

ORDINANCE NO. 93-1-4-A

AN ORDINANCE TO ESTABLISH THE CITY OF ELM SPRINGS POLICE DEPARTMENT AND DECLARING AN EMERGENCY THEREOF.

WHEREAS, after consideration and deliberation, the City Council of the City of Elm Springs, Washington County, Arkansas is of the opinion that the health, welfare and safety of the citizens of Elm Springs, Washington County, Arkansas mandates the creation of a law enforcement agency for said city.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS:

SECTION 1: That there is hereinafter created the City of Elm Springs Police Department pursuant to A.C.A. Sections 14-52-101 et sec. and other laws of the State of Arkansas.

SECTION 2: That the position of Chief of Police for the City of Elm Springs, Washington County, Arkansas is hereby created effective January 1, 1993 and salaried as set out in the hereinafter annual budgets of said city beginning with the annual budget for said city for 1993 and that the necessary equipment for said Chief of Police position is hereby authorized and is funded as set out in the annual budgets of said city hereinafter beginning with the 1993 annual budget.

SECTION 3: That the Mayor is hereby authorized and directed to fill said position with a properly certified and trained individual but in no event shall said position be filled without the majority vote of said City Council accepting said Mayor's selection.

SECTION 4: That should any portion of this Ordinance be deemed illegal and/or unconstitutional and/or held null and void, said finding or holding shall not affect the other portions of this Ordinance and the portion found or held so shall be excised from this Ordinance with the remainder of this Ordinance remaining in full force and effect.

SECTION 5: That this Ordinance is declared necessary for the immediate health, safety and welfare of the citizens of the City of Elm Springs, Washington County, Arkansas and therefore an emergency is declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED this 4 day of January, 1993.

ATTEST:

APPROVED:

Subram Sullard
CLERK

Thomas A. Demetree
MAYOR

ORDINANCE NO. 93-4 A

City of Elm Springs, Arkansas

AN ORDINANCE ESTABLISHING THE CITY COURT OF ELM SPRINGS, ARKANSAS; AUTHORIZING THE APPOINTMENT OF A JUDGE, AND THE COMPENSATION THEREFOR; AUTHORIZING THE ESTABLISHMENT OF COURT COSTS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Elm Springs, Arkansas, hereinafter referred to as "City", wishes to establish a City Court, pursuant to the provisions of Arkansas Code Ann. § 14-44-108; and,

WHEREAS, the City of Elm Springs wishes to confirm its right to exclusive jurisdiction of all prosecutions for violations of State law or any ordinances of the City of Elm Springs, which occur within the limits of the City of Elm Springs, through its City Court.

NOW, THEREFORE, be it ordained by the City Council of Elm Springs, Arkansas:

Section 1. That the City Court of Elm Springs, Arkansas, is hereby created.

Section 2. That the City Court of Elm Springs shall be subject to all provisions of Arkansas Code Ann. § 16-96-101, et seq., and all other applicable State statutes.

Section 3: That the City Court of Elm Springs, Arkansas, shall have exclusive jurisdiction of all prosecutions for violations of any ordinance of the City of Elm Springs, whether individually enacted or adopted by reference as technical codes, regulations, standards, and the criminal code of the State of Arkansas, and shall further have all jurisdiction granted pursuant to the provisions of Arkansas Code Ann. § 14-44-108.

Section 4. That the Mayor of Elm Springs, Arkansas, may appoint a practicing attorney to preside over the City Court, as authorized by Arkansas Code Ann. § 14-44-108, and any such appointee shall receive a monthly allowance payable from the general fund in the amount which may be established by the Mayor and City Council of Elm Springs, Arkansas.

Section 5. That the Court shall establish such Court costs, to specifically include the amounts provided by law for application toward the Criminal Justice fund, the County Law

Library, Legal Education Fund and the State Police Retirement Fund, as well as any other funds mandated by the Quorum Court of Washington County, Arkansas, which costs are to be collected from each Defendant upon a plea of guilty, nolo contendere, forfeiture of bond, or a determination of guilt for violation of any ordinance, criminal law, traffic violation, misdemeanor or violation of the alcohol or controlled substance laws of the State of Arkansas, such costs to be in addition to an assessment of any fine, sentence or other penalty relative to any determination of the cause heretofore set forth.

Section 6. If any provision of this ordinance shall be held invalid, its invalidity shall not effect other provisions of this ordinance that can be given effect without the invalid provisions, and for this purpose the provisions of this ordinance are hereby declared to be severable.

Section 7. It is hereby established and declared that the health, safety and welfare of the residents and citizens of the City of Elm Springs are endangered by virtue of the absence of a city court and that an emergency is hereby declared to exist, whereby this ordinance shall take effect and be in full force from and after its passage, as provided by law.

PASSED AND APPROVED on this 5th day of April, 1993.


THOMAS D. LUNDSTRUM, MAYOR

ATTEST:


BARBARA ANNE DILLARD, CITY RECORDER

ORDINANCE NO. 93-1-48

AN ORDINANCE ESTABLISHING SPEED LIMITS FOR ROADWAYS WITHIN THE CORPORATE LIMITS OF THE CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS AND DECLARING AN EMERGENCY THEREOF.

WHEREAS, after consideration and deliberation, the City Council of the City of Elm Springs, Washington County, Arkansas is of the opinion that there should be established speed limits for the roadways within the corporate limits of said city.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS:

SECTION 1: No person shall operate any vehicle in excess of 30 miles per hour on any roadway within the corporate limits of Elm Springs, Washington County, Arkansas, unless otherwise authorized by the City Council of Elm Springs and so posted.

SECTION 2: Upon recommendation by the Mayor and Chief of Police, the City Council may designate speed zones other than 30 miles per hour on city roadways, streets, and alleys.

SECTION 3: Upon posting of said streets, roadways or alleys with adequate speed restriction signs by the Mayor or his authorized representative, said speed designations shall be in effect. Posting shall be as set forth in the regulations of the Arkansas Highway and Transportation Department.

SECTION 4: PENALTY. That the penalty for violating the speed limits set herein shall be court costs as established by the court sitting in judgement of said violation plus an additional penalty of not more than \$5.00 per mile over said speed limit and not less than \$1.00 per mile over said speed limit.

SECTION 5: That should any portion of this Ordinance be deemed illegal and/or unconstitutional and/or held null and void, said finding or holding shall not affect the other portions of this Ordinance and the portion found or held so shall be excised from this Ordinance with the remainder of this Ordinance remaining in full force and effect.

SECTION 6: That this Ordinance is declared necessary for the immediate health, safety and welfare of the citizens of the City of Elm Springs, Washington County, Arkansas and therefore an emergency is declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED this 4 day of January, 1993.

ATTEST:

Barbara Dillard

CLERK

APPROVED:

Thomas D. Smith
MAYOR

ORDINANCE NO. 93-4-B

City of Elm Springs, Arkansas

AN ORDINANCE ESTABLISHING THE FEES AND COSTS FOR TRAFFIC AND MISDEMEANOR OFFENSES, AND FOR THE OFFENSE OF DRIVING WHILE INTOXICATED UNDER ACT 918; FOR POSSESSION OF CONTROLLED SUBSTANCES; FOR VIOLATION OF CITY ORDINANCES AND FOR OTHER PURPOSES FOR THE CITY COURT IN AND FOR THE CITY OF ELM SPRINGS, ARKANSAS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Elm Springs, Washington County, Arkansas, has established a City Court within the City; and,

WHEREAS, the City Council of the City of Elm Springs recognizes the necessity for fixing the fees and Court costs for traffic and misdemeanor offenses; for the offense of driving while intoxicated under Act 918; for the offense of possession of a controlled substance; and for violation of city ordinances; and,

WHEREAS, the Arkansas General Assembly has authorized and enacted certain amendments to fee schedules in city courts.

NOW, BE IT THEREFOR ENACTED by the City Council of the City of Elm Springs:

Section 1. That the fees and costs for violation of the City Ordinance prohibiting careless driving in the City Court of the City of Elm Springs shall be a total of \$28.00, and said fee shall be disbursed as follows:

\$3.00 to Arkansas State Police, Act 194;
\$2.00 to County Law Library, Act 284;
\$5.00 to Legal Education Fund, Act 543 of 1989;
\$3.00 to Administration of Justice Fund, Act 860;
\$1.00 to the Arkansas County Alcohol, Drug Abuse and Crime Prevention Program, Act 185 of 1989;
\$5.00 to Criminal Justice Fund;
\$4.00 to Washington County Inv. Fund, Ordinance 92-22;
\$5.00 to Public Defender Fund, Ordinance 89-18;

for a total of \$28.00 costs and fees for violation of the careless driving ordinance in the City Court of Elm Springs, Arkansas, except in the event the city prosecutor is involved, in which case an additional \$10.00 fee will be added pursuant to Arkansas Code Ann. § 14-43-410.

Section 2. That the costs and fees for other traffic and misdemeanor offenses shall be a total of \$38.00, which shall be disbursed as follows:

\$ 3.00 to Arkansas State Police, Act 194;
\$ 2.00 to County Law Library, Act 284;
\$ 5.00 to Legal Education Fund, Act 543 of 1989;
\$ 3.00 to Administration of Justice Fund, Act 860;
\$ 1.00 to the Arkansas County Alcohol, Drug Abuse
and Crime Prevention Program, Act 185 of 1989;
\$10.00 to the County Jail Fund, County Ordinance 91-25;
\$ 4.00 to Washington County Inv. Fund, Ordinance 92-22;
\$ 5.00 to the Criminal Justice Fund;
\$ 5.00 to Public Defender Fund, Ordinance 89-18;

for a total of \$38.00 costs and fees for other traffic and misdemeanor offenses, except in the event that the City Prosecutor is involved, in which case an additional \$10.00 fee shall be assessed pursuant to Arkansas Code Ann. § 14-43-410.

Section 3. That the fees and costs for the offense of driving while intoxicated under Act 918 shall be a total of \$323.00, and said fee shall be disbursed as follows:

\$100.00 to the City of Elm Springs on all DWI offenses pursuant to Act 918 of 1983;
\$150.00 to the State of Arkansas, Act 918 of 1983;
\$ 3.00 to the Arkansas State Police, Act 194;
\$ 2.00 to the County Law Library, Act 284;
\$ 5.00 to Legal Education Fund, Act 543 of 1989;
\$ 3.00 to Administration of Justice, Act 860;
\$ 1.00 to the Arkansas County's Alcohol Drug Abuse and Crime Prevention Program, Act 185 of 1989;
\$ 10.00 to the County Jail Fund, Ordinance 91-25;
\$ 5.00 to Criminal Justice Fund, Act 580;
\$ 4.00 to Washington County Inv. Fund, Ordinance 92-22
\$ 25.00 to the Crime Victims Fund, Act 817 of 1987;
\$ 5.00 to Public Defenders Fund, Ordinance 89-18;
\$ 10.00 to City Prosecutor's Fund, ACA § 14-43-410;

for a total of \$323.00 costs and fees for driving while intoxicated.

Section 4. That, pursuant to Act 631 of 1989, any person who pleads guilty or nolle contendere, or is convicted or found guilty of possessing a controlled substance shall pay an additional court cost in the sum of \$50.00, which sum shall be remitted to the Department of Finance and Administration for the drug abuse prevention and statistical reporting fund.

Section 5. That any ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. That it is hereby ascertained and declared that there is an immediate and urgent need for this ordinance in order to promote and protect the health, safety and welfare of the City of Elm Springs and its inhabitants, and that it is therefore declared that an emergency exists and this ~~ordinance~~, being necessary for the immediate preservation of the public health, peace and safety, shall be in force and take effect immediately from and after its passage.

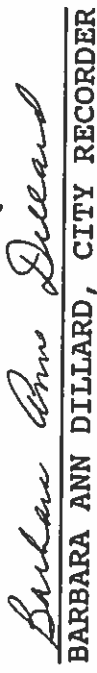
IT IS SO ORDAINED.

PASSED this 5th day of April, 1993.

APPROVED:


THOMAS D. LUNDSTRUM, MAYOR

ATTEST:


BARBARA ANN DILLARD, CITY RECORDER

ORDINANCE NO. 93-4 - C

City of Elm Springs, Arkansas

AN ORDINANCE AMENDING THE 1993 OPERATING AND CASH BUDGET OF THE CITY OF ELM SPRINGS, ARKANSAS; APPROPRIATING FUNDS FOR THE OPERATION OF THE CITY COURT OF THE CITY OF ELM SPRINGS, ARKANSAS, AND APPROPRIATING ADDITIONAL MONIES FOR POLICE EQUIPMENT FOR THE CITY OF ELM SPRINGS, ARKANSAS.

WHEREAS, when the 1993 operating and cash budget of the City of Elm Springs, Arkansas, was adopted, the said budget made no provision for salaries and operating expenses for the City Court of the City of Elm Springs, Arkansas; and,

WHEREAS, the City Council of the City of Elm Springs, Arkansas, has now, by Ordinance, established the City Court of the City of Elm Springs, Arkansas, and wishes to provide funding for the operation of the same; and,

WHEREAS, there are additional unneeded funds in the line item "Repairs and Maintenance" of the General Fund as adopted by the City Council of the City of Elm Springs, Arkansas, in the 1993 budget; and,

WHEREAS, the 1993 budget made provision for certain funds to provide equipment for the Elm Springs Police Department; however, additional monies are needed for that purpose; and,

WHEREAS, there are additional monies in the 1993 operating and cash budget for the One-Cent fund of the City of Elm Springs, Arkansas;

NOW, THEREFORE, be it enacted by the City Council of the City of Elm Springs, Arkansas, as follows:

Section 1. That there shall be established in the 1993 Operating and Cash Budget, General Fund, a line item for City Court, Salaries, and \$7,500.00 shall be appropriated to that line item for the balance of the 1993 calendar year.

Section 2. That there shall be established in the 1993 Operating and Cash Budget, General Fund, the line item "City Court, Maintenance and Supplies," and the sum of \$2,500.00 shall be appropriated to this line item for the balance of the 1993 fiscal year.

Section 3. That \$10,000.00 shall be transferred from the line item "Repairs and Maintenance" in the 1993 Operating and

Cash Budget, General Fund, with \$7,500 of this being transferred to City Court-Salaries, and \$2,500 to City Court-Maintenance and Supplies.

Section 4. That the additional sum of \$5,000.00 shall be appropriated from the One-Cent Fund for Police Department maintenance and supplies, making the total appropriation for this line item \$15,000.00 rather than \$10,000.00.

IT IS SO ORDAINED.

PASSED AND APPROVED this 5th day of April, 1993.

APPROVED:


THOMAS D. LUNDSTRUM, MAYOR

ATTEST:


BARBARA ANN DILLARD, CITY RECORDER

ORDINANCE NO. 93-5-B

City of Elm Springs, Arkansas

AN ORDINANCE AMENDING THE 1993 OPERATING AND CASH BUDGET OF THE CITY OF ELM SPRINGS, ARKANSAS, TO APPROPRIATE ADDITIONAL MONIES FOR POLICE SALARIES FOR THE CITY OF ELM SPRINGS, ARKANSAS.

WHEREAS, when the 1993 operating and cash budget of the City of Elm Springs, Arkansas, was adopted, the said budget provided for police department salaries of \$12,500.00; and,

WHEREAS, subsequently, it has been shown that said sum would be insufficient to provide adequate police protection for the City and additional part-time help is now required, thus necessitating the appropriation of additional monies for police salaries; and,

WHEREAS, there are additional monies in the 1993 operating and cash budget for the One Cent Fund of the City of Elm Springs, Arkansas.

NOW, THEREFORE, be it enacted by the City Council of the City of Elm Springs, Arkansas, as follows:

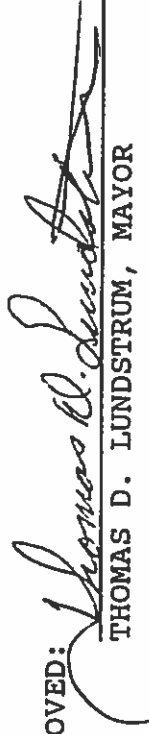
Section 1: That an additional sum of \$3,000.00 shall be appropriated for police department salaries in the 1993 operating and cash budget for the One Cent Fund and said amount shall be taken from the reserves of the One Cent Fund.

Section 2: That the additional sum of \$3,000.00 shall bring the total appropriation for police department salaries for the 1993 year to \$15,500.00.

IT IS SO ORDAINED.

PASSED AND APPROVED this 3rd day of MAY, 1993.

APPROVED:


THOMAS D. LUNDSTRUM, MAYOR

ATTEST:


BARBARA ANN DILLARD, CITY RECORDER

ORDINANCE NO. 94-3-A

AN ORDINANCE TO PROVIDE FOR THE LEVY OF FIVE DOLLARS (\$5.00) COURT COST ON COURT CASES IN THE CITY COURT OF ELM SPRINGS, ARKANSAS UNDER THE AUTHORITY OF ARKANSAS CODE ANN. 16-17-111 AND FOR THE LEVY OF THREE DOLLARS (\$3.00) COURT COST ON CASES IN CITY COURT OF ELM SPRINGS, ARKANSAS UNDER AUTHORITY OF ARKANSAS CODE ANN. 16-17-113, FOR THE PURPOSE OF CREATING A CRIMINAL JUSTICE FUND UNDER AUTHORITY OF ARKANSAS CODE ANN. 16-17-111 AND FOR THE PURPOSE OF CREATING AN ADMINISTRATION OF JUSTICE FUND UNDER THE AUTHORITY OF ARKANSAS CODE ANN. 16-17-113, AND REPEALING ALL CONFLICTING CITY ORDINANCES AND DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

WHEREAS, Arkansas Code Ann. 16-17-111 provides for the Levy of court cost in the administration of the Municipal and/or City Court including, but not limited to, salaries and cost of incarceration of defendants; and

WHEREAS, the City of Elm Springs is charged with the expenses involved with the administration of the City Court and the municipality being charged by Washington County for the keeping of city prisoners in the County Jail; and

WHEREAS, Arkansas Code Ann. 16-17-113 provides for the levy of court costs for the purpose of offsetting the cost in the administration of justice by the municipality and the county; and

WHEREAS, the City of Elm Springs is charged with the expenses involved with the administration of justice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS THAT:

SECTION 1: FIVE DOLLAR (\$5.00) COST LEVIED; CRIMINAL JUSTICE FUND CREATED:

A. FIVE DOLLAR (\$5.00) COST LEVIED: Under the authority of Arkansas Code Ann. 16-17-111, there is hereby levied and shall be collected from each defendant upon each plea of guilty of nolo contendere, forfeiture of bond, or determination of guilt for misdemeanors or traffic violations in the City Court of Elm Springs a sum of Five Dollars (\$5.00), in addition to all other costs now or as may hereafter be provided by law.

B. CRIMINAL JUSTICE FUND CREATED: The monies collected by the levy of this additional court cost shall be deposited in the City Court account until monthly settlement is made for court cost and money collected by this levy shall be deposited into a bank account known as the (Criminal Justice Funds for the City of Elm Springs) and such money shall be used as directed by Arkansas Code Ann. 16-17-111.

SECTION 2: CREATION OF ADMINISTRATION OF JUSTICE FUND
THREE DOLLAR (\$3.00) COST LEVIED.

A. Under authority of Arkansas Code Ann. 16-17-113, is hereby levied and shall be collected from each defendant upon each plea of guilty, nolo contendere, forfeiture of bond, or determination of guilt for misdemeanors or traffic violations in the City Court of Elm Springs, the sum of Three Dollars (\$3.00), in addition to all other costs now or as may hereafter be provided by law.

B. The monies collected by the levy of this court cost shall be deposited in the City Court account until a monthly settlement is made for court cost and money collected by this levy shall be titled the Administration of Justice fund for the City of Elm Springs, and deposited and dispersed according to

Arkansas Code Ann. 16-17-113.

SECTION 3: REPEALING CLAUSE: All ordinances and parts of other ordinances in conflict herewith are hereby repealed.

SECTION 4: SAVING CLAUSE: Nothing contained herein shall be deemed to affect any rights or obligations existing at the time of passage of this ordinance.

SECTION 5: SEVERABILITY CLAUSE: In the event that any portion of this ordinance is declared inoperative or invalid as a result of a Statute or Judicial decision then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

SECTION 6: EFFECTIVE DATE: This ordinance shall be in full force and effect from and after the first day of its passage.

SECTION 7: EMERGENCY CLAUSE: The City Council does hereby expressly recognize that the health, welfare and safety of the people of Elm Springs, Arkansas, is hereby in jeopardy and that this ordinance is hereby declared to be in full force and effect from and after the date of passage.

PASSED this 7th day of March, 1994.


MAYOR

ATTEST:


RECORDER

APPROVED:


CITY ATTORNEY

ORDINANCE NO. 94-4-A

AN ORDINANCE TO ALLOW THE CITY OF ELM SPRINGS, ARKANSAS TO JOIN THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM; TO PROVIDE FUNDING FOR THE POLICE RETIREMENT SYSTEM; TO DECLARE AN EMERGENCY; AND OTHER PURPOSES.

WHEREAS, the City Council of the City of Elm Springs, Arkansas desires to cover its eligible employees with retirement coverage as provided by the Arkansas Local Police and Fire Retirement System; and

WHEREAS, the eligible employment of such employees is not now covered by a retirement plan (Social Security excepted); and

WHEREAS, we have received the report of the Retirement System's actuary which states our beginning employer contribution rate required upon joining the Retirement System;

WHEREAS, A.C.A. 27-50-401 provides that the Arkansas Local Police and Fire Retirement System can be funded in addition to other means by a penalty of three dollars (\$3.00) for each conviction, each plea of guilty or nolo contendere of a traffic violation, where the conviction arises out of the operation of a motor vehicle in violation of municipal ordinances or the laws of this state;

WHEREAS, an adequate retirement system is needed by the City of Elm Springs, to provide security for the local police; to promote health and general welfare; to stabilize the police

department; and to insure the orderly development of the community for the general welfare of the citizens;

THEREFORE, be it ordained by the City Council of the City of Elm Springs, Arkansas as follows:

SECTION ONE: That the City Council on behalf of the City of Elm Springs, Arkansas a "political subdivision" as defined in Act 364 of 1981, hereby elects to have covered by the Arkansas Local Police and Fire Retirement System all its eligible present and future employees who are:

"Policemen", as defined in Act 364

SECTION TWO: That the City of Elm Springs hereby elects to commence retirement coverage for its eligible employees on

MAY 1, 1994,

SECTION THREE: That the City of Elm Springs understands that employer contributions (and member contributions when applicable) are to be effective the first day of the month following the adoption of retirement coverage.

SECTION FOUR:

A. As authorized by A.C.A. 27-50-401 as amended, there is hereby levied a penalty of three dollars (\$3.00) for each conviction, each plea of guilty or nolo contendere, of a traffic violation, where the conviction arises out of the operation of a motor vehicle in violation of municipal ordinances or the laws of this state.

B. This penalty shall also apply to each conviction, plea of guilty or nolo contendere, for the violation of municipal ordinances or a criminal law of this state.

C. The term conviction shall include forfeiture of bond.

Any bond posted pursuant to a charge or citation for violation of any law or ordinance specified in this section shall include the three dollars (\$3.00) additional penalty provided in this section.

D. The cost set forth in this section may be imposed at the conclusion of any criminal case that does not end in an acquittal, dismissal or, with the consent of the prosecution, a nolle prosequi, including, but not limited to, cases involving a suspended or probated sentence that at anytime may be expunged or otherwise removed from the defendant's record.

SECTION FIVE: It has been found and is hereby declared by the City Council, that this ordinance is immediately required in order to provide security for the local police, to promote health and the general welfare, to stabilize the police department, and to insure the orderly development of the community for the general welfare of the citizens.

THEREFORE, an emergency is hereby declared to exist and this ordinance being necessary for the preservation of the public peace, health, and safety shall be in full force and effect from the date of its approval.

PASSED AND APPROVED this 4th day of April,
1994.

ATTEST:

Sarah Dillard
CITY RECORDER/TREASURER

Thomas R. L. Lunsford
MAYOR

ORDINANCE NO. 94-6 A

AN ORDINANCE PROVIDING FOR THE CITY ATTORNEY TO COLLECT THE SAME FEE AS IS ALLOWED FOR PROSECUTING ATTORNEYS IN THIS STATE IN ALL CRIMINAL CASES; TO DECLARE AN EMERGENCY; FOR OTHER PURPOSES.

WHEREAS, it has been brought to the attention of the City Council of the City of Elm Springs, Arkansas that A.C.C. 14-43-410 requires an Ordinance be passed by the City Council to enable the City to collect the same fees that are allowed Prosecuting Attorneys in this State in all criminal cases to be collected by the City for the City Attorney as part of his compensation.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS;

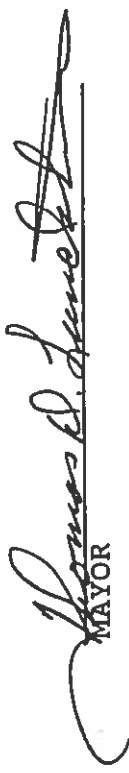
That the City Attorney of this City shall receive, as part of his compensation, for all prosecutions tried by the City Attorney for violations of Ordinances of the City and for all prosecutions tried by the City Attorney for violations of State laws, committed within the corporate limits of the cities, the same fees as are allowed by Prosecuting Attorneys in this State in all criminal cases.

In the event that City Attorneys are paid by salary only, the City is authorized to collect the fees referred to in this section and they are to be applied as the City Council may direct.

That any Ordinances contrary to this Ordinance are hereby repealed.

It is hereby declared that an emergency exists and this Ordinance being necessary for the preservation of health, safety, and welfare of the citizens of Elm Springs, Arkansas, shall become effective upon its passage, approval, and publication.

PASSED AND APPROVED by the City Council of Elm Springs, Arkansas on the 6th day of June, 1994.


MAYOR

ATTEST:


TREASURER/RECORDER

I CERTIFY THIS IS A TRUE AND

CORRECT COPY OF THE ORIGINAL DOCUMENT.

DATED THIS 5th DAY OF Dec.

19 94

Barbara R. Wood

COURT CLERK

ORDINANCE NO. 94-12-B

AN ORDINANCE TO PROHIBIT THE DISCHARGE OF FIREARMS EXCEPT UNDER CERTAIN CIRCUMSTANCES WITHIN THE CORPORATE LIMITS OF ELM SPRINGS, ARKANSAS; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the discharge of firearms within the corporate limits constitute a hazard to the citizens of Elm Springs; and

WHEREAS, the City Council feels it is necessary to take steps to curb this potentially dangerous situation;

NOW, THEREFORE BE IT ORDAINED AND ENACTED by the City Council of Elm Springs, Arkansas:

SECTIONS:

1. Definitions
2. Discharging
3. Target Shooting
4. Penalty
5. Severability
6. Emergency Clause

SECTION 1: Definitions.

- (a) "Firearm" means any device designed, made or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use including such a device that is not loaded or lacks a clip or other component to render it immediately operable, being components that can readily be assembled into such a device.
- (b) "Shooting range or Gallery" means an area either enclosed or out of doors at which firearms are discharged at targets and which is designed so that projectiles fired from firearms at targets are prevented by means of backstops or other barriers, from going beyond the boundaries of the area.
- (c) "Agricultural Zone" means that district as provided for, defined and designated under Ordinance No. _____ of the City of Elm Springs, Arkansas, as amended.
- (d) "Occupiable Structure" shall mean a vehicle, building or other structure where any person lives or carries on a business or other calling or where people assemble

for purposes of business, government, education, religion, entertainment or public transportation or which is customarily used for overnight accommodations of persons whether or not a person is actually present.

SECTION 2: Discharging. No firearm may be discharged within the corporate limits of the City of Elm Springs, Arkansas, except under the following exceptions and circumstances:

- (a) When employed to prevent the commission of a felony involving force or violence or to protect one's self or other person against the use of unlawful deadly physical force, as allowed by Arkansas law.
- (b) By law enforcement officers in the performance of their official duties;
- (c) At public or private shooting ranges or galleries; or,
- (d) By persons lawfully engaged in hunting or pest control or protection of crops and then only using a shot gun employing number four (4) shot or above and only in an area zoned as agricultural under Ordinance No. _____, and under such other circumstances in which no shot gun is discharged within three hundred (300) feet of the center line of a public road or street or within three hundred (300) feet of any occupiable structure or if such person knows or reasonably should know that injury to persons or damage to property may result and under such additional circumstances that the projectile or projectiles do not leave the boundaries of the property upon which it has been employed.

SECTION 3: Target Shooting. B.B guns, pellet rifles and air pistols shooting a single .77 caliber projectile may be used only for target shooting on private property with the consent of the owner or lawful occupant of such property as long as the projectile does not leave the boundaries of the property and adequate backstops are set.

SECTION 4: Penalty. Any person, firm or corporation found guilty of violating any provision of this chapter may be fined not less than Fifty Dollars (\$ 50.00); nor more than One Hundred Dollars (\$100.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 5: Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, sentence, or clause of this Ordinance shall be held invalid, the invalidity of such section, paragraph, sentence, or clause shall not effect the validity of the remaining portion of the Ordinance.

SECTION 6: Emergency Clause. This Ordinance is necessary to preserve the public peace, health, safety and welfare, and because of such an emergency is declared to exist and this Ordinance shall be, in full force and effect from the date of its passage and approval.

PASSED AND APPROVED this 5th day of Dec., 1994.

ATTEST:

Barbara Ann Dillard
BARBARA ANN DILLARD
CLERK/RECORDER/TREASURER

Thomas A. Lundstrum
THOMAS LUNDSTRUM, SR., MAYOR

ORDINANCE NO. 94-11

AN ORDINANCE AUTHORIZING THE COLLECTION OF WARRANT SERVICE FEES FOR THE ELM SPRINGS POLICE DEPARTMENT, CREATING A WARRANTS SERVICE FUND, AND DECLARING AN EMERGENCY.

THAT THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS, HAS DETERMINED THAT ADDITIONAL COSTS ARE INCURRED BY THE CITY AS A RESULT OF HAVING TO SERVE WARRANTS FROM THE CITY COURT; AND

WHEREAS, IT IS NECESSARY TO RAISE THE COURT COSTS IN ORDER TO HELP DEFRAY THE NECESSARY EXPENSES OF SERVING WARRANTS

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS:

SECTION 1. WARRANT SERVICE FEES:

For each warrant of the City Court of Elm Springs, Arkansas, served on a Defendant appearing before said Court, there shall be collected from each such Defendant upon each plea of guilty, nolo contendere, forfeiture of bond or determination of guilt for misdemeanors or traffic violations in the City Court the sum of Twenty-five Dollars (\$25.00), which sum shall be placed in a separate fund called the WARRANTS SERVICE FUND to be used by the City to defray the expenses of the service of warrants issued by the City Court of Elm Springs, Arkansas.

SECTION 2:

This Ordinance is necessary to preserve the public peace, health, safety and welfare, and because of such an emergency is declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

PASSED AND APPROVED this 1st day of November, 1994.

ATTEST:

Barbara Anne Dillard
CITY CLERK

Thomas D. Lundstrum
MAYOR THOMAS LUNDSTRUM

COPY

ORDINANCE NO. 97-005

FILED
 ELM SPRINGS CITY COURT
 ELM SPRINGS, ARKANSAS
 3rd March 1997
 Edward Thiesse
 CLERK OF COURT

AN ORDINANCE REPEALING ORDINANCE NO. 93-4-D; PRESCRIBING STANDARDS FOR IMPRUDENT DRIVING; AND DECLARING AN EMERGENCY.

WHEREAS, it has been adjudged by the Elm Springs Municipal Judge that the current Careless Driving Ordinance is defective, and

WHEREAS, the Elm Springs City Council recognizes the need for setting forth standards measuring the operation of a motor vehicle in disregard of the safety of persons and property;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS:

Section 1: Repealed.

That Ordinance No. 93-4-D of the City of Elm Springs, Arkansas, should be and the same is hereby repealed.

Section 2: Imprudent Driving.

No person shall drive a motor vehicle on a public or private road, street, easement, highway, way or place used for vehicular travel, access or parking within the City of Elm Springs, Arkansas, at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing; or in a manner that is unreasonable and imprudent under the conditions of said public or private road, street, easement, highway, way or place used for vehicular travel, access or parking; or in a manner that is unreasonable or imprudent considering the condition of the driver; or in a manner that is unreasonable or imprudent considering the condition of the vehicle, having regard to the actual and potential hazards then existing. In every event, speeds and the manner of driving shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the said road, street, easement, highway, way or place used for vehicular travel, access or parking in compliance with legal requirements and the duty of all persons to use due care.

Section 3: Punishment.

Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not more than One Hundred Dollars (\$100.00) and not less than Fifty Dollars (\$50.00).

Section 4: Emergency.

The City Council has determined that the passage and approval of this Ordinance is necessary for the continued health, welfare and safety of the Citizens of the City of Elm Springs, Arkansas, and an emergency is hereby found to exist and this Ordinance shall be in full force and effect from and after its passage, approval and publications.

PASSED AND APPROVED this 3rd day of March, 1997.

ATTEST:


 Mayor, Edward Thiesse


 Barbara Dillard, City Clerk/Recorder

ORDINANCE NO. 2003- 18

AN ORDINANCE TO CLARIFY AND MODIFY THE CONTROLLED ACCESS HIGHWAYS AND THOROUGHFARES WITHIN THE CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS AND DECLARING AN EMERGENCY THEREOF

WHEREAS, after consideration and deliberation, the City Council of the City of Elm Springs, Washington County, Arkansas, established within the City of Elm Springs, certain controlled access highways, pursuant to A.C.A. 27-68-102, et seq., and other statutes of the State of Arkansas; and

WHEREAS, it has been brought to the attention of the City Council that some modification of its controlled access highway or thoroughfare regulation is required to clarify the definition of vehicles so regulated.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS:

SECTION 1: The City of Elm Springs, Arkansas, shall have the right to establish certain controlled access highways, within the City of Elm Springs, upon which the Council can restrict vehicle traffic.

SECTION 2: Upon posting of said streets or roadways with adequate signs stating No Through Trucks, or providing for similar limitations, restrictions provided for in the signs shall be in effect. Posting shall be as set forth in the Regulations of the Arkansas Highway and Transportation Department.

SECTION 3: For purposes of no through truck postings, a truck shall be considered any vehicle in excess of 10,000 lbs., or any combination of a truck and trailer which exceeds 10,000 lbs.

SECTION 4: No Through Truck postings shall not apply to trucks with a beginning point, or final destination on the posted street, within the corporate limits of the City of Elm Springs.

SECTION 5: PENALTY. The penalty for violating the provisions of this Ordinance shall be court costs as established by the Court in setting judgment of said violation, and pursuant to 93-4-B, Section 2 of the Ordinances of the City of Elm Springs, plus an additional penalty of not more than \$50.00.

SECTION 6. Should any portion of this Ordinance be deemed illegal and/or unconstitutional and/or held null and void, said findings and/or holdings shall not affect


the other portions of this Ordinance and any portion of this Ordinance not so found shall remain in full force and effect.

SECTION 7. That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. Because of the danger posed to the citizens of Elm Springs by the vehicle traffic which is regulated by this Ordinance, this Ordinance is declared necessary for the immediately health, safety and welfare of the citizens of the City of Elm Springs, Washington County, Arkansas, and therefore an emergency is declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED this 15 day of December, 2003.

APPROVED:



Jane Waters, Mayor

ATTEST:



Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Linda Peters, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2003-18 (the "Contract Ordinance") was, on the 18 day of December, 200~~1~~³, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 18 day of December, 200~~1~~³.

Jane Waters
Mayor

Linda Peters
City Clerk

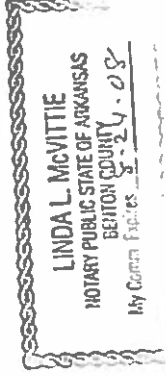
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 18th day of December, 200~~1~~³.

Linda J. McVittie
Notary Public

My Commission Expires:

8-24-08



ORDINANCE NO. 2005-08

CITY OF ELM SPRINGS, ARKANSAS

AN ORDINANCE TO AMEND ORDINANCE NO. 94-11,
CONCERNING THE COLLECTION AND DEPOSIT OF
WARRANT SERVICE FEES AND DECLARING AN
EMERGENCY

WHEREAS, the City Council of Elm Springs, Arkansas deems it necessary to amend Ordinance No. 94-11 which authorized the collection of warrant service fees and created a warrants service fund. The city desires to eliminate the warrants service fund and deposit warrant service fees directly into the general fund of the City of Elm Springs.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS:

Section 1. The Warrant Service Fund is hereby eliminated and any funds therein shall be transferred to the general fund. Henceforth, any and all warrant service fees collected by the city or its court shall be deposited in the city general fund.

Section 2. EMERGENCY CLAUSE. The elimination of the Warrant Service Fund is important to the sound fiscal record keeping and best financial practices for the city, therefore, it is essential that this ordinance go into effect immediately, therefore, in the interest of the preservation of the health, safety and welfare of the citizens of Elm Springs, and emergency is declared and this ordinance shall be in full force and effect from the date of its passage and approval.

PASSED AND APPROVED this 16 day of May, 2005

APPROVED:

Jane Waters
Jane Waters, Mayor

ATTEST:

Glenda Pettus
Glenda Pettus, City Clerk/Recorder

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Blende Fetter, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 205-08 (the "Mutant Fire Alarm 94-11 Ordinance") was, on the 18 day of May, 2005, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 18 day of May, 2005.

Jane Waters
Mayor

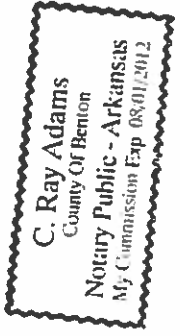
Blende Fetter
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 18 Day of May, 2005.

C. Ray Adams
Notary Public

My Commission Expires:
08-01-2012



ORDINANCE NO. 2005-12

CITY OF ELM SPRINGS, WASHINGTON AND
BENTON COUNTIES, ARKANSAS

AN ORDINANCE ESTABLISHING THE MAXIMUM
SPEED LIMIT FOR SCOTT LANE WITHIN THE CITY
LIMITS OF ELM SPRINGS, ARKANSAS.

WHEREAS, Arkansas Code Annotated, §27-49-106 provides that a City may enact and enforce traffic rules and regulations with respect to streets and highways within its jurisdiction; and

WHEREAS, the City Council has determined that it is in the best interests of safety for the City of Elm Springs, its citizens and its motorists to set a speed limit for that part of Scott Lane that is within the city limits.

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Elm Springs, as follows:

Section 1. The maximum speed limit for that part of Scott Lane that is within the city limits of Elm Springs shall be twenty-five (25) miles per hour.

Section 2. Scott Lane is generally a steep road with sharp turns which present danger in the absence of this ordinance. Therefore, an emergency is hereby declared, and this ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED this 31 day of August, 2005.

APPROVED:

Jane Waters
Jane Waters, Mayor

ATTEST:

Glenda Pettus
Glenda Pettus, City Clerk/Recorder

I HEREBY CERTIFY THAT THIS ORDINANCE IS A TRUE AND EXACT COPY OF THE ORIGINAL ADOPTED ON August 31, 2005.

Glenda Pettus
City Clerk/Recorder

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Dwenda Lettles, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2005-17 (the "Speed Limit in Scott Co. Ordinance") was, on the 2nd day of September, 2005, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 2nd day of September, 2005.

Jane Waters
Mayor

Dwenda Lettles
City Clerk

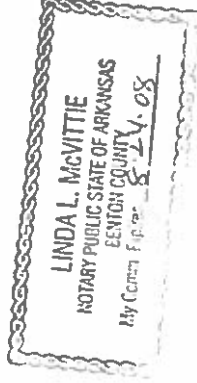
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 2
Day of September, 2005.

Linda L. McVittie
Notary Public

My Commission Expires:

8-24-05



ORDINANCE NO. 2005-13

CITY OF ELM SPRINGS, WASHINGTON AND
BENTON COUNTIES, ARKANSAS

AN ORDINANCE ESTABLISHING THE
MAXIMUM WEIGHT LIMIT FOR SCOTT
LANE WITHIN THE CITY LIMITS OF ELM
SPRINGS, ARKANSAS.

WHEREAS, the City Council has determined that Scott Lane is a newly surfaced street which is steep and has sharp turns; and

WHEREAS, the City Council has determined that it is in the best interests of the safety of the City of Elm Springs, its citizens and its motorists, and for the structural preservation of Scott Lane to set a weight limit for that part of Scott Lane that is within the city limits.

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Elm Springs, as follows:

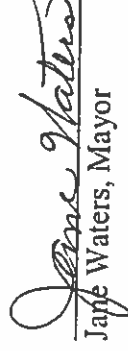
Section 1. The maximum weight limit for that part of Scott Lane that is within the city limits of Elm Springs shall be ten thousand pounds (10,000 lbs.) for each vehicle, including any and all cargo, trailer, or any other loaded or attached structure.

Section 2. Any person in violation of this ordinance shall be deemed guilty of a misdemeanor, punishable by a fine not to exceed \$250.00.

Section 3. Scott Lane is a newly surfaced road that is generally steep with sharp turns and therefore must be protected by a maximum weight limit immediately. Therefore, an emergency is hereby declared, and this ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED this 31 day of August, 2005.

APPROVED:


Jane Waters, Mayor

ATTEST:


Glenda Pettus, City Clerk/Recorder

I HEREBY CERTIFY THAT THIS ORDINANCE IS A TRUE AND EXACT COPY OF THE ORIGINAL ADOPTED ON August 31, 2005.

Wanda Lettles
City Clerk/Recorder

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Dwenda Lettix, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2005-13 (the "Weight Limit for Trucks Ordinance") was, on the 2nd day of September, 2005, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 2nd day of September, 2005.

Jane Waters
Mayor

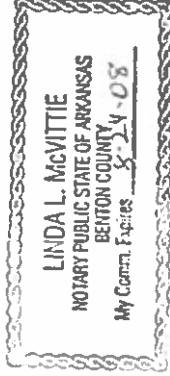
Dwenda Lettix
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 2
Day of September, 2005.

Linda J. McVittie
Notary Public

My Commission Expires: 8-24-08



ORDINANCE NO. 2003-07

CITY OF ELM SPRINGS, ARKANSAS

**AN ORDINANCE TO PROHIBIT "OPEN CONTAINERS"
IN ANY PUBLIC PLACE, HIGHWAY OR STREET, OR IN
OR UPON ANY PASSENGER COACH OR TRAIN,
AUTOMOBILE, BUS OR OTHER PUBLIC CONVEYANCE**

WHEREAS, the City Council for the City of Elm Springs, Arkansas has been advised by its public safety officials that there is an acute need to enact an ordinance which regulates alcohol consumption from open containers in order to protect the safety of the citizens of the city.

**NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY
OF ELM SPRINGS, ARKANSAS:**

Section 1. Definitions for the purposes of this ordinance:

Intoxicating liquor means vinous ardent, malt fermented liquor or distilled spirits with an alcoholic content in excess of 5% by volume.

Beer means any fermented liquor made from malt or any substitute therefore and having an alcoholic content not in excess of 5% by volume.

Wine means the fermented juice of grapes or other small fruits, including berries, and having an alcoholic content not in excess of 5% by volume.

Section 2: Open containers illegal: It shall be unlawful for any person to have in his possession or control an open beer container or containers of "intoxicating liquor," "beer" or "wine" as defined above in any public place, highway or street, or in or upon any passenger coach or train, automobile, bus or other public conveyance.

Section 3: Penalty: Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction, shall be fined any sum not less than \$25.00 nor more than \$100.00.

PASSED AND APPROVED this 21 day of April, 2008

APPROVED:

Jane Waters
Jane Waters, Mayor

ATTEST:

Glenda Pettus
Glenda Pettus, City Clerk/Recorder

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Wenda Lettles, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2008-07 (the "Open Containers Ordinance") was, on the 24 day of April, 2008, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 24 day of April, 2008.

Jane Waters
Mayor

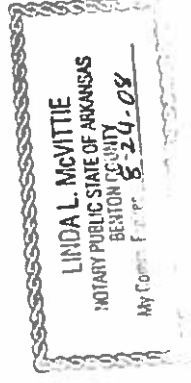
Wenda Lettles
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 24 Day of April, 2008.

Linda J M'Vittie
Notary Public

My Commission Expires: 8-24-08



ORDINANCE NO. 2008-1a

CITY OF ELM SPRINGS, WASHINGTON AND
BENTON COUNTIES, ARKANSAS

AN ORDINANCE ESTABLISHING THE MAXIMUM
SPEED LIMIT FOR LAKE VIEW ROAD WITHIN THE
CITY LIMITS OF ELM SPRINGS, ARKANSAS.

WHEREAS, Arkansas State Law provides that a City may enact and enforce traffic rules and regulations with respect to streets and highways within its jurisdiction; and

WHEREAS, the City Council has determined that it is in the best interests of safety for the City of Elm Springs, its citizens and its motorists to set a speed limit for that part of Lake View Road that is within the city limits of Elm Springs, and between Elm Springs Road and Lake View Road.

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Elm Springs, as follows:

Section 1. The maximum speed limit for that part of Lake View Road that is within the city limits of Elm Springs and between Elm Springs Road and Lake View Road shall be twenty-five (25) miles per hour.

Section 2. All previous ordinances in conflict herewith are hereby repealed to the extent of the conflict, and if any portion of this ordinance is declared invalid for any reason, then that part shall be considered severed herefrom, and the remaining part of this ordinance shall continue in full force and effect.

PASSED AND APPROVED this 15 day of September, 2008.

APPROVED:


Jane Waters, Mayor

ATTEST:


Glenda Pettus, City Clerk/Recorder

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Glenda Lettino, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 20812 (the "Lakeview Speed Limit Ordinance") was, on the 24 day of September, 2008, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 24 day of September, 2008.

Jane Waters
Mayor

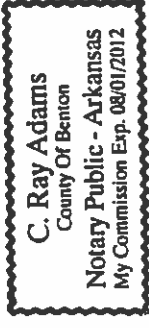
Glenda Lettino
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 24
Day of Sept, 2008.

C. Ray Adams
Notary Public

My Commission Expires:
08/01/2012



ORDINANCE NO. 2008-14

CITY OF ELM SPRINGS, ARKANSAS

AN ORDINANCE TO AMEND THE WARRANT SERVICE FEE FROM \$25.00
TO \$50.00

WHEREAS, the City Council for the City of Elm Springs has determined, after consultation with the Police Chief, there is a need to amend the maximum fee for warrant service to match state law.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS, IN REGULAR SESSION ASSEMBLED AS FOLLOWS:

Section 1. The Warrant Service Fee for each warrant served shall be fifty dollars (\$50.00).

Section 2. All previous ordinances in conflict herewith are hereby repealed to the extent of the conflict, and if any portion of this ordinance is declared invalid for any reason, then that part shall be considered severed herefrom, and the remaining part of this ordinance shall continue in full force and effect.

Emergency Clause. The City Council has determined that because of the current Elm Springs Court schedule, the city will forfeit a substantial amount of warrant fees unless this ordinance goes into effect immediately, therefore, an emergency is declared to exist and, in order to best preserve the health, safety and welfare of the citizens of Elm Springs, this ordinance shall go into effect immediately upon its passage.

PASSED AND APPROVED this 17 day of November, 2008

APPROVED



Mayor Jane Waters

ATTEST



Glenda Pettus, City Clerk/ Recorder

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Dlenla Lettles, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2008-14 (the "Amend West Side Fee Ordinance") was, on the 26 day of November, 2008, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 26 day of November, 2008.

Jane Waters
Mayor

Dlenla Lettles
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 26 Day of Nov, 2008.

C. Ray Adams
Notary Public

My Commission Expires:

08/01/2012



ORDINANCE NO. 2008-15

CITY OF ELM SPRINGS, ARKANSAS

AN ORDINANCE TO AMEND THE PENALTY FOR VIOLATING THE "NO THROUGH TRUCK" PENALTY TO A UNIFORM FINE OF \$250.00

WHEREAS, the City Council for the City of Elm Springs has been advised that the penalty for violating the "No Through Truck" law in Elm Springs is not uniform, and this ordinance is necessary to provide uniform enforcement and to effectively enforce speeding laws and protect the safety of the public.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS, IN REGULAR SESSION ASSEMBLED AS FOLLOWS:

Section 1. The penalty for violation of Elm Springs Ordinance 2003-18, and all other "No Through Truck" ordinances or restrictions in the City of Elm Springs shall be a fine of not more than two hundred fifty dollars (\$250.00).

Section 2. All previous ordinances in conflict herewith are hereby repealed to the extent of the conflict, and if any portion of this ordinance is declared invalid for any reason, then that part shall be considered severed herefrom, and the remaining part of this ordinance shall continue in full force and effect.

PASSED AND APPROVED this 17 day of November, 2008

APPROVED



Mayor Jane Waters

ATTEST



Glenda Pettus, City Clerk/ Recorder

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Watson and Glenda Lettice, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2008-15 (the "Amend No. 1111, 'Nuchelenity Ordinance'") was, on the 26 day of November, 2008, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 26 day of November, 2008.

Jane Watson
Mayor

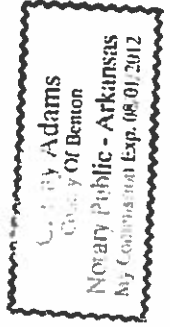
Glenda Lettice
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 26 Day of Nov, 2008.

C. Ray Adams
Notary Public

My Commission Expires: 03/01/2012



ORDINANCE NO. 2008-16

CITY OF ELM SPRINGS, ARKANSAS

**AN ORDINANCE TO AMEND THE MAXIMUM AMOUNT CHARGED FOR
FINES FOR SPEEDING VIOLATIONS**

WHEREAS, the City Council for the City of Elm Springs has determined, after consultation with the Police Chief, there is a need to amend the maximum amount of fine per each mile over the speed limit, from five dollars (\$5.00) per mile to ten dollars (\$10.00) per mile, in order to update the fines charged to more closely match those of other jurisdictions and effectively enforce speeding laws and protect the safety of the public.


NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS, IN REGULAR SESSION ASSEMBLED AS FOLLOWS:

Section 1. The penalty for speeding in the City of Elm Springs shall be a fine of not more than ten dollars (\$10.00) per mile over the speed limit.

Section 2. All previous ordinances in conflict herewith are hereby repealed to the extent of the conflict, and if any portion of this ordinance is declared invalid for any reason, then that part shall be considered severed herefrom, and the remaining part of this ordinance shall continue in full force and effect.

PASSED AND APPROVED this 17 day of November, 2008

APPROVED



Mayor Jane Waters

ATTEST



Glenda Pettus, City Clerk/ Recorder

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Glenda Pettus, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2008-16 (the "Amend Minutes Speedy Fee Ordinance") was, on the 26 day of November, 2008, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 26 day of November, 2008.

Jane Waters
Mayor

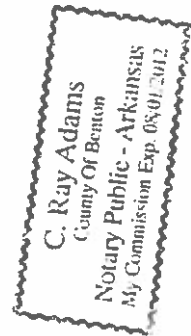
Glenda Pettus
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 26
Day of NOV., 2008.

C. Ray Adams
Notary Public

My Commission Expires:
08/01/2012



ORDINANCE NO. 2011- 02

AN ORDINANCE TO MODIFY AND PROVIDE CERTAIN EXCEPTIONS TO THE CONTROLLED ACCESS HIGHWAYS AND THOROUGHFARES WITHIN THE CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS AND DECLARING AN EMERGENCY THEREOF

WHEREAS, in the year 2003, after consideration and deliberation, the City Council of the City of Elm Springs, Washington County, Arkansas, established within the City of Elm Springs, certain controlled access highways, pursuant to A.C.A. 27-68-102, et seq., and other statutes of the State of Arkansas; and

WHEREAS, this regulation has well served the citizens of the City of Elm Springs by prolonging the life of expensive infrastructure, protecting the safety of motorists and doing so in the most efficient way without causing significant interference to the transportation of goods or the growth of industry; and

WHEREAS, the City Council has been made aware of the need for a modification to this regulation in order to preserve the purpose of the ordinance of protecting the city's infrastructure, but not unduly burdening certain transportation which is well known to the City Council for the City of Elm Springs, which does not harm the city's roads, and which has continued for many years.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS:

SECTION 1: The City of Elm Springs, Arkansas, shall have the right to establish certain controlled access highways, within the City of Elm Springs, upon which the Council can restrict vehicle traffic.

SECTION 2: Upon posting of said streets or roadways with adequate signs stating No Through Trucks, or providing for similar limitations, restrictions provided for in the signs shall be in effect. Posting shall be as set forth in the Regulations of the Arkansas Highway and Transportation Department.

SECTION 3: For purposes of no through truck postings, a truck shall be considered any vehicle in excess of 10,000 lbs., or any combination of a truck and trailer which exceeds 10,000 lbs,

a. but this definition shall except any hauler of poultry feathers which travels no more than once monthly and utilizes a sectional trailer configuration, or "pups." Do to certain public safety concerns, vehicles fitting this description and frequency shall be excepted from this regulation. .

↓ due

SECTION 4: No Through Truck postings shall not apply to trucks with a beginning point, or final destination on the posted street, within the corporate limits of the City of Elm Springs.

SECTION 5: PENALTY. The penalty for violating the provisions of this Ordinance shall be court costs as established by the Court in setting judgment of said violation, and pursuant to 93-4-B, Section 2 of the Ordinances of the City of Elm Springs, plus an additional penalty of not more than \$50.00.


SECTION 6. Should any portion of this Ordinance be deemed illegal and/or unconstitutional and/or held null and void, said findings and/or holdings shall not affect the other portions of this Ordinance and any portion of this Ordinance not so found shall remain in full force and effect.

SECTION 7. That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. Because of the danger posed to the citizens of Elm Springs by the vehicle traffic which is regulated by this Ordinance, this Ordinance is declared necessary for the immediately health, safety and welfare of the citizens of the City of Elm Springs, Washington County, Arkansas, and therefore an emergency is declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED this 21 day of March, 2011.

APPROVED:


Ben Wall, Mayor

ATTEST:


Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ben Wall and Dwenda Pettus, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2012-01 (the "Amendments Discharge Ordinance") was, on the 21 day of March, 2011, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 21 day of March, 2011.

Ben Wall
Mayor

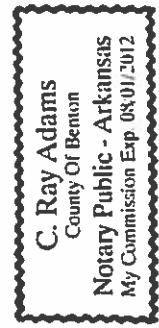
Dwenda Pettus
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 21 Day of March, 2011.

C. Ray Adams
Notary Public

My Commission Expires:
08/01/2012



ORDINANCE NO. 2012-01

CITY OF ELM SPRINGS, ARKANSAS

AN ORDINANCE TO AMEND FIREARM DISCHARGE REGULATIONS WITHIN THE CITY LIMITS OF ELM SPRINGS, ARKANSAS.

WHEREAS, Ordinance 94-12-B was adopted on December 5, 1994 and sets forth the current firearm restrictions in the City of Elm Springs; and

WHEREAS, because of advancements in technology and developments in the law and in Elm Springs, it is in the best interest of the citizens of Elm Springs to update and amend the firearm discharge regulations within the city limits of Elm Springs.

THEREFORE, BE IT ORDAINED:

Section 1: Definitions.

- (a) "Firearm" means any device designed, made or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use including such a device that is not loaded or lacks a clip or other component to render it immediately operable, being components that can readily be assembled into such a device.
- (b) "Shooting Range or Gallery" means an area either enclosed or out of doors at which firearms are discharged at targets and which projectiles fired from firearms at targets are prevented by means of backstops or other barriers, including natural barriers, from going beyond the boundaries of the area.
- (c) "Agricultural Zone" means that district as provided for, defined and designated under applicable zoning ordinances of the City of Elm Springs, Arkansas, as amended.
- (d) "Occupiable Structure" shall mean a vehicle, building or other structure where any person lives or carries on a business or other calling or where people assemble for purposes of business, government, education, religion, entertainment or public transportation or which is customarily used for overnight accommodations of persons whether or not a person is actually present.

Section 2: Discharging. No firearm may be discharged within the corporate limits of the City of Elm Springs, Arkansas, except under the following exceptions and circumstances:

- (a) When employed in defense of persons or property as permitted by State Law.
- (b) By law enforcement officers in the performance of their official duties:
- (c) At public or private shooting ranges or galleries; or,
- (d) By persons lawfully engaged in hunting, clay target shooting, or pest control and then only using a shot gun employing number four (4) shot or above and only in an area zoned as agricultural and under such circumstances in which no shot gun is discharged within three hundred (300) feet of the center line of a public road or street of any occupiable structure or if such person knows or reasonably should know that injury to person or damage to property may result and under such additional circumstances that the projectile or projectiles do not leave the boundaries of the property upon which it has been employed.

Section 3: Air Guns. BB guns, pellet rifles, air pistols, paint ball guns, or any other device that fires a projectile by way of compressed air or other gas may be used on private property with the consent of the owner or lawful occupant of such property as long as the projectile does not leave the boundaries of the property and adequate backstops are set.

Section 4: Penalty. Any person, firm or corporation found guilty of violating any provision of this chapter may be fined not less than Fifty Dollars (\$50.00); nor more than One Hundred Dollars (\$100.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 5. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, sentence, or clause of this Ordinance shall be held invalid, the invalidity of such Section, paragraph, sentence, or clause shall not affect the validity of the remaining portion of the Ordinance.

PASSED AND APPROVED this 19 of March, 2012.

APPROVED:


Ben Wall, Mayor

Attest:

Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ben Wade and Denise Petter, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2011-02 (the "Exception to Council Minutes Ordinance") was, on the 21 day of April, 2012, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 21 day of April, 2012.

Ben Wade
Mayor

Denise Petter
City Clerk



(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 21 Day of April, 2012.

C Ray Adams
Notary Public

My Commission Expires:

08/01/2012

ORDINANCE NO. 2012 - 07

CITY OF ELM SPRINGS, ARKANSAS

AN ORDINANCE SETTING PRIORITY OF APPLICATION FOR TIME PAYMENTS ON FINES AND COSTS IN DISTRICT COURT, DECLARING AN EMERGENCY AND FOR RELATED PURPOSES

WHEREAS, the District Court utilized by the City of Elm Springs offers time pay options which are used by a significant number of persons paying for traffic citations and other violations; and

WHEREAS, occasionally defendants are also required to pay restitution through the Court to reimburse victims for damages; and

WHEREAS, the Court Clerk and deputy Court Clerk require guidance as to how to allocate such payments when and as made; and

WHEREAS, it is in the best interests of the citizens of the City of Elm Springs that the policy for the allocation of such payments is set forth by an Ordinance.

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Elm Springs, as follows:

Section 1: That payments on Defendants' fines, costs and restitution involving City of Elm Springs citations or violations, when received by the District Court Clerk and/or deputies shall henceforth be allocated first as restitution to victims pursuant to A.C.A § 16-20-209(5)(f)(ii)(b).


Section 2: That if there is no restitution or after restitution has been fully paid, all additional payments shall be applied as paid one-half (1/2) to court costs and one-half (1/2) to fines.

Section 3: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4: Due to the approaching start of a new budget year, the need to have information systems in the Elm Springs Court Clerk's office adequately prepared for the new budget year and to give the Court Clerk and deputies time to adjust to the provisions of this Ordinance, an emergency is hereby declared in order to preserve the peace and safety of the citizens of this City, therefore this Ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED, this 17 day of December, 2012.

APPROVED:


Ben Wall, Mayor

Attest:

Glenda Pettus, City Clerk

(SEAL)

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Sam Wall and Denise Pottus, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County Arkansas that a certified copy of Ordinance No. 2012-07 (the "Application for T.P & C.C. Ordinance") was, on the 17 day of December, 2012 duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 19th day of December, 2012

Sam Wall
Mayor

Denise Pottus
City Clerk

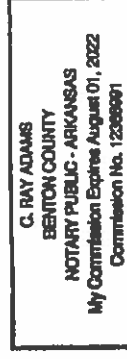
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 19 Day of December, 2012

C. Ray Adams
Notary Public

My Commission Expires:

08/01/2022



ORDINANCE NO. 2013-02

CITY OF ELM SPRINGS, ARKANSAS

AN ORDINANCE TO AMEND FIREARM DISCHARGE REGULATIONS WITHIN THE CITY LIMITS OF ELM SPRINGS, ARKANSAS.

WHEREAS, the recent amendment to the Ordinance for the City of Elm Springs regulating firearms failed to adequately protect the health, safety and welfare of the citizens of Elm Springs as well as the ability of residents to safely enjoy the atmosphere; and

WHEREAS, the discharge of firearms within the corporate limits constitute a hazard to the citizens of Elm Springs.

THEREFORE, BE IT ORDAINED:

Section 1: Definitions.

- (a) “Firearm” means any device designed, made or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use including such a device that is not loaded or lacks a clip or other component to render it immediately operable, being components that can readily be assembled into such a device.
- (b) “Agricultural Zone” means that district as provided for, defined and designated under applicable zoning ordinances of the City of Elm Springs, Arkansas, as amended.
- (c) “Occupiable Structure” shall mean a vehicle, building or other structure where any person lives or carries on a business or other calling or where people assemble for purposes of business, government, education, religion, entertainment or public transportation or which is customarily used for overnight accommodations of persons whether or not a person is actually present.

Section 2: Discharging. No firearm may be discharged within the corporate limits of the City of Elm Springs, Arkansas, except under the following exceptions and circumstances:

- (a) When employed in defense of persons or property as permitted by State Law.
- (b) By law enforcement officers in the performance of their official duties:
- (c) At public or private indoor pistol shooting ranges installed to control and reduce noise so that the noise from the discharge of any firearm cannot be detected from any neighboring property;

- (d) At public or private outdoor shooting ranges permitted by special permit from the Elm Springs Planning Commission in the A-1 and C-1 zoning districts and compliant with the City of Elm Springs Zoning Ordinance; or,
- (e) By persons lawfully engaged in hunting, or pest control and only under such circumstances in which no gun is discharged toward a public road or street or any occupiable structure or if such person knows or reasonably should know that injury to person or damage to property may result and under such additional circumstances that the projectile or projectiles do not leave the boundaries of the property upon which it has been employed.
- (f) By persons engaged in private, occasional, recreational shooting, including shooting clay targets, and then only using a shot gun employing number four (4) shot or above and only in an area zoned as agricultural and under such circumstances in which no gun is discharged within three hundred (300) feet of the center line of a public road or street or any occupiable structure or if such person knows or reasonably should know that injury to person or damage to property may result and under such additional circumstances that the projectile or projectiles do not leave the boundaries of the property upon which it has been employed. Such recreational shooting shall not be commercial in nature in any way, nor shall it be so repetitive that causes a disturbance of other Elm Springs residents.


Section 3: Air Guns. BB guns, pellet rifles, air pistols, paint ball guns, or any other device that fires a projectile by way of compressed air or other gas may be used on private property with the consent of the owner or lawful occupant of such property as long as the projectile does not leave the boundaries of the property and adequate backstops are set.

Section 4: Penalty. Any person, firm or corporation found guilty of violating any provision of this chapter may be fined not less than Two Hundred Fifty Dollars (\$250.00); nor more than Five Hundred Dollars (\$500.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 5: Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, sentence, or clause of this Ordinance shall be held invalid, the invalidity of such Section, paragraph, sentence, or clause shall not affect the validity of the remaining portion of the Ordinance.

PASSED AND APPROVED this 18 of February, 2013.

APPROVED:


Ben Wall, Mayor

Attest:



Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Bew Wall and Glenda Letton, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2013-02 (the "Amend Juvarens Ordinance") was, on the day of , 2013, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 26 day of February, 2013

Bew Wall
Mayor

Glenda Letton
City Clerk

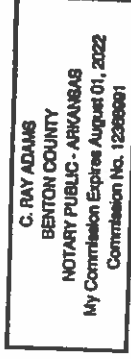
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 26
Day of February, 2013.

C. Ray Adams
Notary Public

My Commission Expires:

Aug 01/2022



ORDINANCE NO. 2015

03

CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE DESIGNATING THE DISTRICT COURT
CLERK AS THE OFFICIAL RESPONSIBLE FOR THE
COLLECTION OF FINES ASSESSED IN DISTRICT
COURT FOR THE CITY OF ELM SPRINGS, ARKANSAS.

WHEREAS, Ark. Code Ann. § 16-13-709 provides that the city must designate the official primarily responsible for the collection of fines assessed in district court for the City of Elm Springs, Arkansas; and

WHEREAS, the City Council finds it is appropriate to designate the District Court Clerk of the City of Elm Springs as the official responsible for the collection of fines assessed in District Court for the City of Elm Springs, Arkansas.


NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Elm Springs, Arkansas, as follows:

Section 1. The Elm Springs District Court Clerk is hereby designated as the person primarily responsible for the collection of fines assessed in District Court for the City of Elm Springs, Arkansas.


Section 2. All ordinances previously enacted in conflict with this ordinance are hereby repealed.

PASSED AND APPROVED this 16th day of March, 2015

APPROVED:


Mayor

ATTEST:


Recorder, City Clerk

ORDINANCE NO. 2015-01

AN ORDINANCE TO MODIFY AND ELIMINATE CERTAIN EXCEPTIONS TO THE CONTROLLED ACCESS HIGHWAYS AND THOROUGHFARES WITHIN THE CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS AND DECLARING AN EMERGENCY THEREOF

WHEREAS, in the year 2003, after consideration and deliberation, the City Council of the City of Elm Springs, Washington County, Arkansas established within the City of Elm Springs, certain controlled access highways, pursuant to A.C.A. 27-68-102, et seq., and other statutes of the State of Arkansas and modified that ordinance in the year 2011 to exempt haulers of poultry feathers;

WHEREAS, the exemption to this regulation has failed to serve the citizens of the City of Elm Springs by shortening the life of expensive infrastructure, and not protecting the safety of motorist in the most efficient way; and

WHEREAS, the City Council has been made aware of the need to eliminate the exemption of specific goods and to rely entirely on weight as being the most effective and equitable way to protect the city's infrastructure.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS:

SECTION 1: The City of Elm Springs, Arkansas, shall have the right to establish certain controlled access highways, within the City of Elm Springs, upon which the Council can restrict vehicle traffic.

SECTION 2: Upon posting of said streets or roadways with adequate signs stating **NO THROUGH TRUCKS**, or providing for similar limitations or restrictions provided for on the signs shall be in effect. Posting shall be as set forth in the Regulations of the Arkansas Highway Transportation Department.

SECTION 3: For purposes of no through truck postings, a "through truck" shall be defined as any vehicle in excess of 10,000 lbs., or combination of a truck and trailer which exceeds 10,000 lbs., further, that proceeds to travel entirely between both ends of the prohibited zones and shall not apply to trucks with a delivery or stopping point along the posted zone or accessed without travel through the entire zone.

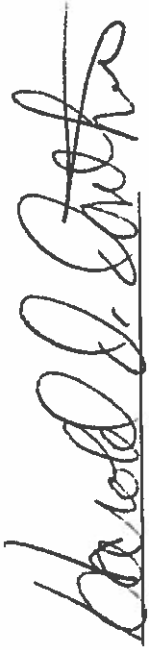
SECTION 4: PENALTY. The penalty for violating the provisions of this Ordinance shall a fine of not more than two hundred fifty dollars (\$250.00).

SECTION 5: All previous ordinances in conflict herewith are hereby repealed to the extent of the conflict, and if any portion of this ordinance is declared invalid for any reason, then that part shall be considered severed here from, and the remaining part of this ordinance shall continue in full force and effect.

SECTION 6: EMERGENCY CLAUSE. Because of the danger posed to the citizens of Elm Springs by the vehicle traffic which is regulated by this Ordinance, this Ordinance is declared necessary for the immediate health, safety and welfare of the citizens of the City of Elm Springs, Washington County, Arkansas, and therefore an emergency is declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED this 15 day of June, 2015

APPROVED



Harold Douthitt – Mayor

ATTEST



Glenda Pettus, City Clerk/Recorder