

Code of Ordinances
Baxter County, Arkansas

Association of Arkansas Counties

1415 West Third Street • Little Rock, Arkansas 72201

501-372-7550

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ASSOCIATION OF ARKANSAS COUNTIES

PUBLISHERS ACKNOWLEDGEMENT

Every effort has been made in the publication of this Code of Ordinances to preserve the intent and meaning of the original ordinance. Our goal has been to make the ordinances of Baxter County easily accessible to all, including County Officials and citizens.

ORDINANCE NO.

AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE COUNTY OF BAXTER, STATE OF ARKANSAS; REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE POLITICAL SUBDIVISION DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the ordinances of Baxter County, Arkansas, are inadequately classified to such an extent as to render them non-conducive to searches by either County Officials or the general public, and

WHEREAS, Arkansas Code Annotated (A.C.A.) § 14-14-903 empowers and authorizes Baxter County, Arkansas, to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one unified code in book form; and

WHEREAS, the Quorum Court of Baxter County, Arkansas, has authorized a general compilation, revision and codification of the ordinances of Baxter County, Arkansas, of a general and permanent nature and the publication of such ordinance in book form; and

WHEREAS, the codification of the ordinances of Baxter, County, Arkansas is necessary to provide for the usual daily operation of Baxter County, Arkansas and for the immediate preservation of the public peace, health, safety, and general welfare of Baxter County, Arkansas, that this Ordinance shall be in full force and effect from and after the date of its passage.

WHEREAS, this code of ordinances for Baxter County has been filed in the County Clerk's Office and available for inspection a minimum of thirty (30) days prior to its adoption as required by A.C.A. §14-14-909.

Now, therefore, be it ordained by the Quorum Court of Baxter County, Arkansas:

- 1) The general ordinances of Baxter County, Arkansas, as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the "Code of Ordinances of Baxter County, Arkansas."
- 2) Such Code of Ordinances as adopted in Section 1 shall consist of the following Chapters:

Chapter 1: General Provisions
Chapter 2: Administration
Chapter 3: Law Enforcement

- Chapter 4: Taxes
- Chapter 5: Public Records
- Chapter 6: Agriculture and Livestock
- Chapter 7: Animals
- Chapter 8: Community Services
- Chapter 9: Emergency Services
- Chapter 10: Human Services
- Chapter 11: Public Works
- Chapter 12: Roads and Transportation
- Chapter 13: Urban / Rural Development
- Chapter 14: Other County Services

3) **REPEALER** All prior ordinances pertaining to the subjects addressed in this Code of Ordinances are hereby repealed from the effective date of this Ordinance unless they are included and re-ordained, in whole or in part, in this Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this Ordinance.

Nor shall such repeal affect ordinances which levy taxes, appropriate funds, annex or detach territory, establish franchises, or grant special rights to persons, authorize public improvements, authorize the issuance of bonds, or borrowing of money, authorize the purchase or sale of real or personal property, grant or accept easements, plat or dedication of land to public use, vacate or set the boundaries of streets or other public places. Nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code.

- 4) Such Code shall be deemed published as of the day of its adoption and approval by the County Judge of Baxter County, Arkansas. The County Clerk of Baxter County, Arkansas is hereby authorized and ordered to file a copy of such Code of Ordinances in the Office of the County Clerk.
- 5) **EMERGENCY CLAUSE.** This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of Baxter County, Arkansas and therefore this Ordinance shall be in full force and effect from and after the date of its passage.

APPROVED: _____
Baxter County Judge

ATTEST: _____
Baxter County Clerk

DATED: _____

County Officials
Baxter County, Arkansas

County Officers:

County Judge	Mickey Pendergrass
County Treasurer	Jenay Mize
County Assessor	Jayne Nicholson
County Clerk	Canda Reese
Circuit Clerk	Canda Reese
County Collector	Willa Mae Tilley
County Sheriff	John Montgomery
County Coroner	William R. Snow

Quorum Court Members:

Justice of the Peace	Leon Alexander
Justice of the Peace	Michael Beck
Justice of the Peace	Kevin Bodenhamer
Justice of the Peace	David Lemoine
Justice of the Peace	William Lucas
Justice of the Peace	Neal Pendergrass
Justice of the Peace	Gary Smith
Justice of the Peace	Lucille Soltysik
Justice of the Peace	Nelda Speaks
Justice of the Peace	Gary Tennison
Justice of the Peace	Sheila Wingard

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BAXTER COUNTY CODE OF ORDINANCES
Chapter 1 - General

Chapter 1: GENERAL PROVISIONS

§ 14-14-903(d). Record of proceedings.

(d) CODIFICATION OF ORDINANCES. No later than 1980 and at five-year intervals thereafter, all county ordinances enacted in each of the several counties shall be compiled into a uniform code and published.

§ 14-14-906. Penalties for violation of ordinances.

(a) AUTHORITY TO ESTABLISH.

(1) (A) A county quorum court may fix penalties for the violation of any ordinance, and these penalties may be enforced by the imposition of fines, forfeitures, and penalties on any person offending against or violating the ordinance.

(B) The fine, forfeiture or penalty shall be prescribed in each particular ordinance or in an ordinance prescribing fines, forfeitures, and penalties.

(2) (A) A quorum court shall have the power to provide, by ordinance, for the prosecution, recovery, and collection of the fines, forfeitures, and penalties.

(B) (i) A quorum court shall not have the power to define an offense as a felony or to impose any fine or penalty in excess of one thousand dollars (\$1,000) for any one (1) specified offense or violation, or double that sum for each repetition of the offense or violation.

(ii) If an act prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof in violation of the ordinance, shall not exceed five hundred dollars (\$500.00) for each day that it may be unlawfully continued.

(b) DISPOSITION. All fines and penalties imposed for violation of any county ordinance shall be paid into the county general fund.

Section

100.00 Title of Code.

BAXTER COUNTY CODE OF ORDINANCES
Chapter 1 - General

- 100.01 Chapter titles and other headings.
- 100.02 References to chapters, sections or other subparts.
- 100.03 Definitions.
- 100.04 Supplementation of, or amendments to the Code.
- 100.05 Errors and omissions.
- 100.06 Code variance from original ordinance.
- 100.07 Ordinances not affected by the Code.
- 100.08 Repealed ordinances.
- 100.09 Severability.
- 100.10 Historical notes; editor's notes.
- 100.11 Prior offenses or rights.
- 100.99 Penalty.

§ 100.00 TITLE OF CODE.

This Codification of Ordinances, set forth by Baxter County, Arkansas, shall be designated and known as the Code of Baxter County and may be cited as such.

§ 100.01 CHAPTER TITLES AND OTHER HEADINGS.

Any heading, caption or other subpart designation used in this Code other than chapter titles, article titles and subtitles, and section titles shall not be considered a part of the text of any section and are used for reference purposes only for the ease of use for the reader.

§ 100.02 REFERENCES TO CHAPTERS, SECTION OR OTHER SUBPARTS.

All references in the Code to chapters, sections or other subparts, are to this Code, unless otherwise specified and cited.

§ 100.03 DEFINITIONS.

- 1) Words and phrases shall be taken in their plain and ordinary meaning with the exception of technical words and phrases which have a specific and peculiar meaning. These words and phrases shall be taken in accordance with their technical meaning.
- 2) The following definitions shall be applied throughout this Code, unless the context clearly indicates another meaning be used.

A.C.A. Shall mean the Arkansas Code of 1987 Annotated, as amended.

CODE, THIS CODE. Shall mean the Code of Baxter County, Arkansas.

COUNTY. Baxter County, Arkansas.

GENDER. Any reference to gender, whether specifically or in terms of gender neutrality, shall be construed to include both male and female.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases which, by law, an affirmation may be substituted for an oath and such cases where the words "swear" and "sworn" shall be equivalent to the words "affirm" or "affirmed".

OFFICE, OFFICER, DEPARTMENT(S), BOARD(S), EMPLOYEE(S) OR COMMISSION. Any reference to an office, officer, department, board, employee, commission or any other representative shall be construed to be of this County unless otherwise indicated in the text.

OFFICIAL TIME. Whenever specific hours are referenced in this Code, they shall mean central standard or central daylight savings time based upon the current time measure in use in the County.

PERSON. Includes person, persons, firm, corporation, partnership or co-partnership, association, organization, trustee or any other group or person acting as either a unit or on behalf of another.

SHALL. The act referred to is mandatory.

SIGNATURE OR SUBSCRIPTION. Will include a mark when the person is unable to write.

STATE. The State of Arkansas.

WRITTEN OR WRITING. Includes any representation of words, letters or symbols including printing.

YEAR. A calendar year.

§ 100.04 SUPPLEMENTATION OF, OR AMENDMENTS TO THE CODE.

Supplements and amendments to this Code shall be prepared when authorized by the Quorum Court. Each supplement or amendment will contain all substantive law laid out in the ordinances passed during the period covered by the supplement or amendment. The supplementary pages shall be so numbered as to fit properly into the Code as it exists. The pages will replace pages which have become outdated based on the new ordinances, when applicable.

§ 100.05 ERRORS AND OMISSIONS.

Any manifest error which consists of the misspelling of any word, the omission of any word(s) necessary to adequately express the intention of the ordinance, the use of a word(s) to which no reasoning can be attached or the use of a word(s) when another word obviously was meant in its stead; the spelling should be corrected, the word(s) inserted or replaced with the word intended. The ordinance or section of Code should be construed as though the error had not occurred and as though the correct spelling or word(s) was included in the original publishing of the Code. If there is any question as to what the intent is of the text then no alteration shall be made.

§ 100.06 CODE VARIANCE FROM ORIGINAL ORDINANCE.

In the effort to create a code of ordinances that is consistent in style and formatting, which employs proper spelling, punctuation, and grammar and which eliminates redundant language which is not necessary to express the full intent of the ordinance as written, changes have been made to the original ordinances. As a consequence of these stylistic changes, the Code may not read verbatim to the original ordinance and the section names or numbers may be different in the Code than they were laid out in the original ordinance.

§ 100.07 ORDINANCES NOT AFFECTED BY THE CODE.

Neither this Code, nor the ordinance adopting this Code, shall be construed to affect any ordinance in one or more of the following categories:

- 1) Levying taxes;
- 2) Appropriating funds;
- 3) Annexing or detaching territory;
- 4) Establishing franchises;
- 5) Granting special rights to persons;
- 6) Authorizing public improvements;
- 7) Authorizing the issuance of bonds or the borrowing of money;
- 8) Authorizing the purchase or sale of real or personal property;
- 9) Granting or acceptance of easements;
- 10) Platting or dedication of land to public use;
- 11) Vacating or setting boundaries on streets or other public places;
- 12) Ordinances of a temporary or special nature;
- 13) Ordinances pertaining to subjects not contained in or covered by the Code.

All ordinances covered by one of the categories above shall be considered in full force and effect to the same extent as if they had been laid out in the Code.

§ 100.08 REPEALED ORDINANCES.

- 1) From and after the effective date of this Code, all prior ordinances which pertain to the subjects covered by this Code, but are not included in this Code, shall be deemed repealed.
- 2) When an ordinance which repeals a former ordinance shall be repealed itself, this repeal shall not be construed to revive the former ordinance, in whole or in part, that was previously repealed, unless expressly provided for by the repealing ordinance.

§ 100.09 SEVERABILITY.

If any part of this Code is held to be invalid by the decree of any court of competent jurisdiction or subsequent legislative action, such invalidity shall not affect the remaining parts of the Code which can be given effect without the invalid provision or application.

§ 100.10 HISTORICAL NOTES; EDITOR'S NOTES.

The historical notes and the editors notes contained in this Code are not intended to have any legal effect, but are intended to assist the reader of this Code by providing additional information.

§ 100.11 PRIOR OFFENSES OR RIGHTS.

The adoption of this Code, amendments to this Code, or supplements to this Code shall not affect any offense or penalty committed or incurred or any contract or right established prior to the effective date of this Code, amendment or supplement contained herein.

§ 100.99 PENALTY.

- 1) When an act is made unlawful or prohibited by this Code, or by a County ordinance, and there is no specific fine or penalty otherwise provided, the fine or penalty shall not exceed five hundred dollars (\$500.00) for any one (1) specified violation or offense nor shall the fine or penalty exceed double that amount for each repetition of the offense or violation.
- 2) When an act that is made unlawful or prohibited by this Code, or by a County ordinance, is continuous in nature, the fine or penalty for the continuance thereof shall not exceed two hundred and fifty dollars (\$250.00) for each day the act may be unlawfully continued.

BAXTER COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

Chapter 2: ADMINISTRATION

Article

- I. QUORUM COURT**
- II. COUNTY OFFICERS AND PERSONNEL**
- III. COUNTY ORGANIZATIONS**
- IV. COUNTY POLICIES**
- V. EMERGENCIES: PLAN, SYSTEMS, FEES**
- VI. COUNTY FUNDS AND FEES**

BAXTER COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

Article I. QUORUM COURT

A.C.A. § 14-14-702. Authority to establish – restrictions.

The county quorum court of each county may prescribe, by ordinance, the department, board structure, and organization of their respective county governments and may prescribe the functions of all offices, departments, and boards, However, no ordinance shall be enacted by a quorum court which:

- (1) Divests the county court of any of its original jurisdictions granted by the Arkansas Constitution. However, where any county ordinance establishing a department or board and the assignment of functions thereof interferes with the jurisdictions of the county court, it shall be implied that the functions and acts may be performed on order of the county court or proper order of superior courts on appeal;

- (2) Alters the organization of elected county officials established by the Arkansas Constitution, except through the provisions of Arkansas Constitution Amendment 55, § 2, Part (b). However, any function or duty assigned by statute may be reassigned by ordinance; or

- (3) Limits any provision of state law directing or requiring a county government or any officer or employee of a county government to carry out any function or provide any service. However, nothing in this section shall be construed to prevent the reassignment of functions or services assigned by statute where Arkansas reassignment does not alter the obligation of the county to continue providing such function or service.

A.C.A. § 14-14-904(a)-(c). Procedures Generally.

(a) TIME AND PLACE OF QUORUM COURT ASSEMBLY.

(1) (A)(i) The justices of the peace elected in each county shall assemble and organize as a county quorum court body on the first regular meeting date after the beginning of the justices' term in office.

(ii) Alternatively, the county judge may schedule the biennial meeting date of the quorum court on a date in January other than the first regular meeting date of the quorum court after the beginning of the justices' term.

(B) Thereafter, the justices shall assemble each calendar month at a regular time and place as established by ordinance and in their respective counties to perform

Chapter 2 - Administration

the duties of a quorum court, except that more frequent meetings may be required by ordinance.

- (2) By declaration of emergency or determination that an emergency exists and the safety of the general public is at risk, the county judge may change the date, place, or time of the regular meeting of the quorum court upon twenty-four-hour notice.

(c) SPECIAL MEETINGS OF THE QUORUM COURT.

- (1) The county judge or a majority of the elected justices may call a special meeting of the quorum court upon at least twenty-four (24) hours' notice in such manner as may be prescribed by local ordinance.

- (2) In the absence of procedural rules, the county judge or a majority of the elected justices may call a special meeting of the quorum court upon written notification of all members not less than two (2) calendar days prior to the calendar day fixed for the time of the meeting. The notice of special meeting shall specify the subjects, date, time, and designated location of the special meeting.

- (3) (A) Notice of assembly of a county grievance committee or assembly of less than a quorum of the body, referred to under this section as a "regular committee" or "special committee", may be provided upon oral notice to the members of at least forty-eight (48) hours unless an emergency exists.

(B) If an emergency exists, written notice of at least twenty-four (24) hours stating the basis of the emergency shall be provided.

A.C.A. § 14-14-801(a). Powers Generally.

- (a) As provided by Arkansas Constitution, Amendment 55, § 1, Part (a), a county government, acting through its county quorum court, may exercise local legislative authority not expressly prohibited by the Arkansas Constitution or by law for the affairs of the county.

BAXTER COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

Section

- 200.00 Procedures for proposing ordinances.
- 200.01 Regular monthly meetings.
- 200.02 Meeting area for quorum court meetings; exclusive use.
- 220.03 Procedural rules of the quorum court.
- 220.04 Health benefits allowed for quorum court members.
- 220.05 Funding of monies to non-profit organizations.
- 220.06 Juror pay.

§ 200.00 PROCEDURES FOR PROPOSING ORDINANCES.

- 1) Any proposed ordinance for adoption at a meeting of the Quorum Court of Baxter County shall be submitted in draft form with the original delivered to the Clerk no later than two weeks prior to the meeting at which said Ordinance is to be considered.
- 2) Copies of the proposed draft ordinance shall be made and mailed to the County Judge and each Justice of the Peace at least ten days prior to the meeting at which the ordinance is to be considered.
- 3) Failure to follow the required procedures set out herein shall result in the proposed ordinance not being placed on the agenda or voted on at the next meeting, unless the Court votes to suspend the rules and consider the ordinance.
- 4) Amendments, rewording, or alterations in a proposed draft ordinance shall not affect its eligibility for consideration at a meeting, so long as they do not amount to a completely new ordinance.
(Ord.115, passed 12-31-80)

§ 200.01 REGULAR MONTHLY MEETING.

- 1) The regular monthly meeting of the Baxter County Quorum Court shall be held at 6:00 p.m. at the Baxter County Courthouse.

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- 2) If a holiday falls on the regularly scheduled meeting designated above, the County Judge is authorized and empowered to choose another day for the Quorum Court to meet for that month and the County Judge shall notify the County Clerk of said date. Unless notice is given by announcement at the preceding meeting, the County Clerk shall give written notification to all members of the Quorum Court not less than four (4) calendar days prior to the day fixed for said meeting.
- 3) The office of the County Clerk shall distribute, via electronic or US Mail, the Quorum Court agenda and supporting documentation at least seven days prior to the Quorum Court meeting.
- 4) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect from and after its date of passage and approval.
(Ord. 7, passed 2-4-77; Am. Ord. 81-1, passed 1-6-81; Am. Ord. 83-1, passed 1-4-83; Am. Ord. 85-1, passed 1-2-85; Am. Ord. 86-1, passed 1-7-86; Am. Ord. 87-1, passed 1-6-87; Am. Ord. 89-1, passed 1-3-89; Am. Ord. 90-1, passed 1-3-90; Am. Ord. 91-2, passed 1-4-91; Am. Ord. 92-1, passed 1-7-92; Am. Ord. 93-1, passed 1-7-93; Am. Ord. 95-1, passed 1-4-95; Am. Ord. 97-1, passed 1-7-97; Am. Ord. 99-1, passed 1-4-99; Am. Ord. 01-1, passed 1-3-01; Am. Ord. 03-1, passed 1-6-03; Am. Ord. 07-1, passed 1-2-07; Am. Ord. 09-1, passed 1-6-09; Am. Ord. 2011-1, passed 1-3-11; Am. Ord. 13-1, passed 1-7-13; Am. Ord. 13-16, passed 4-2-13)

§ 200.02 MEETING AREA FOR QUORUM COURT MEETINGS; EXCLUSIVE USE.

- 1) During the course of Quorum Court meetings, the area of the Baxter County Courtroom in front of the railing shall be reserved to the exclusive use of the Quorum Court members and such other county officials as may have regular responsibilities at the meetings.
- 2) All other persons attending Quorum Court meetings shall remain in the audience seating area and behind the railing unless requested to come forward by the County Judge or court members on official business.
- 3) The period covered by this Ordinance shall commence with the call to order of the Quorum Court meeting and end with the final adjournment of the Court.

BAXTER COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

- 4) Upon request of the presiding officer or a court member, the Baxter County Sheriff is hereby empowered to remove anyone violating this Ordinance from the restricted area and from the courtroom if necessary.
(Ord.81-7, passed 4-7-81)

§ 200.03 PROCEDURAL RULES OF THE QUORUM COURT.

- 1) The Quorum Court of Baxter County, Arkansas adopts in entirety the rules of procedure as set out in Chapter 6, PROCEDURAL GUIDE FOR ARKANSAS COUNTY QUORUM COURT MEETING; published by the Association of Arkansas Counties and revised in August 2008. Said publication, attached as Exhibit A, is made a part of this Ordinance.
- 2) The Order of Business specified in Section III of Exhibit A shall apply to regular and special meetings of the Quorum Court and shall proceed as follows:
 - a) Call to order
 - b) Pledge of Allegiance/Prayer
 - c) Reading, correction, and disposition of minutes
 - d) Reports of committees
 - e) Unfinished business
 - f) New business
 - g) Comments or questions from the public
 - h) Announcements
 - i) Adjournment
- 3) In those instances where the document in Exhibit A does not explicitly address the situation, Robert's Rules of Order shall be applied.
- 4) REPEALER. This Ordinance shall repeal that part of any previous ordinance with which it conflicts.

BAXTER COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

- 5) SEVERABILITY CLAUSE. If any part of this Ordinance is found invalid, the remainder shall remain in effect.
(Ord. 09-11, passed 1-6-2009)

§ 200.04 HEALTH BENEFITS ALLOWED FOR QUORUM COURT MEMBERS.

- 1) Quorum Court members that elect to carry health insurance on Baxter County's group plan may do so at their own expense.
- 2) This Ordinance supersedes Ord. No. 95-44.
(Ord. 95-44, passed 11-7-95; Am. Ord. 97-64, passed 12-3-97)

§ 200.05 FUNDING OF MONIES TO NON-PROFIT ORGANIZATIONS.

- 1) Any and all organizations requesting funding from the Quorum Court shall submit to the Quorum Court the following information:
- a. A financial statement
 - b. Names of members of the Board of Directors and salaries of paid employees
 - c. Aims or Goals of said organization
 - d. The Services provided to the public by said organization
 - e. Submit a contract in writing for such services with the County
- 2) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and effect from and after its passage and approval.
(Ord. 91-16, passed 5-7-91)

§ 200.06 JUROR PAY.

- 1) LEGISLATIVE INTENT. Pursuant to the requirements of Act 1033 of 2007, codified as A.C.A. §§ 16-34-101, et seq., and in order to qualify for reimbursement from the State of Arkansas for a portion of said jury costs, the Baxter County Quorum Court hereby establishes the following minimum requirements necessary for compensation as jurors and corresponding rates of compensation for service as jurors or prospective jurors in Baxter County, Arkansas:

BAXTER COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

- a. The person must have received official notice that he or she has been selected as a prospective juror and summoned to appear;
 - b. The person must actually appear at the location which they were summoned;
 - c. And their attendance must be noted in writing by the circuit clerk.
- 2) **RATES OF COMPENSATION.** The following rates of compensation are established for jury service in Baxter County, Arkansas:
- a. Persons who are selected and seated as a member of the jury including alternates shall be compensated at the rate of \$50.00 per day; and
 - b. Persons who are summoned and appear but who are not selected and seated as a member of the jury shall be compensated at the rate of \$15.00 per day; and
 - c. Persons summoned for jury service but who fail, for any reason, to attend court shall not be entitled to receive compensation.
- 3) **RATE OF MILEAGE REIMBURSEMENT.** Any person who is eligible to receive per diem compensation under Section 2 of this Ordinance and whose primary place of residence is outside the city limits of the county seat shall receive a mileage reimbursement payment for mileage from and to his or her home by the most direct and practical route at the current rate for county travel.
- 4) **STATE REIMBURSEMENT PROCEDURE AND RESPONSIBILITY ASSIGNMENT.** Pursuant to A.C.A. §16-34-106, the Circuit Clerk of Baxter County, Arkansas shall be responsible for remitting, in a timely manner, all documentation required by the Administrative Office of the Courts in order to receive reimbursement for the jury cost incurred under A.C.A. § 16-34-103 (b) and Section 2(1) of this Ordinance.
- 5) **EMERGENCY CLAUSE/EFFECTIVE DATE.** An emergency is hereby declared to exist, and this Ordinance shall be in full force and take effect on January 1, 2008.
(Ord. 84-15, passed 10-2-84; Am. Ord. 07-93, passed 12-4-07)

BAXTER COUNTY CODE OF ORDINANCES
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Article II. COUNTY OFFICERS AND PERSONNEL

A.C.A. § 14-14-603. Offices included.

- (a) Within the purposes of this chapter, the term “elective county office” shall mean any office created under the provisions of Arkansas Constitution, Article 7 §§ 19 and 46, as amended by Amendment 24, § 3.

- (b) The elective county offices established by these constitutional provisions are:
 - (1) One (1) sheriff who shall be ex officio collector of taxes, unless otherwise provided by law;
 - (2) One (1) collector of taxes, where established by law;
 - (3) One (1) assessor;
 - (4) One (1) coroner;
 - (5) One (1) treasurer, who shall be ex officio treasurer of the common school fund;
 - (6) One (1) surveyor;
 - (7) One (1) clerk of the circuit court, who shall be ex officio clerk of the county and probate courts and recorder, unless otherwise provided by law; and
 - (8) One (1) county clerk, where established by law.

A.C.A. § 14-14-604. Elective county officers; exclusions.

Offices expressly excluded from the provisions of this subchapter are:

- (1) The judge of the county court created pursuant to Arkansas Constitution, Article 7, § 28, such office being an “elective county office” but not deemed separable from the county court which serves as a principal element of county government and constitutional organization;
- (2) Justices of the peace who are deemed district offices; and
- (3) Constables who are deemed township offices and who are not within the provisions of Arkansas Constitution, Amendment 55 § 2, Part (b).

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A.C.A. § 14-14-902. Quorum Court administration.

- (a) **SECRETARIAT.** (1) The secretariat of the county quorum court shall be the clerk of the county court of each county unless otherwise provided by county ordinance.
- (2) **ALTERNATIVE DESIGNATION.** A quorum court, by ordinance, may provide for the establishment of minimum qualifications and an appropriation for the employment of a secretariat of the court. The employee so designated shall be a staff member of the county clerk or the county judge as may be specified by the ordinance. Where the separate position of secretariat is created by ordinance, all legislative duties prescribed in this chapter for a county clerk shall thereafter become the duties of the secretariat.
- (3) **DUTIES OF THE COUNTY CLERK.** Unless otherwise provided for by county ordinance, the clerk or the deputy clerk shall:
- (A) Attend all regular and special meetings of the court;
 - (B) Perform all administrative and recordkeeping duties prescribed in this chapter; and
 - (C) Perform all other duties as may be required by the quorum court through county ordinance.
- (b) **COUNSEL.** (1) **LEGAL COUNSEL.** The prosecuting attorney or his deputy serving each county shall serve as legal counsel of the quorum court unless otherwise provided by county ordinance.
- (2) **ALTERNATIVE DESIGNATION OF LEGAL COUNSEL.** A quorum court may, by ordinance, provide for the appropriation of county funds for the employment of legal counsel to serve the court.
- (3) **DUTIES OF LEGAL COUNSEL.** The legal counsel of a quorum court shall:
- (A) Attend all regular and special meetings of the court;
 - (B) Perform all duties prescribed in this chapter; and
 - (C) Perform all other duties as may be required by a quorum court.

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(c) OTHER ADMINISTRATIVE SERVICES. A quorum court may authorize and provide through ordinance, for the employment of any additional staff or the purchase of technical services in support of legislative affairs.

A.C.A. § 14-14-1202(a). Ethics for county government officers and employees.

(a) PUBLIC TRUST. (1) The holding of public office or employment is a public trust created by the confidence which the electorate reposes in the integrity of officers and employees of county government.

(2) An officer or employee shall carry out all duties assigned by law for the benefit of the people of the county.

(3) The officer or employee may not use his or her office, the influence created by his or her official position, or information gained by virtue of his or her position to advance his or her individual personal economic interest or that of an immediate member of his family or an associate, other than advancing strictly incidental benefits as may accrue to any of them from the enactment or administration of law affecting the public generally.

A.C.A. § 16-13-709(a)(1)(A)(i), (a)(1)(B)(i). Responsibility for collection.

(a)(1)(A)(i) The quorum court of each county of the state shall designate a county official, agency, or department, which shall be primarily responsible for the collection of fines assessed in the circuit courts of this state.

(a)(1)(B)(i) The quorum court may delegate the responsibility for the collection of delinquent fines assessed in circuit court to a private contractor.

A.C.A. §§ 25-19-101-110. Freedom of Information Act.

Section

210.00 Sheriff's department as the collector for all fines assessed in circuit court.

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**§ 210.00 SHERIFF'S DEPARTMENT AS THE COLLECTOR FOR ALL FINES
ASSESSED IN CIRCUIT COURT.**

- 1) The Baxter County Sheriff's Department is hereby designated as the collector of all fines assessed in Circuit Court.
(Ord. 95-22, passed 8-1-95; Am. Ord. 96-3, passed 1-10-96; Am. Ord. 01-1, passed 1-8-02; Am. Ord. 01-2, passed 1-3-01; Am. Ord. 03-26, passed 3-3-03; Am. Ord. 05-2, passed 1-3-05; Am. Ord. 06-23, passed 3-7-06; Am. Ord. 07-2, passed 1-2-07; Am. Ord. 08-2, passed 1-8-08; Am. Ord. 09-2, passed 1-6-09; Am. Ord. 10-1, passed 1-5-10; Am. Ord. 11-2, passed 1-3-11; Am. Ord. 12-1, passed 1-3-12; Am. Ord. 13-2, passed 1-7-13)

Article III. COUNTY ORGANIZATIONS

A.C.A. § 14-14-704. Establishment of county departments.

The county quorum court of each county, by ordinance, may establish any number of departments for the conduct of county affairs and may prescribe the functions and duties of each department. This authority of a quorum court to establish county departments shall be conclusive and shall supersede any department organizations established by any elected officer:

- (1) **DIRECTION OF DEPARTMENTS.** All departments established by ordinance of the quorum court shall be under the direction and supervision of the county judge except departments assigned to other elected officers of the county. Departments established and assigned to an elected officer other than the county judge shall be under the direction and supervision of the respective county officer;
- (2) **JOINT DEPARTMENTS.** Two (2) or more county governments may provide for the establishment of joint departments for the conduct of county affairs. Joint departments so created shall be established by interlocal agreements. The direction and supervision of joint departments shall be under the combined authorities of the county judge of each respective county in a manner to be prescribed by ordinance;
- (3) **EMPLOYMENT OF DEPARTMENT ADMINISTRATOR.** An ordinance establishing a department of county government may provide for the employment of a department administrator; such ordinance may prescribe minimum qualifications for the person so employed as administrator. However, the county judge alone shall employ all county personnel, except employees of other elected county officers. Where a department is established by the quorum court and the responsibility for direction and supervision of the department is assigned to an elected county officer other than the county judge, the elected county officer so designated shall employ all personnel authorized to be employed by the ordinance;
- (4) **MANAGEMENT REPORTS.** A quorum court may require, by ordinance, reports for any purpose from any elective county office, department, board, or subordinate service district, or any administrator or employee of them.

A.C.A. § 14-14-705(1)(A), (2)(A). County advisory or administrative boards.

A county quorum court, by ordinance, may establish county advisory or administrative boards for the conduct of county affairs.

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- (1) **ADVISORY BOARDS.** (A) An advisory board may be established to assist a county office, department, or subordinate service district. The advisory board may furnish advice, gather information, make recommendations, and perform other activities as may be prescribed by ordinance. A county advisory board shall not have the power to administer programs or set policy.
- (2) **ADMINISTRATIVE BOARDS.** (A) Administrative boards may be established to exercise administrative powers granted by county ordinance, except that the board may not be authorized to pledge the credit of the county. The administrative board shall be a body politic and corporate, with power to contract and be contracted with and sue and be sued. As to actions of tort, the board shall be considered as an agency of the county government and occupy the same status as a county. No board member shall be liable in a court individually for an act performed by him as a board member unless the damages caused thereby were the results of the board member's malicious acts.

A.C.A. §§ 14-169-201-240. Housing Authorities Act.

A.C.A. §§ 14-169-301-319. Regional Housing Authorities.

A.C.A. §§ 14-137-101-123. Public Facilities Boards Act.

Section

220.00	Hospital board; dissolving.
220.01	Economic development advisory board.
220.02	North Arkansas board of regional sanitation.
220.03	Reorganization and establishing county boards and commissions.
220.04	Law library board.
220.05	Waterworks facilities board.
220.06	Georg's Cove park administrative board.

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- 220.07 Board of equalization; compensation.
- 220.08 Veteran's advisory board.

§ 220.00 HOSPITAL BOARD; DISSOLVING.

- 1) The Baxter County Hospital Board is hereby dissolved.
- 2) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall be in full force and effect from and after its passage and approval.
(Ord.82-12, passed 9-7-82)

§ 220.01 ECONOMIC DEVELOPMENT ADVISORY BOARD.

- 1) There is hereby established an Economic Development Advisory Board. Said Board shall exercise advisory powers as granted by A.C.A §14-14-705.
- 2) The Economic Development Advisory Board shall consist of eleven members with one resident from each quorum court district.
- 3) The terms of office for members of the Economic Development Advisory Board shall be three years.
- 4) The County Judge shall serve as an ex-officio member of said Board.
- 5) Said Board shall report its findings and recommendations to the Quorum Court quarterly.
(Ord. 09-58, passed 10-6-09; Am. Ord. 10-15, passed 3-3-10)

§ 220.02 NORTH ARKANSAS BOARD OF REGIONAL SANITATION.

- 1) The Baxter County Quorum Court hereby authorizes the County Judge to make application on behalf of Baxter County to form a sanitation authority to be known as the North Arkansas Board of Regional Sanitation for the purpose of operating, maintaining and improving the Nabors Landfill and Hauling Operation.
- 2) The attached Application to Form Sanitation Authority is hereby approved and the County Judge is authorized to execute said Application on behalf of Baxter County.
(Ord. 10-43, passed 8-3-2010)

§ 220.03 REORGANIZATION AND ESTABLISHING COUNTY BOARDS AND COMMISSIONS.

- 1) The existing Baxter County Library Board, Baxter County Planning Board, and the Baxter County Airport Commission having been terminated by State enactment; the function; duties and jurisdiction formerly vested in the said boards and commissions shall henceforth be vested in the Baxter County Planning Board and its Administrative Board, the Baxter County Library Board and its Administrative Board, and the Baxter County Airport Commission and its Administrative Board respectively, all of which are hereby created by this Ordinance, in accordance with Chapter 6 of Act 742 of 1977 and amendments thereto and Act 422 of 1977 and amendments thereto.
- 2) The Administrative Boards of Baxter County Library Department, the Baxter County Airport Commission and the Baxter County Planning Board shall be empowered with all powers enumerated in Chapter 6 of Act 742 of 1977 and Act 422 of 1977 respectively, as well as with all powers normally incidental to the administration of the said Department, Board and Commission and the Administrative Boards are hereby assigned responsibility for the operation of their respective Departments, Board or Commission. The respective Department, Board and Commission shall be organized and operated in the manner and method prescribed by Chapter 6 of 742 and Act 422 of 1977. All Administrative Board members shall be appointed by the Baxter County Judge with each appointment requiring confirmation by the Baxter County Quorum Court. All members appointed shall be qualified electors of Baxter County, Arkansas. Each person so appointed to an Administrative Board shall within ten days from the date of appointment subscribe to the oath of office and shall file evidence thereof with the Baxter County Clerk.
- 3) The administrative Board of the Department, Board and Commission shall be empowered to contract and/or with any other organization to facilitate their operation.
- 4) The County Clerk shall maintain a register of County Administrative Board appointments and shall include therein all appointments to any Administrative Board authorized by the Ordinance, as well as all pertinent information incidental to such appointments, as well as all pertinent information incidental to such appointments, as specified by Section 104 of Act 742 of 1977.
- 5) SEVERABILITY CLAUSE. All sections of this Ordinance are deemed to be severable and any section thereof which may be declared to be unlawful or unconstitutional shall have no effect on the sections or parts of sections which are not deemed to be unlawful or unconstitutional.

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- 6) REPEALER. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

- 7) EMERGENCY CLAUSE. An emergency is hereby declared to exist and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and effect from and after its passage and approval.
(Ord. 48, passed 8-8-78)

§ 220.04 LAW LIBRARY BOARD.

- 1) There is hereby established the Baxter County Library Board. Said Board shall exercise administrative powers as granted by A.C.A. §16-23-102.

- 2) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect immediately after its passage and approval.
(Ord. 97-3, passed 1-6-97)

§ 220.05 WATERWORKS FACILITIES BOARD.

- 1) In accordance with, and pursuant to the authority conferred by the provision of the Act, there is thereby created and established a public facilities board (The "Board") with authority as hereinafter provided to accomplish, finance, contract concerning, and otherwise dispose of and deal with waterworks facilities. The term "waterworks facilities" as used in this Ordinance shall have the meaning set forth in the Act.

- 2) The name of the Board shall be "Baxter County, Arkansas Waterworks Facilities Board".

- 3) Each member shall take and file with the County Clerk the Oath of Office prescribed by the Act.

- 4) The Board is authorized, from time to time, to own, acquire, construct, reconstruct, extend, equip, improve, sell, lease, contract concerning, or otherwise dispose of waterworks facilities.

- 5) The Board is authorized to issue revenue bonds from time, and time, and use the proceeds thereof as required to provide waterworks facilities, including the creation of any desired reserve funds, and paying the costs of the issuance of such bonds. Any such revenue bonds shall be obligations only of the Board and shall not constitute an indebtedness for

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which the faith and credit of the county or any of its revenues are pledged. The principal and interest on the bonds shall be payable from revenues derived from waterworks facilities financed, in whole or in part, from bond proceeds and any other sources as authorized by, and in accordance with, the provisions of the Act.

- 6) The Board shall have all the powers provided for in the Act, subject to the limitations of this Ordinance, and shall carry out its duties in accordance with the Act, including the filing of the annual report required by Section 18 of the Act. The Board shall take all appropriate action necessary to comply with the Constitution and laws of the United States of America, and the State of Arkansas, including matters related to open public meetings as provided by Section 93 of 1967, as amended.
- 7) SEVERABILITY CLAUSE. The provisions of this Ordinance are severable. If any provision thereof shall be held to be invalid or inapplicable to any person or circumstance, such holding shall not affect the validity or applicability of the remainder of the provisions hereof.
- 8) REPEALER. All ordinances of the County or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.
- 9) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect from and after its date of passage and approval.
(Ord.98-43, passed 10-6-98)

§ 220.06 GEORGES COVE PARK ADMINISTRATIVE BOARD.

- 1) There is hereby established the Georges Cove Park Administrative Board. Said Board shall exercise administrative powers as granted by A.C.A. § 14-14-705.
- 2) The Georges Park Administrative Board shall consist of five members.
- 3) The County Judge shall serve as an ex officio member of said Board.
(Ord. 04-42, passed 6-1-04)

§ 220.07 BOARD OF EQUALIZATION; COMPENSATION.

- 1) For attending regular and special sessions of the Board of Equalization, each member shall receive compensation in the amount of one hundred dollars (\$100.00) for each

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meeting. Should a member not attend for whatever reason, he or she shall not be allowed this compensation.

- 2) Upon request, a member of the Board of Equalization who lives outside of the city limits of Mountain Home may request to be reimbursed for mileage from his/her residence to the meeting place of regular or special meetings of the Board of Equalization. Such mileage reimbursement shall be in the amount established by the Baxter County Quorum Court.
- 3) REPEALER. This Ordinance shall repeal that part of any previous ordinance with which it is in conflict.
- 4) SEVERABILITY CLAUSE. If any part of this Ordinance is found invalid, the remainder shall remain in effect.
(Ord. 13-59, passed 9-3-13)

§ 220.08 VETERANS ADVISORY BOARD.

- 1) There is hereby established a Veteran's Advisory Board. Said Board shall exercise advisory powers as granted by A.C.A. § 14-14-705.
- 2) The Veteran's Advisory Board shall consist of five (5) members who shall be veterans.
- 3) The terms of office for members of the Veteran's Advisory Board shall be: one- 1 year term; two -2 year terms; and two- 3 year terms. All successor members shall be appointed by the County Court for terms of three years.
- 4) The County Judge shall serve as an ex-officio member of said Board.
(Ord. 98-22, passed 5-5-98; Am. Ord. 11-3, passed 1-3-11)

Article IV. COUNTY POLICIES.

Section

General Policies

230.00 Authority to contract; County Judge and the U.S. Corp of Engineers.

Employee / Employment Policies

240.00 Personnel policy.

240.01 Direct deposit system.

Purchasing Policies

250.00 Minimum amount for the purchase of equipment.

General Policies

§ 230.00 AUTHORITY TO CONTRACT; COUNTY JUDGE AND THE U.S. CORP. OF ENGINEERS.

- 1) The County Judge is hereby authorized to enter into contracts on behalf of the County with the United States of America, Department of the Army, U.S. Corp. of Engineers, for the County through its County Sheriff's Department to provide routine patrols and law enforcement services in federally owned and operated parks around Lakes Norfolk and Bull Shoals situated in Baxter County, Arkansas.
- 2) The terms of the contracts shall be negotiated by the County Judge and shall provide for reimbursement from the U.S. Government for monies expended by the County in execution of the County's obligation pursuant to any contracts negotiated.
- 3) The supplementation of law enforcement on federal parks and campgrounds in this County around Lakes Norfolk and Bull Shoals, will benefit the area through increased tourism and safer recreational areas for citizens of this County and visitors alike.
- 4) The supplementation of law enforcement services and patrols in and around federally owned and operated parks and campgrounds in this County around Lakes Norfolk and

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Bull Shoal's will reduce crime, provide safer and more enjoyable recreation for citizens of this County, and visitors and tourists to the area.

- 5) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect from and after its date of passage and approval.
(Ord.42, passed 5-2-78)

Employee / Employment Policies

§ 240.00 PERSONNEL POLICY.

- 1) The attached Baxter County Personnel Policy Handbook (as shown by attached Exhibit "A") is hereby approved and implemented.
(Ord. 94-8, passed 3-2-94; Am. Ord. 97-43, passed 8-5-97; Am. Ord. 98-27; passed 6-3-98; Am. Ord. 00-43, passed 5-2-00; Am. Ord. 01-82, passed 9-4-01; Am. Ord. 03-19, passed 2-10-03; Am. Ord. 05-48, passed 4-8-05; Am. Ord. 07-32, passed 4-4-07; Am. Ord. 11-67, passed 12-12-11; Am. Ord. 12-39, passed 5-1-12; Am. Ord. 12-48, passed 7-2-12)

§ 240.01 DIRECT DEPOSIT SYSTEM.

- 1) The Baxter County Quorum Court, as authorized by state statute A.C.A. §14-24-121, does hereby authorize Baxter County to establish an electronic warrants transfer (direct deposit) system directly into payees' accounts in financial institutions in payment of any account allowed against the County. The electronic payment method to be established shall provide for appropriate internal accounting controls and documentation for audit and accounting purposes.
- 2) The electronic warrants transfer system established under section 1 shall be submitted to and approved by the Legislative Joint Auditing Committee of the Arkansas General Assembly prior to implementation.
- 3) The Baxter County Quorum Court authorizes the use of internet banking by the County Treasurer's Office to conduct the county's financial business.
- 4) Nothing in this Ordinance shall prohibit any elected official, employee, vendor or any person or entity to be paid by a regular Baxter County payment warrant when such is requested by the payee.

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(Ord. 13-15, passed 4-2-13)

Purchasing Policies

§ 250.00 MINIMUM AMOUNT FOR THE PURCHASE OF EQUIPMENT.

- 1) Any purchase of equipment of \$1,000 or less shall not be taken out of the Purchase of Equipment line item.

(Ord. 98-7, passed 2-3-98; Am. Ord. 04-70, passed 9-7-04)

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Chapter 2 - Administration

Article V. EMERGENCIES: PLANS, SYSTEMS AND FEES

A.C.A. § 14-14-1107. Natural disasters.

In any county in which a natural disaster, including but not limited to a tornado or flood, results in the county being declared a disaster area by the Governor, an appropriate official of the United States Government, or the county judge of the county, is authorized to use county labor and equipment on private property to provide services which are required as a result of the natural disaster.

A.C.A. §§ 12-75-101-133. Arkansas Emergency Services Act of 1973.

Section

General

Reserved.

Flooding

Reserved.

General

Reserved.

Flooding

Reserved.

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Article VI. COUNTY FUNDS AND FEES

Section

Reserved.

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Chapter 3: LAW ENFORCEMENT

Article

- I. COUNTY POLICIES**
- II. COUNTY JAILS**
- III. COURT COSTS**
- IV. COUNTY LAW**

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Chapter 3 - Law Enforcement

Article I. COUNTY POLICIES

Section

- | | |
|--------|---|
| 300.00 | Portion of fines from drug related convictions to go towards Sheriff's K-9 program. |
| 300.01 | Portions of fine money from driving while intoxicated to go towards alcohol related services. |

§ 300.00 PORTION OF FINES FROM DRUG RELATED CONVICTIONS TO GO TOWARDS SHERIFF'S K-9 PROGRAM.

- 1) Thirty dollars (\$30.00) from each and every fine levied in the District Court against a defendant upon plea of guilty, nolo contendere, or conviction for the offenses of violating the Arkansas Uniform Controlled Substance Act A.C.A. § 5-64-401, Possessing Drug Paraphernalia A.C.A. § 5-64-403, and Possessing Instruments of a Crime A.C.A. § 5-73-102 and subsequently paid to the County Treasurer by the District Court, shall be designated for use by the Sheriff for the purposes of maintaining the operations of the Sheriff's canine program and operations.
- 2) Upon receipt of said fines by the County Treasurer, it is the intent of the Quorum Court that the fine money identified and designated in Section 1 hereinabove for use by the Sheriff shall be routinely added to the Sheriff's operating budget in account no. GL 1-0588, K-9 Care.
- 3) The Sheriff, Treasurer, and District Clerk are hereby authorized to promulgate and implement any reasonable procedures they may jointly deem necessary to properly identify, track, and earmark the portion of fine money being so designated to the Sheriff herein.
(Ord. 10-44, passed 8-3-10)

§ 300.01 PORTIONS OF FINE MONEY FROM DRIVING WHILE INTOXICATED TO GO TOWARDS ALCOHOL RELATED SERVICES.

- 1) Thirty dollars from each and every fine levied in the District Court or Circuit Court against a defendant upon conviction for the offense of driving while intoxicated, A.C.A. § 5-65-103, and subsequently paid to the County Treasurer by the respective Court, shall

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be designated for use by the Sheriff for the purposes of maintaining the operations of the Sheriff's Office state certified breathalyzer installation, for the purpose of implementing educational programs, concerning alcohol abuse, and for the purpose of implementing programs or purchasing equipment to be used toward preventing or reducing the number of Driving While Intoxicated offenses committed in the County, as well as the enforcement of the Driving While Intoxicated statutes.

- 2) One half (\$15.00) of the fine money designated in Section 1 hereinabove shall be used for the purpose of maintaining the operations of the Sheriff's Office state certified breathalyzer installation, including the purchase of replacement equipment and supplies, and for the purpose of implementing education programs concerning alcohol abuse, and also for preventing or reducing the number of Driving While Intoxicated Offenses committed in the County, while the other one half (\$15.00) of the fine money designated in Section 1 hereinabove shall be used for the purpose of the enforcement of the Driving While Intoxicated statutes, including paying for supplies, fuel and equipment dedicated to those purposes.
- 3) Upon receipt of said fines by the County Treasurer, it is the intent of the Quorum Court that the portion of the fine money identified and designated in Section 1 hereinabove for use by the Sheriff shall be routinely added to the Sheriff's operating budget, half being designated for the "breathalyzer fund" and half being designated to the "DWI enforcement fund", in line items so designated, and being considered Special Funds.
- 4) The Sheriff, Treasurer, Circuit Clerk, and District Clerk are hereby authorized to promulgate and implement any reasonable procedures they may jointly deem necessary to properly identify, track and earmark the portion of fine money being so designated to the Sheriff herein.

(Ord.05-65, passed 5-3-05)

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Article II. COUNTY JAILS

A.C.A. § 12-41-502. Supervision.

The county sheriff of each county in this state shall have the custody, rule, and charge of the jail within his or her county and all prisoners committed in his or her county, and he or she may appoint a jailer for whose conduct he or she is responsible.

A.C.A § 12-41-503(a)-(b). Management of local jail populations.

- (a) County sheriffs and other keepers or administrators of jails within the State of Arkansas are responsible for managing the populations and operations of their respective facilities in compliance with the laws and the Arkansas Constitution and within the requirements of the United States Constitution.

- (b) Neither a county sheriff nor another keeper or administrator of a jail shall refuse to accept any prisoner lawfully arrested or committed within the jurisdiction of the supporting agency of the jail except as necessary to limit prisoner population in compliance with subsection (a) of this section.

A.C.A. § 12-41-506(a). Municipal prisoners; expenses.

- (a) (1) In the absence of an agreement on jail costs between a county and all municipalities having law enforcement agencies in the county, the quorum court in a county in this state may by ordinance establish a daily fee to be charged municipalities for keeping prisoners of municipalities in the county jail.

- (2) The fee shall be based upon the reasonable expenses which the county incurs in keeping such prisoners in the county jail.

Section

320.00 Fee for keeping prisoners from other political subdivisions and municipalities in the county jail.

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Chapter 3 - Law Enforcement

**§ 320.00 FEE FOR KEEPING PRISONERS FROM OTHER POLITICAL
SUBDIVISIONS AND MUNICIPALITIES IN THE COUNTY JAIL.**

- 1) When used in the context of this Ordinance, a PRISONER shall mean any person arrested by any federal, state, county, or municipal law enforcement agency or officer for a violation of law and taken to the Baxter County Jail for the purpose of booking and/or incarceration therein.
- 2) The Baxter County Sheriff's Office shall charge and collect a fee of fifty dollars (\$50.00) per prisoner for each 24 hour period or any part thereof for any and all prisoners taken to the Baxter County Jail by any federal, state, county, or municipal law enforcement agency or officer for the purpose of booking and/or incarceration therein, unless otherwise provided for as outlined in Section 3 hereunder.
- 3) In the event any county or municipality desires to enter into an agreement with Baxter County to provide for payment of a set monthly or yearly fee for housing its prisoners in the Baxter County Jail, rather than paying in the manner provided in Section 2 hereinabove, then the Sheriff of Baxter County will act as the agent and representative of the Quorum Court for the purposes of negotiating such agreement. The Sheriff shall submit all proposed agreements to the Quorum Court for approval, and the Court may approve such agreements by Resolution or may reject them.
- 4) Unless otherwise provided by agreement as set forth in Section 3 hereinabove, the Sheriff's Office shall bill each political subdivision, entity, or municipality monthly for the cost of keeping prisoners in the Baxter County Jail, and he shall remit to the County Treasurer each month the fees collected under this section. These fees shall be credited to the County General Fund.
- 5) If any political subdivision, entity, or municipality shall neglect, fail, or refuse to pay the fee for prisoners that have been levied under this Ordinance, then the Sheriff may refuse to accept prisoners from such political subdivision, entity, or municipality, within the scope and boundary allowed by Arkansas Law, until the fees charged have been paid and brought current.
- 6) REPEALER. All ordinances or parts of ordinances found to be in conflict herewith, including specifically ordinance no. 2000-86, are hereby repealed.
- 7) EFFECTIVE DATE. This Ordinance shall take effect on May 1, 2010.
(Ord. 21, passed 7-11-77; Am. Ord. 55, passed 11-14-78; Am. Ord. 106, passed 10-7-80; Am. Ord. 00-86, passed 11-6-00; Am. Ord. 87-8, passed 4-7-87; Am. Ord. 88-9, passed

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7-5-88; Am. Ord. 94-37, passed 10-5-94; Am. Ord. 96-57, passed 12-4-96; Am. Ord. 97-57, passed 10-8-97; Am. Ord. 10-19, passed 4-6-2010)

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Article III. COURT COSTS

A.C.A. § 16-10-305(a), (c)-(d). Court costs.

- (a) There shall be levied and collected the following court costs from each defendant upon conviction, each plea of guilty or nolo contendere, or each forfeiture of bond.

- (c) No county, city or town shall be liable for the payment of the costs taxed under this section in any instance where they are not collected, or in any case in which the defendant pays the costs by serving time in a jail, on a county farm, or at any other official place of detention or work.

- (d) No town, city, or county shall authorize and no district court or circuit court shall assess or collect any other court costs other than those authorized by this act, unless specifically provided by state law.

Section

- 340.00 Additional \$20.00 fine to help defray the expense of incarcerating prisoners.

- 340.01 Additional \$5.00 fine for City Court cases to defray the cost of incarcerating prisoners.

§ 340.00 ADDITIONAL \$20.00 FINE TO HELP DEFRAY THE EXPENSE OF INCARCERATING PRISONERS.

- 1) Under authority of Act 209 of 2009, there is hereby levied and shall be collected an additional fine in the amount of twenty dollars (\$20.00) from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture in all cases in the first and second class of accounting records as described in A.C.A. § 16-17-707. The additional fine shall apply to each charge, count, violation, or offense that a defendant pleads guilty or nolo contendere to, if found guilty of, or forfeits bond for, including each misdemeanor of violation.

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- 2) The additional fine levied in Section 1 hereinabove shall apply to all applicable cases brought before all District Courts and departments thereof that now exist and are in operation, or may hereafter be created and placed into operation, within Baxter County.
- 3) All additional fines levied and collected under the provisions of this Ordinance shall be deposited into a special fund within the County Treasury to be used for the maintenance, operation, and capital expenditures of the County Jail or as otherwise specifically permitted under the provisions of Act 209 of 2009.
- 4) REPEALER. All ordinances or parts of ordinances found to be in conflict herewith, including specifically Ord. No. 2003-52 in its entirety, are hereby repealed.
- 5) EMERGENCY CLAUSE. This Ordinance shall take effect, and be in full force and effect immediately upon its passage, approval, and publication as required by law.
(Ord. 09-39, passed 7-13-2009)

§ 340.01 ADDITIONAL \$5.00 FINE FOR CITY COURT CASES TO DEFRAY THE COST OF INCARCERATING PRISONERS.

- 1) Pursuant to Act 1188 of 2003 of the General Assembly of the State of Arkansas, an additional fine of five dollars shall be levied and collected from each defendant who pleads guilty or nolo contendere to, is found guilty of, or forfeits bond on any misdemeanor or traffic violation in any of the City Courts within Baxter County, Arkansas, including specifically the City Courts of Gasville, Cotter, Lakeview, and Briarcliff, Arkansas, as well as any other City Courts that may hereafter be created or otherwise exist within Baxter County.
- 2) The additional fine levied by the County under this Ordinance shall be deposited into a special fund within the County Treasury, and the revenues generated by the additional fine shall be used exclusively for maintenance, operation, and capital expenditures of the Baxter County Jail and Detention Center.
- 3) Revenues derived from the additional fines levied under this Ordinance shall not offset funding from other sources for the maintenance, operation and capital expenditures of the Baxter County Jail and Detention Center.
- 4) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage.
(Ord. 03-52, passed 6-2-03; Am. Ord.07-17, passed 2-6-07)

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Article IV. COUNTY LAW

Section

- 360.00 Election to authorize the sale of alcoholic beverages on Sunday.
- 360.01 Persons under 21 years of age are prohibited from attempting to purchase or obtain alcohol from retail dealers, or other public or private clubs or establishments within the County.
- 360.02 Burn Ban.
- 360.03 Restricting sexually oriented businesses.
- 360.04 Electronic recordkeeping and reporting by owners and operators of pawn shops and pawn brokers.
- 360.05 Authority to regulate unsanitary conditions.
- 360.06 Prohibition on the possession, sale and offering for sale of a synthetic cannabinoid commonly known as "K-" or "SPICE".

§ 360.00 ELECTION TO AUTHORIZE THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAY.

- 1) Subject to the approval of a majority of the electors, the sale of alcoholic beverages shall be authorized on Sunday between the hours of 12:00 noon and 10:00 p.m.; said sales to be authorized in all permitted outlets located within Baxter County.
- 2) This issue shall be referred to the electorate at the November 7, 2006 General Election, and that the ballot shall be printed substantially as follows:

FOR the sale of alcoholic beverages on Sunday in Baxter County, Arkansas, as authorized by law.

AGAINST the sale of alcoholic beverages on Sunday in Baxter County, Arkansas, as authorized by law.

- 3) REPEALER. All ordinances or resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict by passage of this Ordinance.

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- 4) SEVERABILITY CLAUSE. Each of the provisions of this Ordinance are severable and the decision of any court having jurisdiction as to the validity of any provision shall not affect the remaining provisions.
(Ord. 06-24, passed 3-7-06)

§ 360.01 PERSONS UNDER 21 YEARS OF AGE ARE PROHIBITED FROM ATTEMPTING TO PURCHASE OR OBTAIN ALCOHOL FROM RETAIL DEALERS, OR OTHER PUBLIC OR PRIVATE CLUBS OR ESTABLISHMENTS WITHIN THE COUNTY.

- 1) From and after the enactment of this Ordinance, it shall be unlawful for any person under the age of twenty-one years to attempt to purchase or otherwise obtain any alcoholic beverage from a retail dealer who sells such beverages for off-premises consumption or from a public tavern, restaurant, private club, or other establishment which sells such beverages for on-premises consumption.
- 2) A person violating this Ordinance may be detained in a reasonable manner and for a reasonable length of time by the Sheriff, or by the owner, operator, or an employee of a public establishment or private club where alcoholic beverages are sold or dispensed for off-premises or on-premises consumption. Such detention shall not render the detainer criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.
- 3) The Sheriff may arrest, without a warrant, on probable cause for believing the suspect has committed the offense of attempting to purchase or otherwise obtain an alcoholic beverage. Sufficient probable cause may be established by the written affidavit of the owner, operator, or employee of a public establishment or private club where alcoholic beverages are sold or dispensed for off-premises or on-premises consumption to the Sheriff or any Sheriff's Deputy that the affiant has observed the person accused of committing the offense of attempting to purchase or otherwise obtain an alcoholic beverage.
- 4) The manager of any public establishment which sells alcoholic beverages for on-premises or off-premises consumption and the manager of any private club which serves alcoholic beverages for on-premises consumption shall be required to post in a conspicuous place a notice stating:

NOTICE TO PERSONS UNDER 21 YEARS OF AGE

You are subject to a maximum \$500.00 fine for:

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1. Misrepresenting your age for the purpose of obtaining liquor, beer, or any alcoholic beverages.
2. Purchasing or attempting to purchase or otherwise obtaining liquor, beer, or any alcoholic beverage.

The size of said notice shall not be less than 8 ½ inches by 11 inches.

- 5) Any person found to be violating the provisions of Section 1 hereinabove shall be deemed guilty of a misdemeanor and subject to arrest therefore, and shall be issued a citation to appear before the District Court of Baxter County, Arkansas. Any person convicted of violating this Ordinance shall be punished by a fine of not less than \$100.00 and not more than \$500.00, together with any other remedial action that the Judge of the District Court may deem appropriate. No portion of the minimum fine may be suspended or held in abeyance.
- 6) Any fines assessed by the District Court of Baxter County against any person for violating the provisions of this Ordinance shall be remitted to the County Treasurer.
- 7) \$25.00 from each fine levied and assessed by the District Court as provided for in Section 5 hereinabove shall be designated for the exclusive use of the Office of the Sheriff for the sole purpose of initiating drug and alcohol education and awareness programs for the youth of the county. Appropriations to the Sheriff for this purpose from the County General Fund shall be provided for by Ordinance as needed, as these fines are assessed and collected.
- 8) SEVERABILITY CLAUSE. If any part or section of this Ordinance is declared to be invalid, or held void, it shall not affect the validity of the remainder, but the remainder shall stand.
(Ord. 05-28, passed 2-1-05)

§ 360.02 BURN BAN.

- 1) During periods of dry weather when conditions for dangerous burning exist, a burning ban may be declared by the County Judge, under the provisions of Act 511 of 1973, as amended.
- 2) Burning ban declarations issued by the County Judge and released to the public through regular news media press releases shall establish the periods of time during which burning in the unincorporated areas of the County is prohibited.

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- 3) The Arkansas Forestry Commission county headquarters shall also be notified of the burning ban to provide for coordination of activities.
- 4) Failure to comply with the burning shall constitute a misdemeanor. A misdemeanor allows the Municipal Judge to set the fine from zero to \$500.00 for the first offense and up to \$1,000 for each subsequent offense.
- 5) This Ordinance shall be enforced through the Baxter County Sheriff's Department.
- 6) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect immediately from and after its passage and approval.
(Ord.96-16, passed 3-5-96)

§ 360.03 RESTRICTING SEXUALLY ORIENTED BUSINESSES.

- 1) PURPOSE AND FINDINGS. It is the purpose of this Ordinance to restrict sexually oriented businesses in order to promote the health, safety and general welfare of the citizens of the County, and to establish reasonable and uniform restrictions to prevent the deleterious location and concentration of sexually oriented businesses within the county. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor the effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the first amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.
- 2) DEFINITIONS.
 - a. *Adult Cabaret, Theatre, Arcade, or Motion Picture Theater* – means a club, bar, theater, restaurant, auditorium, or similar commercial establishment which regularly features:
 - i. Persons who appear in a state of nudity or semi-nude, either in person or by film; or

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- ii. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.
- b. **Establishment** – means and includes any of the following:
- i. The opening or commencement of any sexually oriented business as a new business.
 - ii. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business.
 - iii. The additions of any sexually oriented business to any other existing sexually oriented business; or
 - iv. The relocation of any sexually oriented business.
- c. **Nude Model Studio** – means any place where a person who appears semi-nude, in a state of nudity, or who displays “specified anatomical areas” and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. “Nude Model Studio” shall not include a proprietary school licensed by the State of Arkansas or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:
- i. that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
 - ii. Where in order to participate in a class a student must enroll at least three days in advance of the class.
- d. **Nudity or State of Nudity** – means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering or any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
- e. **Person** – means an individual, proprietorship, partnership, corporation, association, or other legal entity.

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- f. ***Semi-Nude or in a Semi-Nude Condition*** – means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

- g. ***Sexual Encounter Center*** – means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
 - i. Physical activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

- h. ***Sexually Oriented Business*** – means an adult cabaret, adult motion picture theater, adult theatre, nude model studio, sexual encounter center, adult arcade, adult bookstore, adult novelty store, or adult video store.

- i. ***Specified Anatomical Areas*** – means;
 - i. The human male genitals in a discernibly turgid state, even if completely or opaquely covered; or,
 - ii. Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above top of the areola.

- j. ***Specified Sexual Activities***- means any of the following:
 - i. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast, or,
 - ii. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy.

3) CLASSIFICATION. Sexually oriented businesses are classified as follows:

- a. Adult arcades;

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- b. Adult bookstores, adult novelty stores, or adult video stores;
 - c. Adult cabarets;
 - d. Adult motion picture theaters;
 - e. Adult theatres;
 - f. Nude model studios; and
 - g. Sexual encounter centers.
- 4) **APPLICABILITY.** This Ordinance shall be applicable to all of the unincorporated areas of Baxter County, Arkansas.
- 5) **PERMITS.** Every owner of a sexually oriented business shall apply for a permit prior to the opening of any new sexually oriented business in the unincorporated areas of Baxter County, Arkansas. The permit application shall be accompanied by a one thousand dollar, non-refundable permit and investigation fee. The permit application and fee shall be delivered to the office of the Baxter County Judge. The Baxter County Judge shall issue the permit within ten business days from the receipt of the application and fee unless the county judge determines that the owner's proposed business location is in conflict with this Ordinance. If the proposed business location is in conflict with this Ordinance, the County Judge shall notify the applicant of the conflict within ten business days from the receipt of the application and fee. The applicant shall have the right to appeal any adverse decision to the quorum court at its next regularly scheduled monthly meeting. The decision of the Quorum Court shall be final.
- 6) **LOCATION OF SEXUALLY ORIENTED BUSINESSES.**
- a. A person commits an offense if the person operates or causes to be operated a sexually oriented business within two thousand feet of:
 - i. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities; or
 - ii. A public or private educational facility including, but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation

schools, special education schools, junior colleges and universities; *school* includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school; or,

iii. A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within Baxter County which is under the control, operation, or management of any governmental authority; or,

iv. The property line of a lot devoted to residential use when said lot is in a platted subdivision; if said residential use is not in a platted subdivision, then for purposes of this Ordinance, the property line shall be one hundred feet in any direction from a residence.

b. A person commits an offense if that person owns, operates, or establishes a sexually oriented business within one mile of another sexually oriented business.

c. For the purpose of subsections A and B of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection A or B. Presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

d. A sexually oriented business lawfully operating in accordance with this Ordinance will not be considered as a violation of this Ordinance by the subsequent location of those uses outlined in subsections A and B of this section.

7) **ADDITIONAL RESTRICTIONS FOR NUDE MODEL STUDIOS AND SEXUALLY ORIENTED BUSINESSES.**

a. No person under the age of twenty one years shall be employed by a person to appear semi-nude or in a state of nudity in a sexually oriented business or in a nude model studio. Any person who knowingly violates this subsection shall be guilty of an offense.

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- b. A person under the age of twenty one year's commits an offense if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio or a sexually oriented business. It is a defense to prosecution under this subsection if the person under twenty-one years was in a restroom not open to public view or visible to any other person.
 - c. A person commits an offense if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity in an area of a nude model studio or a sexually oriented business premises which can be viewed from the public right-of-way.
- 8) **ADDITIONAL RESTRICTIONS CONCERNING PUBLIC NUDITY.** It shall be an offense for a person who knowingly and intentionally, in a sexually oriented business, appears in a state of nudity or depicts specified sexual activities.
- 9) **EXEMPTIONS.**
- a. It is a defense to prosecution under Section 7 that a person appearing in a state of nudity did so in a modeling class operated by:
 - i. A proprietary school, licensed by the State of Arkansas, a college, junior college, or university supported entirely or partly by taxation; or
 - ii. In a structure:
 - 1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and,
 - 2. Where, in order to participate in a class a student must enroll at least three days in advance of the class.
- 10) **INJUNCTION.** A person who operates or causes to be operated a sexually oriented business in violation of this Ordinance will be subject to a suit or injunction as well as prosecution for criminal violations.
- 11) **CRIMINAL PENALTIES.** A person who operates or causes to be operated a sexually oriented business in violation of any provision of this Ordinance shall be guilty of a misdemeanor and shall be fined in an amount not to exceed two hundred and fifty dollars.

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Each day or part of a day during which a violation is continued or repeated shall constitute a separate offense.

12) SEVERABILITY CLAUSE. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

13) CONFLICTING ORDINANCES REPEALED. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

14) CODIFICATION. This Ordinance shall be codified in the Baxter County Code of Ordinances and the sections may be renumbered and re-lettered to accomplish such intention.

(Ord. 99-87, passed 12-7-99)

§ 360.04 AUTHORITY TO REGULATE UNSANITARY CONDITIONS.

1) DEFINITIONS.

- a. **Agricultural Property** – Real property used primarily for the raising of agricultural or horticultural commodities, and orchards and woodlands, including but not limited to raising, shearing, feeding, caring for, training, and management of animals; and the handling, drying, packing, grading, or storing on a farm any agricultural or horticultural commodity in its un-manufactured state, planting, cultivation, caring for, or cutting of trees, or otherwise preparing of trees for market.
- b. **Person** – A person means any one or more of the following: an owner, occupant, or agent; an assignee, or collector of rents; a contract for deed vendee; a mortgagor in possession; a receiver, executor or trustee; a lessee; a mortgager in possession; other individual(s), firm or corporation exercising apparent control over a property.
- c. **Waste** – a solid or liquid combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:
 - i. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or

- ii. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
 - d. **Rubbish** – Refuse or garbage items or materials discarded or rejected as useless or worthless.
 - e. **Junk** – As defined in A.C.A. § 27-74-402 (2) – junk means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, and waste or junked, dismantled, or wrecked automobiles, or parts thereof, or iron, steel and other old or scrap ferrous or nonferrous materials.
- 2) That it shall be unlawful for any person(s), firm, corporation, partnership, association of persons, owners, agent, occupant, or anyone having supervision or control of any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the limits of Baxter County, Arkansas, to maintain, use, place, deposit, leave, or permit to be, or remain on any public or private, any items, conditions or actions or continuous violations, of which are declared to be and consist of an unsanitary condition; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting, or restrictive.
- a. Garbage, rubbish, and/or other unsanitary articles, of whatever nature.
 - b. The storage of one or more junk or abandoned motor vehicles for a period of more than thirty days unless reasonably out of public view. Junk or abandoned vehicles may not be stored for any length of time, unless all latches and locks are removed or made inoperative in a manner to ensure the safety of all persons.
 - c. Accumulation of stagnant pools of water in such a manner as to be a breeding area for mosquitoes or any condition that might provide harborage for rates, mice, snakes, or vermin of any kind.
 - d. Any building, or other structure, kept in such an unsanitary condition that it is a menace to the health and safety of people residing in the vicinity thereof, or presents a more than ordinary health hazard.
 - e. The open storage of ice boxes, refrigerators, and/or other appliances or furniture for a period of more than thirty days unless reasonably out of public view. The same shall not be stored for any length of time unless all doors, latches, and locks are removed or made inoperative in a manner to ensure the safety of all persons.

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3) THIS ORDINANCE DOES NOT APPLY TO:

- a. Agricultural property that is being farmed or otherwise used for agricultural purposes; or
- b. A parcel of land ten acres or larger if the unsanitary condition on the parcel is not visible from a public road or highway.

4) NOTICE OF VIOLATION. Wherever the County Judge or his agent, or representative, determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, they shall give notice of such alleged violation to the person responsible. Such notice shall:

- a. Be put in writing.
- b. Include a statement of the reasons why it is being issued, and a copy of this Ordinance shall be provided to the responsible person(s).
- c. Allow a period of thirty days for any performance of any act it requires.
- d. Further state, that if such alleged violations are not voluntarily corrected within the stated time as set forth in the notice, the Sheriff or other law enforcement agent, or their duly authorized agent or representative, shall institute legal proceedings, charging the person(s), firm, corporation or agent with a violation of this Ordinance.
- e. The County Judge or a duly authorized agent or representative, shall provide photographs and other documentation deemed appropriate to the Prosecuting Attorney in order to successfully prosecute any case in court.

5) METHOD OF NOTIFICATION. One or more of the following methods shall notify the person(s) responsible for the violation.

- a. By delivery to the owner, agent or responsible party, personally.
- b. By leaving the notice at the usual place of abode, or business of the owner, agent, or responsible party, with a person fourteen (14) years of age or older.

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- c. By depositing the notice in the United States Post Office, addressed to the owner, agent, or responsible party, at his last known address by certified mail, restricted delivery, postage prepaid thereon.
 - d. Posted upon the property and mailed to the last known address of the property owner by the Sheriff, or their duly authorized agent or representative or published in accordance with A.C.A. §14-14-104 if there is no last known address for the property owner.
- 6) **GRIEVANCE.** Any person notified of a violation of this Ordinance who disagrees with said violation may file a sworn affidavit under penalty of perjury within fifteen days from the citation. The affidavit should be mailed or hand-delivered to the County Judge.
- 7) **PENALTIES.** Any person(s), firm, corporation, partnership, association of person(s), owner, occupant, agent or anyone having supervision or control, which shall violate a provision of this Ordinance, or fail to comply therewith, shall be guilty of a misdemeanor. Upon conviction of any such violation, such person(s) shall be punished by a fine of at least five hundred dollars and not to exceed one thousand dollars. Any fines collected pursuant to this Section of this Ordinance shall be credited to costs incurred by Baxter County under Section 9 of this Ordinance.
- 8) **VIOLATIONS.** An enforcement officer shall seek from the prosecutor the issuance of a citation or summons for violations of the provisions of this Ordinance. Prosecutions under this section are supplemental to any other remedies available under state law, including the Litter Control Act, A.C.A. §§8-6-401—416.
- 9) **ABATEMENT BY THE COUNTY.** In addition to other penalties described herein, upon failure of the person upon whom notice to abate an unsanitary condition was served pursuant to the provisions of this Ordinance, the County Judge, or other enforcement agent, or their duly authorized agent or representative of the County, may proceed to abate such conditions and prepare a statement of costs incurred in the abatement thereof, and that person shall be responsible for all costs. The County may take any necessary corrective actions, including repairs to bring the property into compliance with the Ordinance, or remove or raze any structure ordered by the County to be removed or razed and charge for the cost of actions under (c)(1) of Act 1984 of 2005 enforcement as provided in A.C.A. §14-54-904, in addition to interest at the maximum legal rate. In all successful suits brought to enforce liens granted under this section, the County shall be reimbursed for its costs, including title search fees and reasonable attorney's fee.

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10) SEVERABILITY CLAUSE. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

11) EFFECTIVE DATE. This Ordinance shall take effect on January 1, 2008 after its passage and approval.
(Ord. 07-73, passage 10-2-07)

§ 360.05 ELECTRONIC RECORDKEEPING AND REPORTING REQUIRED BY OWNERS AND OPERATORS OF PAWNSHOPS AND PAWNBROKERS.

- 1) That each and every owner or operator of a pawnshop or pawnbroker doing business in the County of Baxter shall maintain an electronic inventory tracking system of the type and kind designed by the Baxter County Sheriff's Office which is capable of delivery and transmission of all statutorily-required information via computer to the Baxter County Sheriff's Office.
- 2) That the owner or operator of a pawnshop or pawnbroker will be required to upload the information to the Baxter County Sheriff's Office within two business days of receipt of the goods purchased (pawned).
- 3) That failure or refusal on the part of any owner or operator of a pawnshop or pawnbroker to comply with the provisions of this Ordinance shall be deemed a misdemeanor. Upon conviction thereof in the District Court of Baxter County, the offender shall be punished by a fine of not more than twenty five dollars (\$25.00) for each separate offense. Each day of non-compliance with this Ordinance shall constitute and be deemed a separate offense.
- 4) REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.
- 5) SEVERABILITY CLAUSE. That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid, such invalidity shall not affect the remainder, but the remainder shall stand.
- 6) EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect on October 1, 2011.
(Ord. 11-44, passed 8-2-11)

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§ 360.06 PROHIBITION ON THE POSSESSION, SALE, AND OFFERING FOR SALE OF A SYNTHETIC CANNABINOID COMMONLY KNOWN AS “K-2” OR “SPICE”.

1) DEFINITIONS. For the purpose of this Ordinance, the following terms are herein defined:

- a) **“Person”** means any person, firm, partnership, corporation, wholesaler, or retailer.
- b) **“Illegal smoking product”** includes any substance, whether called tobacco, herbs, incense, spice, or any blend thereof, which includes any one or more of the following chemicals:

- i. 2-[9IR,3S)-3-hydroxyeclohexyl]-5-(2-methyloctan-2-yl)phenol);
- ii. (dexanabinol, (6aS,10nS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-Methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol);
- iii. 1-Pentyl-3-(1-naphthol)indole; or
- iv. Butyl-3-(a-naphthoyl)indole;

Which products are sometimes known as “k2” or “Spice.”

- c) **“Salvia divinorum or salvinorum”** includes all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture, or preparation of such plant, its seeds, or extracts;

- i. (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2-methyloctan-2yl)-6a,7,10,10a-tetrahydrobenzo{c} chromen-1-ol some other trade names: HU-210;
- ii. 1-Pentyl-3-(1-naphthoyl)indole-some trade or other names: JWH-018/spice;
- iii. 1-Butyl-3-(Inaphotoyl) indole- some trade or other names: JWH-073;
- iv. 1-(3-[trifluorenmthylphenyl]) piperaxine- some trade or other names: TFMPP;

BAXTER COUNTY **CODE OF ORDINANCES**
Chapter 3 - Law Enforcement

- v. Or any similar structural analogs which products are sometimes known as "k2" or "Spice."
- 2) It is unlawful for any person to sell or barter, offer to sell or barter, or publicly display for sale or barter any illegal smoking product or salvia divinorum or salvinorum as defined in Section 1 hereinabove.
- 3) It is unlawful for any person to knowingly possess any illegal smoking product or salvia divinorum or salvinorum as defined in Section 1 hereinabove.
- 4) Any person who has violated Section 2 of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof in the District Court of Baxter County, shall be subject to pay a fine of up to \$500.00, together with the costs of the action, and/or be imprisoned in the County Jail for a period not to exceed thirty (30) days.
- 5) Any person who has violated Section 3 of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof in the District Court of Baxter County, shall be subject to pay a fine of up to \$200.00, together with the costs of the action, and/or be imprisoned in the County Jail for a period not to exceed seven (7) days.
- 6) SEVERABILITY CLAUSE. If any part or section of this Ordinance is declared to be invalid or held void, it shall not affect the validity of the remainder, but the remainder shall stand.
- 7) REPEALER. All ordinances or parts of ordinances found to be in conflict herewith are hereby repealed.
(Ord. 10-37, passed 6-1-10)

BAXTER COUNTY **CODE OF ORDINANCES**
Chapter 4 - Taxes

Chapter 4: TAXES

Article

I. ADMINISTRATION

II. ASSESSMENT

III. COLLECTION

BAXTER COUNTY **CODE OF ORDINANCES**
Chapter 4 - Taxes

Article I. ADMINISTRATION

Section

Reserved.

Article II. ASSESSMENT

A.C.A. §§ 26-74-201-223. Sales and use tax for capital improvements.

- (a) This subchapter is intended to supplement all constitutional provisions and other acts adopted for the acquiring, constructing and equipping of capital improvements of a public nature and the issuance of bonds for the financing of capital improvements of a public nature.
- (b) When applicable, in accordance with the provisions of this subchapter, this subchapter may be used by any county as an alternative, notwithstanding and without the necessity of compliance with any constitutional provision or any other act authorizing the county, or any commission or agency of the county, to issue bonds for the purpose of financing the acquisition, construction, and equipment of capital improvements of a public nature.
- (c) (1) This subchapter is intended to supplement and be levying authority in addition to all other statutes authorizing countywide sale and use taxes.

(2) Collections of a tax levied by this subchapter may be used to secure the payment of bonds or for any purpose for which the general fund of a municipality or county may be used, or a combination thereof, except as may be expressly limited by the ballot for the election at which the tax was approved or by the ballot for a subsequent election on the purposes for the tax.

A.C.A. § 26-73-103(a)-(b). Local governments levying taxes.

- (a) (1) In addition to all other authority of local governments to levy taxes provided by law, any county acting through its quorum court or any municipality acting through its governing body may levy any tax not otherwise prohibited by law.

(2) However, no ordinance levying an income tax authorized by this subchapter or any other tax not authorized shall be valid until adopted at a special or general election by the qualified electors of the city or in the area of the county where the tax is to be imposed, as the case may be.
- (b) A local government shall not levy a tax on fuel, tobacco, or alcoholic beverages except as authorized by law.

BAXTER COUNTY **CODE OF ORDINANCES**
Chapter 4 - Taxes

A.C.A. § 26-36-201. Dates taxes due and payable.

- (a) (1) All taxes levied on real estate and personal property for the county courts of this state, when assembled for the purpose of levying taxes, are due and payable at the county collector's office between the first business day of March and October 15 inclusive.
- (2) All taxes unpaid after October 15 are delinquent.
- (b) (1) The county collector shall extend a penalty of ten percent (10%) against all delinquent taxpayers that have not paid their taxes within the time limit specified.
- (3) The county collector shall collect the penalty provided in subdivision (b)(1)(A) of this section.
- (c) The county collector shall extend an additional penalty of ten percent (10%) upon all delinquent taxpayers if the taxpayers' delinquent personal property taxes are not satisfied or paid in full by October 15 following the purchase of a business or the assets, goods, chattels, inventory, or equipment of a business not in the ordinary course of business.
- (d) A penalty shall not be assessed against a taxpayer who is a member of the United States armed forces, reserve component of the armed forces, or the National Guard during the taxpayer's deployment plus one (1) tax year after the deployment ends.
- (e) When October 15 falls on a Saturday, Sunday, or a holiday observed by the United States Postal Service, the taxes shall become due and payable the following business day that is not a holiday observed by the United States Postal Service.

A.C.A. § 26-52-523. Rebates on local sales and use tax.

(a) As used in this section:

- (1) "Qualifying purchase" means a purchase of tangible personal property or a taxable service:
 - (A) For which the purchaser may take a business expense deduction pursuant to 26 U.S.C. § 167, as in effect on January 1, 2007;
 - (B) For which the purchaser may take a depreciation deduction pursuant to 26 U.S.C. § 167, as in effect on January 1, 2007;
 - (C) By an exempt organization under 26 U.S.C. § 501, as in effect on January 1, 2007, if the purchase would be subject to a business expense deduction

BAXTER COUNTY CODE OF ORDINANCES
Chapter 4 - Taxes

or depreciation deduction if the purchaser were not an exempt organization under 26 U.S.C. § 501, as in effect on January 1, 2007; or

(D) By a state or any county, city, municipality, school district, state-supported college or university, or any other political subdivision of a state, if the purchase would be subject to a business expense deduction or depreciation deduction if the purchaser were not one (1) of the entities enumerated in this subdivision (a)(1)(D);

(2) "Single Transaction" means any sale of tangible personal property or a taxable service reflected on a single invoice, receipt, or statement for which an aggregate sales or use tax amount has been reported and remitted to the state for a single local taxing jurisdiction; and

(3) "Travel trailer" means a trailer that:

(A) Provides temporary living quarters for travel, recreation, or camping;

(B) Includes a chassis having wheels and a trailer hitch or fifth wheel for towing; and

(C) Is required to be licensed for highway use under Arkansas law.

Section

General

420.00 Implementing property assessment regulation statements.

Personal Property

Reserved.

Real Property

Reserved.

Local Option

450.00 Levy of a 1% sales and use tax.

450.01 Levy of a 1% sales and use tax.

BAXTER COUNTY CODE OF ORDINANCES
Chapter 4 - Taxes

- 450.02 Special election on 0.375% sales and use tax.
- 450.03 Levy of a 0.25% sales and use tax.
- 450.04 Special election on a 0.25% sales and use tax.

General

§ 420.01 IMPLEMENTING PROPERTY ASSESSMENT REGULATION STATEMENTS.

- 1) That the effective date of enforcement of the penalty provisions set out in Section 8 of Baxter County Ordinance No. 78 of 1979 shall be the first day of July, 1980.
- 2) That it shall be the responsibility of the Baxter County Assessor to report all violations of the sections of Baxter County Ordinance No. 78 to the Prosecuting Attorney for enforcement of the penalty provisions set out in Section 8 of Baxter County Ordinance No. 78 of 1979.
- 3) That it shall be the responsibility of the Baxter County Collector to enclose a sample assessment regulation statement with each tax statement mailed out in order to insure notice of the requirements and penalties of Baxter County Ordinance No. 78 is distributed to all property owners thereby rendered liable.
- 4) SEVERABILITY CLAUSE. The provisions of the Ordinance are hereby declared to be severable. If any section, paragraph, sentence, or clause of this Ordinance shall be held invalid, the invalidity of such section, paragraph, sentence or clause shall not affect the validity of the remainder of said Ordinance.
(Ord. 78, passed 7-3-79; Am. Ord. 89, passed 12-4-79)

Personal Property

Reserved.

Real Property

Reserved.

BAXTER COUNTY **CODE OF ORDINANCES**
Chapter 4 - Taxes

Local Option

§ 450.00 LEVY OF A 1% SALES AND USE TAX.

- 1) **TAX RATE.** There is hereby levied a local sales (gross receipts) and use tax at the rate of one percent of the receipt from sale at retail within Baxter County of all items which are subject to taxation under the Arkansas Gross Receipts Tax Act of 1941 (as amended) and under the Arkansas Compensating Tax Act of 1949, (as amended) and under Act 990 of 1975 (as amended).
- 2) **SPECIAL ELECTION.** There is hereby called an election by the registered voters of Baxter County as to whether or not they wish to adopt a one percent county-wide sales and use tax as authorized by Act 26 of the First Extraordinary Session of the General Assembly of the State of Arkansas for 1981.
- 3) **DATE OF ELECTION.** The date of December 7, 1982 is hereby established as the date for said election.
- 4) **NOTIFICATION OF COUNTY BOARD OF ELECTION COMMISSIONERS.** By transmittal of a copy of this Ordinance by the County Clerk, the County Board of Election Commissioners are hereby notified that the measure has been referred to a vote of the people and the election shall be conducted in accordance with all laws applicable to county elections.
- 5) **BALLOT TITLE.** By transmittal of a copy of this Ordinance by the County Clerk, the County Board of Commissioners of Baxter County hereby declares that the ballot title to be used in this election shall be as follows:

FOR adoption of a one percent sales and use tax within Baxter County.

AGAINST adoption of a one percent sales and use tax within Baxter County.

- 6) **REBATE OF TAX.** As provided in Section 10 of Act 26 of the First Extraordinary Session of the General Assembly of the State of Arkansas for 1981, if the voters of Baxter County adopt the one percent sales and use tax discussed herein, then wherever the one percent tax on any one single transaction is in excess of \$25.00, the person so taxed shall be entitled to a rebate from the County for all amounts in excess of \$25.00 paid in tax upon written application therefore to the County Clerk and proof of payment of the excess tax.
- 7) **DESIGNATION OF RECEIPTS.** That portions of the receipts of this tax subject to appropriation by the County shall be designated for expenditure as follows:

BAXTER COUNTY **CODE OF ORDINANCES**
Chapter 4 - Taxes

- I. Sixty percent (60%) of proceeds shall be appropriated for improvements on County roads.
 - II. Fifteen percent of proceeds shall be appropriated for development of Baxter County Industrial Park.
 - III. Fifteen percent (15%) of proceeds shall be appropriated for development of Rural Fire Protection in Baxter County.
 - IV. Ten percent (10%) of proceeds shall be appropriated for other projects to be designated.
- 8) SEVERABILITY CLAUSE. The provisions of this Ordinance shall be deemed to be severable. The invalidity, unenforceability, and unconstitutionality of any clause, phrase, sentence, or part of any section or provision of this Ordinance shall not invalidate any other section or provisions of this Ordinance.
- 9) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect from and after its date of passage and approval.
(Ord.82-25, passed 11-2-82)

§ 450.01 LEVY OF A 1% SALES AND USE TAX.

- 1) TAX RATE. There is hereby levied a local sales (gross receipts) and use tax at the rate of one percent (1%) of the receipts from sale at retail within Baxter County of all items which are subject to taxation under the Arkansas Gross Receipts Tax Act of 1941 (as amended) and under the Arkansas Compensating Tax Act of 1949, (as amended) and under Act 990 of 1975 (as amended).
- 2) SPECIAL ELECTION. There is hereby called an election by the registered voters of Baxter County as to whether or not they wish to adopt a one percent county-wide sales and use tax as authorized by A.C.A. § 26-74-207 (Act 26 of the First Extraordinary Session of the General Assembly of the State of Arkansas for 1981, as amended).
- 3) DATE OF ELECTION. The date of the election shall be established by separate action of the Quorum Court in conjunction with the County Board of Election Commissioners.

- 4) NOTIFICATION OF COUNTY BOARD OF ELECTION COMMISSIONERS. By transmittal of a copy of this Ordinance by the County Clerk, the County Board of Election Commissioners are hereby notified that the measure has been referred to a vote of the people and the election shall be conducted in accordance with all laws applicable to county elections.

- 5) BALLOT TITLE. By transmittal of a copy of this Ordinance by the County Clerk, the County Board of Commissioners of Baxter County is hereby notified that the ballot title to be used in this election shall be as follows:

FOR adoption of one percent (1%) sales and use tax within Baxter County.

AGAINST adoption of a one percent (1%) sales and use tax within Baxter County.

- 6) REBATE OF TAX. As provided in A.C.A. § 26-74-213, if the voters of Baxter County adopt the one percent sales and use tax discussed herein, then whenever the one percent tax on any one single transaction is in the excess of \$25.00, the person so taxed shall be entitled to a rebate from the County for all amounts in excess of \$25.00 paid in tax upon written application therefor to the County Clerk and proof of payment of the excess tax.

- 7) DESIGNATION OF RECEIPTS. That portion of the receipts of this tax subject to appropriation by the County shall be designated for expenditure as follows: to maintain county services at a level adequate to meet the needs of the residents of Baxter County.

- 8) BUDGET REVIEW. In order to fully advise to the public of the need for additional revenue to maintain county services, each county office is asked to conduct an immediate budget review and present a proposed 1990 budget by July 20, 1989, cutting all expenses that will not diminish services and projecting increases that will be necessary to maintain services. In addition, County officials should propose priorities for reduction of services should that be necessary in order to inform the public of what may be lost if the sales tax revenue is not approved.

- 9) SEVERABILITY CLAUSE. The provisions of this Ordinance shall be deemed to be severable. The invalidity, unenforceability, and unconstitutionality of any clause, phrase, sentence or part of any section or provision of this Ordinance shall not invalidate any other section or provision of this Ordinance.

- 11) EMERGENCY CLAUSE. Because additional tax resources are necessary to provide important services effecting the safety, health, and welfare of the citizens of Baxter

County, an emergency is hereby declared to exist, and this Ordinance shall be effective from its passage and approval.

(Ord. 89-12, passed 6-6-89)

§ 450.02 SPECIAL ELECTION OF 0.375% SALES AND USE TAX.

- 1) There is hereby called a special election to be held on October 9, 2012, at which election there shall be submitted to the electors of the County the question of the levy of the Sales and Use Tax.
- 2) The question of levying the Sales and Use Tax shall placed on the ballot for the election in substantially the following form:

0.375% COUNTY-WIDE SALES AND USE TAX.

To levy a temporary three-eighths percent (0.375%) sales and use tax within Baxter County, Arkansas, for the purpose of retiring bonds to be issued by Baxter County, Arkansas, in the maximum principal amount of \$22,000,000 to finance the acquisition by Baxter County, Arkansas, of the NABORS Landfill and Hauling Company, costs incidental thereto, costs of issuance of the bonds and necessary reserves, such tax to expire on the last day of the first calendar quarter after the bonds have been paid or defeased and the tax can legally be terminated, but not later than July 2013.

FOR
AGAINST.....

- 3) The election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for county elections unless otherwise provided in Authorizing Legislation and only qualified voters of the County shall have the right to vote at the election.
- 4) The results of the election shall be proclaimed by the County Judge, and the Proclamation shall be published one time in a newspaper published in the County and having a general circulation therein, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within thirty days after the date of publication.
- 5) A copy of this Ordinance shall be given to the Baxter County Board of Election Commissioners so that the necessary election officials and supplies may be provided. A certified copy of this Ordinance shall also be provided to the Commissioner of Revenues of the State of Arkansas as soon as practical.

- 6) a. The sales and use tax will be a three eighths of one percent tax on the gross receipts from the sale at retail within the County of all items which are subject to the Arkansas Gross Receipts Act of 1941, as amended (A.C.A. §§ 26-52-101, et seq.), and the imposition of an excise (or use) tax on the storage, use, distribution or other consumption within the County of tangible personable property subject to the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. §§ 26-53-101, et seq.), at a rate of three eighths of one percent of the sale price of the property or, in the case of leases or rentals, of the lease or rental price.
- b. If approved at the special election called by this Ordinance, the Sales and Use Tax will be levied and collected until the last day of the first calendar quarter after the Bonds have been paid or defeased and the Sales and Use Tax can legally be terminated, but not later than July 2033.
- c. The net collections of the Sales and Use Tax received after deduction of the administrative charges of the State of Arkansas and required rebates (the "Net Collections") will be distributed only to the County and used for the purposes set forth herein.
- d. If approved at the Special Election called by this Ordinance, the Sales and Use Tax will be levied and collected for the purpose of retiring the Bonds.
- e. If approved at the special election called by this Ordinance, the Sales and Use Tax will be levied and collected on the gross receipts, gross proceeds, or sales price in the maximum amount allowed from time to time under Arkansas statutes, subject to rebates and limitations as required for certain single transactions as from time to time required by Arkansas statutes.
- f. The Net Collections shall be distributed only to the County and not to the municipalities therein.
- g. If approved at the special election called by this Ordinance, the Sales and Use Tax will be levied under the authority of the Authorizing Legislation.
- 7) The County Judge and County Clerk, for and on behalf of the County, are hereby authorized and directed to do any and all things necessary to call and hold the special election as herein provided.

- 8) REPEALER. All ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.
- 9) SEVERABILITY CLAUSE. The provisions of this Ordinance are separable and if any article, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.
(Ord. 12-55, passed 8-16-12)

§ 450.03 LEVY OF 0.25% SALES AND USE TAX.

- 1) Under the authority of the Authorizing Legislation, there is hereby levied a 0.25% tax on the gross receipts from the sale at retail within the County of all items which are subject to the Arkansas Gross Receipts Act of 1941, as amended (A.C.A. §§ 26-52-101, et seq.), and the imposition of an excise (or use) tax on the storage, use, distribution or other consumption within the County of tangible personal property subject to the Compensating Tax Act of 1949, as amended (A.C.A. §§ 26-53-101, et seq.), at a rate of 0.25% of the sale price of the property or, in the case of leases or rentals, of the lease or rental price (collectively, the "Sales and Use Tax"). The Sales and Use Tax shall be levied, and the net collections received after deduction of the administrative charges of the State of Arkansas and required rebates (the "Net Collections") shall be used to acquire, construct, improve, expand, equip, furnish, operate and maintain the Baxter County Detention Facility and any other county jail or detention facilities and to pay costs of housing prisoners. The Sales and Use Tax shall be levied and collected on the gross receipts, gross proceeds or sales price in the maximum amount allowed from time to time under Arkansas statutes, subject to rebates and limitations as required for certain single transactions as from time to time required by Arkansas statutes.
- 2) The net collections shall be distributed only to the County and not to the municipalities therein.
- 3) REPEALER. All ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.
- 4) EFFECTIVE DATE. This Ordinance shall not take effect until an election is held on the question of levying the Sales and Use Tax at which a majority of the electors voting on the question shall have approved the levy of the Sales and Use Tax.
(Ord. 12-57, passed 8-24-12)

§ 450.04 SPECIAL ELECTION ON A 0.25% SALES AND USE TAX.

- 1) There is hereby called a special election to be held on November 6, 2012 at which election there shall be submitted to the electors of the County the question of the levy of the Sales and Use Tax.
- 2) The question of levying the Sales and Use Tax shall be placed on the ballot for the election in substantially the following form:

0.25% SALES AND USE TAX FOR BAXTER COUNTY DETENTION FACILITIES.

Adoption of a 0.25% local sales and use tax within Baxter County, the net collections of which remaining after deduction of the administrative charges of the State of Arkansas and required rebates will be distributed only to the County and used to acquire, construct, improve, expand, equip, furnish, operate and maintain the Baxter County Detention Facility and any other County jail or detention facilities and to pay costs of housing prisoners.

FOR

AGAINST

- 3) The election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for county elections and only qualified voters of the County shall have the right to vote at the election.
- 4) The results of the election shall be proclaimed by the County Court, and such Proclamation shall be published one time in a newspaper published in the County and having a general circulation therein, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within thirty days after the date of publication.
- 5) A copy of this Ordinance shall be (a) filed with the Baxter County Clerk at least seventy (70) days prior to the election date and (b) given to the Baxter County Board of Election Commissioners so that the necessary election officials and supplies may be provided. A certified copy of this Ordinance and the Tax Ordinance shall also be provided to the Commissioner of Revenues of the State of Arkansas as soon as practical.

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Chapter 4 - Taxes

- 6) The County Judge and County Clerk, for and on behalf of the County, are hereby authorized and directed to do any and all things necessary to call and hold the special election as herein provided and, if the levy of the Sales and Use Tax is approved by the electors, to cause the Sales and Use Tax to be collected, and to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

- 7) REPEALER. All ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

- 8) SEVERABILITY CLAUSE. The provisions of this Ordinance are separable and if any article, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.
(Ord. 12-58, passed 8-24-12)

BAXTER COUNTY CODE OF ORDINANCES
Chapter 4 - Taxes

Article III. COLLECTION

Section

470.00 County Collector to collect all delinquent taxes.

§ 470.00 COUNTY COLLECTOR TO COLLECT ALL DELINQUENT TAXES.

- 1) The duly elected Baxter County Tax Collector shall have the sole and exclusive authority to collect all delinquent taxes.

- 2) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and effect from and after its date of passage and approval. (Ord. 20, passed 7-11-77)

BAXTER COUNTY CODE OF ORDINANCES
Chapter 4 - Taxes

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BAXTER COUNTY **CODE OF ORDINANCES**
Chapter 5 - Public Records

Chapter 5: PUBLIC RECORDS

Reserved.

BAXTER COUNTY CODE OF ORDINANCES
Chapter 5 - Public Records

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BAXTER COUNTY CODE OF ORDINANCES
Chapter 6 - Agriculture and Livestock

Chapter 6: AGRICULTURE AND LIVESTOCK

Article

- I. FAIRS, SALES AND LIVESTOCK**
- II. INSPECTION AND PROTECTION**
- III. RODENT, PREDATOR, INSECT AND WEED CONTROL**

BAXTER COUNTY **CODE OF ORDINANCES**
Chapter 6 - Agriculture and Livestock

Article I. FAIRS, SALES AND LIVESTOCK

A.C.A. § 2-36-303(a)(1). Adjoining counties; joint shows.

- (a) (1) Any two (2) or more adjoining counties in the state are authorized to enter into an agreement for and to conduct an annual joint fair and livestock show.

A.C.A. § 2-35-212. Sales within county.

- (a) Whenever any hogs, cattle, sheep, goats and other livestock are sold for slaughter by anyone within the county and whenever any carcass of any of the named animals is sold by anyone within the county, the seller must make a bill of sale of the animal in duplicate, giving the complete information as contained in § 2-35-204, retaining the duplicate, and delivering the original to the purchaser at the time of delivery of the animal or carcass.
- (b) The seller and purchaser shall keep their respective copies of the bill of sale in their permanent files, subject to inspection at all times by any police officer within the state.

A.C.A. § 2-36-304. Participation eligibility.

In the event any individual owns land in two (2) adjacent counties and the county in which he or she resides does not conduct a county livestock show, the individual shall be deemed to be eligible to participate in the county livestock show conducted in the county in which he or she owns land but does not reside.

A.C.A. § 2-36-305. Junior livestock shows.

- (a) A junior livestock show is authorized for each of the six (6) livestock show districts of the state.
- (b) Any organization desiring to establish a district junior livestock show shall make application and submit proposed organizational and operational plans for the district junior livestock show to the Arkansas Livestock and Poultry Commission.
- (c) The commission may approve only one (1) district junior livestock show in each of the six (6) livestock show districts.

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Chapter 6 - Agriculture and Livestock

(d) Funds appropriated to the commission for district junior livestock shows shall be distributed equally to all district junior livestock shows.

Section

Reserved.

BAXTER COUNTY CODE OF ORDINANCES
Chapter 6 - Agriculture and Livestock

Article II. INSPECTION AND PROTECTION

Section

Reserved.

BAXTER COUNTY CODE OF ORDINANCES
Chapter 6 - Agriculture and Livestock

Article III. RODENT, PREDATOR, INSECT AND WEED CONTROL

A.C.A. §§ 20-20-207-227. Licenses—Issuance—Categories—Regulations.

(a) (1) The State Plant Board may classify or sub-classify commercial or noncommercial licenses to be issued under this subchapter as may be necessary for the effective administration and enforcement of this subchapter. The classifications may include, but not be limited to:

- (A) Agricultural;
- (B) Right-of-way;
- (C) Forest;
- (D) Aquatic; and
- (E) Regulatory pesticide applicators.

(2) Separate sub-classifications may be specified as to ground, aerial, or manual methods used by any licensee to apply pesticides or as to the use of pesticides to control insects, plant diseases, rodents or weeds.

(b) (1) The board in promulgating regulations under this subchapter shall prescribe standards for the licensing of applicators of pesticides.

(2) The standards shall relate to the use and handling of the pesticides or to the use and handling of the pesticide or class of pesticide covered by the individual's license and shall be relative to the hazards involved.

(3) In determining standards, the board shall consider:

- (A) The characteristics of the pesticide formulation such as the acute dermal and inhalation toxicity and the persistence, mobility, and susceptibility to biological information;
- (B) The use experience which may reflect an inherent misuse or an unexpected good safety record which does not always follow laboratory toxicological information;

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Chapter 6 - Agriculture and Livestock

(C) The relative hazards of patterns of use such as granular soil applications, ultra low volume or dust aerial applications, or air blast sprayer applications; and

(D) The extent of the intended use.

(c) Further, the board is authorized to adopt standards in conformance with and at least equal to those prescribed by the Environmental Protection Agency and such additional standards as it deems necessary.

Section

Reserved.

BAXTER COUNTY CODE OF ORDINANCES
Chapter 7 - Animals and Fowl

Chapter 7: ANIMALS

Article

I. ANIMALS – GENERAL

II. ANIMAL CONTROL

BAXTER COUNTY CODE OF ORDINANCES
Chapter 7 - Animals and Fowl

Article I. ANIMALS – GENERAL

A.C.A § 5-62-125. Unlawful dog attack.

- (a) A person commits the offense of unlawful dog attack if:
 - (1) The person owns a dog that the person knows or has reason to know has a propensity to attack, cause injury, or endanger the safety of other persons without provocation;
 - (2) The person negligently allows the dog to attack another person; and
 - (3) The attack causes the death of or serious physical injury to the person attacked.
- (b) The offense of unlawful dog attack is a Class A misdemeanor.
- (c) In addition to any penalty imposed under this section, the court or jury may require the defendant to pay restitution under § 5-4-205 for any medical bills for the person attacked for injuries caused by the attack.

Section

700.00 Vicious dogs; penalty.

§ 700.00 VICIOUS DOGS; PENALTY.

- 1) The following words and phrases shall for purposes of this Ordinance have the following meanings:
 - a) **Dogs.** When used herein shall include animals of all ages, both female and male, which are members of the canine or dog family;
 - b) **Owner.** Every person, firm, partnership or corporation, owning, keeping or harboring a dog within the geographical limits of the County;
 - c) **Livestock.** Goats, sheep, swine, cattle, horses, mules, domestic fowl, and all other animals kept for commercial or recreational purposes.

BAXTER COUNTY CODE OF ORDINANCES
Chapter 7 - Animals and Fowl

- d) *Vicious Dog.* A dog that has an aggressive disposition to bite humans or any dog which has bitten or attempted to bite any person. This definition shall also include any dog which kills or attempts to catch, injure, or kill any livestock or other dogs. It shall be a defense to prosecution under this Ordinance if the person the dog has bitten or attempted to bite was teasing the dog prior to the bite or attempted bite.
- 2) **VICIOUS DOGS.** It shall hereafter be unlawful for any person, firm or corporation to keep, within Baxter County, Arkansas, any vicious dog unless the said dog is muzzled or confined in a pen or tied in such a manner that he cannot run at large and thereby constitute a danger to other persons or animals.
- 3) **ENFORCEMENT.** The Baxter County Sheriff's Department, Health Officer or persons employed by such departments and other law enforcement officials authorized by State or Local Law, are authorized to enforce this Ordinance pursuant to the provisions with the Arkansas Rules of Criminal Procedure.

Said officials are also authorized to impound any animal which is in violation of this Ordinance and for which the owner cannot be located within a reasonable time. Impounded animals shall be kept at some facility designed for the maintenance and care of such animals and the cost thereof shall be chargeable to the owner of the animal if so ordered by the Municipal Court of Baxter County. Any animal for which an owner cannot be located within thirty (30) days may be destroyed or otherwise disposed of by order of the Baxter County Municipal Court of Baxter County.

- 4) **PENALTY.** Any persons violating any portion of this Ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor in excess of five hundred dollars (\$500.00) and/or the destruction of the dog which committed the vicious act, provided that he is found to be a danger to other persons, property, livestock, or other dogs.
- 5) **SEVERABILITY CLAUSE.** If any part of this Ordinance shall be held void, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this Ordinance.
- 6) **EMERGENCY CLAUSE.** This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist and the same shall be in full force and effect immediately after its passage, approval and publication.

Chapter 7 - Animals and Fowl

(Ord. 83-6, passed 6-7-83; Am. Ord. 92-10, passed 4-7-1992; Am. Ord. 09-59, passed 10-6-09)

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Chapter 7 - Animals and Fowl

Article II. ANIMAL CONTROL

A.C.A. § 5-62-106. Disposition of animal.

(a) (1) Unless otherwise ordered by a court, for purposes of this subchapter, an animal that has been seized by a law enforcement officer or animal control officer under this subchapter shall remain at the appropriate place of custody for a period of at least fifteen (15) consecutive days, including weekends and holidays, after written notice is received by the owner.

(2) The written notice shall:

(A) Be left at the last known address of the owner; and

(B) Contain a description of the animal seized, the date seized, the name and contact information of the law enforcement or animal control officer seizing the animal, the location of the animal, and the reason for the seizure.

(e) The court shall order an animal seized under this section returned to the owner if the owner:

(1) Filed a petition under subsection (a) of this section;

(2) Paid all reasonable expenses incurred in caring for the animal; and

(3) Is found not guilty of the offense of cruelty to animals, §5-62-103, or the offense of aggravated cruelty to a dog, cat, or horse, §5-62-104, or the proceedings against the owner have otherwise terminated.

Section

720.00 Stray animal control measures.

BAXTER COUNTY CODE OF ORDINANCES
Chapter 7 - Animals and Fowl

§ 720.00 STRAY ANIMAL CONTROL MEASURES.

- 1) This Ordinance applies to the unincorporated areas of Baxter County and to those incorporated areas/municipalities of Baxter County that participate through financial participation in proportion to their percent of the total population. Animal owners living within a municipality of Baxter County who allow the animal to run at large in areas governed by this Ordinance shall be subject to this Ordinance whether or not their municipality participates financially in the County-wide animal control program.
- 2) The purpose of this Ordinance is to control stray animals, as defined herein that are running at large within the covered areas of Baxter County.
- 3) DEFINITIONS. As used in this Ordinance, the following terms shall mean:
 - a) Animals: Dogs and Cats
 - b) Stray Animal: Any animal running at large without required identification as prescribed in Section 5.
- 4) PERSONAL RESPONSIBILITY. It is the responsibility of all animal owners to provide proper identification for their animals as prescribed in Section 5.
- 5) STATUTORY RESPONSIBILITY. Pursuant to A.C.A. §§ 20-19-202, and 20-19-305, Section (a) "All dogs and cats within the State of Arkansas shall be vaccinated at least once a year against rabies and it is made the duty of all owners of dogs or cats or persons having the possession or control of dogs or cats within this state to have the animals vaccinated with vaccine against rabies in an amount, quantity, and quality to be approved by the State Veterinarian" and further, for identification purposes, all dogs and cats must have a collar with an annual rabies tag issued by a licensed veterinarian.
- 6) UNLAWFUL ACT. It shall be unlawful for any animal to be running at large without at least one (1) form of identification as described in Section 5.
- 7) ANIMAL CONTROL. Any citizen of Baxter County in an area covered by this Ordinance who is bothered by animals running at large may lodge a complaint with the County Animal Control Officer to control or impound the stray animal. Baxter County shall provide for an Animal Control Officer and an Animal Control Shelter to provide for the needs of the County.

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Chapter 7 - Animals and Fowl

- 8) **IMPOUNDMENT/EUTHANASIA.** Any animal impounded at the Baxter County Animal Shelter whose ownership cannot be determined shall be held five (5) working days prior to being euthanized. Any animal impounded at the Baxter County Animal Shelter whose ownership is determined shall be held while notice is given to the owner by certified letter, return receipt requested. The owner shall be responsible for the costs of impoundment and notification. If the owner of an animal fails or refuses to recover their animal after five (5) days from notification, then that animal may be subject to euthanasia.
- 9) **HUNTING DOG EXEMPTION.** Hunting dogs used during a legal hunt are exempt from fines as long as they are in compliance with Arkansas Game & Fish Commission rules for hunting dog identification as set forth in Regulation 9.01, Hunting Dog Requirements, which states: "It shall be unlawful to use any dog to hunt, chase, pursue or retrieve wildlife or to train said dogs for such purposes without a collar bearing the name, phone number and address of the owner being worn by the hunting dog. Exemptions:
- a) Collars not required to be worn by waterfowl retrievers while in the act of retrieving waterfowl if the owner or person in charge of said retriever has on his person the collar bearing the required name, phone number and address;
 - b) Owner's name, phone number and address tattooed in hunting dog's ear may be substituted for collar bearing owner's name, phone number and address. Penalty: \$50.00 to \$1,000.00." Under these circumstances, the owner will not be subject to a fine unless the animal has caused damage.
- 10) **PENALTY.** The owner or custodian of any animal impounded for running at large shall be subject to a fine of \$50.00 per animal and may reclaim their animal by paying said fine and \$10.00 per day of impoundment per animal (after the first 24 hours), as well as any incidental costs of recovery or notification. If the owner wishes to contest the impoundment/fine, the Animal Control Officer shall cite the owner in Baxter County District Court for a violation of this Ordinance. If found guilty in District Court, the owner shall be liable for a fine up to \$100.00 and for court costs and any additional expenses of impoundment.
- 11) **VACCINATION REQUIRED.** An impounded animal shall not be released from the Baxter County Animal Shelter unless proof of a current rabies vaccination by a licensed veterinarian is presented by the owner or custodian.

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Chapter 7 - Animals and Fowl

- 12) FLEXIBLE ENFORCEMENT. Nothing in this Ordinance shall prevent the return of an animal found running at large to its owner without fine or fees as long as the owner acts cooperatively and responsively.
(Ord. 03-2, passed 1-6-2003)

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Chapter 8: COMMUNITY SERVICES

Article

- I. CEMETERY, BURIAL AND MEMORIAL**
- II. CONSUMER EDUCATION / PROTECTION**
- III. LIBRARIES, MUSEUMS, HISTORICAL AND NATURAL SITE
SERVICES**
- IV. PARKS AND RECREATION**
- V. EDUCATION**

BAXTER COUNTY CODE OF ORDINANCES
Chapter 8 - Community Services

Article I. CEMETERY, BURIAL AND MEMORIAL

A.C.A. § 14-14-812. Cemetery access roads.

- (a) A “cemetery”, as used in this section, means any burying place for the dead, a burial plot, a graveyard, or any land, public or private, dedicated and used for the interment of human remains which includes at least six (6) grave markers.

- (b) (1) The county judges of the several county governments in Arkansas shall be authorized to improve and maintain any roads across public or private lands used or to be used for access to a cemetery.

- (2) The cemetery access roads shall be constructed to a standard and nature to permit their use by automobiles.

A.C.A. § 16-66-207. Burial places.

- (a) The clerk and recorder of deeds of the proper county, when any description of the metes and bounds of a family graveyard or public burial place shall be filed in his or her office, shall make a record of the description on the record of deeds, which shall be sufficient to exempt the land or burial place, not only from taxation, but also from execution.

- (b) Not more than five (5) acres shall be so exempted under this section.

Section

Reserved.

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Article II. CONSUMER EDUCATION / PROTECTION

Section

Reserved.

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**Article III. LIBRARIES, MUSEUMS, AMUSEMENTS, ENTERTAINMENT
HALLS, HISTORICAL AND NATURAL SITE SERVICES**

A.C.A. § 13-2-401. Establishment; maintenance; operation. (Libraries)

- (a) The county quorum courts of the several counties shall have the power and authority to establish, maintain, and operate county public libraries or public library services or systems in the manner and with the functions prescribed in this subchapter, and counties may appropriate money for these purposes.

- (b) The county quorum court shall also have the power to establish in cooperation with another county or other counties a joint public library or a joint library service or system for the benefit of the cooperating counties.

- (c) (1) Establishment of county libraries or library systems shall be evidenced by an ordinance of the county quorum court or by an agreement between the governing bodies of the several counties participating in a regional library system or coordinating library services under an interlocal agreement.

(2) Appropriations for the establishment and maintenance of a county library or library system shall be in the manner prescribed by law for expenditures by counties.

- (d) In addition to county library boards created under this section, §13-2-402, and § 13-2-404, a county quorum court may by ordinance establish a county library board to conduct the affairs of the county public library or its library services or system in accordance with the law for establishing other county advisory or administrative boards found at § 14-14-705.

A.C.A. § 13-2-402. County librarian.

- (a) No person shall be appointed to the office of county librarian unless prior to appointment the person is recommended for appointment by the county library board, if the board has been created.

- (b) A county librarian shall conduct the library according to the most acceptable library methods.

A.C.A. §§ 13-2-901-907. Regional Library System Law.

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A.C.A. §§ 13-5-501-505. Establishment; existing county museum.

- (a) The quorum courts of the respective counties of this state are authorized, by ordinance approved by a majority of the members of the quorum court, to establish a county museum, to be under the direction of a county museum commission as provided in this subchapter.

- (b) (1) The provisions of this subchapter shall not affect the county museum of any county which, on July 6, 1977, had established and was operating a county museum.

- (2) However, the quorum court of any such county may elect to place the operation of the museum under a county museum commission as authorized in this subchapter.

A.C.A. § 22-9-208. Renovation of historic sites – Legislative intent and construction.

- (a) The General Assembly finds and determines that:

- (1) The mandatory adherence to competitive bidding of all costs in altering, repairing, or renovating historic sites and structures has resulted in increased costs due to the inability of bidders to accurately determine on the basis of only an external examination of the historic sites and structures the exact quantity of labor, materials, and supplies necessary to meet the restoration standards;

- (2) The State of Arkansas would conserve state revenues by giving agencies charged with restoring or maintaining historic properties authority to select the contractors on the basis of the lowest responsible bid price, the bidder's experience in like work, and the techniques he or she proposes to employ, and by giving the agencies authority to reimburse contractors on an actual cost basis for those cost components which cannot be accurately predetermined before undertaking the project; and

- (3) The procedures provided in subdivision (a)(2) of this section should be applicable for specific projects only after review and approval by the Chief Fiscal Officer of the State, the Arkansas Building Authority Council, and the Legislative Council. Provided, however, projects undertaken by public institutions of higher education exempt from review and approval of Arkansas Building Authority shall not require review and approval by the Arkansas Building Authority Council.

- (b) In the event there is a conflict between the provisions of this section and §§ 22-9-209 – 22-9-211 and the provisions of any other act insofar as the restoration of historic

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structures is concerned, the procedures set forth in this section and §§ 22-9-209—22-9-211 shall govern.

Section

Libraries

840.00 Interlocal agreement between library board, Baxter County and Arkansas State University.

Museums

Reserved.

Amusements / Entertainment Halls

Reserved.

Historical and Natural Site Services

Reserved.

Libraries

§ 840.00 INTERLOCAL AGREEMENT BETWEEN LIBRARY BOARD, BAXTER COUNTY AND ARKANSAS STATE UNIVERSITY.

- 1) The Baxter County Quorum Court hereby approves and adopts the interlocal agreement hereto attached between Baxter County, the Baxter County Library Board, and Arkansas State University- Mountain Home Campus.
(Ord. 94-7, passed 3-1-94)

Museums

Amusements / Entertainment Halls

Historical and Natural Site Services

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Article IV. PARKS AND RECREATION

A.C.A. §§ 22-4-101-504. Parks and recreational areas.

A.C.A. § 22-4-110. Counties, cities, etc.; expenditures, etc.

- (a) Any county, city, or town may expend money from any funds available to aid in the purchase of land within the county which, when purchased shall become the property of the state to be cared for and administered as a part of the state parks system, but only if the State Parks, Recreation, and Travel Commission has first agreed in writing to the acceptance of the land.

- (b) Any county, city, or town may annually contribute money to the commission from any funds available to be expended in the care, improvement, and maintenance of any park within the county.

Section

Reserved.

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Article V. EDUCATION

A.C.A. § 6-15-101. Academic standards and expected outcomes.

By September 1, 2003, and as updates are necessary each year thereafter, the State Board of Education shall:

- (1) Define and publish academic standards and expected outcomes for students in prekindergarten through grade twelve (preK-12);
- (2) Require that the academic standards and expected outcomes be adopted by local school board of directors; and
- (3) Require that the academic standards and expected outcomes be implemented by local school districts.

A.C.A. §§ 6-15-201-215. The Quality Education Act of 2003.

Section

890.00 Fish and wildlife conservation funds distributed to school districts.

§ 890.00 FISH AND WILDLIFE CONSERVATION FUNDS DISTRIBUTED TO SCHOOL DISTRICTS.

- 1) **AFFIRMATION.** This Court recognizes that pursuant to A.C.A. § 15-41-209 fine monies deposited as special revenues in the Game Protection Fund may be expended in the form of grants for established school education programs and that periodically the Department of Education will disburse those monies to the county where the Game and Fish Commission fines were collected. This Court also affirms that Act 799 requires Baxter County to distribute all of the funds to the school districts within the county and that the Department of Education defines that a school district shall be within the county where the primary administrative office is located.
- 2) **DISPOSITION.** The Fish and Wildlife Conservation Funds from Act 799 of 2003 received hereinafter by the Baxter County shall be deposited in the Common School Fund. The County Treasurer shall distribute said funds to the school districts administered within Baxter County based on the most recently reported enrollment.

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- 3) **LEGISLATIVE INTENT.** It is the intent of the Baxter County Quorum Court that all funds distributed by the authority of this Ordinance to any eligible school district be used for education programs that meet conservation education criteria as approved by the Arkansas Department of Education.

- 4) **EMERGENCY CLAUSE.** An emergency is hereby declared to exist and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and effect from and after the date of its passage and approval.
(Ord. 04-80, passed 10-5-04, Ord. 10-24, passed 4-6-10)

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BAXTER COUNTY CODE OF ORDINANCES
Chapter 9 - Emergency Services

Chapter 9: EMERGENCY SERVICES

Article

- I. AMBULANCE**
- II. OFFICE OF EMERGENCY MANAGEMENT**
- III. FIRE PREVENTION / PROTECTION**
- IV. JUVENILE SERVICES**

BAXTER COUNTY CODE OF ORDINANCES
Chapter 9 - Emergency Services

Article I. AMBULANCE

A.C.A. §§ 12-75-101-133. Arkansas Emergency Services Act of 1973.

A.C.A. §§ 14-282-101-117. Ambulance Service Improvement Districts.

Section

Reserved.

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Chapter 9 - Emergency Services

Article II. OFFICE OF EMERGENCY MANAGEMENT

Section

Reserved.

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Chapter 9 - Emergency Services

Article III. FIRE PREVENTION / PROTECTION

A.C.A. § 14-20-108(a)(1)(A)-(a)(1)(B)(i)(a), (b)-(c). Dues for volunteer fire departments.

(a) (1)(A) The quorum court of each county, upon request filed with the quorum court by one (1) or more volunteer fire departments in the county, may adopt an ordinance authorizing a designated county official to collect and remit to the volunteer fire department the annual or quarterly dues charged by the volunteer fire department in consideration of providing fire protection to unincorporated areas in the county.

(B)(i)(a) When a quorum court receives a request for the levy of volunteer fire department dues and the request has been signed by the fire chief and the chair and secretary of the board of directors, if any, of a volunteer fire department and filed with the county clerk, the quorum court by ordinance shall call for an election on the issue of the levy of the volunteer fire department dues on each residence and on each business having an occupiable structure.

(b)(1) The quorum court by majority vote may designate the geographical area that a volunteer fire department serves.

(2) Upon request by a volunteer fire department, the quorum court of each county involved may authorize a volunteer fire department to serve a geographical area to extend across the county boundary lines.

(c) The quorum court may establish its own countywide fire department, either regular or voluntary.

A.C.A. § 14-284-203. Methods of establishment. (Fire Protection Districts Outside of Cities and Towns.)

Fire protection districts may be established to serve all or any defined portion of any county in any of the following ways:

(1) By ten percent (10%) of the qualified electors in the proposed district's petitioning the quorum court to hold a public hearing and to form a district, and by the quorum court's adopting an ordinance calling for notice and a public hearing within the district;

(2) By the county court pursuant to an election of the qualified electors of the proposed district initiated, called, and conducted as provided in this subchapter; or

- (3) By the county court pursuant to a resolution of a suburban improvement district, approved by a unanimous vote of its board of commissioners, to convert to a fire protection district to be administered under this subchapter.

A.C.A. §§ 14-284-201-225. Fire protection districts outside of cities and towns.

- (a) (1) Fire protection districts established under the provisions of this subchapter shall cover only territory within the county, or within the defined district, outside the corporate limits of cities and towns.
- (2) However, if any city or town within the district does not have an organized volunteer fire department and desires to be included within the fire protection district, upon the adoption of an ordinance therefor by the governing body of the city or town, addressed to the county judge and quorum court, the area covered by the fire protection district may be extended to provide fire protection within the city limits of the city or town by ordinance adopted by the quorum court.
- (b) In order to avoid duplication of fire protection services, fire protection districts established under this subchapter shall be established for the primary purpose of providing fire protection in rural areas for buildings, structures, and other man-made improvements. In addition, fire protection districts may provide other emergency services, like hazardous and toxic material response, search and rescue services, emergency medical, ambulance, and patient transport services, and such other functions as may be assigned to or reasonably expected of a local fire services agency and which it is trained and qualified to perform.
- (3) Nothing in this subchapter shall be construed to relieve the Arkansas Forestry Commission of responsibility for providing of fire protection for forest lands.

Section

- 940.00 Henderson area fire protection district.
- 940.01 Clarkridge volunteer fire department.
- 940.02 Northeast lakeside fire protection district.
- 940.03 Buford community volunteer fire department.

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- 940.04 Amendment to the Tracy volunteer fire department.
- 940.05 Mountain Home volunteer fire protection district to be reimbursed for mileage and office supply expenses.

§ 940.00 HENDERSON AREA FIRE PROTECTION DISTRICT.

- 1) That there be, and there is hereby created a fire protection district to be known as the Henderson Area Fire Protection District.
- 2) That the area to be encompassed by such Henderson Area Fire Protection District is the following described real property located in Baxter County, Arkansas, to wit;

S ½ Section 16; S ½ Section 17; S ½ Section 18, except Corp. of Engineers Land; Section 19; Section 20; Section 21; Section 28; Section 29, except Corp. of Engineers Land; Section 30, except Corp. of Engineers Land; Section 31, except Corps. Of Engineers Land; Section 32, except Corp. of Engineers Land; Section 33; all in Twp. 20 North, Range 11 West; and Section 4; Section 5, except Corp. of Engineers Land; Section 6, except Corp. of Engineers Land; Twp. 19 North, Range 11 West; and Section 1, except Corp. of Engineers Land; Twp. 19 North, Range 12 West; and S ½ and NW ¼ of Section 13, except Corp. of Engineers Land; Section 14, except Corp. of Engineers Land; Section 23, except Corp. of Engineers Land; Section 24, except Corp. of Engineers Land; Section 25, except Corp. of Engineers Land; and Section 36, except Corp. of Engineers Land; all in Twp. 20 North, Range 12 West. All the above land is situated in Baxter County, Fifth Principal Meridian, Arkansas.

- 3) The primary purpose for the creation of the Henderson Area Fire Protection District is for the providing of fire protection in rural areas for buildings, structures, other manmade improvements, and the rural property in general and nothing in this Ordinance shall be construed to relieve the State Forestry Department of responsibility for providing for fire protection for forest lands.
- 4) The said Henderson Area Fire Protection District is hereby established and created pursuant to the provision of Act 35 of the 1979 Acts of Arkansas which provisions shall govern the creation, establishment and operation of the Henderson Area Fire Protection District and which provisions are attached hereto and incorporated herein by reference as if set out word for word herein.

- 5) It is hereby established and ordained that the maximum amount of assessment against any property within said Henderson Area Fire Protection District shall be no more than 5 mills annually.
- 6) Be it enacted and ordained that the Board of Commissioners for the District to be appointed by the court pursuant to Section 6 of Act 35 of 1979 shall be hereafter known as and referred to as the Henderson Area Fire Protection District Board of Commissioners.
- 7) SEVERABILITY CLAUSE. That the provisions of this Ordinance are hereby declared to be severable, and if any provisions shall for any reason be held illegal or invalid, it shall not affect the validity of the remainder of the Ordinance.
- 8) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect from and after its date of passage and approval.
(Ord. 80, passed 8-7-79)

§ 940.01 CLARKRIDGE VOLUNTEER FIRE DEPARTMENT.

- 1) That there be, and there is hereby created, a fire protection district to be known as the Clarkridge Community Volunteer Fire Department, Inc.
- 2) That the area to be encompassed by such Clarkridge Community Volunteer Fire Department, Inc. is the following described real property located in Baxter County, Arkansas, hereby attached by reference.
- 3) The primary purpose for the creation of the Clarkridge Community Volunteer Fire Department, Inc. is for the providing of fire protection in rural areas for buildings, structures, other manmade improvements and the rural property in general and nothing in this Ordinance shall be construed to relieve the State Forestry Department of responsibility for providing for fire protection for forest lands.
- 4) The said Clarkridge Community Volunteer Fire Department, Inc. is hereby established and operation of the Clarkridge Community Volunteer Fire Department, Inc. and which provisions are attached hereto and incorporated herein by reference as if set out word for word herein.

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- 5) It is hereby established and ordained that the maximum amount of assessment against any property within said Clarkridge Community Volunteer Fire Department, Inc. shall be no more than 5 mills.
- 6) Be it enacted and ordained that the Board of Commissioners for the District to be appointed by the court pursuant to Section 6 of Act 35 of 1979 shall be hereafter known as and referred to as the Clarkridge Community Volunteer Fire Department, Inc. Board of Commissioners.
- 7) SEVERABILITY CLAUSE. That the provisions of this Ordinance are hereby declared to be severable, and if any provisions shall for any reason be held illegal or invalid, it shall not affect the validity of the remainder of the Ordinance.
- 8) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect immediately upon and after its passage and approval.
(Ord. 83-22, passed 12-6-83)

§ 940.02 NORTHEAST LAKESIDE FIRE PROTECTION DISTRICT.

- 1) That there be, and there is hereby created, a fire protection district to be known as the Northeast Lakeside Fire Protection District.
- 2) That the area to be encompassed by such Northeast Lakeside Fire Protection District is the following described real property located in Baxter County, Arkansas, to-wit:

The E ½ of Sections 13, 24, and 25, all in Township 20 Range 13 West; Section 19, 30, 31, 32, 29, 20, 28, 33, 34, 27, and that part of Section 17, 21, and 35 lying South and West of Lake Norfolk, all in Township 20, Range 12.
- 3) The primary purpose for the creation of the Northeast Lakeside Fire Protection District is for the providing of fire protection in rural areas for buildings, structures, other manmade improvements and the rural property in general and nothing in this Ordinance shall be construed to relieve the State Forestry Department of responsibility for providing for fire protection for forest lands.
- 4) The said Northeast Lakeside Fire Protection District is hereby established and created pursuant to the provisions of Act 35 of the 1979 Act of Arkansas which provisions shall govern the creation, establishment and operation of the Northeast Lakeside Fire

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Protection District and which provisions are attached hereto and incorporated herein by reference as if set out word for word herein.

- 5) It is hereby established and ordained that the maximum amount of assessment against any property within said Northeast Lakeside Fire Protection District shall be no more than 5 mills.
- 6) Be it enacted and ordained that the Board of Commissioners for the District to be appointed by the court pursuant to Section 6 of Act 35 of 1979 shall be hereafter known as and referred to as the Northeast Lakeside Fire Protection District Board of Commissioners.
- 7) SEVERABILITY CLAUSE. That the provisions of this Ordinance are hereby declared to be severable, and if any provisions shall for any reason be held illegal or invalid, it shall not affect the validity of the remainder of the ordinance.
- 8) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect from and after its date of passage and approval.
(Ord. 86, passed 10-2-79)

§ 940.03 BUFORD COMMUNITY VOLUNTEER FIRE DEPARTMENT.

- 1) That there be, and there is hereby created, a fire protection district to be known as the Buford Community Volunteer Fire Department, Inc.
- 2) That the area to be encompassed by such Buford Community Volunteer Fire Department, Inc. is the following described real property located in Baxter County, Arkansas, to-wit:

Sections 1,2,11,12,13,14,24,25,26,35 and 36, R. 14 W., T, 18 N.: that part of Section 36 lying E. of Jenkins Creek and lying N. & E. of the White River, R. 14 W., T. 18 N.; all of those parts of Sections 10,15,23,27, and 34 which are located on the left bank of the White River, R. 14W., T. 18 N.

All that part of Sections 23 and 24 located on the left bank of the White River, R. 14 W., T. 17 N.

All of Sections 4,5,6,7,8,9,10,15,16,17,18,19,20,21,29 and 30, and that part of Sections 22,27,28,31,32, and 33 which are located on the left bank of the White River, all in R. 13

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W., T. 18 N.; that part of Section 23 located on the left bank of the White River and W. of Big Creek, R. 13 W., T. 18 N.; all of Sections 2, 11 and 14 lying W. of Big Creek; and that apart of Section 3 lying S. & W. of Bog Creek, R. 13 W., T. 18 N.

All of Section 36, R. 14 W., T. 19N., except the NW3/4 of the NW1/4; the E1/2 of the NE1/2 of Section 25, the SE ¼ of Section 25, and the E1/2 the SW1/4 of Section 25, all in R. 14 W., T. 19 N.

All of the Sections 29, 30, 31, 32, and 33, and all that part of Section 28 lying W. of Highway 201 and all that part of Section 34 lying S. & W. of Big Creel, all in R. 13 W., T. 19.N.

- 3) The primary purpose for the creation of the Buford Community Volunteer Fire Department, Inc. is for the providing of fire protection in rural areas for buildings, structures, improvements and the rural property in general and nothing in this Ordinance shall be construed to relieve the State Forestry Department of responsibility for providing fire protection for forest lands.
- 4) The said Buford Community Volunteer Fire Department, Inc. is hereby established and created pursuant to the provisions of Act 35 of the 1979 Acts of Arkansas which provisions shall govern the creation, establishment and operation of said Fire Protection District.
- 5) It is hereby established and ordained that the maximum amount of assessment against any property within said Buford Community Volunteer Fire Department, Inc. shall be no more than 5 mills.
- 6) Be it enacted and ordained that the Board of Commissioners for the District to be appointed by the Court pursuant to Section 6 of Act 35 of 1979 shall be hereafter known as and referred to as the Buford Community Volunteer Fire Department, Inc. Board of Commissioners.
(Ord. 84-17, passed 10-2-84)

§ 940.04 AMENDMENT TO THE TRACY VOLUNTEER FIRE DEPARTMENT.

- 1) The area to be annexed by the Tracy Volunteer Fire Department is the following described real property located in Baxter County, Arkansas, to wit:

The East Half of Section 7;
The West Quarter of Section 8;

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The part of Section 18 lying North of Arkansas State Highway 201;
And that part of the Northwest Quarter of Section 17 lying North of
Arkansas State Highway 201 and West of Salesville Corporate limits.
All in Township 18 North, Range 12 West, L.B.W.R., Baxter County, Arkansas.

- 2) The primary purpose of the expansion of this Fire Protection District is to provide fire protection to the rural areas for the buildings, structures, and other manmade improvements for the rural property in general.
- 3) The expanded area of the Tracy Volunteer Fire Protection District is also created pursuant to the provisions of the Act 35 of 1979 Acts of Arkansas, which governs the creation.
- 4) The maximum amount of assessment against any property within the expanded area of the Tracy Volunteer Fire Protection District shall be no more than five (5) mills.
- 5) The Commissioners presently serving the Tracy Volunteer Fire Protection District will continue to serve uninterrupted without change as the Board of Commissioners for the expanded area.
- 6) A notice of the adoption of this Ordinance is to be placed in a newspaper of general circulation in Baxter County, to set a public hearing at least thirty (30) days and not more than sixty (60) days after the publication of the notice, and if a majority of the qualified electors of the District do not object to the establishment of the District, in person or by petition, than this Ordinance shall be valid and the expanded District established.
(Ord. 08-76, passed 9-2-08, Ord. 08-77, passed 9-2-08)

§ 940.05 MOUNTAIN HOME FIRE PROTECTION DISTRICT TO BE REIMBURSED FOR MILEAGE AND OFFICE SUPPLY EXPENSES.

- 1) As a subdivision of County Government, it is hereby authorized that the commissioners of the Mountain Home Fire Protection District be entitled to reimbursement from their district's funds of 25c per mile travel expense while traveling on official business for the Mountain Home Fire Protection District.
- 2) It is hereby further authorized that these commissioners also be reimbursed from their district's funds for out of pocket expenses for office supplies or other operating supplies necessary for their district to conduct business.

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- 3) EMERGENCY CLAUSE. This Ordinance, which regulates the expenditures of public funds, is necessary in order to ensure the well-being of the public. Therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect upon its passage and approval.

(Ord. 92-3, passed 1-7-92)

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Article IV. JUVENILE SERVICES

Section

Reserved.

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Chapter 10: HUMAN SERVICES

Article

- I. AIR / WATER POLLUTION CONTROL**
- II. CHILD, YOUTH, SENIOR CITIZEN SERVICES**
- III. PUBLIC HEALTH AND HOSPITALS**
- IV. SOCIAL AND REHABILITATION SERVICES**

BAXTER COUNTY CODE OF ORDINANCES
Chapter 10 - Human Services

Article I. AIR / WATER POLLUTION CONTROL

A.C.A. § 8-4-101-316. Arkansas Water and Air Pollution Control Act.

Section

Reserved.

Article II. CHILD, YOUTH, SENIOR CITIZEN SERVICES**A.C.A. §§ 9-28-201-217. Youth Services.**

The General Assembly recognizes that the state has a responsibility to provide its youth with appropriate services and programs to help decrease the number of juvenile offenders in the state and to create a better future for the state's youth and that reforms in the juvenile justice system require oversight by an organization with special expertise in the problems of juvenile offenders. Therefore, the General Assembly declares that this subchapter is necessary to create a single entity within the Department of Human Services with primary responsibility for coordinating, sponsoring, and providing services to Arkansas' youth and to create structures within state government that will be responsive to the needs of the state's youth.

A.C.A. §§ 12-41-801-809. Juvenile Detention Facilities Cooperative Development and Operations Act.**A.C.A. § 12-41-804. Regional facilities.**

- (a) Local governmental units are authorized to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, populations, and other factors influencing the need and development of local governmental units.
- (b) Local governmental units may contract with the state through the Division of Youth Services of the Department of Human Services for the financing, acquisition, construction, and operation of juvenile detention facilities, in particular, in accordance with the provisions and procedures as outlined in the Interlocal Cooperation Act, § 25-20-101, et seq.

A.C.A. § 14-20-116. Student accident prevention program.

- (a) The quorum courts of the counties of Arkansas are hereby authorized by ordinance to establish a Youth Accident Prevention Program designed to educate junior and senior high school students about driving while intoxicated, seat belt safety, and injuries resulting from drinking and driving and not being belted. These programs may be conducted up to four (4) days in length, and the cost of salaries, equipment supplies, and other items related to the operation of the program shall be paid by the county.

- (b) The municipal courts of Arkansas are hereby authorized to allocate up to five dollars (\$5.00) of every fine, penalty, and forfeiture imposed and collected from every person convicted of a moving traffic offense for any Youth Accident Prevention Education Program created under subsection (a) of this section, and the same allocation shall pertain to any bond which is forfeited for any such offenses. These funds are to be remitted to the county treasurer and deposited into a special fund. Funds may be expended from this fund only for the purposes of this section.

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Reserved.

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Article III. PUBLIC HEALTH, HOSPITALS AND NURSING HOMES

A.C.A. § 14-262-104. County health officer.

- (a) The office of county health officer is created in each county within the state.
- (b) The State Board of Health, upon recommendation of the county judge, shall appoint for each county in this state a health officer who shall serve a term of four (4) years and may be reappointed for additional terms.
- (c) (1) The county health officer shall be a graduate of an accredited and reputable medical or osteopathic university, shall be licensed to practice medicine in Arkansas, and shall have had at least three (3) years' experience in the practice of medicine in the state.
- (d) (1)(A) The county health officer shall serve as a key public health representative in the local community.

(B) The duties of the county health officer shall include without limitation:
 - (i) Promoting the use of local health unit services;
 - (ii) Advocating for public health policy initiatives with local and state policy makers;
 - (iii) Providing assistance to local public health education and promotion initiatives; and
 - (iv) Establishing a regular communication process with the local health unit administrator.
- (i) When performing official duties, a county health officer is immune from civil suit and liability in the same manner as officers and employees of the State of Arkansas are immune under §19-10-305 and Arkansas Constitution, Article 5, §20.

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A.C.A. § 14-262-106. Health departments; establishment.

- (a) Any county may, by proper order of the county court, establish and maintain a county health department.

- (b) Any two (2) or more counties may, with approval of the State Board of Health and, by order of the county court of the respective counties, establish and maintain a district health department.

- (g) No county, whether in a multiple unit or otherwise, voting “NO” regarding the establishment and maintenance of a county health department shall be forced to create a health unit.

A.C.A. §§ 12-12-1701-1722. Adult and Long-Term Care Facility Resident Maltreatment Act.

Section

Reserved

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Chapter 10 - Human Services

Article IV. SOCIAL AND REHABILITATION SERVICES

A.C.A. § 25-10-115. County offices of human services.

- (a) The Director of the Department of Human Services shall establish a county office of human services in each county of this state. The county offices shall provide the citizens of each county access to the various services and programs provided by the Department of Human Services as well as follow-up contact and services.

- (b) In establishing a county office of human services, it is necessary that each county office be staffed to provide complete access to services and programs of the department.

A.C.A. §§ 20-79-201-216. Rehabilitation Act of Arkansas.

Section

Reserved.

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Chapter 11: PUBLIC WORKS

Article

- I. SOLID WASTE COLLECTION / DISPOSAL**
- II. RECYCLING**
- III. UTILITY SERVICES**
- IV. SANITARY, STORM SEWERS**
- V. SEWAGE TREATMENT SERVICES**
- VI. WATER SUPPLY AND DISTRIBUTION SERVICES**

BAXTER COUNTY CODE OF ORDINANCES
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Article I. SOLID WASTE COLLECTION / DISPOSAL

A.C.A. § 8-6-212. County solid waste management systems.

- (a) (1) Each county of the state is authorized to provide and shall provide a solid waste management system adequate to collect and dispose of all solid wastes generated or existing within the boundaries of the county and outside the corporate limits of any municipality in the county.
- (2) By agreement or contractual arrangement, the county may assume responsibility for solid wastes generated within municipalities whether within its county or other counties.
- (3) A county may enter into agreements with other counties, one (1) or more municipalities, a regional solid waste management district, governmental agencies, private persons, trusts, or with any combination thereof, to provide a solid waste management system for the county or any portion thereof but the agreement shall not relieve the parties to the agreement of their responsibilities under this subchapter.
- (e) A county shall have the right to issue orders, to establish policies for, and to enact ordinances concerning all phases of the operation of a solid waste management system, including hours of operation, the character and kinds of wastes accepted at the disposal site, the separation of wastes according to type by those generating them prior to collection, the type of container for storage of wastes, the prohibition of the diverting of recyclable materials by persons other than the generator or collector of the recyclable materials, the prohibition of burning wastes, the pretreatment of wastes, and such other rules as may be necessary or appropriate, so long as such orders, policies, and ordinances are consistent with, in accordance with, and not more restrictive than, those adopted by, under, or pursuant to this subchapter or any other laws, rules regulations or orders adopted by state law or incorporated by reference from federal law, the Arkansas Pollution Control and Ecology Commission, or the regional solid waste management boards or districts, unless:
- (1) There exists a fully implemented comprehensive area-wide zoning plan and corresponding laws or ordinances covering the entire county; or
- (2) The county has made a request to the regional solid waste management board or district to adopt a more restrictive rule, regulation, order, or standard and no public hearing has been held within sixty (60) days or the request has not been acted upon within ninety (90) days.

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A.C.A. § 8-6-703. Regional districts and boards.

(a) (1)(A) The eight (8) regional solid waste planning districts created by Acts 1989, No. 870, and each solid waste service area created pursuant to Acts 1989, No. 870, are renamed regional solid waste districts.

(B) Each district shall be governed by a regional solid waste management board.

A.C.A. § 19-5-1019. County Solid Waste Management System Aid Fund.

(a) (1) There is established in the State Treasury a fund to be known as the County Solid Waste Management System Aid Fund, to consist of such special or general revenues or other moneys that may be deposited in it as provided by the General Assembly, to be used for the purpose of providing financial assistance to counties in the manner provided in this section, for the establishment, expansion, maintenance, and operation of county solid waste collection and disposal systems.

Section

1100.00 Prohibition on the disposal of garbage, trash, hazardous material, and other items on roadways or private property in Baxter County.

§ 1100.00 PROHIBITION ON THE DISPOSAL OF GARBAGE, TRASH, HAZARDOUS MATERIAL, AND OTHER ITEMS ON ROADWAYS OR PRIVATE PROPERTY IN BAXTER COUNTY.

1) DEFINITION.

a. **Garbage** – shall mean and include all waste and accumulation of animal, fruit, or vegetable matter that attends or results from the preparation, use, handling, cooling, serving or storage of meats, fish, fowl, fruit, vegetable matter of any nature whatsoever which is subject to decay, putrefaction, and the generation of noxious and offensive gases or odors, or which may serve as breeding or feeding material for flies and/or other germ-carrying insects. Garbage as defined above shall be considered Solid Waste material.

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- b. **Trash** – shall mean accumulation of rubbish, such as, but not necessarily limited to sweepings, dust, rags, bottles, jars or other waste materials of any kind which are usually attendant to domestic households or housekeeping and the premises upon which said households are located. Accumulations of lawn, grass or shrubbery cuttings, clippings, dry leaf rakings, small tree branches, brush, shrubs, green leaf cuttings, fruits or other matter usually created as refuse in the care of lawns and yards, except large branches, trees, bulky or noncombustible materials not susceptible to normal loading and collection. Trash as defined above shall be considered Solid Waste material.
- c. **Hazardous Material** – shall mean wastes that are hazardous by reason of their pathological, explosive, radiological or toxic characteristics.
- d. **White Goods** – shall mean, but not limited to, non-commercial household type appliances such as refrigerators, freezers, dishwashers, etc.

2) **UNLAWFUL ACTIONS.** It shall be in violation of the Ordinance:

- a. For anyone to leave, dispose or abandon Garbage, Trash, White Goods, Hazardous Materials, junked motor vehicles and/or tires, or any part thereof, or any substance construed as litter on Baxter County road ways or on private property belonging to another without the property owner's written consent.
- b. To dispose of solid waste unlawfully as provided in this Ordinance, which contains two or more items bearing a common address in a form which tends to identify the latest owner of the items shall create a rebuttable presumption that all competent persons residing at such address committed the unlawful act of disposal.

3) **PENALTIES.** Every person convicted of a violation of this Ordinance shall be guilty of a misdemeanor. Upon conviction, that person shall be subject to a fine of not more than \$500.00 plus the cost of clean-up of illegally disposed items. Subsequent violations shall be punishable by a fine of not more than \$500.00 plus the cost of clean-up of illegally disposed items. Subsequent violations shall be punishable by an additional fine of not more than \$250.00 a day as long as it shall continue.

In addition to these penalties, any violator may also be required to remove litter from alongside Baxter County roadways and at other appropriate locations for any reasonable prescribed period.

Any time any person supplies information to law enforcement officials which leads to the conviction of a person that violates this Ordinance, the person giving such information is entitled to a reward of one-half the amount imposed by the fine, if any, to the violator.

- 4) The Baxter County Judge, at his discretion, is hereby authorized to direct the Baxter County Attorney to institute proceedings in the name of Baxter County in any court of competent jurisdiction to compel compliance with and to restrain any violation of the provisions of this Ordinance, and to require such remedial measures to be taken as may be necessary or appropriate to implement or effectuate the provisions and purposes of this Ordinance. Such proceedings would provide that unless the violation is corrected within a reasonable length of time, to be determined by the Court, Baxter County shall have the option to correct the violation. The County Attorney could be further directed to recover any other expenses reasonably incurred by Baxter County in removing, correcting or terminating any adverse effects resulting from the violation, including the cost of inspection, investigation or survey establishing such violation, and to recover payment for other expenses or actual damages resulting therefrom from the violator or violators. The Baxter County Judge shall have the authority to call upon law enforcement and other agencies to assist in enforcement of these provisions.
- 5) SEVERABILITY CLAUSE. The various sections and parts of this Ordinance are to be considered severable and therefor, if any section or part is found to be invalid for any reason, it shall not invalidate the remaining provisions hereof.
- 6) LEGISLATIVE INTENT. It being the intent of Baxter County Government to provide for the health and well-being of its citizens and to protect the dignity of Baxter County, this Ordinance shall become effective thirty days after being properly filed with the Clerk of the Court and placed in the official records of Baxter County, Arkansas.
(Ord. 92-18, passed 7-7-92)

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Article II. RECYCLING

A.C.A. § 8-6-720. Recycling centers.

(a) (1) Beginning July 1, 1992, each regional solid waste management board shall ensure that its residents have an opportunity to recycle. "Opportunity to recycle" means availability of curbside pickup or collection centers for recyclable materials at sites that are convenient for persons to use.

(2) Beginning July 1, 1993, at least one (1) recyclable materials collection center shall be available in each county of a district unless the Arkansas Pollution Control and Ecology Commission grants the district an exemption. An exemption may be granted if a county is adequately served by a recyclable materials collection center in another county.

(3) Boards shall assess the operation of existing and proposed recycling centers and materials recovery facilities to determine the adequacy of these facilities for the collection and recovery of recyclable materials. Boards shall give due consideration to existing recycling facilities in ensuring the opportunity to recycle and are encouraged to use, to the extent practicable, persons engaged in the business of recycling on March 26, 1991, whether or not the persons were operating for profit.

Section

Reserved.

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Article III. UTILITY SERVICES

Section.

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Article IV. SANITARY, STORM SEWERS

Section

Reserved.

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Article V. SEWAGE TREATMENT SERVICES

A.C.A. §§ 14-238-106. Rural waterworks facilities board.

- (a) Any county is authorized to create one (1) or more rural waterworks facilities boards and to empower each board to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in or dispose of, waterworks facilities and wastewater facilities or any interest in such facilities, including, without limitation, leasehold interests in and mortgages on such facilities.

- (b) Boards created under this subchapter are not administrative boards under the County Government Code, §14-14-101, et seq.

- (c) Any public facilities board created under the Public Facilities Boards Act, § 14-137-101, et seq., or its predecessor, for the purpose of operating a waterworks facility and/or a wastewater facility, and which is in existence on July 28, 1995, may petition the quorum court which created the board to grant the board all the powers conveyed by this chapter, and if the quorum court adopts an ordinance to that effect, the powers and authority granted under this chapter shall be applicable to that public facilities board, and it shall thereafter be governed exclusively by the provisions of this chapter and none other.

Section

- 1180.00 Sewer collection and transmission system dedicated to City of Mountain Home.
- 1180.01 Mandatory permit for individual sewage disposal systems.

§ 1180.00 SEWER COLLECTION AND TRANSMISSION SYSTEM DEDICATED TO CITY OF MOUNTAIN HOME.

- 1) The County of Baxter will, upon completion of construction, dedicate and convey to the City of Mountain Home, free and clear of any encumbrance, lien and claim the proposed sewer collection and transmission system serving the Baxter County Industrial Park. The County of Baxter shall be solely responsible for and agrees to pay for any and all costs including, but not limited to, compensation to property owners for obtaining easements or right of way grants for the sewer project.

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- 2) Baxter County does hereby agree to enter into an interlocal agreement with the City of Mountain Home, Arkansas, providing for the cooperative construction and operation of a sewer system for the Industrial Park.
- 3) The County, using the funds listed above shall provide for the construction of the sewer system and dedicate to the City of Mountain Home as per Baxter County Ordinance 89-7.
- 4) In addition, Baxter County does hereby agree to assume responsibility for the system's operational costs that exceed by \$5,000 annually the revenues collected or received by Mountain Home during that specific year. The City of Mountain Home shall be responsible for the first \$5,000 in operational expenses annually over the revenue collected.
- 5) The terms of this agreement shall be for five years beginning with the date of the completion of the final inspection of the sewer system.
- 6) The obligation of funds reflected in the interlocal agreement shall be subject to the limitation of counties imposed by Article 12, Section 4, of the Constitution of the State of Arkansas (1874, as amended), and the County shall use all good faith efforts to appropriate funds necessary to meet their obligations hereunder.
- 7) The City of Mountain Home will provide Baxter County with a quarterly summary report of the Baxter County Industrial Park Sewer System costs of operation as well as revenues received.
- 8) The City of Mountain Home shall have full title for the system and shall be empowered to establish, collect and receive all revenues generated by the sewer system.
- 9) The City of Mountain Home, through a committee of the City Council, and the County of Baxter, through a committee of the Quorum Court, shall meet in October of each year while the agreement is in effect, in order to assess the financial operation of the system and to make such adjustments in the sewer rates so as to compensate for cost fluctuation and maintain the system on a sound financial basis.
- 10) SEVERABILITY CLAUSE. All provisions of this Ordinance shall be null and void unless these provisions are also accepted by the City of Mountain Home through an ordinance legally approved by its City Council.

- 11) The Baxter County Quorum Court does hereby authorize the Baxter County Judge to sign for Baxter County in entering into the interlocal agreement with the City of Mountain Home.
- 12) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect from and after its date of passage and approval.
(Ord. 89-7, passed 5-2-89; Am. Ord. 89-25, passed 8-1-89)

§ 1180.01 MANDATORY PERMIT FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS.

- 1) No person or entity shall install or cause to be installed a domestic septic system or individual sewage disposal system in the unincorporated areas of Baxter County, Arkansas, regardless of the size of the tract of land, without assuring a permit for construction has been obtained from the Baxter County Health Department.
- 2) Before a septic system or individual sewage disposal system is placed into use, a permit for construction and a permit for operation will be issued from an authorized agent of the Arkansas Department of Health, Division of Environmental Health Protection.
- 3) The exemption of the requirements of Act 402 for tracts of land ten acres or larger, in which the field line or sewage or disposal line is no closer than two hundred feet to the property line (A.C.A. § 14-236-104 (c)) is hereby removed for tracts of land in Baxter County, Arkansas as allowed under the provisions of A.C.A. §14-236-105.
- 4) A violation of this Ordinance shall constitute a Class A misdemeanor and each day the said violation remains in existence will be deemed a separate and additional offense. The authorized agent of the Arkansas Department of Health, Division of Environmental Health protection, will enforce the provisions of this Ordinance.
- 5) PENALTIES. Any person, firm, corporation or association that violates any of the provisions of this Ordinance shall upon conviction be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars or more than one thousand dollars. Each day of violation shall constitute a separate offense.
- 6) SEVERABILITY CLAUSE. If a portion of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or

applications of the Ordinance which can be given effect without the invalid provisions of application, and to this end the provisions of this Ordinance are declared to be severable.
(Ord. 02-49, passed 5-7-02)

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Article VI. WATER SUPPLY AND DISTRIBUTION SERVICES

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Chapter 12: ROADS / TRANSPORTATION

Article

- I. ROADS, BRIDGES, AIRPORTS, AVIATION**
- II. FERRIES, WHARVES, DOCKS, MARINE SERVICES**
- III. PARKING**
- IV. PUBLIC TRANSPORTATION**

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Chapter 12 - Roads / Transportation

Article I. ROADS, BRIDGES, AIRPORTS, AVIATION

A.C.A. § 27-66-101. Construction, repair, maintenance contracts.

- (a) (1) The State Highway Commission is authorized and empowered to enter into contracts with as many as two (2) counties of this state under the terms of which, in consideration of the sum agreed to be paid by the particular county, the commission will be authorized, permitted, and required to assume the work of construction, repair, and maintenance of all the county roads in the particular county or part thereof that may be agreed upon in the contract.

- (2) The counties are authorized and empowered to enter into contracts with the commission.

- (b) The contracts authorized by this section may provide for the use of the machinery and equipment belonging to the county, or of the machinery and the equipment belonging to the commission, or the machinery and equipment of both, in the construction, repair, and maintenance of county roads.

- (c) No contract herein authorized shall be for a period extending beyond the end of the term for which the county judge of the contracting county was elected.

- (d) Nothing contained in this section shall have the effect of adding any county roads to the state highway system, nor shall any contracts remove from the county court of the contracting county exclusive jurisdiction over the roads within that county.

- (e) Nothing in this section shall reduce or diminish, or have any effect upon, the amount of money now paid by the state to the various counties for road purposes.

A.C.A. § 27-72-320. Provisions for advanced transfers.

- (a) (1) Advance transfers may be made to each of the several county highway funds from time to time during the fiscal year in amounts as may be requested by the several county courts and approved by the Chief Fiscal Officer of the State.

A.C.A. §§ 14-300-202-208. Bridge construction.

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A.C.A. § 14-300-207. Building requirements.

- (a) All bridges of the first class shall be built and repaired by the county as provided in §§ 14-300-203 and 14-300-204.

- (b) (1) All bridges of the second class shall be built and repaired by the road commissioner, the overseers, and road hands of the district in which the bridges are situated or to be built, under the direction of the county court.

- (2) The cost of building or repairing second-class bridges shall be paid out of the road and bridge tax in the county treasury to the credit of the district.

- (3) (A) However, the county court may, in its discretion, let the building of second-class bridges out on contract to the lowest bidder, and, in case the court so decides, the road commissioner shall make a personal examination of the place where the bridge is needed and report to the court, or the judge thereof in vacation, with the plans and specifications best adapted to the ground where the bridge is to be constructed.

- (B) If the court or judge shall adopt the plans and specifications submitted by the commissioner, it shall be the duty of the court or judge to give notice by publishing for thirty (30) days in some newspaper, published in the county if there is one. If there is no newspaper, then notice shall be given by posting written or printed notices in each township in the county, setting forth the plans and specifications of the bridge, with the place where it is to be built and the time when it is to be completed.

- (C) The contract for the bridge of the second class shall be let at the courthouse door to the lowest and best bidder.

- (c) All bridges of the third class shall be repaired and built by the overseer, under the direction of the road commissioner, and their costs shall be paid out of the road and bridge tax fund in the county treasury to the credit of the district in which the bridge shall be built or constructed.

A.C.A. § 14-358-101. Airports authorized.

Any county in this state may acquire, own, operate, and maintain an airport or flying field in that county and may make, build, and construct all improvements at the airport or flying field as may be deemed necessary for the proper operation thereof.

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Chapter 12 - Roads / Transportation

Section

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| 1200.00 | Protection and maintenance of county roads; penalty. |
| 1200.01 | Baxter County road plan. |
| 1200.02 | Interlocal agreement; purchasing base for maintenance of existing city streets. |
| 1200.03 | Interlocal agreement; purchase road signs, brackets, and letters for maintenance of city streets. |
| 1200.04 | Uniform system for numbering roads. |
| 1200.05 | Regional airport zoning ordinance. |

§ 1200.00 PROTECTION AND MAINTENANCE OF COUNTY ROADS; PENALTY.

- 1) It shall be unlawful for a person to throw or dump any item or items on a dedicated road of Baxter County, or on the right-of-way or that would alter the normal flow of drainage of a County road, including, but not limited to, the dumping of leaves, tree or brush cuttings, and trash, rock and any foreign objects.
- 2) It shall be unlawful for a person to burn anything upon a blacktopped surface or driving surface of any County road.
- 3) It shall be unlawful for a person to park a motor vehicle or any other large item, including, but not limited to, a trailer, mobile home, or any piece of equipment, on a County Road, or upon a right-of-way to a County road, EXCEPT where an emergency situation necessitates that the vehicle or other item be left there.
- 4) It shall be unlawful for a person to cut, dig, or deface a County road and right-of-way for any reason without first obtaining permission from the County Judge, who, where necessary, shall require the posting of a bond sufficient to cover the estimated costs of repairs of damages.
- 5) Violation of any of the provisions of this Ordinance shall be punishable by a fine of from ten dollars to five hundred dollars for each violation.

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- 6) Where it is possible and in the best interest of the County, as determined by the County Judge, it shall be the policy of the County to seek to have the person or persons violating any provisions of this Ordinance to pay the costs of repairing or correcting the damage done by their violation in lieu of payment of the fine designated above.
(Ord. 82-24)

§ 1200.01 BAXTER COUNTY ROAD PLAN.

- 1) Said Baxter County Road Plan, which is attached hereto as Appendix A and made part hereof, is hereby adopted in whole and in part and shall hereafter be the law of the County.
- 2) Copies of said County Road Plan shall be furnished in printed form to every citizen through the offices of County Judge and County Clerk upon request.
(Ord. 82-23, passed 11-2-82)

§ 1200.02 INTERLOCAL AGREEMENT; PURCHASING BASE FOR MAINTENANCE OF EXISTING CITY STREETS.

- 1) The Baxter County Quorum Court hereby approves and adopts the interlocal agreement hereto attached between Baxter County and all incorporated cities within the County.
(Ord. 96-30, passed 6-4-96; Am. Ord. 99-32, passed 5-4-99; Am. Ord. 00-34, passed 4-10-00; Am. Ord. 01-27, passed 3-6-01; Am. Ord. 03-27, passed 3-3-03; Am. Ord. 2005-10, passed 1-3-2005, Am. Ord. 2005-11, passed 1-3-2005; Am. Ord. 07-12, passed 1-2-07; Am. Ord. 09-4, passed 1-6-09; Am. Ord. 11-5, passed 1-3-11)

§ 1200.03 INTERLOCAL AGREEMENT; PURCHASE ROAD SIGNS, BRACKETS, AND LETTERS FOR MAINTENANCE OF CITY STREETS.

- 1) The Baxter County Quorum Court hereby approves and adopts the interlocal agreement hereto attached between Baxter County and all incorporated cities within Baxter County.
(Ord. 98-35, passed 8-14-98; Am. Ord. 99-33, passed 5-4-99; Am. Ord. 00-33, passed 4-9-00; Am. Ord. 01-26, passed 3-6-01; Am. Ord. 03-28, passed 3-3-03; Am. Ord. 05-11, passed 1-3-05; Am. Ord. 09-3, passed 1-6-2009; Am. Ord. 11-4, Passed 1-3-2011)

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§ 1200.04 UNIFORM SYSTEM FOR NUMBERING ROADS.

- 1) There is hereby established a uniform system for numbering the property frontages on all roads and public ways in Baxter County and the residential and business structures accessible therefrom.
- 2) A Baxter County road number map prepared and dated 1983 by the Arkansas State Highway and Transportation Department is hereby adopted as the official county E-911 map for numbering and location of roads and public ways within the county.
- 3) All inhabitable structures within the County will be addressed by an equal interval system using 1,000 addresses per mile as our standard.
- 4) All county roads and public ways shall be numbered from the point of beginning of each road and all structures located on the north and/or east side shall have odd numbers, and all structures on the south and/or west side shall have even numbers.
- 5) The numbering system for roads and residential and business sites within the county shall start at the intersection of US Highway 62 (east and west) and Arkansas Hwy 5 (north and south) providing the point of origin from which all roads and public ways in Baxter County shall be numbered progressively.
- 6) The Baxter County E-911 office previously established by the Quorum Court shall be authorized to make such changes, alterations, and additions to the numbering system created by adoption of said map as deemed appropriate to implement the current numbering system and also to include proper sequence numbers for such additional structures hereafter constructed, moved or located within the County.
- 7) The owner, builder, and/or developer of any housing structures or business properties within the county, after the original numbering system has been established and numbering provided for such existing units, shall apply to the Baxter County E-911 office for numbers to be assigned to all newly established roads and public ways to such structures as constructed, no less than thirty days prior to the occupancy thereof. All roads and/or public ways in any subdivision shall be numbered and/or named on the submission of plats thereof to the County E-911 office prior to final plat approval by the Baxter County Planning Board and recording of said plats with the designations thereon to ensure consistency with the existing naming and numbering regimen established by this Ordinance and to thereby avoid duplication of road and public way designations.
- 8) ASSIGNMENT OF ADDRESS NUMBERS.

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- a. No person, firm, corporation, partnership or other entity shall authorize any public utility company as defined by Arkansas law to supply any service to any new residence or business in Baxter County until an official E-911 address for such residence or business has been assigned or otherwise approved by the County Judge or his designee.
 - b. Address numbers shall be at least three inches in minimum height and shall be installed at the expense of the owner, maintained at the expense of the owner, and shall likewise conform to the standards established by the County. Such address numbers shall be positioned in such a manner as to be clearly visible from the named and/or numbered road of access.
 - c. Any person or other entity failing to comply with the provisions of this Ordinance shall upon conviction thereof, be fined not less than twenty five dollars, plus prosecution costs for each offense. Each day said offense continues shall be deemed a separate offense.
- 9) SEVERABILITY CLAUSE. If any part of this Ordinance is declared by the courts to be invalid or unconstitutional, that decision shall not affect the validity of the remaining parts.
- 10) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall be in full force and take effect, from and after its date of passage and approval.
(Ord.94-15, passed 4-5-94)

§ 1200.05 REGIONAL AIRPORT ZONING ORDINANCE.

1) DEFINITIONS.

- a. *Airport* - means Baxter County Regional Airport.
- b. *Airport Elevation* – 924 feet above mean sea level.
- c. *Approach Surface* – a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this

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ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

- d. ***Approach, Transitional, Horizontal and Conical Zones*** – These zones are set forth in this Ordinance.
- e. ***Board of Adjustment*** – a Board consisting of 3 members appointed by the Quorum Court, County of Baxter, Arkansas.
- f. ***Commission*** – Baxter County Airport Commission:
- g. ***Conical Surface*** – A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- h. ***Hazard to Air Navigation*** – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- i. ***Height*** – for the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- j. ***Horizontal Surface*** – A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- k. ***Larger than Utility Runway*** – a runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
- l. ***Nonconforming Use*** – any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
- m. ***Non-Precision Instrument Runway*** – a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

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- n. **Obstruction** – any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Ordinance.
- o. **Person** – an individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- p. **Precision Instrument Runway** – a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- q. **Primary Surface** – a surface longitudinally centered on a runway. When the county runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point of the runway centerline.
- r. **Runway** – a defined area on an airport prepared for landing and takeoff of aircraft along its length.
- s. **Structure** – an object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhaul transmission lines.
- t. **Transitional Surfaces** – These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
- u. **Tree** – any object of natural growth.
- v. **Utility Runway** – a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

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w. *Visual Runway* – a runway intended solely for the operation of aircraft using visual approach procedures.

2) AIRPORT ZONES. In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Baxter County Regional Airport. Such zones are shown on Baxter County Regional Zoning Map consisting of one sheet, prepared by the Engineering Services, Inc., dated 1980, which is attached to this Ordinance and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- a. Utility Runway Visual Approach Zone – the inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- b. Utility Runway Non-precision Instrument Approach Zone – the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- c. Runway Larger than Utility Visual Approach Zone- the inner edge of the approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- d. Runway Larger than Utility with a Visibility Minimum Greater than ¾ Mile Non-Precision Instrument Approach Zone – the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- e. Runway Larger than Utility Width with a Visibility Minimum as Low as ¾ Mile Non-Precision Instrument Approach Zone – the inner edge of this approach zone

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coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet as a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

- f. Precision Instrument Runway Approach Zone – the inner edge of this approach zone coincides with the width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- g. Transitional Zones – the transitional zones are the areas beneath the transitional surfaces.
- h. Horizontal Zone – the horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- i. Conical Zone – the conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there for a horizontal distance of 4,000 feet.

3) AIRPORT ZONE HEIGHT LIMITATIONS. Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- a. Utility Runway Visual Approach Zone – Slopes twenty feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- b. Utility Runway Non-Precision Instrument Approach Zone – Slopes twenty feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

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- c. Runway Larger Than Utility Visual Approach Zone – Slopes twenty feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the XXXX.
- d. Runway Larger Than Utility with a Visibility Minimum Greater than ¾ Mile Non-Precision Instrument Approach Zone – Slopes thirty four feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- e. Runway Larger Than Utility with a Visibility Minimum as Low as ¾ Mile Non-Precision Instrument Approach Zone – Slopes thirty four feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- f. Precision Instrument Runway Approach Zone – Slopes fifty feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; then slopes upward forty feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
- g. Transitional Zones – Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 100 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward, beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to extended runway centerline.
- h. Horizontal Zone – Established at 150 feet above the airport elevation or at a height of 1074 feet above mean sea level.

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- i. Conical Zone – Slopes twenty feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
 - j. Excepted Height Limitations – Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.
- 4) **USE RESTRICTION.** Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- 5) **NONCONFORMING USES.**
- a. Regulations Not Retroactive – The regulations prescribed in this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.
 - b. Nonconforming Uses Abandoned or Destroyed – Whenever the Commission determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
 - c. Variances – Any person desiring to erect or increase the heights of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations.

- d. Variiances – Any person desiring to erect or increase the height of any structure or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within 15 days after receipt, the Board of Adjustment may act on its own to grant or deny said application.
- e. Obstruction Marking and Lighting- Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the County of Baxter, at its own expense, to install, operate, and maintain the necessary markings and lights.
- 6) ENFORCEMENT. It shall be the duty of the Baxter County Airport Commission to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Commission upon a form published for that purpose. Applications required by this Ordinance to be submitted to the Commission shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Commission.
- 7) BOARD OF ADJUSTMENT.
- a. There is hereby created a Board of Adjustment to have and exercise the following powers:

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- i. To hear and decide appeals from any order, requirement, decision, or determination made by the commission in the enforcement of this Ordinance;
 - ii. To hear and decide special exceptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass; and
 - iii. To hear and decide specific variances.
- b. The Board of Adjustment shall consist of three members appointed by the Quorum Court and each shall serve for a term of three years until a successor is duly appointed and qualified. Of the members first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.
- c. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Ordinance. Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson, and at such other times as the Board of Adjustment shall be held at the call of the Chairperson or, in the absence of the chairperson, the acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the County Clerk and on due cause shown.
- d. The Board of Adjustment shall make written findings of fact and conclusions of law, giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Ordinance.
- e. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the commission or decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect variation to this Ordinance.

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8) APPEALS.

- a. Any person aggrieved, or any taxpayer affected by any decision of the Commission, made in the administration of the Ordinance, may appeal to the Board of Adjustment.
- b. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Commission a notice of appeal specifying the grounds thereof. The Commission shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
- c. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Commission certifies to the Board of Adjustment, after the notice of appeal has been filed with it that by reason of the facts stated in the certificate a stay would in the opinion of the Commission cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment or notice to the Commission and on due cause shown.
- d. The Board of Adjustment shall fix a reasonable time for hearing appeals, giving public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- e. The Board of Adjustment may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from or may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

9) JUDICIAL REVIEW. Any person aggrieved, or any taxpayer affected by any decision of the Board of Adjustment may appeal to the Quorum Court.

10) PENALTIES. Each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than \$500 or imprisonment for not more than 180 days or both; and each day a violation continues to exist shall constitute a separate offense.

11) CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the

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same are, whether the conflict be with respect to the height of the structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

12) SEVERABILITY CLAUSE. If any of the provisions of this Ordinance, or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

13) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect from and after its date of passage and approval.

(Ord. 84-3, passed 4-3-84)

Article II. FERRIES, WHARVES, DOCKS, MARINE SERVICES

A.C.A. § 27-87-103. Declaration of public ferry.

- (a) Where a public road crosses any private stream which has not been meandered as a navigable stream, the bed of which may belong to any individual, if in the opinion of the county court, the public convenience will be promoted thereby, the court may make an order upon its record to that effect, declaring the crossing to be a public ferry.

- (b) And when so declared by the county court, the ferry shall be and remain a public ferry during the pleasure of the court and be subject to all the regulations and restrictions that are made by law applicable to public ferries or navigable streams.

Section

1220.00 Joint service agreement for water safety patrol.

§ 1220.00 JOINT SERVICE AGREEMENT FOR WATER SAFETY PATROL.

- 1) That the Arkansas Legislature has created an entity for each County in the State to be called the Water Safety Patrol and to provide funding for that entity through boat registration and license fees which funds are segregated from the County General Fund for that exclusive purpose.

- 2) That Marion County and Baxter County, Arkansas, are adjoining counties with an abundance of natural and manmade water resources that not only provide a greater recreational opportunity for many thousands of people, but also create a potential environment for water related accidents, injuries, and deaths.

- 3) That the demands of a ready, available, and responsive Water Safety Patrol suitably equipped and manned for such geographical areas is enormous especially in terms of financial assistance.

- 4) That the Baxter County Sheriff's Department through the utilization of funds, donations, and contributions of man hours and equipment has developed a Water Safety Patrol with adequate equipment, transportation, communication, and personnel able to respond to the geographical area of Marion and Baxter Counties and have by verbal agreement converted said water resources upon request by the Marion County Sheriff's Office,

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which, to date, has neither the resources, equipment, nor personnel adequate to the demands of its own Water Safety Patrol.

- 5) That the respective counties would be served better, more efficiently and more economically if the financial resources were combined and made available to the Baxter County Water Safety Patrol so as to provide a better, immediate and future Water Safety Patrol by which both counties may be served by a single entity; the Baxter Marion Water Safety Patrol, a joint service agreement.
- 6) That Marion County, Arkansas by its County Judge, has agreed to provide the funds received from the legislative enactment to the Baxter County Water Safety Patrol to realize the better single response of a Baxter Marion Water Safety Patrol, and Baxter County, Arkansas, by its Sheriff, has agreed to receive and apply those additional funds during the existence of the Joint Service Agreement for a Water Safety Patrol servicing both counties. See Joint Service Agreement attached as Exhibit 1.
- 7) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect from and after its date of passage and approval.
(Ord.89-8, passed 5-2-89)

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Article III. PARKING

A.C.A. § 14-304-101. Legislative findings. (Parking Authorities)

The General Assembly determines and declares that:

- (1) Excessive curb parking of motor vehicles on roads and streets in the cities and towns of the State of Arkansas and the lack of adequate off-street parking facilities create congestion, obstruct the free circulation of traffic, diminish property values, and endanger the health, safety and general welfare of the public;
- (2) The provision of conveniently located off-street parking facilities is therefore necessary to alleviate those conditions; and
- (3) The establishment of public off-street automobile parking facilities is deemed to be a proper public or municipal purpose.

Section

Reserved.

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Article IV. PUBLIC TRANSPORTATION

A.C.A. §§ 14-334-101-116. Public Transit System Act.

Section

Reserved.

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Chapter 13 - Urban / Rural Development

Chapter 13: URBAN /RURAL DEVELOPMENT

Article

I. BUILDING

II. PLANNING / ZONING

III. ECONOMIC DEVELOPMENT

IV. HOUSING

**V. WATERCOURSE, DRAINAGE, IRRIGATION, FLOOD
 CONTROL SERVICES**

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Chapter 13 - Urban / Rural Development

Article I. BUILDING

Section

Reserved.

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Article II. PLANNING / ZONING

A.C.A § 14-17-209. Zoning ordinance – Board of zoning adjustment.

(a) The county planning board shall have authority to prepare, or to cause to be prepared, a zoning ordinance for all or part of the unincorporated area of the county, which ordinance shall include both a map and a text. The zoning ordinance may evaluate the location, height, bulk, number of stories, and the size of the building; open space; lot coverage; density and distribution of population; and the uses of land, buildings and structures. It may require off-street parking and loading. It may provide for districts of compatible uses, for large scale unified development, for the control and elimination of uses not in conformance with provisions of the ordinance, and for such other matters as are necessary to the health, safety, and general welfare of the county. The zoning ordinance shall designate districts or zones of such shape, size, or characteristic as deemed advisable for all, or part, of the unincorporated area of the county. The regulations imposed within each district or zone shall be uniform throughout the district or zone.

A.C.A. § 14-17-210. Jurisdiction over unincorporated areas.

The county planning board shall have the exclusive zoning and planning jurisdiction over all unincorporated areas lying within a county and along a navigable stream notwithstanding the fact that such areas may be within five (5) miles of the corporate limits of a city having a planning commission if the unincorporated areas are lands upon which a new community has been or is being developed with funds guaranteed, in whole or in part, by the federal government under Title IV of the Housing and Urban Development Act of 1968 or under Title VII of the Housing and Urban Development Act of 1970.

Section

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| 1300.00 | Filing of plat with county planning board; fee. |
| 1300.01 | Minimum standards for development projects related to ground alteration, grading and erosion control. |
| 1300.02 | Amendment to the minimum standards and regulations for subdivision development. |
| 1300.03 | Interim land use policy plan. |

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§ 1300.00 FILING OF PLAT WITH COUNTY PLANNING BOARD; FEE.

- 1) The Baxter County Planning Board shall charge and collect a fee of \$10.00 for each Lot Split; and a fee of \$50.00 per subdivision plus \$5.00 per lot in excess of 4 lots, for the recording and approval of Final Subdivision Plats.

- 2) This Ordinance supersedes Resolution No. 5 passed in 1981.
(Ord. 81-9, passed 5-5-81; Am. Ord. 95-16, passed 6-6-95; Am. Ord. 05-120, passed 11-1-05)

§ 1300.01 MINIMUM STANDARDS FOR DEVELOPMENT PROJECTS RELATED TO GROUND ALTERATION, GRADING, AND EROSION CONTROL.

1) DEFINITIONS.

- a. **Planning Board** – the Baxter County Planning Board or its designated representative.

- b. **Clearing** – Any activity that removes the vegetative surface cover.

- c. **Drainage Way** – Any channel that conveys surface runoff throughout the site.

- d. **Erosion Control** – A measure that prevents erosion.

- e. **Erosion & Sediment Control Plan** – A set of plans indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

- f. **Grading** – Excavation or fill of material, including the resulting conditions thereof.

- g. **Perimeter Control** – A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

- h. **Phasing** – Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

- i. **Sediment Control** – Measures that prevent eroded sediment from leaving the site.

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- j. **Site** – A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.
- k. **Site Development Permit** – A permit issued by the County for the construction or alteration of ground improvements and structures for the control of erosion, runoff and grading.
- l. **Stabilization** – The use of practices that prevent exposed soil from eroding.
- m. **Start of Construction** – The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.
- n. **Watercourse**- Any body of water, including lakes, rivers, streams, and bodies of water delineated by Baxter County.
- o. **Waterway**- A channel that directs surface runoff to a watercourse or to the public storm drain.

2) PERMITS.

- a. No person shall conduct clearing or grading activity that would require the uncovering of one acre or more without first obtaining a site development permit from Baxter County.
- b. No site development permit is required for the following activities:
 - i. Any emergency activity that is immediately necessary for the protection of life, property or natural resources.
 - ii. Nursery and agricultural operations.
 - iii. Individual land owner for personal use, where the area to be disturbed is no closer than 300 feet to a navigable waterway.
- c. Each application for a site development permit shall bear the name(s) and address of the owner or developer for the site, and the name and contact information of the applicant's authorized representative.

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- d. Each application for site development permit shall include an Erosion and Sediment Control Plan as required by the ADEQ.
- e. A site development permit is required in association with all required permits for new construction. No person shall conduct clearing or grading activity until both the required permits and associated site development permit have been issued by Baxter County. There shall be a \$25.00 Erosion and Sediment Control Plan review fee.

3) REVIEW AND APPROVAL.

- a. The Planning Board will receive and review each application for a site development permit to determine its conformance with the provisions of this regulation. Within thirty business days after receiving an application, the Planning Board shall in writing:
 - i. Approve the permit application;
 - ii. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
 - iii. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.
- b. Failure of the Planning Board to act on an original or revised application within thirty business days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the Planning Board.

4) EROSION AND SEDIMENT CONTROL PLAN.

- a. The Erosion and Sediment Control Plan shall include the following:
 - i. A site map at a scale no smaller than 1' = 100" showing erosion and sediment control proposed for the site.
 - ii. A sequence of clearing and grading activities anticipated for construction of the development site. Sequencing shall include the anticipated dates for

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the start of construction, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation and permanent sediment control measures.

- iii. Erosion and sediment control measures necessary to meet the objectives of this Ordinance that will remain installed and functioning throughout all phases of construction and after completion of development of the site until soil stabilization will permanent vegetation.
 - iv. Proposed seeding mixtures and rates, types of sod, method of seedbed preparation, expected seedling dates, kind and quantity of mulching for both temporary erosion control and permanent vegetative stabilization.
 - v. Provisions for maintenance of control facilities until the site soils are stabilized with permanent vegetation.
- b. Modifications to the plan shall be processed and approved or disapproved in the same manner as Section 3 of this Ordinance.

5) DESIGN REQUIREMENTS.

- a. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the Best Management Practices (BMP) identified by the U.S. Environmental Protection Agency, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Planning Board. Cut and fill slopes shall be no greater than 2:1; except as approved by the Planning Board to meet other community or environmental objectives.
- b. Clearing and grading of natural resources, such as forests and wetlands shall not be permitted, except when in compliance with this Ordinance, state and federal law. Site grading must meet the following requirements:
 - i. The site must drain away from all buildings and toward the county's road or a dedicated drainage ditch.
 - ii. The site should be graded to provide a minimum of 6" of fall in 10 feet away from building foundations.
 - iii. Drainage should be directed away from adjacent lots to the maximum extent possible.

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- c. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control measures have been installed in accordance with the requirements of the site development permit.
- d. Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the Planning Board.
- e. Erosion control requirements shall include the following:
 - i. Soil stabilization shall be completed within one week of clearing or inactivity in construction.
 - ii. If seeding or other vegetative erosion control method is used, it shall become established within two weeks or the Planning Board may require that the site be reseeded and/or mulched to stabilize the site.
 - iii. Special techniques that meet the BMP on steep slopes or in drainage ways shall be used to ensure stabilization.
 - iv. Soil stockpiles must be stabilized when inactive for periods longer than 2 weeks.
 - v. The entire site must be stabilized by seeding and mulching when site grading is complete. The Planning Board may require stabilization of any part of the site that will remain inactive for longer than 2 weeks or when an erosion problem is identified.
 - vi. Techniques that divert upland runoff past disturbed slopes shall be employed.
- f. Sediment control requirements shall include:
 - i. Settling basins, sediment traps, and perimeter controls.
 - ii. Settling basins that are designed in a manner that allows adaptation to provide long-term storm water management, if required by the Planning Board.

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iii. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

g. Waterway and watercourse protection requirements shall include:

i. A temporary stream crossing if a wet watercourse will be crossed regularly during construction.

ii. Stabilization of the watercourse channel after any in-channel work.

iii. All on-site storm water conveyance channels must be designed in accordance with the Arkansas Department of Environmental Quality (ADEQ) Minimum Drainage Standards.

iv. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.

h. Construction site access requirements shall include:

i. A temporary access road provided at all site.

ii. Other measures required by the Planning Board in order to ensure that sediment is not washed into storm drains and construction vehicles do not track sediment onto public roads.

6) INSPECTION.

a. The County Judge or his agent shall have full access to the site for inspections to ensure compliance with the approved Erosion and Sediment Control Plan.

b. A copy of the site development permit and approved Erosion and Sediment Control Plan shall be maintained at the site throughout site development.

c. The permit holder or his/her representative shall make regular inspections of all control measures to ensure compliance with the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections and inspection dates shall be documented in written form and available on site for review by the County Judge or his agent.

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7) ENFORCEMENT.

- a. Stop-work order; Revocation of Permit. In the event that any person holding a site development permit pursuant to this Ordinance violates the terms of the permit or this Ordinance, the Planning Board may suspend or revoke the site development permit and any associated development permits; and the County Judge may issue a stop-work order subject to administrative appeal.

- b. Violation and Penalties. No person shall construct, enlarge, alter, repair, or maintain, any grading, excavation, or fill, or cause the same to be done contrary to or in violation of any terms of this Ordinance. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this Ordinance are committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such persons, partnership, or corporation shall be punished by a fine of not more than \$250.00 for each offense. In addition to any other penalty authorized by this section, any person, partnership or corporation convicted of violating any of the provisions of this Ordinance shall be required to bear the expense of such restoration.

8) SEVERABILITY CLAUSE. The provisions and sections of this Ordinance shall be deemed to be separable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

(Ord. 94-3, passed 2-2-94; Am. Ord. 95-10, passed 4-4-95; Am. Ord. 99-59, passed 8-4-99; Am. Ord. 99-82, passed 11-2-99; Am. Ord. 01-45, passed 4-3-01; Am. Ord. 02-82, passed 10-1-02; Am. Ord. 03-31, passed 4-01-03; Am. Ord. 06-59, passed 7-6-2006; Am. Ord. 07-58, passed 7-10-07; Am. Ord. 10-63, passed 11-2-10; Am. Ord. 08-10, passed 2-4-08; Am. Ord. 08-68, passed 9-2-08¹; Am. Ord. 10-63, passed 11-2-10²)

¹ Relating to Code Section 1300.01, Amending Ord. 08-68 reads: "The additional guidelines and regulations as shown in attached Exhibit A are hereby offered for the purpose of addressing condominium/high density development in Baxter County; and the Minimum Standards and Regulations for Subdivision Development may be amended to include same."

² Relating to Code Section 1300.01, Amending Ord. 10-63 reads: "The following changes to the Minimum Standards and Regulations for Subdivision Development, Chapter 4, Sketch Plan and Plat Requirements, Article 4-4, Scale and Media, Paragraph 2, are hereby approved and shall read as follows: Final plats shall be prepared on sheets twenty-four (24) inches by thirty-six (36) inches at a scale not to exceed one (1) inch equals two hundred (200) feet."

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§ 1300.02 AMENDMENT TO THE MINIMUM STANDARDS AND REGULATIONS FOR SUBDIVISION DEVELOPMENT.

- 1) The following changes to the Minimum Standards and Regulations for Subdivision Development, Chapter 4, Sketch Plan and Plat Requirements, Article 4-4, Scale and Media, Paragraph 2, are hereby approved and shall read as follows:

Final plats shall be prepared on sheets twenty-four (24) inches by thirty-six (36) inches at a scale not to exceed one (1) inch equals two hundred (200) feet.

(Ord. 94-3, passed 2-2-94; Am. Ord. 95-10, passed 4-4-95; Am. Ord. 99-59, passed 8-4-99; Am. Ord. 01-45, passed 4-3-01; Am. Ord. 02-82, passed 10-1-02; AM. Ord. 03-31, passed 4-01-03; Am. Ord. 06-59, passed 7-6-2006; Am. Ord. 07-58, passed 7-10-07; Am. Ord. 10-63, passed 11-2-10)

§ 1300.03 INTERIM LAND USE POLICY PLAN.

- 1) The Baxter County Quorum Court recognizes the need for a land use plan to guide the use of public lands and public resources in Baxter County, Arkansas, and to protect the rights of private landowners.

- 2) The attached Interim Land Use Policy Plan is hereby adopted and made a part of this Ordinance as though set out word for word to serve as an interim set of policies that shall provide a general planning framework to remain in effect until a permanent Baxter County Comprehensive Land Use Plan is developed and approved by the Baxter County Quorum Court.
(Ord.99-82, passed 11-2-99)

Article III. ECONOMIC DEVELOPMENT

A.C.A. §§ 14-173-101-105. City and County Economic Development Grant Authorization Act.

A.C.A. §§ 14-169-901-903. Subchapter intention.

It is the intention of this subchapter to permit municipal and county government in the State of Arkansas to participate fully in the Community Development Act of 1974, specifically, but not limited to, community development activities eligible for assistance in section 105 of it, and to have their governing bodies exercise any and all powers conferred on housing authorities and urban renewal agencies, including, but not limited to:

- (1) Eminent domain;
- (2) Redevelopment activities;
- (3) Housing;
- (4) Public housing;
- (5) Urban renewal; and
- (6) Community development in its broadest sense.

Section

Reserved.

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Article IV. HOUSING

A.C.A. §§ 14-54-1601-1606. The Affordable Housing Accessibility Act.

A.C.A. §§ 16-123-201-210. Arkansas Fair Housing Act.

Section

Reserved

**Article V. WATERCOURSE, DRAINAGE, IRRIGATION, FLOOD
CONTROL SERVICES**

A.C.A. §§ 14-121-101-1110. Drainage Improvement Districts Generally.

A.C.A. §§ 14-117-101-427. Arkansas Irrigation, Drainage, and Watershed Improvement District Act of 1949.

A.C.A. § 14-16-112. Flood control improvements.

(a) (1) The counties of this state are authorized and empowered to enter upon, take, and hold any lands or interest, easement or servitude therein, whether by purchase, grant, donation devise, or otherwise, that may be necessary and proper for the location, construction, operation, repair, or maintenance of any floodway, reservoir, spillway, levee or diversion, or other flood control improvements.

(2) (A) In order to acquire such rights, easements, and servitudes, the counties are given the authority and power to condemn land or interest therein for these purposes.

(B) In the event it becomes necessary for counties to exercise the right of eminent domain, condemnation proceedings shall be instituted and conducted in the same manner as provided in §§ 18-15-304—18-15-307.

(b) Nothing in this section shall ever be so construed or applied as to relieve the federal government of any liability or responsibility which it has assumed by the passage of the Flood Control Act of May 15, 1928, or the Flood Control Act of June 15, 1936, or any other existing law, or any law that may hereafter be passed by the Congress of the United States.

Section

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