

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
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CHAPTER 7.04

STATE CRIMINAL STATUTES AND PENALTIES

Sections:

- 7.04.01 Misdemeanor
- 7.04.02 Criminal laws
- 7.04.03 Fine

7.04.01 Misdemeanor Each and every act, matter or thing which the laws of the state of Arkansas make misdemeanor is hereby prohibited within the corporate limits of the city of Ward, Arkansas, and made unlawful as a violation of this ordinance. (Ord. No. 1964-3, Sec. 1.)

7.04.02 Criminal laws The criminal laws of the state of Arkansas, as now existing and as hereafter may be provided, insofar as same may make any act, matter or thing a misdemeanor, are hereby adopted and incorporated into the Criminal Code of the ordinances of the city of Ward, Arkansas. (Ord. No. 1964-3, Sec. 2.)

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

All fines when imposed, to be paid to the Recorder/Treasurer who shall deposit said fines in the city treasury and make monthly or quarterly reports to the City Council of such fines collected. (Ord. No. 1964-3, Sec. 3.)

CHAPTER 7.08

CURFEW

Sections:

7.08.01	Definitions
7.08.02	Curfew for juveniles
7.08.03	Exceptions
7.08.04	Parental responsibility
7.08.05	Enforcement procedure
7.08.06	Penalties

7.08.01 Definitions For the purposes of the Curfew Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

Juvenile or minor is any person under the age of eighteen (18) or, in equivalence phrasing often herein employed, any person seventeen (17) years of age or less.

Parent is any person having custody of a juvenile

- A. as a natural or adoptive parent,
- B. as a legal guardian,
- C. as a person who stands in loco parentis,
- D. as a person to whom legal custody has been given by order of a court of competent jurisdiction.

Remain means to stay being, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling three or more person in which any juvenile involved would not be using the streets for ordinary or serious purpose such as passage or going home.

Street is a way or place, or whatever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term street includes that legal right-of-way, including but not limited to traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term street applies irrespective of what it is called or formally named, whether alley, avenue, court, road or otherwise. The term street shall also include shopping centers, parking lots, parks, playgrounds, public buildings, the common areas of public housing developments, and similar areas that are open to the use of the public.

Time of night referred to herein is based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Savings Time, generally observed at that hours by the public in the city, prima facie the time then observed in the city police station.

Years of age continues from one birthday, such as the seventeenth to (but not including the day or) the next, such as the eighteenth birthday, making it clear that seventeen or less years of age be treated as equivalent to the phrase "under eighteen years of age." (Ord. No. C-2-92, Sec. 1.)

7.08.02 Curfew for juveniles It shall be unlawful for any person seventeen (17) or less years of age (under eighteen [18]) to be upon or remain in or upon the streets within the city of Ward, Arkansas, at night during the period ending at 5:00 a.m. and beginning:

- A. 12:00 a.m. on Friday and Saturday nights; and,
- B. 10:00 p.m. on all other nights.
(Ord. No. WP-2-93, Sec. 1.)
- C. It shall be unlawful for any minor to be upon the streets, sidewalks, parks, playgrounds, public places and vacant lots, or to ride in or upon, drive or otherwise operate or be a passenger of any automobile, bicycle, or other vehicle in, upon, over or through the streets, or other public places between the hours of 8:30 a.m. and 2:30 p.m., Monday, Tuesday, Wednesday, Thursday or Friday.
- D. It shall be unlawful for any parent to permit a minor to be upon the streets, sidewalks, parks, playgrounds, public places and vacant lots, or to ride in or upon, drove or otherwise operate a vehicle in, upon, over or through the streets, or other public places as set forth in subsections (A), (B) or (C). The face that a minor is in violation of the provisions of subsection (A), (B) or (C) without a defense as set forth in section 6 of this ordinance, shall create a rebuttable presumption that a parent is in violation of this subsection. (Ord. No. 0-4-98, Sec. 2.)

7.08.03 Exceptions In the following exceptional cases a minor on a city street during the nocturnal hours prescribed for minors shall not however, be considered in violation of the Curfew Ordinance.

- A. When accompanied by a parent of such minor.
- B. When accompanied by an adult, at least 21 years of age, who is not the parent and who is authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.
- C. When exercising First Amendment rights protected by the U.S. Constitution, such as the free exercise of religion, freedom of speech and the right of such exercise by first delivering to the person designated by the Chief of Police to receive such information, a written communication, signed by the juvenile and countersigned, by a parent of the juvenile with their home address and telephone number, specifying when, where and in what manner the juvenile will be on the streets at night (during hours when the Curfew Ordinance is otherwise applicable to said minor) in the exercise of a First Amendment right.
- D. In case of reasonable necessity for a juvenile remaining on the streets, but only after the juvenile's parent has communicated to the person designated by the Chief of Police to receive such notifications the facts establishing the reasonable necessity relating to specified streets at a designated time for a described purpose including points of origin and destination. A copy of the communication, or of the police record thereof, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received and of the names and addresses of the parent and juvenile, shall be admissible evidence.
- E. When returning home from and within one (1) hour after the termination of a school or city sponsored activity, or an activity of a religious or other voluntary association, of which prior notice, indicating the place and probable time of termination, has been given in writing, to and duly filed for immediate reference by, the person designated by the Chief of Police.
- F. When engaging in the duties of bona fide employment or traveling directly, without undue delay or detour from home to the place of employment, or from the place of employment to the home.
- G. When the minor is in a motor vehicle for the purpose of interstate or intrastate travel, either through, beginning or ending in Ward, Arkansas. (Ord. No. C-2-92, Sec. 3.)

7.08.04 Parental responsibility It shall be unlawful for a parent of a juvenile to permit or allow the juvenile to be or remain upon any city street under circumstances not constituting an exception to, or otherwise beyond the scope of the Curfew Ordinance. This ordinance is intended to hold neglectful or careless parents to a reasonable community standard of parental responsibility through an objective test. It shall be no defense that a parent was indifferent to the activities or conduct or whereabouts of such juvenile.

- A. Police procedures shall be refined in light of experience and may provide that the police officer may deliver to a parent or guardian thereof a juvenile under appropriate circumstances.
- B. When a parent or guardian has come to take charge of the juvenile, and the appropriate information has been recorded, the juvenile shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the juvenile, then the juvenile shall be released in accordance with Arkansas and federal law.
- C. In the case of a first violation by a juvenile, the Police Department shall by certified mail or direct service, send and/or deliver to a parent written notice of the violation with a warning that any subsequent violation will result in full enforcement of the Curfew Ordinance, including enforcement of parental responsibility and or applicable penalties. (Ord. No. C-2-92, Sec. 4.)

7.08.05 Enforcement procedure If a police officer reasonably believes that juvenile is on the streets in violation of the Curfew Ordinance, the officer shall notify the juvenile that he or she is in violation of the ordinance and shall require the juvenile to provide his or name, address and telephone number and how to contact his or her parent or guardian.

In determining the age of the juvenile and in the absence of convincing evidence, a police officer shall use his or her best judgment in determining age. (Ord. No. C-2-92, Sec. 5.)

7.08.06 Penalties

- A. If, after the warning notice pursuant to 7.08.05 of a first violation by a juvenile, a parent violates 7.08.06 (in connection with a second violation by the juvenile), this shall be treated as a first offense by the parent. For parental offenses, a parent may be fined not less than Fifty Dollars (\$50.00), nor more than Five Hundred Dollars (\$500.00).
- B. Any juvenile who shall violate any of the provisions of the curfew ordinance more than three times shall be reported by the Chief of Police to the juvenile authorities as a juvenile in need of supervision and the Chief of Police shall refer the matter to Lonoke County Juvenile Officer and/or the Arkansas Department of Human Services and/or other appropriate authorities. (Ord. No. C-2-92, Sec. 6.)

- C. With respect to the hours between 8:30 a.m. and 2:30 p.m. on Monday, Tuesday, Wednesday, Thursday or Friday only, it is a defense that the public or private school which the minor attends was not in session, that the minor is being home schooled in accordance with Arkansas law and a recess has been declared by the home school teacher, that the minor is a high school graduate or has an equivalent certification or that the minor is on an excused absence from his or her place of schooling, provided that disciplinary suspension or expulsion is not deemed an excused absence for the purpose of this ordinance. (Ord. No. 0-4-98, Sec. 3.)

CHAPTER 7.12

LOITERING

Sections:

7.12.01	Unlawful
7.12.02	Definitions
7.12.03	Fine

7.12.01 Unlawful It shall be unlawful for any person or persons to park motor vehicles, loiter, assemble, congregate, or collect at any closed drive-in restaurant, or at any other closed business establishment during the nighttime hours. (Ord. No. P-1-81, Sec. 1.)

7.12.02 Definition

Business establishment shall be defined as any commercial enterprise which is privately owned, but which is maintained for the convenience of the public.

Nighttime hours shall be defined as that period beginning 30 minutes after sunset and ending at sunrise. (Ord. No. P-1-81, Secs. 2-3.)

7.12.03 Fine Any person or persons violating the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than Five Dollars (\$5.00), nor more than Fifty Dollars (\$50.00). (Ord. No. P-1-81, Sec. 4.)

CHAPTER 7.16

PROHIBITED WEAPONS

Sections:

- | | |
|---------|-------------------|
| 7.16.01 | Unlawful |
| 7.16.02 | Business district |
| 7.16.03 | Fine |

7.16.01 Unlawful It shall be unlawful for any person to discharge, shoot or cause to explode any items of firearms, including but not limited to BB guns and pellet guns, within the business district, or any residential area of the city of Ward, Arkansas, or on any property owned by the city of Ward. (Ord. No. C-3-1986, Sec. 1.)

7.16.02 Business district For purposes of this ordinance, the business district of the city of Ward is described as: all that area within 500 feet of any commercial property, or within 500 feet of any city water or sewer pumping or processing facility, as well as all properties owned by the city. (Ord. No. C-3-1986, Sec. 2.)

7.16.03 Fine Any person violating the provisions of this ordinance shall be deemed guilty of a violation, and upon conviction shall be fined accordingly, not less than Twenty-Five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00). (Ord. No. C-3-1986, Sec. 3.)

CHAPTER 7.20

FIREWORKS

Sections:

- | | |
|---------|----------------|
| 7.20.01 | Unlawful |
| 7.20.02 | Approved Dates |
| 7.20.03 | Authority |
| 7.20.04 | Responsibility |
| 7.20.05 | Penalty |

7.20.01 Unlawful The sale of fireworks within the City of Ward is prohibited. (Ord. No. 2019-11, Sec. 1.)

7.20.02 Approved Dates Fireworks shall be allowed to be ignited or setoff within the City Limits of the City of Ward ONLY on the following dates and times:

July 4th from 12 noon to 10:30 pm
December 31st from 12 noon to 12:30 am

The dates and times above may be temporarily modified by the Governing Body by Resolution. (Ord. No. 2019-11, Secs. 2 & 3)

7.20.03 Authority The Fire Chief shall have the authority to permit supervised public and/or individual displays of fireworks with the city limits in a specified place and time in the city. (Ord. No. 2019-11, Sec. 4)

7.20.04 Responsibility

(a) Minors MUST be supervised by a responsible adult, 18 years or older. (Ord. No. 2019-11, Sec. 5)

(b) The City of Ward is NOT responsible for any damage caused to personal property, public property or bodily injury by any firework ignited, setoff or shot as authorized by this Ordinance. (Ord. No. 2019-11, Sec. 6)

7.20.05 Penalty Any person violating the provisions of this Ordinance shall be deemed to be violation of said Ordinance and upon conviction shall be fined in any sum not less than \$50.00 nor more than \$75.00 for each offence. (Ord. No. 2019-11, Sec. 7)

7.28.01 Unlawful It shall be unlawful for any person to operate or have under his control in the city of Ward, Lonoke County, Arkansas, a junkyard, salvage yard or automobile graveyard within three hundred (300) feet of the nearest edge of a right-of-way of any highway or roadway in the city unless the junkyard, salvage yard or automobile graveyard is properly screened so that it is not visible from the traveled highway or roadway. (Ord. No. C-3-90, Sec. 1.)

7.28.02 Requirements A junkyard, salvage yard, or automobile graveyard shall be properly screened when it is not visible from the highways or roadways in the city because of natural objects, planting of perennial nature, or fences. The screen shall be such that it lends in with the environment of the area, and meets the following specifications and requirements:

- A. Height – no lower than six (6) foot and no higher than eight (8) foot.
 - B. Material – one of the following: aluminum, chain link with interweaving blinds, wood slats, brick, concrete, stone.
 - C. Material should not be rusted or in otherwise poor condition.
 - D. Fence must be painted and maintained regularly.
 - E. Fence must maintain a consistent height.
- (Ord. No. C-3-90- Sec. 2.)

7.28.03 Definitions

Automobile graveyard or salvage yard shall mean any establishment or place of business which is maintained, used or operated for storing, buying, keeping or selling wrecks, scrap, ruin, or dismantled motor vehicles or motor vehicle parts.

Junk shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, old appliances, waste or junk, dismantled or wrecked automobiles, or parts thereof, iron, steel or metal material of any type.

Junkyard shall mean an establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard or salvage yard, and the term shall include garbage dump and sanitary fields. (Ord. No. C-3-90, Secs. 3-5.)

7.28.04 Fine Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than Two Hundred Fifty Dollars (\$250.00), nor more than Five Hundred Dollars (\$500.00) for each offense. (Ord. No. C-3-90, Sec. 6.)

7.28.05 Compliance All existing businesses, establishments or individuals affected as of the date of this ordinance shall have a period of one (1) year from the date of adoption of this ordinance to begin compliance with this ordinance and two (2) years from date of passage for screening to be completed. (Ord. No. C-3-90, Sec. 7.)

CHAPTER 7.32

POSTING OF ORDINANCES

Sections:

- | | |
|---------|---------|
| 7.32.01 | Places |
| 7.32.02 | Notices |

7.32.01 Places The following places, which are hereby found to be five (5) of the most public places in the municipality, are hereby designated for the posting of notice of the adoption of ordinances of the municipality:

Ward Municipal Complex
 U.S. Post Office
 Centennial Bank – Ward Branch
 Big Red Convenience Store
 Dude’s Place (38 Special)
 (Ord. No. 2007-10-1, Sec. 1.)

7.32.02 Notices Notice of the adoption of ordinances of the municipality shall be effected by the posting of ordinances at the locations set forth in 7.32.01. (Ord. No. 2007-10, Sec. 2.)

CHAPTER 7.36

OUTSIDE BURNING

Sections:

- | | |
|---------|-------------------------------------|
| 7.36.01 | Permit |
| 7.36.02 | Burning ban |
| 7.36.03 | Citations |
| 7.36.04 | Fine |
| 7.36.05 | Unsupervised burn |
| 7.36.06 | Open Burning Within the City Limits |

7.36.01 Permit Any person wishing to burn grass, leaves, limbs, or other wood products within the city limits of Ward, Arkansas, shall obtain a permit through the Ward Police Department at Ward City Hall for such purposes Monday through Friday during regular business hours. (Ord. No. 0-1295, Sec. 1.)

7.36.02 Burning ban From and after the passage of this ordinance, it shall be unlawful for any person to burn trash. Other than those items given in 7.36.01 of this ordinance, and, further, it shall be unlawful for any person to burn or allow to be burned any matter whatsoever during a burning ban (such as in extremely dry weather) issued by the Ward Fire Department. (Ord. No. 0-1295, Sec. 2.)

7.36.03 Citations From and after the passage of this ordinance, violators shall be subject to citations to be issued by the Ward Police Department. (Ord. No. 0-1295, Sec. 3.)

7.36.04 Fine Any person who burns in the city of Ward without a permit issued by the Ward Police Department shall be guilty of a misdemeanor and upon conviction be subject to a fine of not less than Twenty-Five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00). Each burning incident shall constitute a separate offense under the provisions of this ordinance. Violations of this ordinance which constitute a second offense shall be subject to a minimum fine of Twenty-Five Dollars (\$25.00). (Ord. No.0-1295, Sec. 4.)

7.36.05 Unsupervised burn It is hereby unlawful for an individual to leave unattended a fire which they may start or be responsible. For any burn conducted within the city limits of Ward, physical presence shall be required. Violations of this ordinance shall be deemed a misdemeanor offense and shall be punishable by a fine up to One Hundred Dollars (\$100.00). (Ord. No. 0-00297, Secs. 1-2.)

7.36.06 Open Burning Within the City Limits

1. Definitions

- a) **Yard Waste:** Yard waste is grass clippings, tree leaves, gardening waste, and shrubbery trimmings collected from residential property. This does not include household waste or trade waste.¹
- b) **Residential backyard or Outdoor Burning:** Burning of material where products of combustion are emitted directly into the ambient air without passing through a stack, duct, or chimney from an enclosed chamber. Residential outdoor burning includes fires in burn barrels, fire pits, etc.¹

2. Burning Rules

- a) **Residential Vegetation Abatement:** A.C.A. 8-6-1703(a) expressly discourages the open burning of yard waste; however, because the City of Ward does not offer a service to routinely collect Yard Waste, open burning of Yard Waste is permitted as outlined in the Ordinance.

¹ <http://www.adeq.state.ar.us/air/compliance/yardwaste.aspx>

- a. **Open Burning of Yard Waste is Permitted Under the Following Terms and Conditions**
- i. Permission is obtained. (see Section 5).
 - ii. Burning must be done at least 25' (feet) from any structure
 - iii. Only natural vegetation may be burned. The fire shall NOT contain any lumber, rubber products, asphalt products (to include shingles), plastics, household garbage, or any waste that emits black smoke or creates offensive odors.
 - iv. The fire MUST be attended at all times by a responsible adult (18 years old or older)
 - v. Equipment or materials capable of extinguishing the fire must be present at all times. (i.e. Fire Extinguisher, charged water hose, sand, etc).
 - vi. Burning shall not commence one (1) hours before sunrise and must be completely extinguished no later than two (2) hours after sunset. The fire must be totally extinguished before leaving the area.
 - vii. Care must be taken to ensure the heat, smoke and particulate matters does not damage neighboring property or become a nuisance.
 - viii. **DO NOT burn under power lines.**
 - ix. **DO NOT start an open burn when**
 1. **Winds speed is greater than 10 MPH; and/or,**
 2. **Humidity is less than 30%**
 3. **A Burn Ban is in effect (Section 3)**
 - x. **The applicant assumes any and all liability for any damages cause by a fire set with or without permission.**
 - xi. The Ward Fire Department reserves the right to require a fire be extinguished by the occupant/home owner if
 1. Permission was not obtained, or

2. Atmospheric conditions deem it unsafe to burn, or
3. Illegal or improper material is being burned.

3. Burn Ban

- a. Burn bans may be issued under the following conditions
 - i. Atmospheric conditions that prevent smoke from rising freely
 - ii. When excessively dry conditions exist
 - iii. Sustained winds more than 10 MPH
 - iv. Frequent peak wind gusts greater than twenty-five (25) MPH.
- b. Burn bans may be issued by
 - i. Governor
 - ii. County Judge
 - iii. Ward Fire Chief (or designee)

4. Construction or Site Improvement Burning

- a. Open burning of trees, limbs, or vegetation removed during the process of site preparation for construction or site improvement shall not be allowed under the following conditions are met.
 - i. Permission is obtained (see Section 5). Notification to the Fire Department must be given at least 24 hours before the planned burn.
 - ii. All surface vegetation must be removed from all surface areas adjacent to the burning material for a distance not less than 20 feet.
 - iii. The fire must be checked periodically by a responsible adult (18 years or older).
 1. The person tending the fire must have sufficient extinguishment equipment on site (i.e. tractor with blade, dozer, water truck, etc)
 2. Periodically means that a responsible person is sufficiently present to prevent the spread of the controlled fire allowed by this subsection. If the fire spreads outside the area the area identified under this subsection, then it is prima facie evidence that the fire was not being checked periodically and the land owner, contractor, and/or resident are fines listed in Section Sb).
 - iv. DO NOT burn under power lines.
 - v. DO NOT start an open burn when
 1. Winds speed is greater than 10 MPH; and/or,
 2. Humidity is less than 30%
 3. A Burn Ban is in affect (Section 3)
 - vi. The applicant assumes any and all liability for any damages cause by a fire set with or without permission.

- vii. The Ward Fire Department reserves the right to require a fire be extinguished by the occupant/home owner if
 1. Permission was not obtained, or
 2. Atmospheric conditions deem it unsafe to burn, or
 3. Illegal or improper material is being burned.

4. Other Allowed Burning the following types of burning activities are permitted according to the circumstances listed herein.

- a) Fires of a controlled and manageable nature used in the course of food preparation that incorporate the use of barbecue equipment, outdoor fireplaces, cooking grills, or cooking pits specifically designed and created for the preparation of food. No permit is required.
- b) Burning associated with road construction or right-of-way clearing operations.
See Section 4
- c) Fires allowed by the Ward Fire Department for the purposes of weed abatement, prevention and/or elimination of fire hazards, and burning of storm debris following a disaster (declared or otherwise). Such burning is at the sole discretion of the Fire Chief or his designee depending on weather, safety and environmental concerns.
- d) Fires associated with Fire Department training as approved by the Fire Chief or his designee.
- e) Ceremonial (bon fire)
 - i. The location shall be a minimum of 50 feet from a structure or combustible material.
 - ii. No more than one pile may be burned at any given time by an individual resident or property owner.
 - iii. Approved material must not be piled any taller than 10 foot and no more than 15 feet in diameter.
 - iv. Ceremonial fires require permission to burn
- f) Recreational (Fireplace, fire rings, fire pits, etc)
 - i. The location shall be a minimum of 15 feet from a structure or combustible material.
 - ii. Approved material must be piled no taller than 2 feet and not more than 3 feet in diameter.
 - iii. No permit is required.

5. Permitting and Enforcement

- a) **Permitting:** Any person wishing to burn yard waste within the city limits of Ward must first obtain permission (permit) from the Fire Chief (or designated representative). Prior to burning, call the Central Fire Station at 501-286- 6106 or email the department at wardfire@cityofward.com and provide the following information.
- i. Name
 - ii. Address
 - iii. What is being burned
 - iv. Confirmation that adequate fire suppression is available
- b) **Enforcement:** Any person who burns in the city limits of Ward without a permission by the Ward Fire Department may be issued a citation by the Fire Chief (or designee), the Ward Code Enforcement Officer or any Ward Law Enforcement Officer.
- i. Persons found guilty of burning without a permit will be guilty of a misdemeanor and be subject of a fine of not less than \$25.00 nor more than \$100.00 plus court costs.
 - ii. Person found guilty of a second violation will be subject of a fine of not less than \$100.00 plus court costs.
 - iii. Person found guilty of a third and subsequent violation within a five-year period of the first conviction, shall be fined not less than \$250.00 plus court cost and they will be ineligible to burn anything within the city limits of Ward.

6. Repeal

- a) With passage of this Ordinance, Ordinances C-2-86 and 0-1295, are hereby repealed.
- c) Any portion or portions of the amendment adopted herein which are contrary to existing Ordinances of the City of Ward, Arkansas shall prevail and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of conflict. (Ord. No. O-2020-11)

CHAPTER 7.40

INDEPENDENT CANDIDATES

Sections:

- 7.40.01 Authority
- 7.40.02 Requirements

2.48.01 Authority Pursuant to A.C.A. § 14-42-206, all candidates for municipal office in the city of Ward are hereby required to file petitions for nomination as independent candidates. (Ord. No. 2021-07, Sec. 1.)

2.48.02 Requirements All independent candidates for municipal office in the City of Ward are hereby required to file petition for nomination, along with any other document required by law, as of the date/time established every election year by the Arkansas Secretary of State's Office. (Ord. No. 2021-07, Sec. 2)

The City Clerk for the City of Ward will send a copy of the approved Ordinance to the Lonoke County Clerk via Certified Mail and ensure the Ordinance is properly posted per ordinance. (Ord. No. 2021-07, Sec. 3)

CHAPTER 7.44

SMOKING

Sections:

7.44.01	Authority
7.44.02	Definitions
7.44.03	City buildings
7.44.04	Signs
7.44.05	Fine

7.44.01 Authority The Council of the city of Ward, Arkansas finds it is within its basic police powers to implement and enforce the provision of this ordinance. (Ord. No. 2004-01, Sec. 1.)

7.44.02 Definitions For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Smoking – a lighted cigar, cigarette, pipe or other lit tobacco product. This term shall also include and prohibit the use of any tobacco product, be it chewed, dipped, or in any way placed in direct contact with the mouth.

Ward city buildings – those structures owned by the city of Ward or those structures or portions thereof occupied by the city of Ward or its employees. (Ord. No. 2004-01, Sec. 2.)

7.44.03 City buildings Smoking in Ward city buildings is hereby prohibited. It shall be designated that smoking will be permitted fifty (50) feet from Ward city buildings. (Ord. No. 2004-01, Sec. 3.)

7.44.04 Signs The city shall cause to be posted and prominently displayed, and shall maintain, “No Smoking” signs in conspicuous locations within city buildings. Such signs shall clearly and conspicuously recite the phrase “No Smoking” and/or use the international no-smoking symbol. Signs shall be sufficient number and prominent location to convey the message clearly and legibly. (Ord. No. 2004-01, Sec. 4.)

7.44.05 Fine

- A. It shall be unlawful for any person to smoke in any area where smoking is prohibited under this ordinance.
- B. Any person who smokes in an area in which smoking is prohibited shall be subject to a fine of not less than Twenty-Five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00) for each violation. (Ord. No. 2004-01, Sec. 5.)

CHAPTER 7.48

FISHING LIMITS

Sections:

7.48.01	Purpose
7.48.02	Daily limits
7.48.03	Definitions
7.48.04	Penalties

7.48.01 Purpose The City Council of the city of Ward, Arkansas, is enacting this ordinance to establish reasonable regulation for the use and enjoyment of Busby Park Lake; and specifically to establish reasonable regulations for fishing limits at the lake. (Ord. No. 0-2003-01, Sec. 1.)

7.48.02 Daily limits

<u>Fish</u>	<u>Daily limit</u>
Bass	0
Bream (No daily limit on bream shorter than 4 inches)	25
Catfish	3
Crappie	10
Daily aggregate limit (maximum number of fish allowed to be taken from midnight to midnight)	30
Possession limit (Ord. No. 0-2003-01, Sec. 2.)	Double the daily limit

7.48.03 Definitions Daily limits and size regulations reflect variation in species productivity and fishing pressure.

A daily limit includes the number of fish of one species (or group of species) allowed to be taken from midnight to the next midnight. Fishermen are allowed to have only one daily limit while fishing or returning from a one day fishing trip.

Fish cleaning While fishing in water designated as having a length limit of any kind of fish, you may not possess a fish that has been filleted nor had its head or tail removed.

Minimum length limit The shortest length of a fish of a designated species (measured from the front of the lower jaw with the mouth closed to the tip of the tail with tail lobes pressed together) that an angler may keep. Fish not meeting the minimum length requirement for a particular species must be released immediately into the water where caught. The purpose of a minimum length is to maintain a consistent breeding population of fish where natural reproduction does not keep up with fishing pressure. (Ord. No. 0-2003-01, Sec. 3.)

7.48.04 Penalties A violation of any provision of this ordinance shall subject the violator to mandatory penalties as follows:

- First offense** A fine of not less than \$100.00 and/or eight (8) hours of community service.
- Second offense** A fine of not less than \$250.00 and/or twenty-four (24) hours of community service.
- Third offense** A fine of not less than \$500.00 and/or forty-eight (48) hours of community service. (Ord. No. 0-2003-01, Sec. 4.)

CHAPTER 7.52

PRIVATE CLUBS

Sections:

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7.52.01 Definitions For the purposes of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words or phrases not specifically defined in this chapter shall have the meanings assigned by Title 3 of the A.C.A. and/or the A.B.C. division regulations.

Alcoholic beverages means all intoxicating liquors of any sort, including beer and wine.

Block means the area on both sides of that portion of a street lying between intersecting streets and extending back, on both side, halfway to the next parallel street.

Beer means any fermented liquor made from malt or any similar substance therefore and having an alcohol content not in excess of 5% by weight.

City means the city of Ward, Arkansas.

Controlled beverages means all beverages of any kind subject to regulation under any alcoholic beverage control law of the state of Arkansas and this chapter.

Dispensary means any store which, under the provisions of this act and having paid all taxes required by the state, sells at retail, in unbroken packages, for consumption off the premises, any intoxicating alcoholic liquor as defined by this act.

Light wine means the fermented juices of grapes, berries, or fruits and any other mixture containing the fermented juice of grapes, berries, or fruits, having an alcoholic content between one-half of 1% and 5% alcohol by weight.

Malt beverage products means any liquor brewed from the fermented juices of grain having an alcoholic content of not less than 5% nor more than 21% by weight.

Malt liquor means liquor brewed from the fermented juices of grain.

Nuisance means any unlawful conduct or activity of the tolerance of an unlawful conduct or activity by the permittee (or his or her agent or agents) which constitutes a detriment to the health, safety, and welfare of the citizens of Ward.

On-premises consumption means the sale or dispensing of alcoholic beverages by the drink or in broken or unsealed containers for consumption on the premises where sold or dispensed.

Permit means any authorization issued by the Alcoholic Beverage Control Division of the state of Arkansas and/or by the city pursuant to any Arkansas Beverage Control Division regulation and/or this ordinance whether described as a permit, license or otherwise.

Permittee means the person to whom a permit or license to sell, dispense, or distribute alcohol has been granted.

Person means any natural person, partnership, association, corporation, syndicate, or company.

Police Chief means the Chief of Police of the Ward Police Department or his/her designee.

Private club means a non-profit corporation organized and existing under the laws of this state, not part of the net revenues of which shall inure directly or indirectly to the benefit of any of its members or any other individual, except for the payment of bona fide expenses of the club's operations, conducted for some common recreational, social, patriotic, political, national, benevolent, athletic, or other non-profit object or purpose other than the consumption of alcoholic beverages.

The non-profit corporation shall have been in existence for a period of not less than one (1) year before application for a permit. At the time of application for the permit, the non-profit corporation must have not less than one hundred (100) members, and, at the time of application, must own or lease, or be the holder of a buy-sell agreement or offer and acceptance, or have an option to lease a building, property, or space therein for the reasonable comfort and accommodation of its members and their families and guests, and restrict the use of club facilities to such persons.

Spirituous means liquor distilled from the fermented juices of grains, fruits, or vegetables containing more than 21% alcohol by weight, or any other liquids containing more than 21% alcohol by weight.

State means the state of Arkansas.

Sunday sales means the sales of alcoholic beverage on Sunday shall be limited to those businesses with the city which possess a current and valid permit for sale of alcoholic beverages on Sunday issued by the ABC Control Division.

Supplemental Privilege License Permit is a permit issued by the city of Ward for the privilege of operating a private club within the city. A Supplemental Privilege License Permit is required in addition to the regular business privilege license.

Supplemental Privilege License Permit fee is a fee established by this ordinance for the privilege of operating a private club within the city. There is hereby levied an annual Supplemental Privilege License Permit fee which shall be Two Hundred Dollars (\$200.00).

Vinous means the fermented juices of fruits containing more than 5% and not more than 21% alcohol by weight. (Ord. No. 0-2007-05, Sec. 1.)

7.52.02 Permits required

- A. It shall be unlawful for any person to engage in the business of manufacturing, transporting, storing, handling, receiving, distributing, selling, or dispensing within any private club, any controlled beverage(s), within the city without a permit issued by the city or with an expired permit.
- B. The provisions of this ordinance do not apply to the manufacture, sale, and distribution of wines or vinous liquors manufactured, sold, or distributed by residents of Arkansas (A.C.A. 3-1-103; 3-4-202). (Ord. No. 0-2007-05, Sec. 2.)

7.52.03 Application for permits

- A. Application for a permit required by this ordinance shall be in writing on a form prescribed by the city and shall be accompanied by the required fee and a copy of the applicant's state permit. No city permit will be issued until applicant has received a state permit.
- B. It shall be unlawful for any person to make any false statement or representation in any application required by this chapter or to give any false answer to any question contained therein.
- C. Permits required by this ordinance shall run a calendar year. Annual permit renewal fees shall be due and payable on December 31st of each year for the succeeding year beginning January 1st.
- D. The city will not issue or renew any permits pursuant to this ordinance until all outstanding supplemental beverage taxes, if applicable, are paid and as set forth in 7.52.17.
- E. All permits issued by the city pursuant to the ordinance shall be prominently displayed on the permitted premises by the permittee in the same manner as required by the state for state permits and set forth herein in 7.52.17.
- F. When any state permit is revoked by the state or required to be returned to the state for any reason, the city permit shall be returned to the city. The city will restore the permit upon proof that the state permit has been restored to the applicant, provided that no reclaimed permit will be restored to an applicant until all outstanding hotel, motel, and restaurant taxes and/or supplemental beverage taxes, if applicable, are paid.
- G. All fees, taxes and penalties received by the city pursuant to this ordinance shall be used for general purposes within the city of Ward pursuant to A.C.A. 3-9-223(f).

- H. Permits will not be transferable or assignable unless and until approval is granted by the ABC Control Division and notice is provided to the city of Ward and all other requirements of this ordinance are met.
- I. Fees must be paid for at the time the application is presented to the city. No permit will be issued without proper payment of the fee.
(Ord. No. 0-2007-05, Sec. 3.)

7.52.04 Right of city to inspect records The Chief of Police of the city of Ward, or his/her designee, shall have the right to inspect and examine any and all records of any permittee subject to any tax or permit fee based on gross sales or receipts pursuant to A.C.A. 3-2-211 and any other employee information required pursuant to the regulations of the ABC Control Division, Title 1, Subtitle G, Section 1.79(37). (Ord. No. 0-2007-05, Sec. 4.)

7.52.05 Qualifications of applicants Persons to whom a State Alcohol Permit has been issued are presumed qualified to hold a city of Ward Alcoholic Beverage Permit. (Ord. No. 0-2007-05, Sec. 5.)

7.52.06 Property survey to accompany application

- A. All applications for permit shall include a certification from the registered owner showing a scale drawing of the location of the proposed premises and the distance, measured as provided herein, from the proposed premises to the nearest church, school, and residence, and the nearest five (5) occupied commercial establishments.
- B. No permits of any type shall be issued to any location which is within 100 feet of any single-family dwelling. The distance shall be measured from the nearest point of the proposed business to the nearest point of the residential building along or across the closest public right-of-way.
- C. No permits shall be issued to any location which is within 100 yards of any Alcoholic Treatment Center.
- D. No permits shall be issued to any location which is within 1,000 feet of any church, school (public or private), and any public use area (parks, etc.)
- E. Permits in existence at the time of the passage of this ordinance are exempt from the aforementioned distance requirements as they pertain to existing single family dwellings.
- F. For the purposes of this ordinance, multi-family dwellings and/or loft apartments existing or constructed in commercial areas (C-1 and C-2) do not qualify as single family dwellings. (Ord. No. 0-2007-05, Sec. 8.)

7.52.07 Zoning requirements for business location No permit to dispense alcoholic beverage shall be issued unless the location is located within an area zoned for retail commercial on the city of Ward Zoning Map. Such dispensing of alcoholic beverages shall occur in commercially C-1 – Town Center Commercial, or C-2 – Highway Commercial zoned areas. (Ord. No. 0-2007-05, Sec. 9.)

7.52.08 Annexed areas Where an alcoholic beverage establishment exists in an area outside the city limits, upon annexation of such area, the same may be continued on a non-conforming use and shall be subject to all remaining provisions of this ordinance. (Ord. No. 0-2007-05, Sec. 10.)

7.52.09 Fraud and misrepresentation by applicant Any person who acquires a permit or a renewal of same in violation of this ordinance by any misrepresentation or fraudulent statement shall be deemed guilty of an offense and upon conviction thereof shall be punished in accordance with the penalties outlined in this ordinance. Any untrue or misleading information contained in, or material omission left out, an original, renewal or transfer application for a permit shall be cause for the denial thereof and, if any permit has been granted under these circumstances, there shall be cause for the revocation of the same. (Ord. No. 0-2007-05, Sec. 11.)

7.52.10 Business opening within six months from permit All holders of permits shall, within six (6) months after the issuance of the permit, open for business the establishment referred to in the permit and begin dispensing the products authorized by the permit. Failure to open the establishment and begin business as referred to above within the six (6) month period shall serve as automatic forfeiture and cancellation of the unused permit, and no refund of permit fees shall be made to the permit holder. (Ord. No. 0-2007-05, Sec. 15.)

7.52.11 Effect of failure to operate business Any holder of a permit who shall begin the operation of the business and dispensing the products as authorized in the permit, but who shall, for a period of six (6) consecutive months thereafter, cease to operate the business or dispensing the products authorized in the permit, shall upon completion of the six (6) month period automatically forfeit the permit, which permit shall, by virtue of that failure to operate, be canceled without the necessity of any further action of the city. (Ord. No. 0-2007-05, Sec. 16.)

7.52.12 Dispensing alcoholic beverage It shall be unlawful for any alcoholic beverage to be dispensed, or otherwise provided outside of the enclosed building, premise or place of business licensed for such, except as permitted by this section. (Ord. No. 0-2007-05, Sec. 17.)

7.52.13 Payment date All permit fees shall be paid between December 1st and December 31st each year. Permits obtained after June 30 of each year shall pay one-half of the annual fee. Delinquent permit fees shall be subject to the delinquent penalty of twenty-five percent (25%) of the permit fee for each thirty (30) day period the fee remains unpaid. (Ord. No. 0-2007-05, Sec. 18.)

7.52.14 Term of permit No permit shall issue for more than the remainder of the calendar year, and all shall expire at midnight, December 31st of each year. In case of revocation of surrender of such permit before the expiration of such calendar year period, the holder thereof shall not be entitled to receive any refund whatsoever. (Ord. No. 0-2007-05, Sec. 19.)

7.52.15 Transferability of permits

- A. Permits to engage in the business of dispensing alcoholic beverages shall not be transferable, except as otherwise provided herein. Provided however, that if the modification of the ordinance since the issuance of the prior permit would prevent the issuance of a new permit as the same location previously permitted because of modifications in the distance requirements, then the location shall be considered a non-conforming use and a permit may issue if the applicant otherwise meets the requirements of this ordinance.
- B. All applications for transfer of locations shall comply with the provision herein set for governing new permits and shall include an investigation fee of Fifty Dollars (\$50.00). (Ord. No. 0-2007-05, Sec. 20.)

7.52.16 Notice of transfer of business Should any Alcoholic Beverage Permit holder make a request to the ABC Control Division to transfer their permit to another location, individual or organization, the Mayor shall be notified in writing of such request within seven (7) days. (Ord. No. 0-2007-05, Sec. 21.)

7.52.17 Display of permit Every person or organization issued a permit pursuant to this ordinance shall be required to display this permit in the same location as is displayed by the State Controlled Beverage Permit. (Ord. No. 0-2007-05, Sec. 22.)

7.52.18 Suspension or revocation of permit

- A. Whenever the state shall revoke any permit, the city permit to deal in such products shall thereupon be automatically revoked without any action by the city or any municipal officer.
- B. No permit which has been issued or which may hereafter be issued by the city shall be suspended or revoked, except for due cause, and after notice and a hearing. Such notice shall include the time, place and purpose of the hearing and a statement of the charge upon which such hearing shall be held and shall give a reasonable time to prepare a defense.
- C. Due cause for the suspension or revocation of such permit shall consist of the violation of any laws or ordinances regulating such business, or violation of regulations made pursuant to authority granted for the purpose of regulating such business, or for the violation of any state or federal law related to alcoholic

beverages, gambling, narcotics, or any crime of moral turpitude. Such violation may be an act of the permittee or of any agent, officer or employee of the permittee.

- D. Hearings shall be conducted by the Public Safety Committee, with the chairperson of said committee acting as the presiding officer of the hearing. At any hearing the permittee shall have the right to represent himself or herself or be represented by counsel, may cross-examine all witnesses offered by the city, and may present evidence in his own behalf. Evidence, including testimony, may be tendered by affidavit. Formal rules of evidence shall not apply to hearings under this section, although the fact finder shall have the right to exclude evidence which carries no indication of reliability. All testimony shall be offered under oath or affirmation. Both the city and the permittee shall have the right to present witnesses. The Public Safety Committee shall render a decision by majority vote in writing within ten (10) working days of the completion of the hearing.
- E. If after the hearing the Public Safety Committee finds a violation has occurred, the permit may be placed into probationary status, suspended or revoked depending upon the severity, facts and circumstances of the violation or violations. If any offenses occur during an active probationary period, the permit shall be revoked. Once this decision is rendered by the Public Safety Committee a permittee has the right to appeal the decision to the full City Council within ten (10) working days for consideration.
- F. In the event a permit is revoked pursuant hereto, no permit shall be issued to the same person, firm or corporation for a period of five (5) years. (Ord. No. 0-2007-05, Sec. 23.)

7.52.19 Qualification of employees

- A. No permittee shall employ, in any capacity, a convicted felon whose felony conviction has not been pardoned or record not expunged, or any person who has been convicted of any violation of any state or federal law related to the sale or dispensing of alcoholic beverages, the sale, dispensing or possession with intent to distribute or deliver narcotics or controlled substances, gambling, prostitution or any crime of moral turpitude whose duties include the dispensing of alcoholic beverages, the control of crowds or entrance to the permitted premises, or the management of the business or activities of the outlet; such prohibited employment shall include but not be limited to managers, bartenders, waiters/waitresses, bouncers, door persons, and cashiers.
- B. No permittee shall employ any person in the dispensing or serving of alcoholic beverages who has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of intoxicating liquor or any crime involving moral turpitude (A.C.A. 3-9-236(17)).

- C. It shall be the duty of all person holding permits to dispense alcoholic beverages to file with the Mayor's office the names and dates of birth of all employees hired primarily to handle or dispense alcoholic beverages along with their place of employment. Such list shall be filed upon obtaining the initial permit or, for those businesses which are not open on the date the permit is issued, upon the date the permittee's premises open to the public. Any change in the list of employees shall be filed with the Mayor's office within three (3) days of the date of such change.
- D. The permittee shall acquaint all employees engaged in the handling or dispensing of alcoholic beverages with the requirements of this section and state law regulating the handling or dispensing of such beverages, and shall obtain from each such employee a signed acknowledgment that the employee has read the provision of this section and state law regulating the handling or dispensing of alcoholic beverages. Such signed acknowledgment shall be retained in the business office of the permitted premises during the employment period for each such employee, and shall be available for inspection during business hours at the request of any law enforcement officer. (Ord. No. 0-2007-05, Sec. 24.)

7.52.20 Unlawful activities

- A. Generally It shall be unlawful for the holder of any permit issued under the provisions of this section to permit any disturbance of the peace or obscenity or any lewd, immoral or improper entertainment, conduct or practices in the permitted premises or to operate the business in such manner as to constitute a nuisance.
- B. Disturbances It shall be unlawful for any permittee, or permittee's agent or employee to fail to report to the Police Department any disturbance which occurs inside or immediately outside the permitted premises or in the parking facilities, of which any of them have knowledge which would, under normal circumstances require or give rise to police intervention.
- C. Hiring persons with convictions of felonies or misdemeanors It shall be unlawful for any permitted establishment to employ any person who has been convicted of, entered a plea to, or has otherwise been found guilty of a felony or a misdemeanor involving moral turpitude or the sale of alcoholic beverage violation.
- D. Availability of telephone It shall be the requirement that every permitted premises have a telephone and have such telephone available during the hours of operation. Failure to have a telephone shall constitute grounds for suspension or revocation of all permits.

- E. Illegal drugs or narcotics It shall be the duty and responsibility of the permittee, or permittee's agent or employee to report to the Police Department any usage or possession of illegal drugs or narcotics on a permitted premise.
- F. Assistance to law enforcement officers It shall be unlawful for any permittee, or permittee's agent or employee to fail to assist any law enforcement officer in the performance of such person's duty while said officer is on a permitted premises.
- G. Refusal to admit law enforcement officers It shall be unlawful to refuse to grant admission to any permitted premises at any time upon the verbal request of any law enforcement officer, who displays proper identification for the purpose of inspecting the premises to ensure compliance with this chapter. It shall be unlawful to refuse to open any cabinet, storage room or any other are within the permitted premises.
- H. Minors/person under 21 years of age Any person to which a controlled beverage permit has been issued shall comply with all laws and regulations of the state of Arkansas, the Alcoholic Beverage Control Division of the state of Arkansas, and the city of Ward regarding the control and regulation of controlled beverages, including but not limited to the following:
1. Purchase by or for minors, sale to minors, or handling by minors prohibited;
 2. It shall be unlawful for any person under the age of 21 years to have in his or her possession, to purchase to attempt to purchase, or otherwise obtain any controlled beverages except as provided by A.C.A. 3-3-202(a)(1).
 3. It shall be unlawful for any person to, knowingly or unknowingly, purchase on behalf of, furnish to, give away to, or otherwise dispose of to any person under the age of 21 years any controlled beverages; however, this provision shall not apply to the serving of such to members of one's family or to use of wine in any religious ceremony or rite in any established church or religion.
- I. Warning notice A warning notice regarding dispensing to, possession or purchase by, or furnishing to minors of controlled beverages shall be posted in a conspicuous place in public view in each place of business where controlled beverages are dispensed. Warning notices shall be of the size, have the content, and be posted in the manner as prescribed by the Arkansas Alcoholic Beverage Control Division.
- J. Nudity No person who has received a permit under any ordinance of the city of Ward for the sale or dispensing of alcoholic beverages for on premises

consumption including private club permits shall suffer or permit any person to appear on the permitted premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals or any simulation thereof, nor suffer or permit any female to appear on the premises in such manner or attire as to expose to view any portion of her breast below the top of the areola or any simulation thereof.

- K. Nudity-consumption/possession of alcoholic beverages on premises prohibited
That no person shall bring into or consume or allow to be brought into or allow to be consumed intoxicants or alcoholic beverages of any kind, in any commercial establishment, or business, which suffers or permits any person to appear on the premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals or any simulation thereof, or suffers or permits any female to appear on the premises in such manner or attire as to expose to view any portion of her breast below the top of the areola or any simulation thereof.
- L. If any person engaged in dispensing controlled beverages in the city shall conduct his place of business in a manner as to constitute a nuisance, the City Council shall revoke the permit of such person to dispense controlled beverages in the city.
- M. Any person violating any provision of the ordinance shall be subject to the general penalties as set out in the Ward Municipal Code (A.C.A. 3-3-201, 3-3-203). (Ord. No. 0-2007-05, Sec. 25.)

7.52.21 Consumption by minors

- A. Any person who shall unknowingly sell, give away, or otherwise dispose of intoxicating liquor to a minor shall be guilty of a violation and punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) for the first offense. For the second and subsequent offenses, he or she shall be guilty of a Class A misdemeanor.
- B. It shall be unlawful for any person to knowingly give, procure, or otherwise furnish any alcoholic beverage to any person under 21 years of age, other than one's family or for the use of wine in a religious ceremony or rite in any established church or religion. Upon a first conviction, a person shall be guilty of a Class C misdemeanor. Upon a second conviction within three (3) years, a person shall be guilty of a Class D felony.
- C. It shall be unlawful for any person to knowingly sell or otherwise furnish for money or other valuable consideration any alcoholic beverage to any person under 21 years of age. Upon a first conviction, a person shall be guilty of a Class D felony. Upon a second conviction within five (5) years a person shall be guilty of a Class C felony and may be punished in accordance with law.

- D. Any person under the age of 21 years who purchases or has in his or her possession any controlled beverage shall, upon conviction, be deemed guilty of a misdemeanor and shall be subject to a fine of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00) (A.C.A. 3-3-210, 3-3-202, 3-3-203). (Ord. No. 0-2007-05, Sec. 26.)

7.52.22 Operating without permit

- A. Beer and light wine Any person who sells, serves, barbers, dispenses, exchanges, or gives away beer or light wine at an establishment or event open to the public without having a valid city permit as provided by this ordinance shall, upon conviction, be deemed guilty of a Class B misdemeanor. Each day of such operation without a valid city permit shall constitute a separate and distinct offense. This section is in no way intended to restrict activities in private residences when there is no charge to attend or no sale of alcohol is occurring, providing no other state or local laws are being violated.
- B. On-premises consumption, including private clubs Any person who sells, serves, dispenses, barbers, exchanges, or gives away controlled beverages at an establishment or event for on-premises consumption without having a valid city permit as provided by this chapter shall, upon conviction, be deemed guilty of a Class B misdemeanor. Each day of such operation without a valid city permit shall constitute a separate and distinct offense.
- C. General Any person, except as provided in 7.52.22 (A) and (B) above, who sells, serves, barbers, dispenses, exchanges, or gives away controlled beverages, without having a valid city permit as provided in this chapter shall, upon conviction, be deemed guilty of a Class B misdemeanor. Each day of such operation without a valid city permit shall constitute a separate and distinct offense. This section is in no way intended to restrict activities in private residences when there is no charge to attend or no sale of alcohol is occurring, providing no other state or local laws are being violated (A.C.A. 3-5-203, 3-5-204.) (Ord. No. 0-2007-05, Sec. 27.)

7.52.23 General penalty Except as set forth above, any person violating any provision of this chapter shall be subject to the general penalties as set out in the Ward Municipal Code. (Ord. No. 0-2007-05, Sec. 28.)

7.52.24 Private club permits

- A. Private Club Permit Authorizes the purchase of any controlled beverages from persons holding an off-premises retail liquor or beer permit who have been designated by the director of the State Alcoholic Beverage Control Board as a private club distributor, and authorizes the dispensing of such beverages for

consumption on the premises of the private club to members and guests only of the private club. (Private clubs holding a retail beer on premises permit may purchase beer, light wine, or malt liquor containing not more than five percent (5%) by weight from holders of valid wholesale beer permits).

B. Supplemental Privilege License Permit For the privilege of operating a private club within the city, a Supplemental Privilege License Permit is required which shall be in addition to the regular business privilege license.

C. Supplemental Privilege License Permit fee For the privilege of operating a private club within the city, there is hereby levied an annual Supplemental Privilege License Permit of Two Hundred Dollars (\$200.00).

D. Supplemental beverage tax In addition to the Supplemental Privilege License Permit fee, there is hereby imposed and levied a city supplemental tax of five percent (5%) upon the annual gross receipts which are derived by such private club from charges to the members and/or their guests for the following services:

1. For the preparation and serving of mixed drinks, and
2. For the cooling and serving of beer, light wine, and wine.

The city's supplemental beverage tax is in addition to the state supplemental tax on private clubs and shall be paid to the appropriate city official, shall be due monthly at the same time that the state supplemental tax is due, and shall be accompanied by one copy of the state supplemental tax return. If any permittee shall fail to remit the supplemental tax within the time period that the state tax is due, a penalty of ten percent (10%) of the tax due shall be due and payable in addition to the tax.

E. Hours of operation It shall be unlawful for the owner, operator, or any employee of a private club to dispense or permit the consumption of any controlled beverages on the premises of said private club between the hours of 2:00 a.m. and 10:00 a.m. on any day.

F. Vacation of premises by patrons, members and guests It shall be unlawful for any patron, member or guest to remain upon the premises of a private club for more than thirty (30) minutes after the established closing hour (2:00 a.m.) for the dispensing or consumption of controlled beverages. The term "premises" includes the entire property to wit: building, foyers, attached structures and the parking areas. It shall be the responsibility of the permittee to insure compliance. A.C.A. 3-3-210-211, 3-4-604, 3-7-111, 3-5-212, 3-9-222-223, 3-9-211-212, 3-9-214, 3-9-202(8)(B)(i), 3-9-202(8)(B)(ii)(c) (Ord. No. 0-2007-05, Sec. 30.)