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

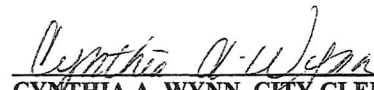
1. That the exclusive franchise granted Mountain Home Taxi Service, Inc. may be extended by Ordinance without the matter being competitively bid.

PASSED AND APPROVED THIS 15th DAY AUGUST 2002.



JOE DILLARD, MAYOR

ATTEST:



CYNTHIA A. WYNN, CITY CLERK

ORDINANCE NO. 02-23

AN ORDINANCE FIXING AND ESTABLISHING THE AMOUNT OF LICENSE AND PERMIT FEES AND FRANCHISE TAXES DUE THE CITY OF MOUNTAIN HOME FROM MOUNTAIN HOME TAXI SERVICE; GRANTING A FRANCHISE FOR TAXICAB SERVICE; ACCEPTING SUCH PAYMENT IN LIEU OF ALL TAXES EXCEPTING AD VALOREM TAXATION, SPECIAL MILLAGE AND IMPROVEMENT TAXES, AND MUNICIPAL AUTOMOBILES FEES, TAXES AND SERVICE REQUIRING LIABILITY INSURANCE AND IMPOSING OTHER CONDITIONS.

WHEREAS, the health, safety and welfare of the citizens of the community will be served by having available to it taxi service since many elderly persons depend upon this service as their only means of transportation to acquire the common necessities of life and for medical treatment; and

WHEREAS, by ordinance numbered 97-028 passed and approved the 7th day of August, 1997, Mountain Home Taxi Service, Inc. was granted an exclusive franchise to operate a taxi service in the City of Mountain Home, Arkansas, for a period of five (5) years commencing the 14th day of August, 1997, and expiring the 13th day of August, 2002; and

WHEREAS, it is necessary and appropriate to enter into an extension of that franchise for five years beginning as of August 14, 2002, and terminating August 14, 2007.

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

Section 1: Exclusive Right

Mountain Home Taxi Service, Inc. is hereby granted an exclusive franchise for the operation of a taxicab service within the corporate limits of the City of Mountain Home, Arkansas. Provided that North Arkansas Transportation System is to have city-wide route authority, so long as it does not provide door-to-door service.

Section 2: Franchise Fee

Mountain Home Taxi Service, Inc. shall pay for the exclusive franchise granted in Section 1 the following franchise fees:

First Automobile in Use:	\$20.00 per year
Second Automobile in Use:	\$15.00 per year
Each Additional Automobile in Use:	\$10.00 per year

Section 3: Term

The duration of this exclusive franchise and grant shall be for a period of five (5) years commencing the 14th day of August, 2002.

Section 4: Permitted Rates and Tariffs – Maximum

1. The franchisee shall not charge more than the following rate and tariffs:
 - a. Base fee: Three and 75/00 Dollars (\$3.75), plus One and 25/00 Dollars (\$1.25) per mile.
 - b. Stops in Route: One and 50/00 Dollars (\$1.50) for first five minutes; thereafter, fifty cents (\$.50) per minute.

- c. Extra persons: A surcharge of One and 25/100 Dollars (\$1.25) each for each person in excess on one, in addition to the rates set out above.
2. The City Council has determined the rates of tariffs permitted may be increased by the franchisee upon his showing that increased cost of operation has prohibited a fair profit derived from his operation of such franchise. Upon written request by the applicant, the City Council shall grant to the applicant fee increases equal to any increase may be granted for good cause shown. Such increases shall not be granted nor requested more often than semi-annually.
3. The franchise is hereby authorized to charge an additional surcharge of One and 50/100 Dollar (\$1.50) for any services provided outside the hours of operation set out in Section 6 of this Ordinance.

Section 5: Establishment of Zones

The areas delineated on the map attached to and made a part of this Ordinance by reference thereto shall be the zones for which the fees, tariffs and rates as set forth hereinabove in Section 4 shall be applicable.

Section 6: Hours of Operation

The franchisee shall operate and maintain the service on a five-day a week, ten (10) hours per day basis.

Section 7: Special Services

The franchisee will provide service to the Mountain Home Municipal Airport on a seven-day-per-week, basis, special call. The franchisee shall provide service to citizens and residents of Mountain Home, Arkansas, preferentially to other accounts, which may be services by the franchisee.

Section 8: Communication / Dispatch

The franchisee shall maintain Federal Communications Commission licensed two-way radio system, or a mobile phone system, for the dispatch of its vehicle within the zones and to the locations it services.

Section 9: Liability Insurance

The franchisee shall procure and maintain in continuous force and effect liability insurance upon its vehicles and equipment in a sum not less than the minimum amounts required by the laws of the State of Arkansas.

Section 10: Safety

The franchisee shall keep all vehicles operated by it in a safe, serviceable condition for the safety and protection of the citizens and inhabitants of the City to whom this service is being furnished. Failure of the franchisee to provide such equipment shall be cause of termination of this franchise grant by the City as hereinafter set out.

Section 11: Notice – Hearing – Termination

The City may terminate this franchise grant due to the failure of the franchisee to provide safe equipment as required in Section 10 hereinabove and for failure to perform pursuant to any section of this Ordinance after reasonable notice to the franchisee and an opportunity for hearing, if desired.

Section 12: Penalties

Any person, firm, partnership or corporation operating a taxicab, automobile for hire, or other similar service in conflict with the grant of this franchise, shall be unlawful and for the operation of such without a franchise shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than ONE HUNDRED DOLLARS (\$100.00) nor more than FIVE HUNDRED DOLLARS (\$500.00) and each day of operation shall be deemed a separate and distinct offense.

Section 13: Other Taxes

The service furnished the City by the franchisee and the payment of the fees set out hereinbefore in Section 2 for the exclusive grant herein, and privilege hereof, shall be in lieu of all other licenses, fees, charges, impositions of taxes (other than automobile license fees, special millage taxes, improvement district taxes, and general ad valorem taxes) charged or imposed or levied by the City of Mountain Home, Arkansas.

Section 14: Independent Contractor

Nothing in this Ordinance shall be construed as giving or making the franchisee herein an agent, servant or employee of the City of Mountain Home, Arkansas.

Section 15: Severability Clause

The provisions of this Ordinance shall be severable.

Section 16: Unconstitutionality Clause

The invalidity, unenforceability, unconstitutionality of any clause, phrase, sentence or part thereof of any section or provision of this Ordinance shall not invalidate any other section or provision of this Ordinance.

Section 17: Repealer

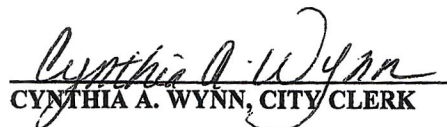
All Ordinances or parts of Ordinances in conflict and inconsistent herewith are hereby repealed.

PASSED AND APPROVED THIS 15TH DAY OF AUGUST, 2002.



JOE DILLARD, MAYOR

ATTEST:



CYNTHIA A. WYNN, CITY CLERK

ORDINANCE NO. 2004-24**AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 02-23,
GRANTING AN INCREASE IN THE PERMITTED RATES AND TARIFFS**

WHEREAS, the health, safety and welfare of the citizens of the community will be served by having available to it, taxi service since many elderly persons depend on this service as their only means of transportation to acquire the common necessities of life and for medical treatment; and

WHEREAS, Section 4 of Ordinance 02-23 is in need of amendment to allow the taxi service to charge a rate that will allow them to operate at a reasonable profit.

WHEREAS, Ordinance 02-23 in all other respects should remain in force and effect.

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

Section 1: Ordinance No. 02-23 (Section 4) shall be amended as follows:

Permitted Rates and Tariffs – Maximum

1. The franchisee shall not charge more than the following rate and tariffs:
 - a. Base fee: Three and 75/00 Dollars (\$3.75), plus One and 75/00 Dollars (\$1.75) per mile.
 - b. Extra Stop: One and 50/00 Dollars (\$1.50)
 - c. Extra Passenger: A surcharge of One and 25/00 (\$1.25) for each person in excess of one, in addition to rates set out above.
 - d. Waiting: Fifty Cents (.50) per minute (First 5 minutes are free.) Then the lesser of .50 per minute or Eighteen and 75/00 Dollars (\$18.75) per hour, with a minimum of Eighteen and 75/00 Dollars (\$18.75) for per hour rate.

PASSED AND APPROVED THIS 19TH DAY OF AUGUST, 2004.


ED HOUSE, MAYOR

ATTEST:


CYNTHIA A. WYNN, CITY CLERK

ORDINANCE NO. 2004-34

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 92-013 APPROVING THE TRANSFER OF THE FRANCHISE OF MOUNTAIN HOME TAXI SERVICE, INC.

WHEREAS, the health, safety and welfare of the citizens of the community will be served by having available to it, taxi service since many of the elderly depend upon this service as their only means of transportation to acquire the common necessities of life and for medical treatment; and

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

Section 1.

Ordinance No. 92-013 is hereby amended as follows:

Section 1. Exclusive Right and Approval of Transfer

Mountain Home Taxi Service, Inc. has transferred the exclusive franchise for the operation of the taxicab service within the corporate limits of the City of Mountain Home, Arkansas, to the qualified franchisees, James M. Payne and John Burns, operating as Mountain Home Taxi Service, Inc., and is hereby granted an exclusive franchise for the operation of a taxicab service within the corporate limits of the City of Mountain Home, Arkansas; provided that North Arkansas Transportation System is to have city-wide route authority, so long as it does not provide door-to-door service.

Section 2. Emergency Clause

In order to provide a necessary and essential service to the citizens and residents of the City, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED THIS 2nd DAY OF DECEMBER, 2004.


ED HOUSE, MAYOR

ATTEST:


CYNTHIA A. WYNN, CITY CLERK

ORDINANCE NO. 2007-21

AN ORDINANCE AMENDING ORDINANCE NO. 02-23, SECTION 3. EXTENDING THE DURATION OF THE EXCLUSIVE FRANCHISE AGREEMENT TERM WITH MOUNTAIN HOME TAXI SERVICE, INC.

WHEREAS, the health, safety and welfare of the citizens of the community will be served by having available to it, taxi service since many elderly persons depend upon this service as their only means of transportation to acquire the common necessities of life and for medical treatment; and

WHEREAS, by Ordinance numbered 02-23 passed and approved the 15th day of August, 2002, Mountain Home Taxi Service, Inc. was granted an exclusive franchise to operate a taxi service in the City of Mountain Home, Arkansas for a period of five (5) years commencing the 14th day of August, 2002 and expiring the 14th day of August, 2007.

WHEREAS, it is necessary and appropriate to enter into an extension of that franchise for five (5) years beginning as of August 14, 2007, and terminating August 14, 2012.

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

Section 1: Ordinance No. 02-23 (Section 3) shall be amended as follows:

The duration of this exclusive franchise and grant shall be for a period of five (5) years commencing the 14th day of August, 2007.

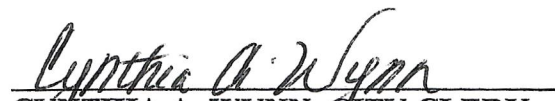
Section 2: Emergency Clause

In order to prevent any interruption in taxi service to the residents of the City of Mountain Home, this Ordinance shall be in full force and effect on August 14, 2007.

PASSED THIS 2nd DAY OF AUGUST 2007.


DAVID L. OSMON, MAYOR

ATTEST:


CYNTHIA A. WYNN, CITY CLERK

9.16.03 Non-exclusivity. Exclusiveness of Chapter, Other Remedies Available. This chapter shall not be deemed exclusive to other remedies available to the city by ordinance or statute or otherwise. (Ord. No. 844, Sec. 4, as amended by Ord. No. 93-021, Sec. 3)

9.16.04 Erosion control.

- A. Temporary erosion control devices shall be provided during construction projects within the city of Mountain Home, Arkansas, to inhibit erosion on the construction site and subsequent siltation in lands and streets off the construction site. As used herein, the term "construction project" shall mean any type of construction for which a building permit is required by the city of Mountain Home, Arkansas. Such devices shall be as detailed on Arkansas Highway and Transportation Department (AHTD) standard drawing TEC-1 or as approved by the Mayor of the city of Mountain Home, Arkansas. (Ord. No. 93-022, Sec. 1)
- B. It shall be the responsibility of the person holding the building permit on each particular construction project to insure that all streets surrounding the construction site are kept free from mud tracking and other siltation. (Ord. No. 93-022, Sec. 2)
- C. Any person, firm, corporation or agent who violates any provision of this chapter shall be fined not less than Fifty Dollars (\$50.00) nor more than Seventy-Five Dollars (\$75.00) and each day such violation shall exist shall be deemed a separate offense. (Ord. No. 93-022, Sec. 3)

CHAPTER 9.20

STREET CONSTRUCTION AND REPAIR

Sections:

- 9.20.01 Prior approval
- 9.20.02 City Council consent
- 9.20.03 Project work defined
- 9.20.04 Comprehensive street program
- 9.20.05 Project changes

9.20.01 Prior approval. No project of street improvement, construction or reconstruction of any street within the city of Mountain Home, Arkansas, to be undertaken by the city of Mountain Home, Arkansas, not actually in progress upon the effective date of this chapter to be done by utilizing curbs and gutters and/or sidewalks shall be commenced without the prior approval of the City Council of the city of Mountain Home, Arkansas. (Ord. No. 91-012, Sec. 1)

Requires
Council
approval
for
curbs
gutters
sidewalks

Council approval on anything \$20,000 or up in streets

9.20.02 City Council consent. No project of street improvement, construction or reconstruction of any street within the city of Mountain Home, Arkansas, which is reasonably expected to cost more than Twenty Thousand Dollars (\$20,000.00) shall be commenced without prior approval of the City Council of the city of Mountain Home, Arkansas. (Ord. No. 91-012, Sec. 2)

9.20.03 Project work defined. "Project", for the purposes of this chapter, means the resurfacing, repair, construction or reconstruction of a street or some number of contiguous blocks thereof (or contiguous blocks of several streets) which conveniently and normally would be undertaken at the same time or within the same street construction and repair season. (Ord. No. 91-012, Sec. 3)

Council acceptance of comprehensive program

9.20.04 Comprehensive street program. For all street projects hereafter, said projects shall be listed as part of a comprehensive program accepted by the majority of the Mountain Home City Council.

- Report at 2nd monthly meeting*
- A. Comprehensive program shall list locations, footage and estimated cost. Priority for projects shall be set by the Mayor and Street Superintendent unless otherwise specified by Council on the basis of need and use.
 - B. A progress report shall be given to the City Council on a monthly basis at its second regularly scheduled meeting of the month. (Ord. No. 91-012, Sec. 4)

9.20.05 Project changes. It is recognized that, particularly where repair or reconstruction of streets are involved, unforeseen circumstances may force a change in the planned work. It is further recognized that inordinate delays would result if minor changes in plans for street projects were required to be brought before the entire City Council. Therefore, any minor changes shall be made by the Mayor and Street Superintendent as needed. Project changes substantial in nature shall be approved by the City Council. (Ord. No. 91-012, Sec. 5)

CHAPTER 9.24

IDENTIFYING STREETS AND BUILDINGS

Sections:

9.24.01	Uniform system and Street Numbering Committee
9.24.02	Base line
9.24.03	Block numbers
9.24.04	Even and odd numbers
9.24.05	Non-through streets
9.24.06	911 survey

ORDINANCE NO. 91-012

AN ORDINANCE TO PROVIDE FOR THE ECONOMIC AND SYSTEMATIC REPAIR OF BUILDING STREETS WITHIN THE CITY OF MOUNTAIN HOME; SPECIFICALLY REPEALING ORDINANCE #858; AND FOR OTHER PURPOSES.

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

Section 1.

No project of street improvement, construction, or reconstruction of any street within the City of Mountain Home, Arkansas, to be undertaken by the City of Mountain Home, not actually in progress upon the effective date of this ordinance to be done by utilizing curbs and gutters and/or sidewalks shall be commenced without the prior approval of the City Council of the City of Mountain Home, Arkansas.

Section 2.

No project of street improvement, construction, or reconstruction of any street within the City of Mountain Home, Arkansas, which is reasonably expected to cost more than \$20,000.00, shall be commenced without prior approval of the City Council of the City of Mountain Home, Arkansas.

Section 3.

"Project", for the purposes of this ordinance, means the resurfacing, repair, construction, or reconstruction of a street or some number of contiguous blocks thereof (or contiguous blocks of several streets) which conveniently and normally would be undertaken at the same time or within the same street construction and repair season.

Section 4.

For all street projects hereafter, said projects, shall be listed as part of a comprehensive program accepted by the majority of the Mountain Home City Council.

- A. Comprehensive Program shall list locations, footage and estimated cost. Priority for projects shall be set by the Mayor and Street Superintendent unless otherwise specified by Council on the basis of need and use.
- B. A progress report shall be given to the City Council on a monthly basis at its second regularly scheduled meeting of the month.

Section 5.

It is recognized that, particularly where repair or reconstruction of streets are involved, unforeseen circumstances may force a change in the planned work. It is further recognized that inordinante delays would result if minor changes in plans for street projects were required to be brought before the entire City Council. Therefore, any minor changes shall be made by the Mayor and Street Superintendent as needed. Project changes substantial in nature shall be approved by the City Council.


Section 6. Severability

The provisions of this Ordinance shall be severable. The invalidity or unconstitutionality of any phrase, sentence, clause, section or provision hereof shall not affect any other phrase, sentence, clause, or provision herein.

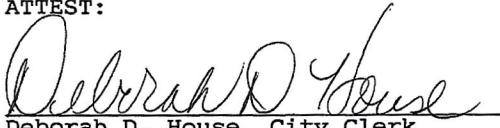
Section 7. Emergency

The budget of the Street Department being a substantial portion of the budget of the City of Mountain Home, and the need for concrete, systematic applications of that budget being urgent, an emergency is declared to exist to safeguard the health, safety, welfare and fiscal responsibility of the City of Mountain Home, and this Ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED THIS 4TH DAY OF APRIL, 1991.


John D. Ayers, Mayor

ATTEST:


Deborah D. House, City Clerk

v2 – Revised 2 p.m. Tuesday, July 9, 2024

Changes are underlined

ORDINANCE NO. 2023-xx

**AN ORDINANCE REGULATING THE RETAIL SELLING,
MANUFACTURE, SHOOTING, OR DISCHARGING OF FIREWORKS
WITHIN THE BOUNDARIES OF THE CITY OF MOUNTAIN HOME,
ARKANSAS; AND REPEALING ORDINANCE NO. 2003-24
AND ORDINANCE NO. 2023-41**

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 City of Mountain Home; and

WHEREAS, it has been deemed appropriate that the City of Mountain Home's existing regulations on firework displays and sales of fireworks should be updated to better address the needs of the City;

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

SECTION 1. USE OF FIREWORKS

It shall be unlawful to shoot, explode, discharge, fire or set 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.

SECTION 2. MANUFACTURE OR SALE OF FIREWORKS

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

SECTION 3. PERMIT FOR THE RETAIL SALE OF FIREWORKS

A permit for the retail sales of fireworks inside the city limits shall be obtained from the City of Mountain Home Fire Department Inspection Division and shall be signed by the Fire Chief and Fire Inspector. The cost of the retail sales permit from the City of Mountain Home shall be One Hundred Dollars (\$100.00). The person purchasing the permit shall be a least twenty-one (21) years of age.

Prior to the City's retail sales permit being issued, the following must be provided to the Mountain Home Fire Department:

1. Copy of 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) provided by a licensed insurance company;
2. If the property in question is not owned by the applicant, written consent from the property owner;
3. A copy of the Arkansas Retail Sales Permit issued by the State Fire Marshal's Office;
4. The \$100 fee owed to the City for the permit.

The permit issued by the Mountain Home Fire Department shall stand in place of the traditional business license normally required by the City for a retail business.

SECTION 4. PERMIT FOR THE DISPLAY OF FIREWORKS

A permit for a fireworks display to be held inside the city limits 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. There is no fee required for a permit for a fireworks display. The person applying for the permit shall be a least twenty-one (21) years of age.

Prior to the City's firework display permit being issued, the following must be provided to the Mountain Home Fire Department:

1. Copy of a corporate bond in the principal sum of Two Hundred-Fifty Thousand Dollars (\$250,000.00) (or a public liability insurance policy for the same amount) provided by a licensed insurance company;
2. If the property in question is not owned by the applicant, written consent from the property owner;

3. A site plan, including 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 (75) feet per the largest inch diameter of the firework shell;
4. Permit for the public display of fireworks issued by the State Fire Marshal's Office.

SECTION 5. TIME LIMITATIONS

All applications for firework display 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 6. SAFETY REQUIREMENTS FOR RETAIL SALES

- 1) All fireworks shall have the fuses protected.
- 2) Smoking of lighted cigarettes, cigars or pipes shall not be permitted inside or within 50 feet of the consumer fireworks retail sales area.
- 3) **“FIREWORKS—NO SMOKING”** signs shall be provided and shall 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.
- 4) 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 inches in height, red in color with contrasting background.
- 5) At least two (2) signs that read, **“NO FIREWORKS DISCHARGE INSIDE CITY LIMITS”** shall be provided at each retail location and shall 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.
- 6) Fireworks shall not be sold at locations that use, store or sell flammable liquids or highly combustible products.
- 7) 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 seventy-five (75) feet.

- 8) 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.
- 9) 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 vehicle parking within 15 feet of where fireworks are offered for sale. For the purpose of this Ordinance, the minimum 15-foot distance shall be measured from the tent line or a permanent, exterior wall.

SECTION 7. SAFETY REQUIREMENTS FOR FIREWORK DISPLAYS

All 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 8. 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 9. 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 six hundred (600) feet of any church, hospital, nursing home, or public school while such facility is occupied, and shall be unlawful to discharge fireworks within three hundred (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 10. 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 every violation.

SECTION 11. ORDINANCES REPEALED

Ordinance No. 2003-24 and Ordinance No. 2023-41 are hereby repealed in their entirety. All other existing ordinances or parts of ordinances, which are inconsistent herewith, are hereby repealed.

PASSED AND APPROVED THIS 5TH DAY OF SEPTEMBER, 2024.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

Proposed changes

Retail sales of fireworks

1. The permit issued by the Fire Department shall stand in place of the business license normally required for a retail business.

2. If property is not owned by the applicant, must have written permission from the owner for a stand.

Fireworks displays

1. Establishes minimum age for display permit is 21 years old.

2. If property is not owned by the applicant, must have written permission from the owner for display.

Safety requirements – Retail sales

1. No VEHICLE parking within 15 feet of where fireworks are sold.

RESOLUTION NO. 2024-xx
A RESOLUTION ADOPTING
THE 2024 BAXTER COUNTY HAZARD MITIGATION PLAN UPDATE

WHEREAS, the City Council of the City of Mountain Home recognizes the threat that natural hazards pose to people and property within its jurisdiction; and

WHEREAS, the City of Mountain Home has prepared a multi-hazard mitigation plan, hereby known as the 2024 Baxter County Hazard Mitigation Plan Update in accordance with federal laws, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; the National Flood Insurance Act of 1968, as amended; and the National Dam Safety Program Act, as amended; and

WHEREAS, the 2024 Baxter County Hazard Mitigation Plan Update identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in its jurisdiction from the impacts of future hazards and disasters; and

WHEREAS, adoption by the City of Mountain Home demonstrates its commitment to hazard mitigation and achieving the goals outlined in the 2024 Baxter County Hazard Mitigation Plan Update;

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

The City of Mountain Home adopts the 2024 Baxter County Hazard Mitigation Plan Update. While content related to the City of Mountain Home may require revisions to meet the plan approval requirements, changes occurring after adoption will not require the City of Mountain Home to re-adopt any further iterations of the plan. Subsequent plan updates following the approval period for this plan will require separate adoption resolutions.

PASSED AND APPROVED THIS 15TH DAY OF AUGUST, 2024.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK