

## **TITLE 7**

### **PUBLIC PEACE, SAFETY AND MORALS**

#### **Chapters:**

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Loitering
- 7.16 City's Tort Immunity
- 7.20 Storage and Handling of Volatile Combustibles
- 7.24 Outside Fire Service
- 7.28 Alcoholic Beverages
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#### **CHAPTER 7.04**

### **STATE CRIMINAL STATUTES AND PENALTIES**

#### **Sections:**

- 7.04.01 State criminal statutes adopted
- 7.04.02 State penalties adopted

7.04.01 State criminal statutes adopted. All criminal statutes of the state relating to misdemeanors and violations of the laws of criminal procedure in connection therewith, three (3) copies of which are on file in the Mayor's office, are hereby enacted by the City Council to form a part of the laws of the city, and any person, firm or corporation being found guilty of the

violation of any such laws shall be deemed guilty of the violation of the ordinances of the city, and shall be fined or imprisoned or both in the manner set out under the state statutes. A. C. A. 14-55-501 (1998 Repl.; Code 1962, Sec. 16.1)

7.04.02 State penalties adopted. The same minimum and maximum penalties for the violation of misdemeanors and violations as are provided in the state statutes are hereby adopted as the minimum and maximum fines for the violation of the same offenses which are prohibited by the ordinances of this city.

A.C.A. 14-55-502 (1998 Repl; Code 1962, Sec. 16.1)

## **CHAPTER 7.08**

### **CURFEW**

#### **Sections:**

7.08.01	Definitions
7.08.02	Curfew
7.08.03	Affirmative defenses
7.08.04	Penalties
7.08.05	Vehicles
7.08.06	Halloween curfew

#### **7.08.01 Definitions**

**City** means the city of Crossett, Arkansas.

**Emancipated minor** means a minor who no longer has a parent-child relationship as a result of marriage or as a result of being recognized as an adult by court order of a court of competent jurisdiction.

**Legitimate parentally approved errand** means a minor performing a necessary task at the direction of his parent, and that the non-performance of the errand, or delay of performance until curfew hours have abated, would result in serious injury or undue hardship.

**Minor** means any unemancipated or unmarried person under the age of 18 years.

**Parent** means any person having legal custody of a minor

- A. as a natural parent;
- B. as an adoptive parent;

- C. as a legal guardian; or
- D. as a person to whom legal custody has been given by order of a court of competent jurisdiction

**Public place** means a publicly or privately owned place to which the public or substantial numbers of people have access. A public place does not include the residence of a minor, or the residence of a minor's parent or another responsible adult.

**Responsible adult** means a person at least 21 years of age to whom a parent has expressly given permission to accompany a minor. (Ord. No. A-561, Sec. 1, July 18, 1994; Ord. No. A-564, Sec. 1, Aug. 15, 1994.)

#### 7.08.02 Curfew

- A. 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 or through the streets or other public places of the city between the hours of 10:00 p.m. and 6:00 a.m., Sunday through Thursday night; or 12:00 midnight to 6:00 a.m., Friday and Saturday nights.
- B. 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, drive or otherwise operate a vehicle in, upon, over or through the streets or other public places between the hours of 10:00 p.m. and 6:00 a.m., Sunday through Thursday nights, or 12:00 midnight and 6:00 a.m., Friday and Saturday nights. The fact that a minor is in violation of the provisions of 7.08.02(A), without an affirmative defense as set forth in 7.08.03 below, shall create a rebuttable presumption that his parent is in violation of this section. (Ord. No. A-561, Sec. 1, July 18, 1994; Ord. No. A-564, Sec. 1, Aug. 15, 1994.)

#### 7.08.03 Affirmative defenses

- A. Notwithstanding the provisions of 7.08.02, this section does not apply:
  - 1. At any time that a minor is accompanied by a parent, or a responsible adult authorized by a parent to take the parent's place to accompany the minor for a designated period of time and purpose within a specified area.
  - 2. If the minor is employed, for the period of time 15 minutes before or after work, provided that circumstances suggest the minor is returning from work to a place of residence, or from a place of residence to a place of work.

3. When a minor is returning home from an activity that is supervised by adults and sponsored by the city, any civic organization, any public or private school, or any entity that takes responsibility for the minor, provided that the activity has not concluded for more than 15 minutes.
  4. At any time the minor is on a legitimate parentally approved errand.
  5. At any time the minor is on a trip in interstate commerce.
  6. At any time the minor is required to leave a residence because of an emergency.
  7. At any time the minor is engaged in an activity that is protected by the First Amendment of the United States Constitution, or the freedom of speech, religion or expression provisions in Article II of the Arkansas Constitution.
- B. If a minor asserts such a defense at the time the minor is questioned about the possible violation of this section, and provides a law enforcement officer with sufficient reason to believe that the minor is entitled to an exemption under 7.08.03(A), then the law enforcement officer shall take no more enforcement actions under this section, provided the officer shall make a report of the minor's identity, his address, telephone number and driver's license number, the exemption claimed, and other necessary information to note the possible violation of this section. (Ord. No. A-561, Sec. 1, July 18, 1994; Ord. No. A-564, Sec. 1, Aug. 15, 1994.)

#### 7.08.04 Penalties

- A. In addition to any other criminal or traffic penalties that may be imposed, any minor found to be in violation of this section shall be cited the first time for such violation, and the minor's parent shall be immediately notified of the violation and issued a notice that any subsequent citation shall result in the parent's receiving a warrant for the parent's arrest.
- B. Any parent of a minor found to be in violation of this section may be fined between One Hundred Dollars (\$100.00) and Five Hundred Dollars (\$500.00), may be imprisoned in the city jail for one to 30 days, or may be ordered to perform up to 240 hours of community service, or any combination thereof.
- C. At the discretion of the law enforcement officer, any minor receiving a citation for violation of this section may be released to immediately return home, may be escorted to their home, or may be taken into custody and delivered to an appropriate juvenile authority to be held until a parent can be located to take custody of the minor.

- D. Nothing shall preclude a law enforcement officer from taking any or all other appropriate actions for a minor's violation of any other local or state law. (Ord. No. A-561, Sec. 1, July 18, 1994; Ord. No. A-564, Sec. 1, Aug. 15, 1994.)

#### 7.08.05 Vehicles

- A. 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 10:00 p.m. and 6:00 a.m., Sunday through Thursday nights, or 12:00 midnight and 6:00 a.m., Friday and Saturday nights.
- B. 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, drive or otherwise operate a vehicle in, upon, over or through the streets or other public places between the hours of 10:00 p.m. and 6:00 a.m., Sunday through Thursday night, or 12:00 midnight and 6:00 a.m., Friday and Saturday nights. The fact that a minor is in violation of the provisions of 7.08.05(A), without a defense, shall create a rebuttable presumption that a parent is in violation of this article. (Ord. No. A-561, Sec. 1, July 18, 1994; Ord. No. A-564, Sec. 1, Aug. 15, 1994.)

#### 7.08.06 Halloween curfew

- A. It shall be unlawful for any person under the age of 18 years to be on the streets, alleys, sidewalks, parks, or any other public places in the city after 8:00 p.m. on Halloween night (October 31 of each year or if Halloween falls on a Sunday the date officially proclaimed by the Mayor of the city to be celebrated as Halloween) of each year and before 5:00 a.m. on the following day, whether afoot or riding in or on a motor vehicle, motorcycle, or bicycle, unless such person is accompanied by his parent or guardian or is in transit to or from his place of employment.
- B. Any person violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00). (Ord. No. A-400, Sec. 1, Oct. 17, 1977.)

## **CHAPTER 7.12**

### **LOITERING**

#### **Sections:**

7.12.01	Illegal
7.12.02	Definitions
7.12.03	Penalty

7.12.01 Illegal. It shall be unlawful for any person to loiter upon the sidewalks, streets, highways, alleys or other public places within the city.

#### **7.12.02 Definitions.**

- A. A person commits the offense of loitering if he:
1. lingers, remains or prowls in a public place or on the premises of another without apparent reason and under circumstances that warrant alarm or concern for the safety of persons or property in the vicinity; and upon inquiry by a law enforcement officer, refuses to identify himself and give a reasonably credible account of his presence and purpose; or
  2. lingers, remains, or prowls in or near a school building, not having any reason or relationship involving custody of or responsibility for a student, and not having written permission from anyone authorized to grant the same; or
  3. lingers or remains in a public place or on the premises of another for the purpose of begging; or
  4. lingers or remains in a public place for the purpose of unlawfully gambling; or
  5. lingers or remains in a public place for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual activity; or
  6. lingers or remains in a public place for the purpose of unlawfully buying, distributing, or using a controlled substance; or
  7. lingers or remains in a public place for the purpose of unlawfully buying, distributing, or consuming an alcoholic beverage; or

8. lingers or remains on or about the premises of another for the purpose of spying upon or invading the privacy of another; or
  9. lingers or remains on or about the premises of any off-site customer-bank communication terminal (ATM) without any legitimate purpose.
- B. Among the circumstances that may be considered in determining whether a person is loitering are that the person:
1. takes flight upon the appearance of a law enforcement officer; or
  2. refuses to identify himself; or
  3. manifestly endeavors to conceal himself or any object.
- C. Unless flight by the actor or other circumstances make it impracticable, a law enforcement officer shall, prior to an arrest for a violation of this section, afford the actor an opportunity to dispel any alarm that would otherwise be warranted by requesting him to identify himself and explain his presence and conduct.
- D. It shall be an affirmative defense to a prosecution under this section the law enforcement officer did not afford the defendant an opportunity to identify himself and explain his presence and conduct, or if it appears at trial that an explanation given by the defendant to the officer was true, and if believed by the officer at that time, would have dispelled the alarm.

7.12.03 Penalty. Loitering is a Class C misdemeanor. A.C.A. 5-71-213 (1997 Repl.)

## **CHAPTER 7.16**

### **CITY'S TORT IMMUNITY**

Sections:

7.16.01 Tort immunity

7.16.01 Tort immunity The city and all of its boards, commission, agencies, authorities, or other governing bodies, shall be immune from liability and from suit for damages, except to the extent that they may be covered by liability insurance. No tort action shall lie against the city or any of its subordinate entities, because of the action of its agents and employees. (A.C.A. 21-9-301 *et seq.* (2004 Repl.)

## **CHAPTER 7.20**

### **STORAGE AND HANDLING**

### **OF VOLATILE COMBUSTIBLES**

#### **Sections:**

7.20.01	Above-ground storage tanks
7.20.02	Modifications
7.20.03	Appeals
7.20.04	Penalties

#### **7.20.01 Above-ground storage tanks**

- A. The storage of explosives, blasting agents, Class I liquids, and outside above-ground storage tanks is prohibited within the corporate limits of the city of Crossett.
- B. The bulk storage of liquefied petroleum gas is allowable only in the following areas: That part of the city lying west of Virginia Street and north of U.S. Highway No. 82, and also that area known as Crossett Industrial Park, Phase I, when such use and storage is in connection with operation of some industry located in that area.
- C. Portable propane tank drop off/exchange racks are allowed in Zones C-H (Highway Commercial); C-N (Neighborhood Commercial); and C-PD (Planned Commercial District), with the following restrictions:
  - 1. The maximum size of each tank is 20 pounds.
  - 2. The maximum number of tanks in storage, both filled and empty, is 25 per lot.
  - 3. The tanks must be stored 10 feet from all combustible materials, and 10 feet from all openings into the attendant building or structures.
  - 4. The tanks must have a fire extinguisher within 100 feet, and must comply with NFPA 55 and NFPA 30. (Ord. No. 05-4, Sec. 1, April 18, 2005.)

**7.20.02 Modifications** The Chief of the Fire Department shall have power to modify any of the provisions of the code adopted in this article upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public



safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon, shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (Ord. No. A-277, Sec. 5, May 15, 1967.)

7.20.03 Appeals Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code adopted in this article do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Council within 30 days from the date of the decision appealed. (Ord. No. A-277, Sec. 6, May 15, 1967.)

#### 7.20.04 Penalties

- A. Any person who shall violate any of the provisions of the code adopted in this article or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed in this article, shall severally for each and every such violation and non-compliance respectively, be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. No. A-277, Sec. 7, May 15, 1967.)

## **CHAPTER 7.24**

### **OUTSIDE FIRE SERVICE**

#### Sections:

- 7.24.01 Authorization of apparatus
- 7.24.02 Outside fires

- 7.24.03 Compensation without mutual aid agreements
- 7.24.04 Mutual aid agreements authorized

7.24.01 Authorization of apparatus No Fire Department apparatus shall be taken beyond the corporate limits of the city to assist at any fire, or for any other purpose, except by order of the Mayor or Fire Chief, and subject to the restrictions and conditions set forth in this article. (Ord. No. A-252, Sec. 1, Aug. 16, 1965.)

7.24.02 Outside fire service The Mayor or Fire Chief is authorized, in their discretion, to aid in the extinguishing of fires outside the corporate limits of the city, or on property immediately adjacent to the city in which there is a possibility of fire spreading within the corporate limits, under the following conditions:

- A. A request from a city, incorporated town, or suburban fire protection district for assistance must come only from the Mayor, Fire Chief or such other person as may be designated by mutual agreement.
- B. Calls may be responded to only by such apparatus which in the judgment of the Mayor or Fire Chief can be safely sent without unduly impairing the fire protection within the city, and when highways and weather conditions are favorable.
- C. The city, incorporated town, or suburban fire protection district requesting assistance must pay the expenses of use and travel of equipment and service unless there exists a mutual aid agreement.
- D. Apparatus and personnel may be used to combat fire in other than incorporated areas, or suburban fire protection districts only when a satisfactory agreement for such use shall have been authorized by resolution of the Council fixing the terms and rates of compensation for such use. (Ord. No. A-252, Sec. 2, Aug. 16, 1965.)

7.24.03 Compensation without mutual aid agreements Unless there exists a mutual aid agreement, every municipality, district or organization requesting and receiving service of the Fire Department of the city shall pay for such services and the use of apparatus in accordance with the resolution authorizing use of equipment. (Ord. No. A-252, Sec. 3, Aug. 16, 1965.)

7.24.04 Mutual aid agreements authorized

- A. The Mayor, City Clerk/Treasurer and Chief of the Fire Department are hereby authorized to enter into mutual aid agreements with other municipalities, firms, corporations, or fire protection districts for the rendering of fire service subject to ratification of same by the Council.

- B. Monies collected under the terms of fire protection agreements shall be paid to the City Clerk/Treasurer for credit to the Fire Department funds. (Ord. No. A-252, Sec. 3-6, Aug. 16, 1965.)

## **CHAPTER 7.28**

### **ALCOHOLIC BEVERAGES**

#### **Sections:**

- 7.28.01 Selling liquor  
7.28.02 Public consumption

7.28.01 Selling liquor It shall be unlawful for any person to sell, barter, loan or give away intoxicating liquor in the city. (Ord. No. A-26, Sec. 1, July 21, 1947.)

7.28.02 Public consumption It shall be unlawful for any person to drink any intoxicating beer or liquor of any kind in any public place, street, highway, park or other public place within the city. For the purposes of this section, "public place" shall include not only publicly owned property, but any private property normally used by and held open to the general public for its use, and it shall include, but is not limited to, parking lots and any place of business generally open to the public, unless such place of business has been issued a permit by the Arkansas Alcoholic Beverage Association to operate as a private club pursuant to the laws of this state. (Ord. No. A-380, Sec. 1-2, Dec. 15, 1973.)

## **CHAPTER 7.32**

### **CEMETERY BOARD**

#### **Sections:**

- 7.32.01 Established  
7.32.02 Terms  
7.32.03 Authority  
7.32.04 Powers  
7.32.05 Revenues  
7.32.06 Appropriations

- 7.32.07 Reports
- 7.32.08 Burial permits
- 7.32.09 Signs

7.32.01 Established There is hereby created and established a board to be known as the Cemetery Board. (Ord. No. A-32, Sec. 1, Mar. 15, 1948.)

7.32.02 Terms The Cemetery Board shall consist of six members, who shall be qualified electors of the city and who shall be appointed by the Mayor and confirmed by a majority vote of the City Council. Members shall hold office for a term of four years. One member of the City Council shall be designated by the Mayor as an *ex-officio* member, to serve until expiration of his term as councilmember. The Mayor and this alderman shall each be *ex-officio* members of the Board. If a member is no longer a qualified elector of the city, or misses three consecutive meetings of the Board, a vacancy shall exist. In the event of a vacancy occurring on the Board, it shall be filled by appointment of the Mayor, subject to the approval of a majority vote of the City Council. Members of the Board shall receive no salary for their services. (Ord. No. A-32, Sec. 2, Mar. 15, 1948; Ord. No. A-566, Sec. 1, Jan. 27, 1995; Ord. No. A-624, Sec. 1, July 20, 1998.)

7.32.03 Authority The Cemetery Board shall have full and complete control over the management, operation and maintenance of the city cemetery, including, but not limited to, having a survey and plat made of the cemetery, establishing a program for the perpetual care of the cemetery property, and, subject to the approval of the City Council, establishing the price of lots therein. (Ord. No. A-32, Sec. 5, Mar. 15, 1948.)

7.32.04 Powers

- A. The Cemetery Board shall have, in addition to other powers enumerated in this article, the exclusive right and power to make purchases of all supplies, apparatus and other things necessary to the management and care of the cemetery.
- B. The Board shall have the right to employ and also remove a caretaker of the cemetery, and, subject to the approval of the City Council, employ other persons of whatsoever nature, kind or character, and to fix, regulate and pay their salaries.
- C. The Board shall appoint the City Clerk/Treasurer as custodian of the plat and records of the cemetery, and shall authorize the City Clerk/Treasurer to sell the lots therein and issue a certificate of purchase showing the lot owner, the price paid and the location of the lots. The proceeds from all such sales shall be deposited as set out in this article. (Ord. No. A-32, Sec. 6-10, Mar. 15, 1948; Ord. No. A-576, Sec. 2, April 17, 1995.)

7.32.05 Revenues The Cemetery Board shall have authority to utilize all revenues derived from the sales of lots, donations, etc., in the upkeep and maintenance of the cemetery. The Board is authorized to accept gifts and bequests for the use and benefit of the cemetery. All

funds derived from the sale of lots, donations, etc., shall be immediately deposited with the City Clerk/Treasurer, who shall keep the same in a special fund, marked "cemetery fund," which shall be used exclusively for the benefit of the cemetery by the Board. Money in the fund shall not be mingled with other funds of the city and all moneys paid from the fund must be upon vouchers issued upon authority of the Board, or pursuant to an ordinance or resolution of the City Council. (Ord. No. A-32, Sec. 8, Mar. 15, 1948.)

7.32.06 Appropriations The City Council may at any time appropriate such funds as it deems necessary, from the general revenue fund or such other funds that the city may have available, to the Cemetery Board for the upkeep and maintenance of the cemetery. (Ord. No. A-32, Sec. 9, Mar. 15, 1948.)

7.32.07 Reports The Cemetery Board shall furnish such reports, data and information as may be requested by the Mayor or the City Council. (Ord. No. A-576, Sec. 3, Apr. 16, 1995.)

7.32.08 Burial permits A permit fee of Twenty-Five Dollars (\$25.00) is hereby fixed as the fee required for issuance of a permit to utilize a burial space in the cemetery. The size of the burial lot shall be determined by the Board. The fee shall be paid to the City Clerk/Treasurer. The permit shall be issued by the City Engineer, and shall designate the lot and block identification in the cemetery. In addition, the City Engineer will locate the space on the ground for the convenience of the undertaker and the covered family. (Ord. No. A-576, Sec. 4, April 17, 1995.)

7.32.09 Sign A legible warning sign shall be maintained by the city in proximity to the entrance to the cemetery to warn all people that only persons having duly issued permits may cause burials in the city cemetery. (Ord. No. A-576, Sec. 5, April 17, 1995.)

## **CHAPTER 7.36**

### **OPEN BURNING**

#### Sections:

- |         |                                |
|---------|--------------------------------|
| 7.36.01 | Open burning                   |
| 7.36.02 | Barbecue Pits and Incinerators |
| 7.36.03 | Exception                      |

#### 7.36.01 Open burning

- A. It shall be unlawful for any person to burn or cause to be burned out of doors any hay, straw, shavings, paper, leaves, trash or any other combustible material unattended on any vacant or occupied lot within the limits of the city.

- B. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. (Ord. No. A-9, Dec. 8, 1943.)

7.36.02 Barbecue Pits and Incinerators No person may construct, erect, install, maintain or use any incinerator or barbecue pit or burn any combustible material to constitute a fire hazard by the use or burning or to endanger the life or property of any person. Residential barbecue pits, hibachis or other cooking appliances utilizing charcoal, wood or gas as a fuel may not be stored or used on any balconies of residential occupancies, on other combustible balconies, within five feet measured horizontally from any portion of a combustible building, or within fifteen feet measured along the shortest distance if the pit is located below any portion of a combustible building.

7.36.03 Exceptions The intended interpretation of this ordinance is as follows:

1. No wood or gas fueled barbecue pit of any type is allowed in/on any balcony or apartment. This includes multi-family residential, boarding houses, motels and residential care/assisted living facilities;
  2. On any other balcony (such as can be found on many commercial mercantile, or single-family/Duplex residential occupancies), the barbecue pit must meet horizontal and vertical spatial clearances as declared in the ordinance;
  3. Occupancies can have barbecue pits on the premises given that they are not on balconies, not in apartments, and can meet the spatial requirements of the ordinance. (An example would be a first floor apartment with a barbecue pit that is located in a common area or yard that is 5 feet from the building and not located away from any structural overhang. Privacy fences are considered to be a portion of the combustible structure);
  4. A barbecue pit may be stored on the patio or balcony of a multi-family residential occupancy if the pit is boxed in a shipping container and cannot be used in its stored condition. The barbecue pit must be disassembled. In no case shall propane be stored inside a residential occupancy or above the first floor of a residential occupancy; and
  5. A barbecue pit may never be stored or used in any portion of a means of egress.
- (Ord. No. 2014-07, Sec. 1.)

**CHAPTER 7.40**

**FALSE ALARMS**

**Sections:**

7.40.01 False alarms

**7.40.01 False alarms**

- A. It shall be unlawful for any person to turn in a false fire alarm in any manner whatsoever, or to tamper with the fire alarm system or any fire alarm box in any manner whatsoever.
- B. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. (Ord. No. A-9, Dec. 8, 1943.)

**CHAPTER 7.44**

**THEATERS**

**Sections:**

7.44.01 Theater capacity  
7.44.02 Smoking  
7.44.03 Seating  
7.44.04 Penalty

7.44.01 Theater capacity It shall be unlawful for any person managing or controlling any theater, moving or stationary picture showhouse, or other house of amusement to sell or permit to be sold more tickets to any exhibition, show or amusement given therein than the fixed and permanent seating capacity of such house will accommodate and seat. It shall be unlawful for any person to be allowed to sit or stand in the lobby at the gate and inside or in the aisles of such house. Each and every person allowed to sit or stand in the lobby at the gate and inside or in the aisles of such house shall constitute a separate offense. (Ord. No. A-9, Dec. 8, 1943.)

7.44.02 Smoking It shall be unlawful for any person to smoke in any portion of any theater, moving picture house, or any auditorium in which any public exhibition is being given. . (Ord. No. A-9, Dec. 8, 1943.)

7.44.03 Seating It shall be unlawful for any person to refuse or decline to be seated upon request of the management or agent of the management of such house. . (Ord. No. A-9, Dec. 8, 1943.)

7.44.04 Penalty The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. . (Ord. No. A-9, Dec. 8, 1943.)

## **CHAPTER 7.48**

### **FIREWORKS**

#### **Sections:**

7.48.01	Definition
7.48.02	Prohibition
7.48.03	Variance
7.48.04	Penalty

7.48.01 Definition Fireworks shall include any combustible item or explosive substance, or any item prepared for the purpose of producing a visible or an audible effect by combustion, explosion or detonation, and shall include, but not be limited to, firecrackers, torpedoes, skyrocket, buzz bombs, roman candles, daygo bombs, and other devices containing any explosive or flammable compound, but shall not include sparklers, automobile flares, or petroleum based products. (Ord. No. A-585, Sec. 1, Sept. 19, 1995.)



7.48.02 Prohibition No person, firm or corporation shall sell or discharge fireworks within the city. (Ord. No. A-585, Sec. 2, Sept. 19, 1995.)

7.48.03 Variance A variance of up to 24 hours to the application of this article may be made by the City Council upon application to the City Council to permit an organized fireworks display. (Ord. No. A-585), Sec. 3, Sept. 19, 1995.)

7.48.04 Penalty Any person, firm or corporation violating any part of this article shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined in a sum up to One Hundred Dollars (\$100.00) for each separate offense. (Ord. No. A-585, Sec. 4, Sept. 19, 1995.)

## **CHAPTER 7.52**

### **FIREARMS**

#### **Sections:**

- 7.52.01 Discharging firearms
- 7.52.02 Other implements

7.52.01 Discharging firearms It shall be unlawful for any person to discharge a firearm within the limits of the city unless in self-defense or by a law enforcement officer. (Code 1962, Sec. 16-5.)

7.52.02 Other implements The use of slingshots, air rifles and all similar implements and contrivances made or used for the purpose of hurling, throwing or shooting objects within the limits of the city is prohibited. Any person found using such implements shall be deemed guilty of a misdemeanor. (Code 1962, Sec. 16-3.)

## **CHAPTER 7.56**

### **PUBLIC PEACE AND ORDER**

#### **Sections:**

- 7.56.01 Unlawful assembly
- 7.56.02 Failure to disperse
- 7.56.03 Disorderly conduct

7.56.01 Unlawful assembly

- A. A person commits the offense of unlawful assembly if he assembles with two or more other persons, and he has the purpose of engaging in conduct constituting a riot.
- B. Unlawful assembly is a class C misdemeanor. A.C.A. 5-71-205 (1997 Repl.)

7.56.02 Failure to disperse

- A. A person commits the offense of failure to disperse if, during a riot or an unlawful assembly, he refuses or knowingly fails to disperse when ordered to do so by a law enforcement officer or other person engaged in enforcing or executing the law.
- B. It is a defense to a prosecution under this section that the actor was a news reporter or other person observing or recording the events on behalf of the news media not knowingly obstructing efforts by a law enforcement officer or other person engaged in enforcing or executing the law to control or abate the riot or unlawful assembly.
- C. Failure to disperse is a class C misdemeanor. A.C.A. 5-71-206 (1997 Repl.)

7.56.03 Disorderly conduct A person commits the offense of disorderly conduct if, with the purpose to cause public inconvenience, annoyance, or alarm or recklessly creating a risk thereof, he:

- A. engages in fighting or in violent, threatening, or tumultuous behavior.
- B. makes unreasonable or excessive noise.
- C. in a public place, uses abusive or obscene language, or makes an obscene gesture, in a manner likely to provoke a violent or disorderly response.
- D. disrupts or disturbs any lawful assembly or meeting of persons.
- E. obstructs vehicular or pedestrian traffic.
- F. congregates with two other persons in a public place and refuses to comply with a lawful order to disperse of a law enforcement officer or other person engaged in enforcing or executing the law.
- G. creates a hazardous or physically offensive condition.

H. in a public place, mars, defiles, desecrates, or otherwise damages a patriotic or religious symbol that is an object of respect by the public or a substantial segment thereof.

I. in a public place, exposes his private parts.

Disorderly conduct is a class C misdemeanor. A.C.A. 5-71-207 (1997 Repl.)

## **CHAPTER 7.60**

### **NOISE**

#### **Sections:**

7.60.01 Vehicles

#### **7.60.01 Vehicles**

- A. It shall be unlawful for any person within or upon any vehicle within the city to make, continue or cause to be made or continued any loud and raucous music, which term shall mean any music which, because of its volume level, duration or character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities.
- B. A violation of this section is a class C misdemeanor. (Ord. No. A-537, Sec. 1, Dec. 21, 1992.)

## **CHAPTER 7.64**

### **SEXUALLY EXPLICIT MATERIALS**

#### **Sections:**

7.64.01 Selling or loaning to minors  
7.64.02 Public nuisance  
7.64.03 Sale or distribution  
7.64.04 Enforcement

7.64.01 Selling or loaning to minors The provision of A.C.A. 5-68-501 *et seq.*, regarding the selling or loaning of pornography to minors, are hereby adopted by reference as if fully set out in this section.

7.64.02 Public nuisance The following items are hereby determined to be public nuisances within the corporate boundaries of the city of Crossett, Arkansas:

- A. Obscene figures, A.C.A. 5-68-202 (1997 Repl.)
- B. Literature rejected by U.S. mails, A.C.A. 5-68-202 (1997 Repl.)
- C. Obscene films, A.C.A. 5-68-203 (1997 Repl.)
- D. Obscenity, A.C.A. 5-68-205 (1997 Repl.)
- E. Obscene materials or performances, A.C.A. 5-68-301 – 308 (1997Repl.)
- F. Any other obscenity, as defined or contemplated by the Arkansas Law on Obscenity, A.C.A. 5-68-501 (1997 Repl.) (Ord. No. 05-1, Sec. 1, Jan. 31, 2005.)

7.64.03 Sale or distribution It is further declared that it shall be a public nuisance for any person, firm, entity or corporation to sell, offer to sell, give away, circulate, produce, distribute or attempt to in any way distribute any item described herein. (Ord. No. 05-1, Sec. 1, Jan. 31, 2005.)

7.64.04 Enforcement In addition to all applicable criminal penalties, the public display, sale or distribution of any such public nuisance may be enjoined by action of the city of Crossett against the responsible party or parties, in the Ashley County Circuit Court. (Ord. No. 05-1, Sec. 1, Jan. 31, 2005.)

## **CHAPTER 7.68**

### **TOBACCO IN PUBLIC BUILDINGS**

Sections:

7.68.01 Prohibited

7.68.01 Prohibited It shall be unlawful for any person to use any form of tobacco in any building or other facility owned or operated by the city, except inmates confined to the city jail may use tobacco, i.e., smoke cigarettes or chew tobacco, in cell blocks 5 and 6. Any person

violating this section may be fined up to Ten Dollars (\$10.00) for each separate violation. (Ord. No. A-601, Sec. 1, Nov. 19, 1996; Ord. No. A-622, Sec. 1, April 20, 1998.)

## **CHAPTER 7.72**

### **PEDDLERS AND SOLICITORS**

**Sections:**

7.72.01 Bond required

**7.72.01 Bond required**

- A. Solicitors of book and magazine subscriptions, as well as itinerant peddlers, hawkers, or any person engaged in selling or offering for sale merchandise or services at retail within the city to the ultimate consumers and not having a regular permanent place of business in the city shall enter into a bond with good and sufficient surety payable to the city for the use and benefit of any person damaged by a breach thereof, to insure performance of services, delivery of merchandise and proper application of moneys received therefore. This bond shall be made in advance of any active soliciting, peddling, hawking or vending contemplated in this section and must be in an amount, approved by the City Clerk/Treasurer, which is found as a fact, after considering the sum of money likely to be involved or the value of services to be rendered or merchandise delivered, to be adequate to protect the public against fraud or dishonest dealing. However, this bond shall not be in an amount less than Five Hundred Dollars (\$500.00). A fee of Twenty-Five Dollars (\$25.00) shall be paid to the city by each person making such bond, to defray the cost of administering this section. The fee so collected shall be deposited in the city general fund.
- B. A person damaged by a breach of the bond provided for in this section is entitled to recover on the bond the amount of his damages proved, plus costs in a civil action in any court having jurisdiction. In no event shall the amount of bond required be more than is necessary to effectuate the purposes of this section.
- C. In addition to complying with the provisions of this section, any person subject hereto shall pay the occupation tax. (Ord. No. A-336, Sec. 1, Sept. 18, 1973.)

## CHAPTER 7.76

### CAR WASH

#### Sections:

7.76.01 Car wash facilities

#### 7.76.01 Car wash facilities

- A. All commercial car wash facilities located in the city shall be required to connect the facility to the city storm drainage system and discharge all water into the storm sewer system.
- B. It shall be unlawful for any person to operate a commercial car wash facility in the city unless the water therefrom is discharged directly into the city storm sewer system. (Ord. No. A-437, Sec. 1-2, Aug. 16, 1982.)

## CHAPTER 7.80

### GAMBLING

#### Sections:

7.80.01 Definitions  
7.80.02 Gambling prohibited  
7.80.03 Devices prohibited  
7.80.04 Gambling houses  
7.80.05 Penalties  
7.80.06 Exemption

#### 7.80.01 Definitions

**Gaming or gambling** Any game of chance or a mixture of skill and chance, at which any money or property may be won or lost. Gaming is also defined as the risking of money, or something of value, between two or more persons, on a contest or chance of any kind, where one must be loser and the other gainer. Some games depend altogether on skill, others upon chance, and others are a mixed nature. Billiards are an example of the first, slot machine of the second,

and video poker machines of the last. *Prepaid Solutions, Inc. v. City of Little Rock, et al*, 343 Ark. 217, 34 S.W. 3<sup>rd</sup> 360, 362 (2001). *State v. Torres*, 309 Ark. 422, 831 S.W. 2<sup>nd</sup> 903, 905 (1992); *Portis v. State*, 27 Ark. 360, 362 (1872). The operation of an "amusement device," as that term is now defined by Ark. Code Ann. 26-57-402 (1999 Supp.), does not constitute "gaming" or "gambling," so long as the "amusement device" is operated in strict compliance with all provisions of A.C.A. 26-57-401 *et seq*, as now codified or as may be hereafter amended.

**Gaming or gambling device** Any instrument or device of any type or sort, by or through which gaming or gambling may be done, including, but not limited to:

- A. Video poker machines;
- B. Slot machines;
- C. Roulette wheels; or
- D. Crap tables.

A gaming instrument or gambling device is also defined to be an invention, of any kind, used to determine the question as to who wins and who loses, upon which people can risk their money on a contest or chance of any kind. *Prepaid Solutions, Inc. v. City of Little Rock, et al*, 343 Ark. 217, 34 S.W. 3<sup>rd</sup> 360, 362 (2001); *Portis v. State*, 27 Ark. 360, 362 (1872).

Any "amusement device," as that term is defined A.C.A. 26-57-402 (1999 Supp.), shall be considered to be included within this definition, at anytime it is operated in a manner inconsistent with Ark. Code Ann. 26-57-401 *et seq*.

**Gambling house** Any place, where one or more gaming instruments or gambling devices are kept.

**Suppress** To keep out; to prohibit.  
(Ord. No. 2001-9, Sec. 1, May 21, 2001.)

7.80.02 Gambling prohibited Gaming or gambling is prohibited and suppressed within the corporate boundaries of the city of Crossett, Arkansas. (Ord. No. A-652, Sec. 2, Nov. 15, 1000/)

7.80.03 Devices prohibited The possession and operation of gaming or gambling devices within the corporate boundaries of the city of Crossett, Arkansas, is prohibited and suppressed. (Ord. No. A-652, Sec. 3, Nov. 15, 1999.)

7.80.04 Gambling houses Gambling houses are prohibited and suppressed within the corporate boundaries of the city of Crossett, Arkansas. (Ord. No. A-652, Sec. 4, Nov. 15, 1999.)

7.80.05 Penalties In addition to any criminal penalties available by law, this ordinance may be enforced by an action in the Ashley County Chancery Court for injunctive relief, temporary and permanent. (Ord. No. A-652, Sec. 5, Nov. 15, 1999.)

7.80.06 Exemption This ordinance shall not apply to prohibit fund-raising activities by local school groups, church groups, or local civic organizations, such as the raffling of items. (Ord. No. A-652, Sec. 6, Nov. 15, 1999.)