

# **MUNICIPAL CODE**

A Code of the General Ordinances  
of the town of Beaver, Arkansas

Date of Incorporation  
November 26,

Prepared with assistance of the

**ARKANSAS MUNICIPAL LEAGUE**

P. O. Box 38  
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# **BEAVER MUNICIPAL OFFICIALS**

## **At The Time Of This Code's Preparation**

**Mayor**

**Chad Hipps**

**Recorder/Treasurer**

**Mary V. Hill**

**City Attorney**

**William Hill,**

**Jr.Aldermen**

**Tim Adams**

**Chris Lester**

**Debra**

**Bullard**

**Robert Ames**

**Wayne Hennis**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADOPTING AND ENACTING A  
NEW MUNICIPAL CODE OF ORDINANCES OF  
THE TOWN OF BEAVER, ARKANSAS, ESTABLISHING THE  
SAME; PROVIDING FOR THE REPEAL OF CERTAIN  
ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN  
EXPRESSLY PROVIDED; PROVIDING FOR THE EFFECTIVE  
DATE OF SUCH CODE AND A PENALTY FOR THE VIOLATION  
THEREOF; AND PROVIDING FOR THE MANNER OF  
AMENDING SUCH CODE; AND PROVIDING FOR THE  
EFFECTIVE DATE OF THIS ORDINANCE.**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BEAVER,  
ARKANSAS:

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "Beaver Municipal Code". Such code shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the Town Council on or before \_\_\_\_\_, to the extent provided in Section 2 hereof.

Section 2. That all provisions of such code shall be in full force and effect from and after the \_\_\_\_\_ day of \_\_\_\_\_. All ordinances of a general and permanent nature not included in such code are hereby repealed from and after the \_\_\_\_\_ day of \_\_\_\_\_, except as herein provided. No resolution of the town, not specifically mentioned, is hereby repealed.

Section 3. That the repeal provided for in Section 2 hereof shall not affect any of the following:

- A. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such code;
- B. Any ordinance promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the town or any evidence of the city's indebtedness;
- C. Any contract or obligation assumed by the town;

- D. Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the town;
- E. Any appropriation ordinance;
- F. Any ordinance which, by its own terms, is effective only for a stated or limited time;
- G. Any ordinance providing for local improvements and assessing taxes therefor;
- H. Any ordinance dedicating or accepting any subdivision plat; or
- I. Any ordinance enacted after \_\_\_\_\_.

Section 4. That whenever in such code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefore, the violation of any such provision of such code shall be punishable as provided by Section 1.32.01 of such code.

Section 5. That any and all additions and amendments to such code, when passed in such form as to indicate the intention of the Town Council to make the same a part thereof, shall be deemed to be incorporated in such code so that reference to the Beaver Municipal Code shall be understood and intended to include such additions and amendments.

Section 6. That in case of the amendment of any section of such code for which a penalty is not provided, the general penalty as provided in Section 1.32.01 of such code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 7. That three copies of such code shall be kept on file in the office of the Recorder/Treasurer preserved in loose leaf form or in such other form as the Town Council may consider most expedient. It shall be the express duty of the Recorder/Treasurer, or someone authorized by the Recorder/Treasurer, to insert in their designated places all amendments or ordinances which indicate the intention of the Town Council to make the same a part of such code when the same have been printed or reprinted in page form, and to extract from such code all provisions which may be from time to time repealed by the Town Council. These copies of such code shall be available for all persons desiring to examine the same.

Section 8. That it shall be unlawful for any person to change or amend by additions or deletions any part or portion of such code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the town of Beaver to be misinterpreted thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.

Section 9. That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. It is hereby found that many of the ordinances of the town of Beaver are not easily accessible to citizens and municipal officials and thereby has rendered it difficult for many persons to determine the actual laws in effect; and that the town has made unusual efforts to have the laws of the town of Beaver adopted and published. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

Approved and passed this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_

Mayor

(SEAL)

ATTEST:

\_\_\_\_\_

Recorder/Treasurer

## LEGAL NOTICE

Notice is hereby given that the town of Beaver, Arkansas, is planning to adopt the Beaver Municipal Code for the town of Beaver, Arkansas.

Pursuant to Act 209 of 1961 and Act 267 of 1949 three copies of the Beaver Municipal Code are on file in the office of the Mayor for the inspection and view of anyone interested in this ordinance. This ordinance will be considered at the meeting of the Town Council on\_\_\_\_\_.

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MAYOR

## ***P R E F A C E***

The Beaver Municipal Code is a codification of the general ordinances of the town of Beaver, Arkansas.

The loose-leaf binder and numbering system have been designed to permit the code to be easily and efficiently kept up to date. We hope this will enable the municipal code to be of the greatest assistance to the citizens and municipal officials of the town of Beaver.

**ARKANSAS MUNICIPAL  
LEAGUE CODE SERVICE**

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# **TITLE 1**

## **GENERAL PROVISIONS**

### Chapters:

- 1.04 How Code Designated and Cited
- 1.08 Definitions and Rules of Construction
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- 1.16 Effect of Repeal of Ordinances
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### **CHAPTER 1.04**

#### **HOW CODE DESIGNATED AND CITED**

### Sections:

- 1.04.01 How code designated and cited

1.04.01 How code designated and cited The ordinances embraced in the following chapters and sections shall constitute and be designated "Beaver Municipal Code" and may be cited.

STATE LAW REFERENCE-See A.C.A. 14-55-701; et seq.

### **CHAPTER 1.08**

#### **DEFINITIONS AND RULES OF CONSTRUCTION**

### Sections:

- 1.08.01 Rules of construction

1.08.01 Rules of construction In the construction of this code and all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Town Council.

STATE LAW REFERENCE: A.C.A. refers to the official Arkansas Code Annotated which are the laws passed by the General Assembly of the state of Arkansas.

**BEAVER OR BEAVER TOWN** The words "Beaver" or Beaver Town" are declared to mean the same thing and "town" or "city" shall refer to the town of Beaver, Arkansas, an incorporated town of the state of Arkansas situated within Carroll County, Arkansas.

**CITY** The words "**city**" and "**town**" as used in ordinances or communications of or to the town of Beaver are declared to mean the same thing and "town" or "city" shall refer to the town of Beaver, Arkansas, an incorporated town of the state of Arkansas situated within Carroll County, Arkansas.

**CITY ATTORNEY** The words "**city attorney**" or "**municipal attorney**" shall refer to the Town Attorney of Beaver, Arkansas.

**COUNTY.** The words "**the county**" or "**this county**" shall mean the county of Carroll, Arkansas.

**GENDER.** A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, and corporations as well as to males.

**MUNICIPALITY.** The words "**the municipality**" or "**this municipality**" or "**city**" shall mean the town of Beaver, Arkansas.

**NUMBER.** Words used in the singular include the plural, and the plural includes the singular number.

**OATH.** The word "**oath**" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "**swear**" and "**sworn**" shall be equivalent to the words "**affirm**" and "**affirmed**".

**OR, AND.** "**Or**" may be read "**and**", and "**and**" may be read "**or**" if the sense requires it.

**OTHER TOWN OFFICIALS OR OFFICERS.** Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., "**Mayor**", etc., they shall be deemed to refer to the officials, boards, commissions and departments of the town of Beaver, Arkansas.

**PERSON.** The word "**person**" shall extend and be applied to firms, partnerships, associations, organizations and bodies politic and corporate, or any combination thereof, as well as to individuals.

**SIDEWALK.** The word "**sidewalk**" means a strip of land in front of or on the side of a house or lot of land lying between the property line and the street.

**STATE.** The words "**the state**" or "**this state**" shall be construed to mean the state of Arkansas.

**STATE LAW REFERENCES** A.C.A. refers to the official Arkansas Code Annotated which are the laws passed by the General Assembly of the state of Arkansas.

**STREET.** The word "**street**" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the town of Beaver, Arkansas.

**TENSE.** Words used in the past or present tense include the future as well as the past or present tense.

**TOWN.** The words "**city**" and "**town**" as used in ordinances or communications of or to the town of Beaver are declared to mean the same thing and "**town**" or "**city**" shall refer to the town of Beaver, Arkansas, an incorporated town of the state of Arkansas situated within Carroll County, Arkansas.

**TOWN COUNCIL.** Whenever the words "**Town Council**" or "**Council**" or "**City Council**" are used they shall be construed to mean the Town Council of the town of Beaver, Arkansas.

## CHAPTER 1.12

### SUBHEADINGS OF SECTIONS

#### Sections:

##### 1.12.01 Subheadings of sections

1.12.01 Subheadings of sections The subheadings of sections of this code, which are underlined, are intended merely to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the subheadings, are amended or reenacted.

**CHAPTER 1.16**

**EFFECT OF REPEAL OF ORDINANCES**

Sections:

1.16.01 Effect of repeal of ordinances

1.16.01 Effect of repeal of ordinances The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before therepeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

**CHAPTER 1.20**

**SEVERABILITY OF PARTS OF CODE**

Sections:

1.20.01 Severability of parts of code

1.20.01 Severability of parts of code It is hereby declared to be the intention of the Town Council of the town of Beaver, Arkansas, that the titles, chapters, sections, paragraphs, sentences, clauses, and phrases of this code are severable, and if any phrase, clause, sentence, paragraph, chapter, title or section of this code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, chapters, titles and sections of this code.

**CHAPTER 1.24**

**AMENDMENTS TO CODE**

Sections:

1.24.02 Amendments to code

1.24.01 Amendments to code All ordinances passed subsequent to this code which amend, repeal or in any way affect this code, may be numbered in accordance with the numbering system of this code and printed for inclusion herein. In the case of repealed titles, chapters, sections or subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages affected thereby.

Amendment to any of the provisions of this code may be made by amending such provisions by specific reference to the section number of this code in the following language: "That section \_\_\_\_\_ of the Beaver Municipal Code is hereby amended to read as follows: . . ." The new provisions may then be set out in full.

In the event a new section not heretofore existing in the code is to be added, the following language may be used: "That the Beaver Municipal Code is hereby amended by adding a section (or title or chapter) to be numbered \_\_\_\_\_, which said section (or title or chapter) reads as follows: . . ." The new provisions may then be set out in full.

All sections, titles, chapters or provisions desired to be repealed must be specifically repealed by section, title or chapter number, as the case may be.

## **CHAPTER 1.28**

### **ALTERING CODE**

#### Sections:

#### 1.28.01 Altering code

1.28.01 Altering code It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever, except by ordinance of the Town Council, which shall cause the law of the town of Beaver, Arkansas to be misrepresented thereby. Any person violating this section shall be punished as provided by Section 1.32.01 hereof.

**CHAPTER 1.32**

**GENERAL PENALTY**

Sections:

1.32.01 General Penalty

1.32.01 General penalty Whenever in this Municipal Code the doing of any act or the omission to do any act or duty is declared unlawful, and further, whenever the amount of the fine shall not be fixed and no penalty declared, any person convicted for a violation of such provision of this code shall be adjudged to pay a fine of not more than Five Hundred Dollars (\$500.00) and if the act is continuous, not more than Two Hundred and Fifty Dollars(\$250.00) for each day of continuance. Provided, for any offense committed against the code for which there is set forth by state law a similar offense the penalty therefore shall be no less nor greater than that set forth by state law.

STATE LAW REFERENCE: See A.C.A. 14-55-504

**CHAPTER 1.36**

**REFERENDUM PETITIONS**

Sections:

- 1. Filing date or referral to the people
- 2. Notice of hearing
- 3. Town Council calls election
- 4. Upon defeat of ordinance

1. Filing date or referral to the people All referendum petitions under Amendment No. 7 to the Constitution of the state of Arkansas must be filed with the Recorder/Treasurer within thirty (30) days after passage of such ordinance. The Town Council, by a two-thirds (2/3) vote of its total members, may at the time of adoption, or within thirty (30) days of adoption of an ordinance, refer any ordinance to the electors for their acceptance or rejection.

2. Notice of Hearing Upon the filing of said referendum petition with the municipal Recorder/Treasurer, the Mayor is hereby directed to give notice by publication by posting in the established five (5) public places in the town of Beaver of a time not less than five

(5) days after posting of such notice at which the Town Council will hear all persons who wish to



be heard on the question whether such petition is signed by the requisite number of petitioners, which number of legal voters is fifteen (15%) of the total vote for Mayor at the last preceding general election. At the time named the Town Council shall meet and hear all who wish to be heard on the question, and the municipal Recorder/Treasurer's finding shall be final unless suit is brought in the Chancery Court of Carroll County within thirty (30) days to review its action.

3. Town Council calls election If the municipal Recorder/Treasurer finds and certifies that such petition is signed by the requisite number of petitioners, it shall place the question on the ballot at the next municipal general election, or it shall order a special election on a date certain if the petition expressly calls for a special election on a date certain or it may fix a date sufficient to permit compliance with election procedures for the referendum to determine by vote of the qualified electors whether the ordinance shall stand or be revoked. The Mayor shall cause a notice to be published of the call of such election by publication by posting in five (5) public places in the town of Beaver prior to the date of the election. Such notice shall designate by its number, caption, and date of passage, the ordinance which has been referred to the people for approval or rejection by their vote at such election. Said election shall be conducted in the manner provided by law for the conduct of a regular municipal election.

4. Upon defeat of ordinance If any ordinance referred to the people is defeated at the polls, the Town Council of the town of Beaver, Arkansas, shall make a note of such fact and shall expunge such ordinance from its files.

STATE LAW REFERENCE - See Const., Amend. No. 7 and A.C.A. 14-55-301

**TITLE 2**  
**CLASSIFICATION, ADMINISTRATION**  
**AND PERSONNEL**

Chapters:

- 2.04 Town Classification
- 2.08 Town and Ward Boundaries
- 2.12 Social Security Coverage
- 2.16 Unclaimed Property
- 2.20 Town Council
- 2.24 Mayor
- 2.28 Recorder/Treasurer
- 2.32 Town Attorney
- 2.36 Fire and Emergency Services
- 2.40 Police Department (Reserved)
- 2.44 Municipal Court (Reserved)
- 2.48 Personnel Policies (Reserved)

**CHAPTER 2.04**  
**TOWN CLASSIFICATION**

Sections:

- 2.04.01 Operation as an incorporated town

2.04.01 Operation as an incorporated town The town of Beaver, Arkansas, shall operate as an incorporated town under the laws of the state of Arkansas. Reference to the word "town," "municipality," or "city" shall mean "incorporated town."

STATE LAW REFERENCE - See A.C.A. 14-37-102; 14-39-101; 14-41-201; 14-42-101; 14-45-103; 14-42-109; 14-42-111; 14-42-113; 14-42-201; see generally, 14-45-101, et seq.; see generally 14-54-101 et seq.

## **CHAPTER 2.08**

### **TOWN AND WARD BOUNDARIES**

#### Sections:

2.08.01 Map of town

2.08.01 Map of town The boundaries and limits of the town of Beaver, Arkansas, and of the various wards within said town shall be as set forth and described on the official map of the town of Beaver which is on file in the office of the Recorder/Treasurer.

## **CHAPTER 2.12**

### **SOCIAL SECURITY COVERAGE**

#### Sections:

1. Contract
2. Withholding taxes from wages
3. Town to match withholding

1. Contract If the town of Beaver should hire any employees, the Mayor is hereby authorized and directed to enter into an agreement with the state for the purpose of obtaining insurance coverage for the employees of the town of Beaver, Arkansas, under the terms and provisions of the Federal Social Security Act.

2. Withholding taxes from wages Each employee's insurance contribution shall be deducted from his salary check in accordance with the terms and provisions of the Social Security Act.

3. Town to match withholding There is hereby appropriated from the general fund of the town the sums of money necessary to pay the town's share of the insurance tax in accordance with the terms and provisions of the Social Security Act.

## CHAPTER 2.16

### UNCLAIMED PROPERTY

#### Sections:

1. Disposal
2. Sale
3. Proceeds of sale to owner
4. Proceeds remaining after six months

1. Disposal The Mayor, under the direction hereinafter set out, is hereby authorized and directed to dispose of at public auction all unclaimed personal property rightfully coming into the hands of his office and to dispose of other confiscated property confiscated under the orders of the court with the exception of confiscated liquor.

STATE LAW REFERENCE - For procedure relating to liquor, See A.C.A. 3-3-312

2. Sale All unclaimed personal property coming into the hands of the Mayor will be held by him for a period of six (6) weeks or longer. If property remains unclaimed, he shall periodically advertise such property in some newspaper of general circulation in the town of Beaver once each week for three (3) consecutive weeks setting forth in the notice the time for the sale which shall not be earlier than five (5) days after the last publishing of the notice and no later than ten (10) days thereafter, designating an easily accessible place for the sale thereof, and giving a complete list and description of unclaimed articles to be sold. The Mayor shall have the right to refuse any and all bids not satisfactory and will then proceed to advertise these items for sale at a later date. Terms of such sale shall be for cash only. Nothing in this chapter shall prohibit any person who properly identifies any of the property as being their own before the sale from claiming and having property restored to them.

3. Proceeds of sale to owner The Mayor shall deposit the receipt from the aforesaid sale of unclaimed property in the treasury and the Treasurer is to keep these funds in a special account for a period of six (6) months and any person identifying as his own any of such property within the six (6) month period shall upon the presentation of satisfactory proof be paid by the town out of the special account the amount for which the property was sold. The Mayor or some person designated by him shall keep in a well bound book an accurate record and description of each piece of unclaimed property passing through his office and the price for which it was sold and the date, the name and address of those who purchased same, as well as a complete record of those who identified and claimed any of the property before it was sold.

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4. Proceeds remaining after six months All proceeds from the sale remaining in the special fund for a period of six (6) months shall by the Treasurer be transferred to the town's general fund and no further payment shall be made therefrom to anyone who thereafter claims ownership.

## CHAPTER 2.20

### TOWN COUNCIL

#### Sections:

1. Council meetings - regular
2. Agenda
3. Council meetings – special – called by Mayor
4. Council meeting – special – called by Town Council
5. Business at special meeting
6. Notice to news media.
7. Presiding officer
8. Conduct
9. Record of proceedings
10. Publication or posting ordinance
11. Writing required
12. Procedure
13. Readings
14. Suspension or rules

1. Council meetings – regular The regular meeting dates of the Town Council of the town of Beaver, Arkansas, shall be on the first Monday of each month at the Community Room in the Beaver Community Center and Fire Station at 7:00 p.m., or as announced. (Ord.No. 2.06, Sec. 1.)

2. Agenda Any citizen of the town of Beaver who wishes to be placed on the agenda to address the Town Council at a regular Town Council meeting, shall submit, in writing indicating the topic they wish to bring before the Council, to the Recorder/Treasurer, not later than forty-eight (48) hours prior to the regular scheduled Town Council meeting. (Ord. No. 2.06, Sec. 2.)

3. Council meetings – special – called by Mayor The Mayor shall have the power, when in his judgment it shall be for the interest of the town, to call a meeting of the Town Council. Such meetings shall be called by the Mayor fixing the time of the meeting and causing calls or notices to be issued to that meeting from the Recorder/Treasurer, notifying each alderman to attend such meeting. The object of the meeting shall be stated in general terms in the call. (Ord. No. 2.06, Sec. 3.)

4. Council meeting – special – called by Town Council Whenever three (3) aldermen shall sign a notice to the other members of the Town Council of a special meeting of the Council, stating therein the object of such meeting, such special meeting shall be held at the time designated in the call. (Ord. No. 2.06, Sec. 4.)

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5. Business at special meeting At any special meeting no other business shall be transacted except that for which the meeting was called. (Ord. No. 2.06, Sec. 5.)

6. Notice to news media The Recorder/Treasurer shall notify the representatives of the newspapers, radio stations and television stations, if any, located in this county and which have requested to be so notified of such meetings, of the time, place and date and in the event of a special meeting at least two (2) hours before such meeting takes place. (Ord. No. 2.06, Sec. 6.)

7. Presiding officer The Mayor shall preside at the meetings during the term for which he was elected, and in case his vote is needed to pass any by-law, ordinance, resolution, order, or motion, the Mayor may vote. In the absence of the Mayor, the Recorder/Treasurer shall preside over the Council. (Ord. No. 2.06, Sec. 7.)

8. Conduct Any person who shall disrupt or interfere with the meeting of the Council or creates a disturbance in such meeting, may be required to leave the meeting hall and may be charged with such offense, and if convicted, shall be punished in accordance with the laws of the state. (Ord. No. 2.06, Sec. 8.)

9. Record of proceedings The Recorder/Treasurer shall keep a journal of its proceedings in the manner as other legislative bodies. The yeas and nays shall be taken and entered upon the journal on any by-law, motion, ordinance or resolution. (Ord. No. 2.06, Sec. 9.)

10. Publication or posting ordinance

A. When any ordinance of a general or permanent nature and those imposing any fine, penalty or forfeiture shall be passed, the Recorder/Treasurer may furnish a copy to a newspaper of general circulation in the town for publication. Since no newspaper is published in the town, the Recorder/Treasurer shall cause to be posted in five (5) of the most public places written or printed notices of all ordinances of a general or permanent nature and those imposing any fine, penalty or forfeiture. For bulletin boards, the Mayor is authorized to expend funds as needed to construct or maintain suitable bulletin boards at these locations.

B. The town designates the following five most public places for posting of all ordinances of a general or permanent nature and all those imposing any fine, penalty, or forfeiture:

1. The bulletin board inside the Beaver firehouse/community center,
2. The bulletin board outside the Beaver firehouse/community center,
3. The bulletin board outside the Beaver Post Office,
4. The bulletin board near the Beaver Park entrance,

## CHAPTER 2.20

- 5. The bulletin board at the Beaver Trail closest to Golden Gate Road. (Ord.No. 2.06, Sec. 10.)

STATE LAW REFERENCES – A.C.A. 14-55-206, Publishing or posting requirements

11. Writing required No order, ordinance or resolution shall be offered except in writing and the question shall be put first on the last amendment offered. (Ord. No. 2.06, Sec.11.)

12. Procedure *The Procedural Rules for Municipal Officials* booklet published by the Arkansas Municipal League, three (3) copies of which shall be on file in the Recorder/Treasurer’s office, are hereby adopted as the rules to be followed in conducting meetings of all municipal bodies, including all boards, councils, committees, and commissions.(Ord. No. 2.06, Sec. 12.)

13. Readings All orders, resolutions, ordinances, and amendments must be read, seconded and stated by the chair before they shall be subject to debate. Motions shall be fully stated by the proponent, seconded and recorded by the Recorder/Treasurer before being openedfor debate or voting. (Ord. No. 2.06, Sec. 13.)

14. Suspension of rules No rules contained in this ordinance or *The Procedural Rules for Municipal Officials* adopted by reference hereby shall be suspended except by two-thirds consent of all the elected members of the Council. (Ord. No. 2.06, Sec. 14.)

STATE LAW REFERENCES – A.C.A. 14-45-105; 14-15-205 & 206.

**CHAPTER 2.24**

**MAYOR**

Sections:

- 1. Office created
- 2. Election
- 3. Duties
- 4. Appointment of officers
- 5. Salary

1. Office created The office of Mayor is hereby created for the town of Beaver,Arkansas.

2. Election On the Tuesday following the first Monday in November, 1978 and every four (4) years thereafter, the qualified voters of the town of Beaver, Arkansas, shall elect a Mayor for four (4) years.

3. Duties As chief executive of the town, the Mayor shall preside over all meetings of the Town Council of the town of Beaver, Arkansas, and shall perform such duties as may be required of him by state statute or town ordinance.

4. Appointment of officers The Mayor shall appoint, with the approval of the Town Council of the town of Beaver, Arkansas, (where such approval or confirmation is required) all officers of the town whose election or appointment is not provided for by state statute or town ordinance.

5. Salary The rate of pay of the Mayor shall be determined by ordinance of the Town Council of the town of Beaver, Arkansas, from time to time in a manner that will comply with the Arkansas Constitution.

## **CHAPTER 2.28**

### **RECORDER/TREASURER**

#### Sections:

1. Offices combined
2. Compensation
3. Duties
4. Collector

1. Offices combined The offices of Recorder and Treasurer are hereby combined into one office to be known as the Recorder/Treasurer.

2. Compensation The salary of the Recorder/Treasurer shall be set by the Town Council.

#### STATE LAW REFERENCE - Constitutional Amendment No. 56.

3. Duties The duties of the Recorder/Treasurer shall be:
  - A. To keep an accurate and complete record of proceedings of the Town Council. The Recorder/Treasurer shall keep a journal of its proceedings in the manner as

other legislative bodies. The yeas and nays shall be taken and entered upon the journal on any by-law, motion, ordinance or resolution. (Ord. No. 2.06, Sec. 9.)

B. To perform such other duties as may be required by the ordinances of the town or laws of the State.

4. Collector The Recorder/Treasurer shall be the collector of all occupational and privilege taxes and other taxes for the town. The Recorder/Treasurer shall keep records on all occupational and other taxes and moneys collected.

**CHAPTER 2.32**

**TOWN ATTORNEY**

Sections:

- 1. Appointment; compensation
- 2. Duties
- 3. Powers

1. Appointment; compensation The Town Attorney for the town of Beaver will be appointed, unless and until two (2) or more qualified aspirants apply, at which time the office may be filled by election at the time of election of other town officers at the next general election in the usual manner. The appointed or elected Town Attorney shall subscribe to the oath of office. The Town Attorney may serve under any compensation arrangement mutually agreed between the Town Council and the attorney selected. (Ord. No. 1.12, Sec. 1.)

2. Duties The duties of the Town Attorney include:

- A. To represent the town in civil actions, or in criminal actions should the town establish a Mayor's court or in cooperation with the County Prosecutor.
- B. Advice town officials.
- C. Prepare legal papers.
- D. File a report of work with the Town Council at the end of each year.
- E. Furnish all information possessed to the state courts for prosecution of cases in state courts.

F. Other duties as prescribed by the Town Council by ordinance.(Ord. No. 1.12, Sec. 2.)

3. Powers The Town Attorney is authorized by state law to file information for the arrest of any person for the violation of any ordinance of the town or of the laws of this state which are violated within the limits of town. (Ord. No. 1.12, Sec. 3.)

STATE LAW REFERENCE – A.C.A. 14-42-112.

## **CHAPTER 2.36**

### **FIRE AND EMERGENCY SERVICES**

#### Sections:

2.36.01 Fire and emergency services to be provided by contract

2.36.01 Fire and emergency services to be provided by contract The town of Beaver shall from time to time contract with a neighboring volunteer fire association to provide fire and emergency services, if there is no Beaver Volunteer Fire Association able to provide services.

**TITLE 3**

**FISCAL AFFAIRS**

Chapters:

- 4. Annual Budgets
- 3.08 Purchases
- 3.12 Claims against Town
- 3.16 Mayor and Aldermen Conducting Business

**CHAPTER 3.04**

**ANNUAL BUDGETS**

Sections:

- 4.1. Annual budgets required by December 1
- 4.2. By resolution budget adoption required by February 1
- 4.3. By resolution Town Council may revise budget and appropriations

STATE LAW REFERENCES: A.C.A. 14-55-102; 14-58-101, et seq.; A.C.A. 14-59-101 (audit); A.C.A. 22-9-202 through 22-9-204 (improvement contracts over \$10,000); A.C.A. 14-58-201 & 203; A.C.A. 14-58-301 (budgets, purchases over \$2,000, payment of claims); A.C.A. 19-1-501 through 504 (investment of public funds); A.C.A. 19-8-101 et seq. (deposit of public funds).

1. Annual budgets required by December 1 On or before December 1 of each year, the Mayor shall submit to the Town Council for its review and approval or disapproval a proposed budget for the town's operation during the coming year.
2. By resolution budget adoption required by February 1 On or before February 1 of each year, the Town Council by resolution shall adopt a budget for the town's operation during the coming year and shall appropriate funds to pay budgeted items.
3. By resolution Town Council may revise budget and appropriations The Town Council may by resolution revise the budget and appropriations during the year.
4. Appropriation by Amendment of Budget: Funds for each and every line item of actual expenditure are considered appropriated by the amending each fiscal year's budget.

**CHAPTER 3.08****PURCHASES**Sections:

1. Mayor or authorized agent town's exclusive purchasing agent
2. Building or modification \$20,000 or more
3. Competitive bidding for \$10,000 or more
4. Solicitation of quotes for purchases less than \$10,000
5. Acquisition of professional services
6. Preference for Arkansas resident sources
7. Paper product purchasing
8. No payment without prior appropriation or later ratification
9. Sale or exchange of supplies, materials or equipment less than \$5,000.00

1. Mayor or authorized agent town's exclusive purchasing agent The Mayor or his duly authorized representative shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials and other things requisite for public purposes for the town of Beaver, Arkansas, and to make all necessary contracts for work or labor to be done, or material or other necessary things to be furnished for the benefit of the town.

2. Building or modifications \$20,000 or more All construction, building or modifications in which the total project cost is \$20,000 or more shall be procured by competitive bidding, under procedures detailed in state law.

STATE LAW REFERENCES – A.C.A. 22-9-203 (building, \$20,000 competition threshold, contents of notices, procedures); A.C.A. 22-9-202 through 22-9-204 (improvement contracts over \$10,000); A.C.A. 14-58-201 & 203; A.C.A. 14-58-301 (budgets, purchases over \$2,000, payment of claims).

3. Competitive bidding for purchases \$10,000 or more On all purchases of goods or non-professional services of more than \$10,000, advertisement for bids shall be taken, unless the Town Council shall by ordinance waive competitive bidding by resolution finding that specific exceptional circumstances exist rendering such procedure not feasible or practical. (Ord. No. 2.07, Sec. 2.)

Where competitive bids are solicited, the Mayor or his duly authorized representative shall invite competitive bids thereon by legal advertisement in any local newspaper, and by posting in the five designated most public places. Bids received pursuant to said advertisement shall be opened and read on the date set for receiving said bids, in the presence of the Mayor, or his duly authorized representative. The contract shall be awarded to the lowest responsive, responsible bidder; provided, however, the solicitations shall provide that the Mayor, or his duly authorized representative, may reject any and all bids received.

4. Solicitation of quotes for purchases less than \$10,000 On purchases of goods or services of less than \$10,000, solicitation of quotes from and negotiation with a reasonable number (no more than three) of alternate sources to provide the benefits of competition is encouraged, unless the Town Council shall find by resolution that specific exceptional circumstances exist rendering such procedure not feasible or practical. (Ord. No. 2.07, Sec. 3.)

5. Acquisition of professional services Professional services may not be acquired by competitive bidding, but instead by negotiation with the most qualified source, unless contracts at fair and reasonable prices cannot be obtained after negotiation. In that event, negotiations may be opened with the next most qualified source, and so on. Professional services include legal, architectural, engineering, land surveying, and such other consulting services as the Town Council shall designate by two-thirds vote.

- A. Annual statements of professional qualifications and performance data may be encouraged from qualified sources, or such information may be requested for a particular project requiring such services.
- B. The following shall be considered in evaluating professional qualifications and performance data:
  - 1. The specialized experience and technical competence of the firm with respect to the type of professional services required;
  - 2. The capacity and capability of the firm to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project;
  - 3. The past record of performance of the firm with respect to such factors as control of costs, quality of work, and ability to meet schedules and deadlines; and
  - 4. The firm's proximity to and familiarity with the area in which the project is located.
- C. Three (3) qualified firms shall be selected and the Town Council shall then select the best-qualified firm capable of performing the work and negotiate a contract for the project with the firm selected, if a fair and reasonable price can be obtained.
- D. If an incorporated town delegates the operation of its water or sewer services to a board or commission, it must define a professional service by resolution including a detailed, written description of the scope of the proposed services which must be read publicly at two (2) regularly scheduled meetings and shall be effective thirty (30) days after its second reading and passage. A.C.A. 19-11-806



6. Preference for Arkansas resident sources A five per cent (5%) preference shall be given to Arkansas resident sources under the conditions and procedures stated in A.C.A. 19-11-259, if requested in writing by one or more bidder. (Ord. No. 2.07, Sec. 5.)

7. Paper product purchasing All cities are required to participate in the State Procurement Director's cooperative purchasing program for purchasing paper products. (Ord.No. 2.07, Sec. 6.)

8. No payment without prior appropriation or late ratification The Mayor or his duly authorized representative may approve for payment out of any funds previously appropriated for that purpose, or disapprove any bills, debts or liabilities asserted as claims against the town, when funds on hand are adequate to pay such bills, debts or liabilities. The payment or disapproval of any bills, debts or liabilities not covered by a previous appropriations shall require confirmation of the governing body.

9. Sale or exchange of supplies, materials or equipment valued at less than \$5,000.00 That the Mayor or his duly authorized representative may sell or exchange any municipal supplies, materials or equipment without competitive bidding if such supplies, materials or equipment have a value of less than Five Thousand Dollars (\$5,000.00). No supplies, materials or equipment shall be sold without receiving competitive bids therefore if the value thereof exceeds the sum of Five Thousand Dollars (\$5,000.00); provided, however, if the Mayor shall certify in writing to the governing body that, in his opinion, the fair market value of such item or lot (to be disposed of in one unit) is less than Five Thousand Dollars (\$5,000.00), the same may be sold by the Mayor without competitive bidding.

STATE LAW REFERENCES – A.C.A. 19-11-203 et seq.; 19-11-259; 19-11-261; 19-11-801 et seq.

### **CHAPTER 3.12**

### **CLAIMS AGAINST TOWN**

Sections:

- 1. Liability coverage
- 2. Settlement of claims

1. Liability coverage In the event the town of Beaver acquires any vehicles, the town shall carry liability coverage on all its motor vehicles in the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act.

STATE LAW REFERENCE – A.C.A. 21-9-303.

2. Settlement of claims All persons having claims against the town may file them with the Recorder/Treasurer. The Mayor shall present them to the Council. The Council may grant a hearing for the claimant and may authorize a settlement, but is not required to either hold a hearing or grant a settlement.

STATE LAW REFERENCE – A.C.A. 21-9-302.

## CHAPTER 3.16

### MAYOR AND ALDERMEN DOING BUSINESS

Sections:

3.16.01 Permission to conduct business

3.16.01 Permission to conduct business A Councilmember or Alderman may compete for or be awarded a contract with the town for goods or services under the following conditions:

- A. A Councilmember or Alderman may have an interest in, compete for or be awarded such a contract if the Town Council finds by resolution that comparable goods or services at comparable prices are not otherwise available from other sources.
- B. A Councilmember or Alderman may have an interest in, or receive a non-competitive award for such a contract if the Town Council finds by resolution that it will work a great hardship or imposed significant additional costs on the town if it must seek or purchase such goods or services from sources outside the town.
- C. While the Mayor is ordinarily the only town official authorized to contract for the town, in the event the Mayor is awarded a contract with the town, the Town Recorder/Treasurer will perform that function. (Ord. No. 2.07, Sec. 1.)

STATE LAW REFERENCES – A.C.A. 14-42-107(b)(1).

**TITLE 4**

**BUSINESS LICENSES AND REGULATIONS**

Chapters:

- 4. Signs

**CHAPTER 4.04**

**SIGNS**

Sections:

- 4.1. Title
- 4.2. Findings and policy
- 4.3. Definitions
- 4.4. Scope
- 4.5. Permitted signs
- 4.6. Authority
- 4.7. Penalty
- 4.8. Appeal

1. Title This ordinance regulates the use and placement of signs. (Ord. No. 1.10, Sec. 1.)

2. Findings and policy The Zoning and Planning Commission and Town Council hereby found that this ordinance is fair and equitable to all citizens of the town of Beaver, and that the policies and procedures are not intended to cause a hardship for any citizen but is enacted to insure an orderly growth within the community for the installation of advertising and/or business signs within the town limits of the town of Beaver, Arkansas. (Ord. No. 1.10, Sec. 2.)

- 3. Definitions

**Advertising and/or business sign** means any sign which bears the name and/or picture or logo of a specific product or business or service.

**Illuminated sign** means any sign which radiates light from within itself or from luminous tubes which constitute a sign proper. (Ord. No. 1.10, Sec. 3.)

4. Scope No person or business shall construct, install or alter any sign in the town of Beaver contrary to the provisions set forth in this ordinance. (Ord. No. 1.10, Sec. 4.)

5. Permitted signs

A. Type and location

1. Traffic or other municipal signs authorized by town, county, state or federal government are permitted where placement is required.
2. Signs announcing building street numbers or the names or occupations of residents are permitted if placed on the building itself or in group signs announcing similar information for all residents of an area.
3. Signs must be at least twenty (20) feet from the edge of the road.
4. Signs must be on the property being advertised or promoted, except for no more than two (2) signs each no larger than nine square feet directing persons to the property being advertised, placed with prior permission of the landowner, where required. No signs advertising businesses situated outside the town limits of the town of Beaver shall be permitted.
5. Signs may not be closer than fifty (50) feet to the adjacent resident property lines and twenty-five (25) feet to the adjacent commercial property lines.
6. No commercial sign shall obstruct the vision of drivers in any direction or employ such words as "STOP," "LOOK," "DANGER," "SLOW," or any other word which might confuse or mislead drivers or interfere with traffic.
7. It shall be the responsibility of the vacated business or property owner to dismantle any sign erected, within seven (7) days after closing.
8. Flashing lights shall not be permitted.
9. Signs may be indirectly illuminated, but must not glare in the eyes of drivers or passersby so as to present a hazard, and lights must be sufficiently subdued so as not to annoy neighbors.
10. Glass or mirror signs shall not be permitted.

11. Portable, mobile or temporary signs are not permitted, except for such events as yard sales, home sales. It is the responsibility of the owner of the property being advertised to promptly remove and properly dispose of all temporary signs within 24 hours after the event being advertised.
12. Election campaign signs shall not be erected more than sixty (60) days prior to the election and must be removed within seven (7) days after the election. The party erecting the sign shall have prior approval of the property owner and will be responsible for the removal of the sign.
13. Banners or posters announcing events for non-profit organizations are permitted no more than 30 days prior to the event announced. The person erecting the banners or posters shall obtain prior approval from the landowner. The organization being advertised is responsible for removal, within forty-eight (48) hours after the event.

B. Sign size

1. No sign may exceed thirty-two (32) square feet.
2. No sign height may exceed ten (10) feet from ground level to its highest point.
3. Signs and foundations must be of sturdy construction as not to damage property, and not to impair the safety of the public.

C. Permit procedure

1. No permit shall be required for conforming signs nine (9) square feet or smaller.
2. No sign larger than nine (9) square feet shall be erected or altered without first obtaining a Numbered Sign Permit.
3. The Zoning and Planning Commission will issue Sign Permits, and may impose reasonable conditions. A reasonable fee may be assessed for this permit, as provided from time to time by the Town Council.
4. Upon submission of one (1) approximate scale drawing of each sign, depicting its approximate colors, showing its dimensions and methods of attachment, the Commission shall approve or disapprove the permit. A sign may be disapproved for non-compliance with this ordinance, for safety reasons, or solely on the basis of design or appearance, but approval shall not be unreasonably withheld.

5. No sign may contain defamatory, false or misleading information.

D. Existing signs. Existing non-conforming signs are permitted but may not be repaired, repainted or replaced unless brought into compliance. (Ord. No. 1.10, Sec. 5.)

6. Authority

A. The Zoning and Planning Commission shall have the authority to approve or disapprove all requests to ensure this ordinance is given effect.

B. The Zoning and Planning Commission shall have the authority to issue Numbered Sign Permits when required and shall maintain proper records. (Ord. No. 1.10, Sec. 6.)

7. Penalty Any person or persons offending against or violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than Twenty-Five Dollars (\$25.00) each day for each offense or violation that occurs.

Each day said offense or violation occurs shall constitute a separate offense. (Ord. No. 1.10, Sec. 7.)

8. Appeal In the event that any citizen might wish to appeal sign decisions by the Commission, on requests other than variance requests, appeals may be made in writing to the Town Council and be presented at its next scheduled meeting. Variance requests must be presented to the Board of Zoning Adjustment and may only be appealed to the Circuit Court. (Ord. No. 1.10, Sec. 8.)

STATE LAW REFERENCES – See Police Power Statute, A.C.A. 14-55-102.

## **TITLE 5**

### **HEALTH AND SANITATION**

#### Chapters:

- 4. Maintenance of Real Property
- 5.08 Littering
- 5.12 Solid Waste Collection (Reserved)

#### **CHAPTER 5.04**

### **MAINTENANCE OF REAL PROPERTY**

#### Sections:

- 4.1. Unsightly or unsanitary conditions
- 4.2. Notice to unknown or non-resident owners
- 4.3. Refusal of owner to comply; lien against the property
- 4.4. Enforcement of lien for clearance by town
- 4.5. Repair of structure; costs; bidding

1. Unsightly or unsanitary conditions The town, acting through its designated officials, the Zoning and Planning Commission, may issue a written notice ordering the owner of real property within the town to cut grass or weeds; to remove garbage, rubbish, and other unsightly and unsanitary articles upon the property; to eliminate, fill up, or remove stagnant pools of water or any other unsanitary thing, place, or condition; which might become a breedingplace for mosquitoes, flies or germs harmful to the health of the community. (Ord. No. 1.11, Sec. 1.)

2. Notice to unknown or non-resident owners If the owner or his whereabouts is unknown, or he is a non-resident of the state, then a copy of the written notice shall be posted upon the premises. The Recorder/Treasurer shall publish, mail or deliver the written notice, or an attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his last known place of residence, if it is known. (Ord. No. 1.11, Sec. 2.)

3. Refusal of owner to comply; lien against the property If the owner, after notice is published, mailed, delivered or served by registered mail to last known place of residence, if known, refuses to remove, abate, or eliminate the unsightly or unsanitary condition after having seven (7) days' notice in writing to do so, then the town is empowered to do whatever is necessary to correct the condition and to charge the cost thereof to the owner. The town will have a lien against the property to secure repayment of its costs. (Ord. No. 1.11, Sec. 3.)

4. Enforcement of lien for clearance by town At any time within eighteen (18) months after work has been done, the town's lien may be enforced in Circuit Court plus an award of costs and reasonable attorney fees; or may be enforced as a delinquent tax by the County Tax Collector, in accordance with the procedures in ACA 14-54-904. (Ord. No. 1.11, Sec. 4.)

5. Repair of structure; costs; bidding If a structure is repaired by the town to meet minimum building code requirements, then competitive bidding procedures must be followed. (Ord. No. 1.11, Sec. 5.)

STATE LAW REFERENCES – See Police Power Statute, A.C.A. 14-55-102; A.C.A. 14-54-901, et seq.

## **CHAPTER 5.08**

### **LITTERING**

#### Sections:

5.08.01 Littering illegal

5.08.01 Littering illegal. It shall be unlawful for any person to place, dispose, or otherwise permit to be located upon, in, on, or about any public street, sidewalk, alley or public thoroughfare or any private or public property adjacent thereto, any litter, refuse or debris.

STATE LAW REFERENCES: A.C.A. 8-6-401 through 8-6-417; Police Power Statute, A.C.A. 14-55-102.

## **CHAPTER 5.12**

### **SOLID WASTE COLLECTION**

(Reserved)

**TITLE 6**  
**ANIMALS AND FOWL**

Chapters:

- 4. Animal Control

**CHAPTER 6.04**  
**ANIMAL CONTROL**

Sections:

- 4.1. Definitions
- 4.2. Hydrophobia
- 4.3. Vicious animals
- 4.4. Vaccination
- 4.5. Barking or howling
- 4.6. Collared animals
- 4.7. Running at large
- 4.8. Stray dogs or cats
- 4.9. Animal Control Log Book
- 10. Destruction
- 11. Animal Control Officer Fees
- 12. Animal costs
- 13. Horses, cows or chickens
- 14. Hogs, goats or sheep
- 15. Releasing stray animals
- 16. Penalt

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Definitions

**Known vicious animal** means an animal which in fact has previously attacked and injured any person.

**Retained Animal Control Officer** means a person willing to apprehend animals at large for a fee.



**Resident of Beaver** means any person owning or renting property in Beaver.

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**Stray animal** means any animal roaming unleashed without the immediate attendance of its owner or his or her agent of its owner's owned or rented property.

**Public lands** means any public land or easement, including without limitation all public streets and easements, the Beaver Town Park, the Beaver walking trail or the Beaver Community Center and fire house grounds, and the Post Office.

**Run at large** means for an animal to be present off the owned or rented property of its owner without a leash and without a collar displaying the owner's identity and phone number.

2. Hydrophobia In the event of the prevalence of hydrophobia to such an extent as in the discretion of the Town Council of the town of Beaver makes such action advisable, the Mayor may by proclamation require that all dogs or cats owned, kept or harbored in the town shall be confined upon the premises of the owners, keepers or harborers of such dogs for such time as may be designated in such proclamation, and the such proclamation shall take effect upon publication thereof as for ordinances and public notices. After due publication of such proclamation, any dog or cat not so confined shall be taken up by the town and impounded, with written notice to the animal's owner, if known. After a reasonable period, such animals are subject to destruction at their owner's expense or at the expense of the town if the owner is not known.

3. Vicious animals No person shall own, keep or harbor any animal which is known to be vicious within the town limits of Beaver. The owner of a known vicious animal may be liable under general principles of civil law for any personal injury caused by such animal, and the owning, keeping or harboring of such animal shall be a misdemeanor.

4. Vaccination Every person owning or keeping any dog or cat within the town limits of Beaver shall cause said animals to be vaccinated for rabies once per year, shall retain proof of such vaccination and shall present it upon reasonable request by any person who claims to have been bitten by such animal. Failure to maintain current vaccinations shall be a misdemeanor.

5. Barking, howling or yelping No person shall own, keep or harbor any animal which by loud, frequent or habitual barking, howling or yelping shall unreasonably annoy any resident of Beaver. Upon complaint to such animal's owner, such animal shall be muzzled or otherwise quieted by the owner or the owner may be convicted of a misdemeanor punishable by a fine of Fifty Dollars (\$50.00) per recorded violation, verified by the Mayor or retained Animal Control Officer. After first contacting or attempting to contact such animal's owner, offended Beaver residents may contact the Mayor or Recorder/Treasurer who may attempt to contact such animal's owner, and may

record and verify such complaint after which he or she may attempt to contact a retained Animal Control Officer to apprehend the offending animal.

6. Collared animals All dogs and cats must be equipped with collars with tags displaying their owners' identities and phone numbers. Failure to comply may result in collarless dogs being treated as ownerless stray dogs or cats, and shall relieve the apprehender of the obligation herein to contact the stray animal's owner, if in fact the apprehender does not actually know the stay animal's owner.

7. Running at large

A. Reports of stray animals Any person in Beaver who sees a stray animal may notify the Mayor or the Recorder/Treasurer who may attempt to retain an Animal Control Officer to seek enforcement of this ordinance.

B. Self-help enforcement by Beaver residents Any resident of Beaver may assume the duties herein of a retained Animal Control Officer as to stray animals wrongfully present on the resident's property or upon public lands or upon the easements along public roads, if no retained Animal Control Officer can be found by the Mayor or Recorder/Treasurer, or if the Mayor or Recorder/Treasurer cannot be contacted after reasonable attempt. However, residents assuming those duties must strictly perform all the duties of a retained Animal Control Officer under this ordinance, including handling animals reasonably and making required reports to the animal owner, if known, and to the Recorder/Treasurer for entry into the Animal Control Log Book.

8. Stray dogs or cats The owner of an unleashed or unattended animal found off the property of the animal's owner shall be given one (1) written warning by the retained Animal Control Officer upon apprehension, and the apprehended animal shall be returned safely, if possible, to the owner.

A. Thereafter, such animals shall be treated as strays and shall be taken upon apprehension to an animal compound, if one can be found within a reasonable distance of Beaver that will accept custody of the apprehended animal, and the owner shall be given written notice by the Animal Control Officer of such apprehension and impoundment.

B. If an accepting animal compound cannot be found within a reasonable distance of Beaver that will accept custody of the apprehended animal, then it will be either returned safely to its owner if known or, if not known, placed with another responsible owner or keeper, or destroyed by the Animal Control Officer, if there is no other alternative. If the stray animal is destroyed, a written report of the circumstances shall be made to the Recorder/Treasurer.

- C. The owner of such an animal shall pay all costs of apprehension, confinement, and maintenance while impounded to the Recorder/Treasurer before being allowed to recover possession of the animal.

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9. Animal Control Log Book It shall be the duty of the Recorder/Treasurer to keep a log book recording the dates, names, addresses, phone numbers of person reporting and reported to be involved animal owners, and of all known facts and circumstances of reported animal incidents making a public record of reported:

- A. vicious animal complaints,
- B. noisy animal complaints,
- C. apprehended, impounded, or destroyed stray animal reports, or
- D. any other animal control incident report.

The Recorder/Treasurer shall create and maintain forms for recording these facts, which shall be completed and filed with the Recorder/Treasurer by complainants and Animal Control Officers, for filing in the log book.

10. Destruction Impounded animals shall be subject to destruction after a reasonable period of impoundment after the owner, if known, has received written notice of impoundment. Destruction by animal compounds shall be conducted entirely under the accepting animal compound's procedures without supervision by or report to the town of Beaver.

- A. Owners shall be responsible for all costs of apprehension, confinement, or destruction. If the town of Beaver pays such costs on an interim basis to secure proper care of disposal of owned animals, the town of Beaver may proceed by civil lawsuit, against owners who refuse responsibility for owned animals or their care or disposal, to recover those costs, and the owners shall be liable to the town of Beaver for all the costs of enforcement, including a reasonable attorney fee.
- B. The town will pay all such costs for animals which are not known to be owned by another person.
- C. Neither the town, nor any town resident, nor the apprehender, nor the Animal Control Officer, nor the animal compound operator shall bear any civil or criminal liability for any reasonable action taken in accordance with this ordinance.

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11. Animal Control Officer fees The town of Beaver shall from time to time prescribe fees to be paid to a person who shall be known as a retained Animal Control Officer who shall have agreed to employment from time to time to enforce this

ordinance.

- A. If no Animal Control Officer can be retained, individual residents of Beaver shall be permitted to take action as prescribed herein to enforce this ordinance as to animals found upon their property or on public property within the town limits of

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Beaver, but such individual residents may be individually liable if they fail to strictly follow the provisions of this ordinance to include taking reasonable care to avoid damage or injury to apprehended animals, or giving written notice to the Town Recorder/Treasurer and to an apprehended animal's owner of apprehension or impoundment, if the owner is known.

- B. If no Animal Control Officer can be retained, fees payable to a retained Animal Control Officer shall be payable upon request to any Beaver resident who chooses to fulfill the duties of the Animal Control Officer herein.

12. Animal costs The costs of impoundment, maintenance or, if necessary, destruction of animals under this ordinance shall be prescribed by the animal compound accepting custody of apprehended animals, and shall be presumed to be reasonable. However, in no event will the town of Beaver pay more than Forty Dollars (\$40.00) total cost for impoundment, maintenance, or destruction.

13. Horses, cows or chickens It shall be unlawful for any person to keep, maintain or permit to run at-large within the town limits of Beaver any cows, horses, or chickens except as provided below:

A. The keeping of 10 or fewer hens (but no roosters) shall be permitted, so long as the hens are kept on the property of the resident keeping the hens, so long as a pen or coop is provided on premises for the hens kept, and so long as the hens are not determined by the Town Council to be threats to the health, safety or welfare of persons in Beaver.

B. If it is determined by the Town Council that any of a resident's hens are (1) a public or private nuisance, or (2) diseased or otherwise detrimental to the health, safety or welfare of persons in Beaver, those hens must be immediately destroyed or otherwise properly removed and disposed of by the Beaver resident keeping the hens, upon receipt of the Town Council's decision.

C. Persons aggrieved by hens kept in Beaver must first address their complaints to the person keeping the hens and then, upon continued failure of the resident keeping the hens to remedy the situation within one (1) week, the aggrieved person may complain in writing to the Mayor. The Mayor may then place the matter before the Town Council for decision at its next scheduled meeting, and then shall convey the Town Council's decision to the resident keeping the hens. Failure to comply with the Town Council's decision shall be a misdemeanor punishable by a fine of \$50 for each day of continued failure to comply. Any costs of enforcement to the town shall be charged to the resident keeping the hens.

**STATE LAW REFERENCES** - See Police power statute, ACA 14-55-102; Publishing or posting requirements, A.C.A. 14-55-206.

14. Hogs goats, or sheep It shall be a misdemeanor for any person to keep any hogs, goats, or sheep within the town limits or to permit such animals to run at large within the town limits, except when in transit.

15. Releasing stray animals It shall be unlawful for any person to knowingly release any stray animal in a public place within the corporate limits of the town. It shall be a misdemeanor to knowingly release stray animals within the town limits of Beaver.

16. Penalty Any person knowingly violating the provisions of this section shall be deemed guilty of a misdemeanor and punished by a fine of not less than Twenty-Five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for each violation, and if it be a continuing violation each day's violation shall be deemed a separate offense.

STATE LAW REFERENCES – See Police Power Statue, A.C.A. 14-55-102; A.C.A. 14-54-1101, et seq.

**TITLE 7**

**PUBLIC PEACE, SAFETY AND MORALS**

Chapters:

- 4. State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Loitering
- 7.16 Prohibited Weapons
- 7.20 Storage and Handling of Volatile Combustibles (Reserved)
- 7.24 Outside Fire Service (Reserved)

**CHAPTER 7.04**

**STATE CRIMINAL STATUTES AND PENALTIES**

Sections:

- 4.1. State criminal statutes adopted
- 4.2. State penalties adopted

1. 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 Town Council to form a part of the laws of the town 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 town, and shall be fined or imprisoned or both in the manner set out under the state statutes.

STATE LAW REFERENCE - See A.C.A. 14-55-501

2. 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 town.

STATE LAW REFERENCE - A.C.A. 14-55-502



## **CHAPTER 7.08**

### **CURFEW**

#### **Sections:**

1. Civil emergencies
2. Congregating during state of emergency
3. Penalty

1. Civil emergencies The Mayor, any time a condition has arisen or is imminent which in his judgment constitutes a civil disturbance, riot, insurrection or time of local disaster, may declare a state of emergency and impose a curfew for such time and for such areas as he deems necessary to meet such emergency. Provided, however, such curfew shall not extend for over a period of forty-eight (48) hours unless extended by a majority vote of the members of the governing body.

2. Congregating during state of emergency No person shall congregate, operate any business or be upon the streets or other public ways, unless on official business for the town or state, in any area or areas designated by the Mayor as curfew areas in the town during the time of any declared emergency.

3. Penalty Any person violating any of the provisions of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and may be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or confinement in jail for not more than one (1) year, or both.

## **CHAPTER 7.12**

### **LOITERING**

#### **Sections:**

1. Illegal to loiter
2. Definitions
3. Penalty

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

2. 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 on or about the premises of another for the purpose of spying upon or invading the privacy of another.

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 an offense under subsection A (1) 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 a defense to a prosecution under subsection 1(a) that 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.
3. Penalty As set out in A.C.A. 5-71-213, loitering is a Class C misdemeanor punishable by a maximum fine of One Hundred Dollars (\$100.00).

## **CHAPTER 7.16**

### **PROHIBITED WEAPONS**

#### Sections:

7.16.01 Unlawful to carry, exchange weapons

7.16.01 Unlawful to carry, exchange weapons It shall be unlawful for any person to carry any knife, the blade of which is over three (3) inches in length, or to carry any instrument commonly called a crabapple switch, dirk, dagger, pick or any other dangerous or deadly weapon within the city, and it shall further be unlawful for any firm or corporation to sell, barter, exchange or otherwise dispose of such knives, crabapple switches, dirks, daggers or picks, or instruments to be used for a weapon within the corporate limits of the town.

## **CHAPTER 7.20**

### **STORAGE AND HANDLING OF VOLATILE COMBUSTIBLES**

(Reserved)

## **CHAPTER 7.24**

### **OUTSIDE FIRE SERVICE**

(Reserved)

## **TITLE 8**

### **VEHICLES AND TRAFFIC**

#### Chapters:

- 8.04 Adoption of State Laws
- 8.08 Non-Operating Vehicles
- 8.12 Truck Routes (Reserved)
- 8.16 Emergency Vehicles (Reserved)

#### **CHAPTER 8.04**

##### **ADOPTION OF STATE LAWS**

#### Sections:

- 8.04.01 Adoption of state laws

8.04.01 Adoption of state laws The "Uniform Act Regulating Traffic on Highways of Arkansas", as contained in Title 27 of the Arkansas Statutes, three (3) copies of which are on file in the office of the Mayor, is hereby adopted as traffic rules and regulations within and for the town. Any person convicted of violation of said statutes shall be deemed guilty of the violation of the ordinances of the town, and shall be fined or imprisoned or both in the manner set out under the state statutes.

STATE LAW REFERENCES – See Police Power Statute, ACA 14-55-102

#### **CHAPTER 8.08**

##### **NON-OPERATING VEHICLES**

#### Sections:

- 1. Definitions
- 2. Prohibiting non-operating vehicles
- 3. Exceptions

4. Penalty for violation
5. Violator

s8.08.01

Definitions

- A. Non-operating motor vehicles as used in this chapter means a motor vehicle with one or more of the following characteristics:
  1. the engine or motor is inoperative;
  2. the wheels all or any one of them are removed;
  3. the motor vehicle has flats on two or more tires;
  4. major operating components are missing, such as: windshield glass, doorglass, fenders, gauges, steering wheel, tie rods, springs, drive train, gear box, rear end, or any parts connected with the steering geometry of the motor vehicle, the seats are removed;
  5. Any of the major operating components such as those listed in item (a) (4) above are in such damaged condition so as to make the motor vehicle useless;
  6. The motor vehicle does not have a current Arkansas registration.
  
- B. Motor vehicle means a car, automobile, truck, bus, omnibus, tractor truck, or other vehicle licensed to travel upon the roads of Arkansas, or subject to licensing for travel or intended as a carrier for goods and persons from point to point which uses power derived from a motor or engine especially an internal combustion engine, or rotary engine.
  2. Prohibiting non-operating vehicles It is unlawful to have a non-operating motor vehicle parked outside of an enclosed, roofed structure and not in public view.
  3. Exceptions Nothing in this chapter shall be construed so as to apply to:
    - A. Any motor vehicle that can be started and moved under its own power on demand;
    - B. Motorcycles and motor bikes;
    - C. Antique automobiles, provided the vehicle has an antique license as by law required; and

D. Temporarily disabled motor vehicles provided they are restored to running condition within thirty (30) days from date of disablement.

4. Penalty for violation A violation of this chapter is hereby declared to be a misdemeanor and punishable by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) or by a jail sentence of one (1) to ten (10) days. Each day a non-operating motor vehicle is upon the premises of a person shall constitute a separate offense.

5. Violators A person shall be deemed in violation of this chapter if:

A. Such person owns or has registered to him a non-operating motor vehicle that is in a prohibited area within the terms of this chapter; or

B. Such person owns property that non-operating motor vehicles are placed, parked or found resting on in a prohibited area within the terms of this chapter;

C. It shall be a prima facie case that the record owner is the owner of property in question;

D. It shall be a prima facie case that the registered owner of a motor vehicle is the owner of the motor vehicle.

STATE LAW REFERENCES – See Police Power Statute, A.C.A. 14-55-102.

## TITLE 9

### STREETS AND SIDEWALKS

#### Chapters:

- 9.04 Designating a Town Street
- 9.08 Numbering Buildings and Naming Streets
- 9.12 Streets, Alleys, Gutters or Ditches
- 9.16 Excavations and Alterations
- 9.20 Standards for Roads to Become City Streets

#### CHAPTER 9.04

### DESIGNATING A TOWN STREET

#### Sections:

- 9.04.01 Designating a public road a town

street9.04.01 Designating a public road a town street

#### Golden Gate Drive

A portion of Arkansas Highway 187, being approximately 40 feet wide, with the centerline of said road being more particularly described as follows: Commence at a found iron pin at the NE corner of the SW 1/4 of the NW 1/4 of Section 20, T.21N., R.26W., Carroll County, Arkansas, thence South 2477.86 feet, thence East 1703.08 feet to the point of beginning, said point being the south end of Beaver Bridge; thence N 0 28'30"W 628.31 feet, thence along a curve to the right with a delta angle of 51 23'46" having a radius of 83.12 feet and a arc length of 74.56 feet, with a chord bearing and distance of N 25 13'23"E 72.09 feet, thence N 50 55'16"E 133.16 feet, thence N 47 22'47"E 41.62 feet, thence N 41 21'03"E 51.52 feet, thence along a curve to the left with a delta angle of 45 27'51" having a radius of 78.71 feet and a arc length of 62.46 feet, with a chord bearing and distance of N 18 37'07"E 60.83 feet to the end of Golden Gate Drive, and the beginning of Squire Beaver Drive.

#### Squire Beaver Drive

A portion of Arkansas Highway 187, being approximately 25 wide, with the centerline of said road being more particularly described as follows: Commence at a found iron pin at the NE corner of the SW 1/4 of the NW 1/4 of Section 20, T.21N., R.26W., Carroll County, Arkansas, thence South 1575.90 feet, thence EAST 1916.05 feet to the point of beginning; Thence along a curve to the left with a delta angle of 45 27'51"<sup>40</sup> having a radius of 78.71 feet and a arc length of

62.46 feet, with a chord bearing and distance of N 26 50'44"W 60.83 feet, thence N 49 34'40"W 32.53 feet, thence N 52 14'13"W 265.85 feet, thence N 52 01'05"W 97.50 feet, thence along a curve to the left with a delta angle of 22 32'35" having a radius of 1505.25 feet and a arc length of 592.24 feet, with a chord bearing and distance of N 63 17'22"W 588.43 feet, thence N 74 49'29"W 270.60 feet, thence N 75 15'20"W 209.09 feet, thence N 75 23'01"W 557.84 feet, thence along a curve to the right with a delta angle of 20 50'33" having a radius of 434.98 feet and a arc length of 158.23 feet, with a chord bearing and distance of N 64 57'45"W 157.36 feet, thence N 54 44'35"W 206.92 feet, thence N 57 57'01"W 49.01 feet, thence N 60 44'02"W 50.09 feet, thence N 63 38'51"W 44.38 feet, thence N 66 14'32"W 44.45 feet, thence N 70 24'29"W 62.24 feet, thence N 74 23'28"W 57.64 feet, thence N 77 31'21"W 54.23 feet, thence N 81 51'55"W 52.35 feet, thence N 87 15'08"W 47.62 feet, thence S 85 11'59"W 43.95 feet, thence S 77 44'42"W 51.02 feet, thence S 71 41'41"W 47.61 feet, thence S 64 11'11"W 51.87 feet, thence S 57 29'59"W 38.08 feet, thence S 53 03'58"W 45.10 feet, thence S 50 53'08"W 47.82 feet, thence S 49 20'06"W 212.13 feet, thence S 49 53'51"W 89.71 feet, thence S 53 47'18"W 45.13 feet, thence S 57 34'10"W 86.13 feet, thence S 59 10'04"W 35.22 feet to the west line of said Section 20.

#### Parkway Street

An existing paved street, across U. S. Army Corps of Engineers property, being 25 feet wide, and being more particularly described as follows: Commence at a found iron pin at the NE corner of the SW 1/4 of the NW 1/4 of Section 20, T.21N., R.26W., Carroll County, Arkansas, thence South 1857.91 feet, thence EAST 1697.94 feet to the point of beginning, said point being at the intersection of Highway 187 and Parkway Street; thence N 50 15'35"E 278.89 feet, thence N 46 24'33"E 39.04 feet, thence N 40 30'13"E 35.73 feet, thence N 35 28'33"E 84.97 feet, thence N 39 52'13"E 82.06 feet, thence N 42 46'56"E 135.54 feet to the entrance to Beaver Park.

#### Palisade Street

An existing paved street, being 25 feet wide, with the centerline of said street being more particularly described as follows: Commence at a found iron pin at the NE corner of the SW 1/4 of the NW 1/4 of Section 20, T.21N., R.26W., Carroll County, Arkansas, thence South 1337.73 feet, thence East 1653.64 feet for the point of beginning, said point being at the intersection of Highway 187 and Palisade Street; thence N 29 05'07"E 572.11 feet, thence N 25 13'00"E 71.18 feet, thence N 12 59'27"E 18.94 feet, thence N 2 03'12"E 15.22 feet, thence N 5 26'46"W 12.17 feet, thence N 15 16'11"W 13.77 feet, thence N 30 29'07"W 17.98 feet, thence N 37 08'04"W 20.19 feet, thence N 41 44'45"W 13.09 feet to the end of pavement.

#### Lazy L Drive

An existing paved street, being 25 feet wide, with the centerline of said street being more particularly described as follows: Commence at a found iron pin at the NE corner of said SW 1/4 of the NW 1/4 of Section 20, T.21N., R.26W.,<sup>41</sup> Carroll County, Arkansas, thence South 732.07 feet, thence West 2.04 feet to the point of beginning, said point being at the intersection of Highway 187 and Lazy L Drive; thence N 1 16'36"E 558.62 feet to the end of Lazy L Drive, and the beginning of Thomas Lane.

### Lazy L Lane

An existing road right-of-way, varying in width from 25 to 30 feet as shown on "Lazy L Subdivision" plat, and being more particularly described as follows: Commence at a found iron pin at the NE corner of said SW 1/4 of the NW 1/4, thence South 194.97 feet, thence East 19.88 feet to the point of beginning, said point being the SW corner of said right-of-way; thence S 85 22'53"E 244.47 feet, thence S 70 56'19"E 121.20 feet, thence S 63 02'47"E 95.00 feet, thence S 47 06'36"E 25.50 feet, thence S 42 55'49"E 55.00 feet, thence S 89 44'53"E 30.00 feet, thence

N 61 57'25"E 44.50 feet, thence N 49 56'59"E 71.99 feet, thence N 83 27'41"E 89.48 feet, thence S 81 01'55"E 170.00 feet, thence S 85 44'46"E 62.14 feet, thence S 71 43'09"E 40.34 feet, thence N 11 54'26"E 30.25 feet, thence N 71 43'09"W 40.34 feet, thence N 85 53'11"W 64.97 feet, thence N 80 58'09"W 105.94 feet, thence N 80 58'20"W 66.74 feet, thence S 83 22'29"W 103.02 feet, thence S 49 57'19"W 77.54 feet, thence S 68 01'33"W 42.34 feet, thence S 89 44'04"E 9.45 feet, thence N 50 50'54"W 50.05 feet, thence N 47 06'09"W

30.79 feet, thence N 65 55'01"W 90.91 feet, thence N 70 35'40"W 138.04 feet, thence N 82 35'38"W 136.96 feet, thence N 83 40'21"W 122.00 feet, thence S 15 19'03"E 37.92 feet to the point of beginning.

### Thomas Lane

An existing paved street, being 30 feet wide, with the centerline of said street being more particularly described as follows: Commence at a found iron pin at the NE corner of said SW 1/4 of the NW 1/4 of Section 20, T.21N., R.26W., Carroll County, Arkansas, thence South 173.59 feet, thence East 10.41 feet to the point of beginning; thence N 2 03'21"E 36.06 feet, thence N 0 33'58"E 120.83 feet, thence N 14 01'18"W 18.24 feet, thence N 34 31'29"W 10.98 feet, thence N 51 36'06"W 12.51 feet, thence N 72 58'34"W 13.18 feet, thence N 84 30'28"W 16.76 feet, thence N 87 52'56"W 111.59 feet, thence N 85 30'46"W 90.29 feet, thence N 75 26'24"W

24.36 feet, thence N 65 54'45"W 23.35 feet, thence N 35 02'53"W 17.77 feet, thence N 33 04'29"W 17.23 feet, thence N 20 41'42"W 75.22 feet, thence N 22 14'18"W 45.92 feet, thence N 25 05'50"W 19.77 feet, thence N 32 46'26"W 21.78 feet, thence N 41 37'26"W 14.31 feet, thence N 52 05'02"W 13.28 feet, thence N 64 56'00"W 19.24 feet, thence N 69 01'55"W 18.49 feet, thence N 76 17'15"W 21.20 feet, thence N 73 27'21"W 13.00 feet, thence N 87 25'17"W

28.02 feet to the end of Thomas Lane.

STATE LAW REFERENCES – See Police Power Statute, ACA 14-55-102

## CHAPTER 9.08

# NUMBERING BUILDING AND NAMING STREETS

### Sections:

1. Uniform system
2. Squire Beaver Road
3. Numbering based on block number
4. Specific numbers
5. Notification
6. Distinctive numbers
7. Plat map
8. Address number assignment
9. Building permits

1. Uniform system In the event street and building numbers are not assigned by county authorities, such as the 911 Office, there is hereby established a uniform system for numbering the property frontage on all streets, avenues, public and private ways in the Basing System of the town of Beaver comprised of the incorporated town. All houses and other buildings shall be numbered in accordance with the provisions of this ordinance. (Ord. No. 1.08, Sec. 1.)

2. Squire Beaver Road Squire Beaver Road shall constitute the base line for numbering buildings along all streets running westerly, and Parkway Street shall constitute the base line for numbering buildings along all streets running northerly and southerly.

- A. Each building west of Parkway Street and facing a street running in a northerly direction shall carry a number and address indicating its location west of said base street.
- B. Each building east of Parkway Street and facing a street running in a southerly direction shall carry a number and address indicating its location east of said base street.
- C. Each building north of Squire Beaver Road facing a street running in an easterly direction shall carry a number and address indicating its location north of said base street.
- D. Each building south of Squire Beaver Road facing a street running in a westerly direction shall carry a number and address indicating its location south of said base street.

E. All buildings on diagonal streets shall be numbered the same as buildings on northerly and southerly streets of the diagonals running more from the north to the south, and the same rule shall apply on easterly and westerly streets if the diagonal runs more from the east to the west. All buildings on diagonal streets having a deviation of exactly forty-five (45) degrees, shall be numbered the same as buildings on northerly and southerly streets. (Ord. No. 1.08, Sec. 2.)

3. Numbering based on block number The numbering of buildings on each street shall be based on its block number. The block numbering for each street shall have begun at the base line. All numbers assigned to property and buildings shall be assigned the basis of one for each fifty three and one-half (53.5) feet of street frontage. Where a lot of record is in excess of 25 feet of street frontage, with single building occupancy, the building shall be the nearest number within the sequence of 25 foot assignment. (Ord. No. 1.08, Sec. 3.)

4. Specific numbers

A. All buildings on the north and west sides of the street shall bear even numbers. All buildings on the south and east sides of each street shall bear odd numbers.

B. Where any building has more than one entrance serving separate occupants, a separate number shall be assigned to each entrance serving a separate occupant providing said building occupies a lot, parcel, or track having a frontage equal to 25 feet for each such entrance. If a building is not located on a lot, parcel, or tract which would permit the assignment of a one number to each such entrance, numerals and letters shall be used as set forth in Section 6 herein. (Ord. No. 1.08, Sec. 4.)

5. Notification

A. The town of Beaver has made and completed the necessary survey for the adoption of this ordinance to determine the address of property requiring the assignment of an address. Therefore, there shall be assigned to each house and other residential, commercial, industrial, or public building located on or gaining access to any street, avenue, or public way in said Basing System, its respective number under the uniform system provided for in this ordinance according to said survey.

B. In accordance with said completed survey each house and building has been assigned its respective number of numbers, the town shall notify by letter:

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1. The owner, occupant, or agent of the owner of the affected house or building;

2. The US Postal Service, the major utilities serving the address area, and emergency services such as police and sheriff, fire departments and ambulance service. The town shall make a record of the date of the letter and the address to which it was mailed.
- C. The owner, occupant, or agent of the owner of the affected house or building shall place or cause to be placed upon each house or building, the number(s) assigned under the address system as provided in this ordinance.
- D. Such numbers shall be placed on existing buildings within thirty (30) days from the date of the letter of notification. The cost of number(s) shall be paid for by the property owner, occupant, or agent for the owner of the affected house or building. Replacement of numbers shall be procured and paid for by the owner, occupant or agent of the owner of the affected house or building. The number(s) used shall not be less than three (3) inches in height for residential structures and shall not be less than six (6) inches for non-residential structures. The numbers shall be of a durable reflective material or a color contrasting background to promote enhanced visibility. If the proper number is not placed on an existing building within thirty (30) days from the date of the letter notification, it shall be the duty of the Building Inspector to inform the owner, occupant or agent of the owner of the affected building in writing.
- E. The numbers shall be conspicuously placed immediately above, or at the side of the proper door of each buildings so that the number can be seen plainly from the street on which the number is based. Whenever any building is situated so that the number is not clearly placed near the walk, driveway or common entrance to such buildings and affixed upon a gate post, fence, mail box, post or other appropriate place so as to be easily discernible. Numbers painted or stenciled on the curb shall not be a lawful substitute for the display of address numbers prescribed by this ordinance. (Ord. No. 1.08, Sec. 5.)
6. Distinctive numbers
  - A. Where only one number can be assigned to any house or building, the owner, occupant, or agent of the owner of such house or building, who shall desire distinctive numbers for the upper and lower portion of any house or building or for any part of any such house or building fronting any street, such owner, occupant or agent of the owner of the affected building shall be assigned the suffix (A), (B), (C), etc., as may be required. Fractional numbers shall not be used as an alternative to alphabetical designations.
  - B. Distinctive names such as 1<sup>st</sup> Plaza, Plaza One, or the like, may be used by owner to name business locations<sup>45</sup>. However, businesses so named shall also display the correct assigned address number of numbers in accord with this ordinance. (Ord. No. 1.08, Sec. 6.)

7. Plat map For the purpose of facilitating correct numbering, a plat map or book of maps of all streets, avenues, and public ways within the town area showing the proper numbers of all houses or other buildings fronting upon all streets, avenues, public or private ways shall be kept on file in the town office. These plats shall be open to inspection of all persons during regular office hours. (Ord. No. 1.08, Sec. 7.)

8. Address number assignment It shall be the duty of the Planning and Zoning Commission to inform any party applying for address numbers therefore of the number or numbers belonging to or embraced within the limits of any said lot or property as provided in this ordinance. In case of conflict as to the proper number to be assigned to any building, the Planning and Zoning Commission shall determine the number of such building. (Ord. No. 1.08, Sec. 8.)

9. Building permits

A. The owner or agent proposing to locate any house, building or structure in need of an address service area of the town of Beaver shall apply to the town Building Inspector for the assignment of the correct number or numbers.

B. Regarding building permits, no building permit shall be issued for structures in need of an address and no mail shall be delivered until the owner or agent has been assigned the correct address. The applicant is encouraged to post a temporary sign displaying the assigned address number at the construction site until such time the permanent number can be displayed. (Ord. No. 1.08, Sec. 9.)

STATE LAW REFERENCES – See Police Power Statute, A.C.A. 14-55-102

## **CHAPTER 9.12**

### **STREETS, ALLEYS, GUTTERS OR DITCHES**

Sections:

1. Streets and alleys
2. Gutters or ditches

1. Streets and alleys. It shall be the duty of every owner or occupant of any lot or premises in this town along which any street or alleys runs, to keep said street or alley from the middle line thereof to the side next to him, free from all manner and kind of filth, garbage, trash, debris or decaying animal and vegetable substance of every kind.

2. Gutters or ditches. No person shall allow any dirt, filth or obstruction of any kind to accumulate in the gutter or ditch in front of his premises, and all owners or occupants of property are required to keep the gutter or ditch in front of their premises clean, open and free from trash and weeds, and all obstructions to the easy and rapid flow of water.

STATE LAW REFERENCES – See Police Power Statute, A.C.A. 14-55-102.

## **CHAPTER 9.16**

### **EXCAVATIONS AND ALTERATIONS**

#### Sections:

1. Excavations - permit
2. Application for permit - deposit
3. Excavations to be restored

1. Excavations - permit. No person, firm or corporation shall cut into, tunnel under, or in any manner disturb the surface of any street, alley or sidewalk in the town without first applying for and obtaining from the Planning and Zoning Commission a written permit to do so, which shall be dated, and shall give the name and address of the person to whom the permit is granted, and the location of the place where the street, alley or sidewalk is to be cut into, tunneled under, and the purpose for which said permit is granted.

2. Application for permit - deposit. Any person, firm or corporation applying for said permit shall estimate in writing the number of square feet to be cut or tunneled. Before such permit is granted the applicant shall deposit with the Recorder/Treasurer for the purpose of insuring that the street is properly restored the sum of Five Dollars (\$5.00) per square foot for cutting concrete or other bituminous surface and Two Dollars (\$2.00) per square foot for cutting into gravel surface; provided the minimum deposit shall be Twenty-Five Dollars (\$25.00) without respect to the estimate.

3. Excavations to be restored. All excavations made are to be restored to their original condition to the satisfaction of the Mayor or his appointee before the deposit shall be returned.

STATE LAW REFERENCE - See A.C.A. 14-301-101; Police Power Statute, A.C.A. 14-55-102.

## CHAPTER 9.20

### STANDARDS FOR ROADS TO BECOME CITY STREETS

#### Sections:

1. Minimum standards
2. Grade
3. Base
4. Drainage
5. Intersections with existing public roads
6. Roadway surface hardening
7. Time period for completion of roadways
8. Hazards
9. Waivers
- 9.20.10 Penalties

1. Minimum standards Any road, public or private, in the town of Beaver shall meet certain minimum standards and requirements prior to being accepted into and maintained by the town of Beaver street system.

A. Rights-of-way All road rights-of-way will be a minimum of 25 feet wide and not more than 40 feet wide.

B. Clearing of declared rights-of-way That road right-of-way shall be cleared to a width of the right-of-way being declared. Certain trees that are in the right-of-way, but do not interfere with the proper clearance of the roadbed may be waived by the Street Official appointed by the Town Council.

2. Grade

A. No roadway, public or private, shall have greater than 15 percent grade, meaning 15 feet change in altitude per 100 feet of roadway.

B. Road surface shall have a minimum width of 12 feet, being free of rock three inches in diameter and larger, having at least a two inch crown.

3. Base Road surfaces shall be properly graded and shall be constructed with sufficient gravel, aggregate or clay so as to establish a firm roadbed, free of clay pockets, waterseeps, and other undesirable materials.

4. Drainage

- A. Drainage ditches, where necessary, on both sides of the road shall be established so as to carry off surface water to prevent erosion to the roadbed. At least a two percent gradient toward an established drainage facility, natural or manmade, shall be required unless waived by the Street Official.
- B. Drainage structures such as culverts shall have a minimum diameter of 15 inches and be constructed of reinforced concrete or corrugated galvanized metal. Waiver may be granted by the Street Official when a drainage structure of less than 15 inches has been installed more than five years and appears to be adequate for proper water run-off. Diameter of culverts shall be sufficient to carry water run-off during hard down pour of rain and shall be installed with a minimum of one inch fall per linear foot and have at least six inches of overburden or dirt over drainage structure.
- C. A sufficient number of culverts shall be installed to provide proper drainage, but shall not be placed as to interfere or cause erosion or damage to public or private property.

5. Intersections with existing public roads Specifications pertaining to point of intersection of proposed new road and existing public or private road shall be:

- A. Surface of road at intersection shall have flare on both sides with radius of feet.
- B. If point of intersection is other than a crown intersection, a drainage structure of proper diameter and length shall be furnished and installed by developer or owner.

6. Roadway surface hardening specifications for existing hard surface roads before being incorporated into the Beaver Street System are that the minimum amount of hard surface material shall be: One primer coat, two seal coats.

7. Time period for completion of roadways Roads shall be completed a minimum period of one year before being accepted into the Beaver Street System. A separate ordinance shall be published authorizing the acceptance of a public or private road into the Beaver Street System, provided that all conditions of this ordinance are in compliance.

8. Hazards Whenever the Street Official determines that any existing excavation or grading or embankment or fill on a private or public road has become a hazard or endangers property, or adversely affects the safety, use or stability of the public way or drainage channel, the adjacent landowner of the private or public road upon which the excavation or grading or embankment or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Street Official shall within the period specified therein, repair or

eliminate such excavation or grading or embankment or fill so as to eliminate the hazard and be in conformance with the requirements of this code.

9. Waivers Waivers to the standards and requirements set forth in this ordinance which are granted by the Street Official must have the approval of the Town Council before waiver is considered final.

9.20.10 Penalties Any person violating, the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than One Dollar(\$1.00) nor more than Twenty-Five Dollars (\$25.00) each day for each offense or violation that occurs. Each day said offense or violation occurs shall constitute a separate offense.

STATE LAW REFERENCE – See ACA 14-301-101 et seq.; Police Power Statute, ACA 14-55-102.

**TITLE 10**

**UTILITIES**

(Reserved)

**TITLE 11****BUILDINGS AND CONSTRUCTION**Chapters:

- 11.04 Condemned Structures
- 11.08 Housing Code (Reserved)

**CHAPTER 11.04****CONDEMNED STRUCTURES**Sections:

1. Unsafe or unsanitary conditions
2. Condemnation required
3. Description of property, reason for condemnation
4. Notice
5. Removal
6. Duties of Retained Building Inspector
7. Proceeds of sale
8. Enforcement of lien
9. Penalty
- 11.24.10 Judicial condemnation, penalty, previous sections applicable

1. Unsafe or unsanitary structures unlawful It is hereby declared to be unlawful for any person or persons, partnership, corporation or association to own, keep or maintain any house, building and/or structure within the corporate limits of the town of Beaver, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the Town Council, due to unsafe or unsanitary conditions.

2. Condemnation required That any such house, building and/or structure which is found and declared to be a nuisance by resolution of the Town Council will be condemned to insure the removal thereof as herein provided.

3. Description of property, reason for condemnation That the resolution of the Town Council condemning any house, building and/or structure which constitutes a nuisance will include in said resolution an adequate description of the house, building and/or structure, the name or names, if known, of the owner or owners thereof and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance.



4. Notice After a house, building and/or structure has been found and declared to be a nuisance and condemned by resolution as herein provided, a true or certified copy of said resolution will be mailed to the owner or owners thereof, if the whereabouts of said owner or owners be known or their last known address be known, and a copy thereof shall be posted in

a conspicuous place on said house, building and/or structure. Provided, that if the owner or owners of said house, building and/or structure be unknown, the posting of the copy of said resolution as hereinabove provided will suffice as notice.

5. Removal If the house, building and/or structure constituting a nuisance has not been torn down and removed or said nuisance otherwise abated within thirty (30) days after posting the true copy of the resolution at a conspicuous place on said house, building and/or structure constituting the nuisance, it will be torn down and/or removed by the Building Inspector or his duly designated representative.

6. Duties of Retained Building Inspector The Retained Building Inspector or any other person or persons designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the town, to insure its removal and the abatement of the nuisance.

7. Proceeds of sale All the proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials therefrom and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the

\_\_\_\_ Recorder/Treasurer. If any such house, building and/or structure, or the saleable materials therefrom be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the town of Beaver, Arkansas, plus any fine or fines imposed, the balance thereof will be returned by the Recorder/Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance.

8. Enforcement of lien If the town has any net costs in removal of any house, building and/or structure, the town shall have a lien on the property as provided by Section 1 of Act 8 of 1983. The lien may be enforced in either one of the following manners:

- A. The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Chancery Court; or
- B. The amount of the lien herein provided may be determined at a hearing before the governing body of the municipality held after thirty (30) days' written notice

by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such

hearing in a newspaper having a bona fide circulation in the county wherein the said property is located for one (1) insertion per week for four (4) consecutive weeks, the determination of said governing body being subject to appeal by the property owner in the Chancery Court, and the amount so determined at said hearing, plus ten percent (10%) penalty for collection, shall be by the governing body of the municipality certified to the tax collector of the county wherein said municipality is located, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent (3%) thereof, whenso collected shall be paid to the municipality by the County Tax Collector.

9. Penalty A fine of Fifty Dollars (\$50.00) is hereby imposed against the owner or owners of any house, building and/or structure found and declared to be a nuisance by resolution of the Town Council of the town of Beaver, Arkansas, thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty Dollars (\$50.00) for each said separate and distinct offense, provided the notice as herein provided in Section 11.24.04 hereof has been given within ten (10) days after said house, building and/or structure has been by resolution found and declared to be a nuisance.

11.24.10 Judicial condemnation, penalty, previous sections applicable In the event it is deemed advisable by the Town Council of the town of Beaver, Arkansas, that a particular house, building and/or structure be judicially declared to be a nuisance by a court having jurisdiction of such matters, the Town Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the town, and the only notice to be given to the owner or owners of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a court of equity or Chancery Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a court of competent jurisdiction, a fine of Fifty Dollars (\$50.00) is hereby imposed against the owner or owners thereof from the date said finding is made by the court and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty Dollars (\$50.00) for each separate and distinct offense. In the event the owner or owners of any such house, building and/or structure judicially found to be a nuisance fails or refuses to abide by the orders of the court, the Building Inspector or any other person or persons referred to in Section 11.24.06 of this ordinance will take such action as provided in Section 11.24.06 hereof, and Section 11.24.07 of this ordinance will be applicable to such owner or owners. The provisions contained in the immediately preceding sentences apply independently of any action as may be taken by the court judicially declaring the nuisance.

STATE LAW REFERENCES – See Police Power Statute, A.C.A. 14-55-102; A.C.A. 14-56-201.

## **CHAPTER 11.08**

### **HOUSING CODE**

(Reserved)

**TITLE 12****PARKS AND RECREATION**Chapters:

4. Park Committee

**CHAPTER 12.04****PARK COMMITTEE**Sections:

- 4.1. Park Committee created
- 4.2. Minor purchase authority
- 4.3. Park revenues available
- 4.4. Tree program definitions
- 4.5. Administration
- 4.6. Tree program activities
- 4.7. Tree planting, maintenance and removal
- 4.8. Commercial tree service
- 4.9. Hazardous and nuisance trees
10. Tree protection and landscaping
11. Penalty

1. Park Committee created There shall be a Park Committee composed of three to five members who shall elect a Chair. The Park Committee shall meet monthly as needed during the months April through October. The Park Committee is created to advise and recommend the Town Council on matters pertaining to Beaver Park planning, to ensure that regular repairs and maintenance are performed as needed, to interview, recommend and supervise park attendants and relief attendants, and to serve as the community's sounding board for all Beaver Park matters. Members shall be appointed by the Mayor and approved by the Town Council, and shall serve three-year, staggered terms initially by lot.

2. Minor purchase authority The Park Committee Chair is granted authority to obligate the town and to expend funds derived from park revenues for individual purchases no greater than Two Hundred Fifty Dollars (\$250.00) for park purposes only. The Park Committee shall have power to delegate this minor purchase authority to the park attendants or relief

attendants up to Seventy-Five Dollars (\$75.00). Each purchase must be fully documented, and presented to the Town Council at its next meeting.

3. Park revenues available This authority is limited in total amount to park revenues on hand at the time it is exercised.

STATE LAW REFERENCES – A.C.A. 14-54-901 et seq.; 14-269-101 et seq.; 22-4-501 et seq.

4. Tree program definitions

**Commercial tree service** A person or organization who performs work on trees for profit.

**Dripline** An imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.

**Hazardous tree** A tree or tree parts with high probability of falling or causing injury or property loss; also, a tree harboring insects or a disease that could be detrimental to surrounding trees.

**Person** An individual, firm, corporation, partnership, business, group of individuals, town department, or other entity which acts singly or collectively for a common purpose.

**Public grounds** Areas including street rights-of-way, alleys, parts, medians, substations, treatment plants, plazas, squares, public buildings and any other areas designated for public use.

**Street right-of-way** The area designated for town improvements on both sides of the street.

**Topping** Also referred to as stubbing, haircutting, dehorning and heading; it is the severe removal of the tree canopy back to large stubs.

**Tree** Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than three inches at DBH and a height of over 10 feet.

5. Administration The Park Committee's tree program activities shall be advisory in nature with the purpose of providing advice to the Mayor and Town Council as to the management of the community forest of Beaver, in accordance with the intents and purposes of this code section.

6. Tree program activities One of the major purposes of the Beaver Park Committee shall be promoting the responsible planting of trees on public and private property, public education about trees, promotion of proper maintenance of trees, advocating trees within the town, and developing innovative and joint funding for projects from a variety of sources.



- A. The Beaver Park Committee's tree program activities shall include the responsibility to study, investigate, consult, develop, updated annually, and administer a written plan for the care, preservation, pruning, planting or removal of trees and shrubs in parks, along the streets, and in other public areas. Such plan will be presented annually to the Town Council and upon their acceptance and approval shall constitute the unofficial comprehensive tree management plan.
- B. The Committee will investigate available grants, loans or contributions from other governmental agencies, public or private corporations and individuals.
- C. The Committee will encourage and foster the planting of trees and other vegetation for the beautification of the town, and disseminate information to the public concerning proper selection and care of trees.

7. Tree planting, maintenance and removal It is the public policy of the town of Beaver to maintain existing trees and to provide for and encourage the planting of new trees within Beaver to the greatest extent possible.

- A. The town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry and beauty of such public grounds.
- B. The town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with the visibility of any traffic control device or sign or site triangle at intersections.
- C. Trees shall not be removed from a street right-of-way or other public ground unless approval is received from the town.
- D. It shall be a violation of this ordinance to damage, destroy or mutilate any tree in a public right-of-way or on other public grounds, or attach or place any rope or wire, sign, poster, handbill or any other object to any such tree.
- E. Trees shall not be planted to conceal a fire hydrant from the street or impede the line of sight on the street.
- F. It shall be unlawful for any person to top or cut back to stubs the crown of any tree on street rights-of-way or on other public grounds.
- G. Town agent performing tree work on public ground shall be trained in basic tree science and the proper techniques of tree pruning.

H. Public utility companies shall notify the town prior to pruning any tree located on town-owned property for the purpose of maintaining safe line clearance and shall carry out all such work in accordance with accepted arboricultural practices.

8. Commercial tree service

A. Requirements to procure a business license to engage in cutting, trimming, pruning, removing, spraying, or otherwise treating trees shall include compliance with the town arborist's recommendations approved by the town of Beaver Park Committee with subject matter related to cutting, pruning, trimming, removing, spraying, or otherwise treating trees.

B. Any applicant for a tree service business permit shall provide at the time of application a certificate of insurance showing insurance coverage for general liability, automobile liability, workers' compensation, and other coverage as required by law.

C. No permit shall be required of any public service company or town employee doing such work in the pursuit of their public service endeavors.

D. Fees shall be established from time to time by resolution of the town of Beaver taking into consideration recommendations of the Beaver Park Committee.

E. Tree service contractor's permits may be renewed by filing a renewal application with the town, including the annual permit fee and proof of insurance as required herein.

F. Any permit issued hereunder shall not be transferable.

9. Hazardous and nuisance trees

A. The town shall have the right to cause the removal of any dead or diseased trees on private property within the town, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the town, after giving notice to the landowner and a reasonable time for the landowner to remove such trees. In the event of failure of the landowner to comply with such notices, the town shall have the authority to remove such trees at the cost of the landowner.

B. Although the town has the right to enter upon private lands for these purposes, it shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct view of any street or alley intersection.



10. Tree protection and landscaping
- A. Subdivision and development plans shall be designed to preserve natural vegetation areas as much as possible. Streets, parcels, structures and parking areas shall be laid out to minimize the destruction of wooded areas or outstanding tree specimens. Developers of land are encouraged to designate wooded areas as park reserves or wildlife habitat.
- B. In new subdivision or when the development of commercial property occurs, the town and Planning Commission will review landscaping plans and may require street trees to be planted in any of the streets, parking lots, parks and other public places abutting lands henceforth developed or subdivided.
- C. The Planning Commission shall consider a landscape plan as part of its review of any subdivision plan, development plan or site plan application.
- D. No person shall deposit, place, store, or maintain upon any public place of the municipality, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, or nutrients to the roots within the drip line of any tree growing thereon, except by written permission of the town.
11. Penalty Any person violating this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed Five Hundred Dollars (\$500.00) for each separate offense.

STATE LAW REFERENCE – See A.C.A. 14-55-102.

**TITLE 13****PLANNING****Chapters:**

13.04 Flood Damage Prevention Code

**FLOOD DAMAGE PREVENTION  
CODE FOR BEAVER, ARKANSAS,  
FEBRUARY 7, 2011****ARTICLE 1 DEFINITIONS**

Unless specifically defined below, words or phrases used in this Code have their common usage meaning to give the most reasonable application to this Code.

Additional definitions for floodplain management terms can be found at Part §59.1 of 44 CFR.

***44 CFR (Emergency Management and Assistance – National Flood Insurance Program Regulations)*** Parts 59-75 contain Federal regulations upon which local floodplain managements are based

***44 CFR § 65.12*** – contains the section of the Federal regulations which involves revision of flood insurance rate maps to reflect base flood elevations caused by proposed encroachments.

***“100-year flood”*** is any flood with a 1% chance of occurring in any given year. The term is misleading, because of its statistical derivation. A “100-year flood” may occur many times in any given 100-year period, or it may not occur at all in 100 years.

***“500-year flood”*** is any flood with a 0.2% chance of occurring in any given year. As with the 100-year flood, this term is also misleading, because of its statistical derivation. A “500-year flood” may occur many times in any given 500-year period, or it may not occur at all in 500 years.

**“Accessory Structures”** are structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure (such as garages and storage sheds).

**“Adverse impact”** means any negative or harmful effect.

**“AE or A1-30 Risk Zones”** are special flood hazard areas where detailed studies have determined base flood elevations. AE has replaced A1-30 in newer flood maps.

**“AH Risk Zones”** are special flood hazard areas characterized by shallow flooding with ponding effects (where floodwaters accumulate in depressions and linger until absorbed or evaporated).

**“AO Risk Zones”** are special flood hazard areas characterized by shallow flooding with sheet flow (where floodwaters flow in a broad, shallow sheet rather than through a narrow channel).

**“A Risk Zones”** are special flood hazard areas without detailed studies, where base flood elevations have not been determined.

**“Appeal Board”** means a person or persons specifically designated to render decisions on variance applications and floodplain management complaints.

**“Automatic”** entry and exit of floodwaters means that the water must be able to enter and exit with no intervening action from a person.

**“Base flood”** is the flood profile used as the basis for the NFIP regulations. The Federal government has selected the “100-year flood” as the base flood.

**“Base Flood”** is the flood profile used as the basis for the NFIP regulations. The Federal government has selected the 1% chance flood as the base flood.

**“Basement”** is any enclosed area that is below grade on all sides.

**“BFE”** is the acronym for Base Flood Elevation.

**“Buoyancy”** is the upward force exerted by water. Buoyancy can cause underground tanks to float free and can lift structures off foundations.

**“Certificates of Compliance”** are formal documents issued by floodplain administrators certifying that completed projects comply with the requirements of the local Code.

**“CFR”** is the acronym for the Code of Federal Regulations. The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation. The Federal regulations pertaining to the national Flood Insurance Program are found in title 44, Emergency Management and Assistance.

**“Clearing”** is the act of cutting timber or shrubs from an area

**“Commercial business park”** is typically an area of offices or light industrial usage, although retail, service, or industrial usage is sometimes included in supporting roles. For example, a commercial business park of office complexes may also include restaurants which service these offices.

**“Concrete deadman anchors”** are heavy steel rods embedded in buried sections of concrete, used to secure items in place under tension.

**“Covenant”** is a clause in a contract that requires one party to do, or refrain from doing, certain things. A covenant frequently appears as a restriction that a lender imposes on a borrower.

**“Crawlspace”** is a type of structural foundation where the space beneath the lowest floor is typically not deep enough to allow a person to stand and not all four walls are below grade.

**“Critical Facilities”** include: Governmental facilities that are considered essential for the delivery of critical services and crisis management (such as data and communication centers and key governmental complexes); facilities that are essential for the health and welfare of the whole population (such as hospitals, prisons, police and fire stations, emergency operations centers, evacuation shelters and schools); mass transportation facilities (such as airports, bus terminals, train terminals); lifeline utility systems (including potable water, wastewater, oil, natural gas, electric power and communications systems); high potential loss facilities (such as nuclear power plants or military installations); hazardous material facilities (such as industrial facilities housing or manufacturing or disposing of corrosives, explosives, flammable materials, radioactive materials and toxins).

**“D Zones”** areas in which the flood hazard has not been determined, but may be possible

**“Deed restriction”** refers to a clause in a deed that limits the future uses of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions, for example, they may limit the density of buildings, dictate the types of structures that can be erected, prevent buildings from being used for specific purposes or even from being used at all.

**“Development”** means any man-made change to improved or unimproved real estate. It includes, but not limited to, construction, reconstruction, or placement of a building, or any addition or substantial improvements to a building. “Development” also includes the installation of a manufactured home on a site, preparing a site for a manufactured home, or installing/parking a travel trailer. The installation of utilities, construction of roads, bridges, culverts or similar projects are also “developments.” Construction or erection of levees, dams, walls, or fences; drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface are “developments.” Storage of materials including the placement of gas and liquid storage tanks are “developments,” as are channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters. “Development” will normally not include maintenance of existing drainage ditches, gardening, plowing, planting, harvesting of crops, or similar practices that do not involve filling, grading, or construction of levees.

**“Development Permit”** refers to the permit required for placing a “development” in the floodplain.

**“Easements”** are rights or permissions held by one person to make specific, limited use of land owned by another person.

**“Elevation Certificate”** refers to FEMA form 81-31, which for the purposes of this Code must be properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.

**“Erosion”** is the process of soil removal by moving water.

**“Existing Structure”** means, for floodplain management purposes, a structure which is in place before any reconstruction, rehabilitation, addition, or other improvement takes place.

**“Existing Manufactured Home Park or Subdivision”** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**“Expansion to an Existing Manufactured Home Park or Subdivision”** - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**“Federal Emergency Management Agency”**, or FEMA, is the Federal agency responsible for administering the National Flood Insurance Program.

**“FEMA”** is the acronym for the Federal Emergency Management Agency.

**“Fill”** refers to the placement of natural sand, dirt, soil, rock, concrete, cement, brick or similar material at a specified location to bring the ground surface up to a desired elevation.

**“FIRM”** is the acronym for Flood Insurance Rate Map.

**“Flood Fringe”** refers to the portion of the 100-year floodplain which is outside the floodway (See definition of floodway below.)

**“Flood Insurance Rate Map” (or “FIRM”)** refers to the official flood map of a community on which FEMA has categorized Special Flood Hazard Areas into risk premium zones.  
flood maps

**“Flood Insurance Study” (or “FIS”)** is the official report provided by FEMA. It contains flood profiles, floodway tables, engineering methods, and other descriptive and technical data.

**“Floodplain Management”** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**“Flooding events”** are general or temporary conditions of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or from the unusual and rapid accumulation or runoff of surface waters from any source.

**“Floodplain”** refers to any land area susceptible to inundation by floodwaters from any source. For the purposes of this Code, floodplain refers to the land area susceptible to being inundated by the base flood.

**“Floodplain Administrator”** refers to the community official designated in the local Flood Damage Prevention Code as responsible for the Code’s administration.

**“Floodplain Development Permit”** is a permit issued by the local Floodplain Administrator and is required before beginning any development in an area designated as a Special Flood Hazard Area on the community’s FIRM.

**“Floodproofing”** is a combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate the risk of flood damage.

**“Floodproofing Certificate”** refers to FEMA form 81-65, which for the purposes of this Code must be properly completed by a Professional Engineer or Architect licensed to practice in the State of Arkansas.

**“Floodway” or “Regulatory Floodway”** refers to a stream channel and the land to either side of the stream channel that must remain undeveloped and open in order to allow floodwaters to pass without increasing the base flood elevation more than a designated height. For the purposes of this Code, the height is one foot (1 ft.). Severe restrictions or prohibitions are imposed on development within the floodway.

**“Flow-through openings”** are openings specifically designed to allow floodwaters to flow into and out of enclosed spaces, minimizing the danger of foundation or wall collapse from lateral hydrostatic pressure.

**“Functionally dependent use”** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**“Grade”** means the surface of the ground.

**“Grading”** means to smooth the surface of the ground, typically with heavy construction equipment.

**“Highest Adjacent Grade” (HAG)** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**“Historical Structure”** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

- a. By an approved state program as determined by the Secretary of the Interior or;
- b. Directly by the Secretary of the Interior in states without approved programs.

**“Hydrodynamic forces”** are the forces and stresses associated with moving water, including impacts from objects carried in the water.

**“Hydrostatic flood forces”** are the forces and stresses associated with standing floodwaters.

**“Lacustrine Flooding”** is flooding associated with a lake.

**“Lateral forces”** are the horizontal hydrostatic forces associated with standing water. Water exerts an equal force in all directions, and as little as three feet of standing water can generate sufficient lateral force to collapse a foundation or wall.

**“Lowest floor”** refers to the lowest floor of the lowest enclosed area (including Basement). For a typical slab-on-grade construction, the lowest floor is the top of the first floor of the structure. For a typical basement foundation construction, the elevation of the lowest floor is the top of the basement floor. For a typical crawlspace foundation construction, the elevation of the lowest floor is the top of the first floor of the structure. For a typical split-level construction, the elevation of the lowest floor is the top of the first living area floor. For a manufactured home installation, the elevation of the lowest floor will be the bottom of the lowest I-Beam. The garage floor and crawlspaces are not the lowest floor as long as there are no living areas in the garage and it is used solely for storage, parking vehicle and entry to the structure, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance regulations.

**“Manufacture Homes” or Structures** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

**“Manufactured Home Park or Subdivision”** means a parcel (or contiguous parcels) of land subdivided into two or more manufactured home lots for rent or sale.

**“Mean Sea Level”** (MSL) means, for the purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s FIRM are referenced.

**“Mixed Use Structures”** are structures with both a business and a residential component, but where the area used for business is less than 50% of the total floor area of the structure.

**“New Construction”** means, for floodplain management purposes, structures for which the “start of construction” commenced on or after the date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**“New Manufactured Home Park or Subdivision”** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**“No Adverse Impact principle”** is a principle of restricting or prohibiting land development that does harm or “adversely affects” someone else’s property or land.

**“Nonresidential Structures”** are structures used only for commercial or public purposes, such as businesses, schools, churches, etc...

**“No-Rise Certificates”** are formal certifications signed and stamped by a Professional Engineer licensed to practice in the State of Arkansas, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase in flood levels within the community during the occurrence of a base flood event.

**“Piers”** are columns of masonry or other structural material (commonly cement blocks stacked up to support a manufactured home), usually rectangular, used to support other structural members. For the purpose of this ordinance, piers must be permanent in nature.

**“Pilings”** are steel tubes driven to rock or a suitable soil bearing layer and connected to the foundation of a structure.

**“Ponding”** is a flooding effect where floodwaters accumulate in shallow depressions and linger until absorbed or evaporated.

**“Recreational vehicles”** means a vehicle which is:

- (i) built on a single chassis;
- (ii) 400 square feet or less when measured at the largest horizontal projections;
- (iii) designed to be self-propelled or permanently towable by a light duty truck; and
- (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**“Risk Zones”** categorize special flood hazard areas into groupings by the specific risk of flooding. Zones A, AE or A1-30, AO, and AH are Special Flood Hazard Areas. See “X Risk Zones” in this section.

**“Riverine flooding”** is flooding associated with a river or stream channel.

**“RV”** is the acronym for recreational vehicle.

**“Screw augers”** are any type of anchor that twists into the soil, typically to a depth of 4 feet or more. They are not suitable for securing manufactured homes against floodwaters because saturated grounds often soften and fail to hold the anchor in place.

**“Section 404 Wetlands Permit”** is a permit required under Section 404 of the Clean Water Act for the discharge of dredged and fill material into any surface water of the United States. The US Army Corps of Engineers issues Section 404

permits. **“SFHA”** is the acronym for Special Flood Hazard

Area. **“Shallow flooding”** means a depth of less than 3

feet.

**“Slab anchors”** are anchors where the hook of the anchor is wrapped around a horizontal rebar in the slab before the concrete is poured.

**“Special flood hazard areas”** are geographical areas identified on FEMA flood maps as being at-risk for flooding. The maps further categorize these areas into various flood risk zones A, AE or A1-30, AH, and AO.

**“Start of Construction”** includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**“State Coordinating Agency”** is the agency that acts as a liaison between FEMA and a community for the purposes of floodplain management. The Arkansas Natural Resources Commission is the State Coordinating Agency for Arkansas.

**“Stream channels”** are depressed natural pathways through which water of any quantity routinely flows.

**“Structural development”** is a development that includes the placement or construction of a structure.

**“Structure”** means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**“Substantial damage”** is damage of any origin where the cost to restore a structure to its original undamaged state would equal or exceed 50% of the market value of the structure before any damage occurred. In determining whether substantial damage has occurred, estimators must use standard contractor and materials costs. There are no exceptions for homeowners who make their own repairs or for discounted or free raw materials.

**“Substantial improvement”** is any reconstruction, remodeling, addition or improvement to a structure with a cost equaling or exceeding 50% of the market value of the structure before any improvement. Improvements to correct identified violations of local health, sanitary or safety Codes are not substantial improvements, regardless of the cost, as long as they are the minimum improvement necessary to bring the structure up to Code. Alterations to historical structures are also exempted, as long as the improvement does not affect the structure’s official status of “historical structure.”

**“Uses vulnerable to floods”** are simply any land or structural uses that may be negatively affected by a flood.

**“Variance”** is a formal, written permission from the Appeals Board to construct or develop in a way that is inconsistent with the requirements of this Code. The variance only deals with this Code – the Appeals Board has no authority to waive any other governmental requirement, and has no say in the cost of flood insurance.

**“Violation”** - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Code is presumed to be in violation until such time as that documentation is provided.

**“Watercourse alteration”** refers to any change that occurs within the banks of a watercourse.

**“Water Surface Elevation”** - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**“X Risk Zones”** are a special group of insurance risk zones. One type, shown as non-shaded areas on FEMA issued flood maps, indicates a zone where flooding is not expected to occur.

The second type, shown as shaded areas of FEMA flood maps, indicates a flood hazard area that is expected to be affected by the 500-year flood, but not by the 100-year base flood.

## **ARTICLE 2 ADMINISTRATION**

### **SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The **Mayor of Beaver, Arkansas**, or his designee, is hereby appointed the Floodplain Administrator.

### **SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

It is the duty and responsibility of the Floodplain Administrator or his designee to:

- (1) **Obtain accreditation each year** as required by A.C.A. §14-268-106 through the State Coordinating Agency, which is the **Arkansas Natural Resources Commission**.
- (2) **Administer and implement the provisions of this Code** and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) as they pertain to floodplain management
- (3) **Review applications for Floodplain Development Permits** to:
  - a) Evaluate proposed projects for reasonable safety from flooding;
  - b) Evaluate proposed projects for conformance with No Adverse Impact principles;
  - c) Ensure that all other permits necessary (including Section 404 Wetlands Permits as required by the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) for proposed projects are obtained from the appropriate government agency prior to issuing a Floodplain Development Permit; and
  - d) Ensure that proposed projects conform to the applicable provisions of this Code.
- (4) **Approve or deny applications for Floodplain Development Permits** on the basis of:
  - a) The proposed development's compliance or non-compliance with the provisions of this Code;

- b) The expected flood elevation, flood water velocity, flood duration, rate of rise and sediment transport of the floodwaters expected at the proposed development site;
- c) The proposed development's potential to adversely impact life and property by changing flooding patterns, changing erosion rates, or being swept onto other lands by flood waters;
- d) The proposed development's susceptibility to flood damage;
- e) The proposed development's compatibility with existing and planned community development;
- f) The proposed development's accessibility by ordinary and emergency vehicles during flooding events;
- g) The anticipated costs of providing governmental services to the proposed development during and after flooding events, including maintenance and repair of streets, bridges, facilities and public utilities such as sewer, gas, electrical and water systems;
- h) The proposed development's functionally dependent use;
- i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed development; and
- j) The relationship of the proposed use to the comprehensive plan for that area.

(5) **Interpret the exact location of the boundaries of Special Flood Hazard Areas** whenever a mapped boundary appears to be different from actual field conditions. (The sole purpose of this interpretation is to determine the applicability of the provisions of this Code to the proposed project.)

(6) **Notify adjacent communities** and the State Coordinating Agency, which is the Arkansas Natural Resources Commission, a minimum of 60 days **prior to any alteration or relocation of a watercourse**, and submit evidence of all such notifications to FEMA.

(7) **Ensure that the flood carrying capacity** within an altered or relocated portion of a watercourse is not diminished, and that the alteration or relocation does not adversely impact any other lands.

(8) **Obtain, review and reasonably utilize**, whenever the current Flood Insurance Study or current Flood Insurance Rate Map does not provide **base flood elevation data, any base flood elevation data and floodway data** available from any Federal, State or other source. The Floodplain Administrator may obtain such data by requiring the applicant to

submit it in conjunction with a Floodplain Development Permit application. (The sole use of this data is the administration of the provisions of this Code.)

- (9) **Inspect floodplain developments as necessary** to ensure construction is in accordance with the application data that formed the basis for the decision to issue the Floodplain Development Permit.
- (10) **Issue Certificates of Compliance.**
- (11) **Maintain all records and documents pertaining to this Code for public inspection.**

### **SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT**

**A Floodplain Development Permit is required** for all structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations or any other development **in a Special Flood Hazard Area to ensure conformance with the provisions of this Code.**

### **SECTION D. PERMIT PROCEDURES**

- (1) **Application** for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard.
- (2) The **documentation** required with each Application for a Floodplain Development Permit, and the specific provisions of this Code applicable to the proposed development, are dependant upon the type of development proposed and the Risk Zone of the proposed development site. Article 3, Section A contains standards for all developments in all Risk Zones. Article 3, Section B contains standards for specific development types in specific Risk Zones.
- (3) The decision of the Floodplain Administrator to **approve or deny** issuance of a Floodplain Development Permit is **subject to appeal** to the designated Appeal Board. Within **Beaver**, Arkansas the designated Appeal Board is the **Board of Zoning Appeals**.

### **SECTION E. PROCEDURES FOR VARIANCE FROM THE REQUIRMENTS OF THIS CODE**

- (1) Applicants must submit petitions for variances directly to the Appeal Board (Section E).

(2) Variances may only be issued:

- a) if showing a good and sufficient cause;
- b) granting of the variance will not result in any adverse impact upon other lands;
- c) if granting of the variance will not result in any additional threats to public safety;
- d) if granting of the variance will not result in extraordinary public expense;
- e) if granting of the variance does not create a nuisance, cause fraud or victimization of the public, or conflict with existing laws or ordinances;
- f) if granting of the variance will not result in increased flood heights or an increase in expected flood velocities;
- g) if the requested variance is the minimum necessary, considering the flood hazards, to afford the necessary relief; and
- h) upon determination that the requested variance is necessary to avoid an extraordinary hardship to the applicant.

(3) Variances may not be issued for developments inside a regulatory floodway unless

- a) all requirements of 44 CFR §65.12 are first met; or
- b) the following requirements are met:
  - 2. a No-Rise Certificate signed and sealed by a Professional Engineer licensed to practice in the State of Arkansas is submitted to document that no increase in the base flood elevation would result from granting a variance for the proposed development;
  - 3. protective measures are employed to minimize damages during flooding events; and
  - 4. the variance does not result in any adverse impact to other lands.

(4) Examples of developments for which variance petitions may be appropriate include but are not limited to

- a) the new construction of, or substantial improvement to, a structure on a lot of 1/2 acre or less in size that is surrounded by contiguous lots with existing structures constructed below the <sup>75</sup>base flood elevation;

- b) for the reconstruction, rehabilitation or restoration of an historical structure, provided that:
  - 1. the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure; and
  - 2. the variance is the minimum necessary to preserve the historic character and design of the structure.
  
- c) the new construction of, substantial improvement to, or other development necessary to conduct a functionally dependent use, provided that:
  - 1. the criteria outlined in Article 2, Section E, (3) and (4) and Article 2, Section F are met, and
  - 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**SECTION F. APPEAL BOARD**

- (1) Within **Beaver**, Arkansas the **Board of Zoning Appeals** is the designated Appeal Board.
  
- (2) The Appeal Board will consider an appeal only with allegations of an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Code.
  
- (3) Upon consideration of the factors noted in Article 2, Sections E and F, and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.
  
- (4) Appeal Board decisions are binding only upon the requirements of this Code, and have no bearing on the decision of any lending institution to require the purchase of flood insurance or on the rate determination of such insurance.
  
- (5) Any time the Appeal Board issues a variance, it must provide the applicant with a formal written warning of an increased risk of flood damage due to removal of restrictions designed to lessen such risks. The notice must also warn of a corresponding increase in the cost of flood insurance, since the cost of such insurance will be commensurate with the increased risk.
  
- (6) Aggrieved parties may appeal any decision of the Appeal Board to a court of competent jurisdiction.

## **ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **SECTION A. GENERAL STANDARDS**

The following standards apply to all developments in Special Flood Hazard Areas, regardless of the type of proposed development or the Risk Zone of the proposed site.

1. **All new construction or substantial improvements shall be designed (or modified) and adequately anchored** to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. **All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;**
3. **All new construction or substantial improvements shall be constructed with materials resistant to flood damage;**
4. All **critical facilities** constructed or substantially improved in Special Flood Hazard Areas (SFHA) must be constructed or modified to **exceed 500-year flood protection standards or located outside the SFHA.**
5. **The placement or construction of all new structures must be in full compliance with the provisions of this Code**
6. For the purposes of this Code, all **mixed-use structures** are **subject to the more stringent requirements of residential structures.**
7. **A substantial improvement or substantial damage** to an existing structure **triggers requirement to bring the entire structure into full compliance** with the provisions of this Code. The existing structure, as well as any reconstruction, rehabilitation, addition, or other improvement, must meet the standards of new construction in this Code.
8. **Any improvement to an existing structure that is less than a substantial improvement requires the improvement, but not the existing structure, to be in full compliance with the provisions of this Code.**
9. **All manufactured homes** to be placed within a Special Flood Hazard Area on a community's FIRM shall be **installed using methods and practices which minimize flood damage.** For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Screw augers or expanding anchors will not satisfy the requirement of this provision.

10. The design or location of **electrical, heating, ventilation, plumbing, and air conditioning equipment for new structures**, or for any improvements to an existing structure, must prevent water from entering or accumulating within the components during base flood events.
11. The design of **all new and replacement water supply systems** must minimize or eliminate infiltration of floodwaters into the system during base flood events.
12. The design of **all new and replacement sanitary sewage** systems must minimize or eliminate infiltration of floodwaters into the system during flooding events, and must prevent sewage discharge from the systems into floodwaters.
13. The placement of **on-site waste disposal systems** must avoid impairment to, or contamination from, the disposal system during base flood events.
14. **Construction of basement foundations in any Special Flood Hazard Area is prohibited.**
15. New construction and substantial improvements, with **fully enclosed areas (such as garages and crawlspaces)** below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (b) The bottom of all openings shall be no higher than 1 foot above grade.
  - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
16. The placement of **recreational vehicles (RV)** in Special Flood Hazard Areas must either
  - (a) be temporary, as demonstrated by the RV being fully licensed, being on wheels or a jacking system, attached to the site only by quick disconnect type utilities and security devices, having no permanently attached additions, and being immobile for no more than 180 consecutive days<sup>78</sup>; or else
  - (b) meet all provisions of this Code applicable to manufactured home structures.

17. All proposals for the development of a **residential subdivision, commercial business park or manufactured home park/subdivision** must have **public utilities and facilities such as sewer, gas, electrical and water systems** located and constructed to minimize or eliminate flood damage.
18. All proposals for the development of a **residential subdivision, commercial business park or a manufactured home park/subdivision** must include an adequate **drainage plan** to reduce exposure to flood hazards.
19. All proposals for the development of a **commercial business park or a manufactured home park/subdivision** must include an adequate **evacuation plan** for the escape of citizens from affected nonresidential structures during flooding events.

## **SECTION B. RISK ZONE SPECIFIC STANDARDS**

In addition to the General Standards, the following standards apply to specific development types in specific Risk Zones. Risk Zones listed in this Code that do not appear on the current FIRM are not applicable.

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### **(1) In AE or A1-30 Risk Zones: Special Flood Hazard Areas with base floods determined**

- a) **For Residential Structures in Zone AE or A1-30:**
  1. For all new residential structures, the top surface of the lowest floor must have an elevation **2 feet or more** above the published BFE. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
  2. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.
  3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.
- b) **For Nonresidential Structures in Zone AE or A1-30:**
  1. All new commercial, industrial or other nonresidential structures must either:

- a. have the lowest floor (including basement) elevated **2 feet or more** above the base flood level or
  - b. be floodproofed such that, together with attendant utility and sanitary facilities, be designed so that below **an elevation of 3 feet above** the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - c. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Floodproofing Certificate that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
1. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
  2. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.
- c) **For Manufactured Homes in Zone AE or A1-30:**

1. All manufactured homes that are placed or substantially improved on sites:
  - a. outside of a manufactured home park or subdivision,
  - b. in a new manufactured home park or subdivision,
  - c. in an expansion to an existing manufactured home park or subdivision, or
  - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated **2 feet or more** above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's

FIRM that are not subject to the provisions of paragraph (1.) of this section be elevated so that either:

- a. the lowest floor of the manufactured home is **2 feet or more** above the base flood elevation, or
  - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.
  4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.

**d) When a regulatory floodway has not been designated**, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted **within Zones A1-30 and AE** on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

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(4)

### Floodways

#### **High risk areas of stream channel and adjacent floodplain**

- a) **Developments** in regulatory floodways are **prohibited, unless**
  1. A **No-Rise Certificate**, signed and stamped by a Professional Engineer licensed to practice in the State of Arkansas, **is submitted** to demonstrate through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development would not result in any increase in flood levels within the community during the occurrence of a base flood event; **or**
  2. **All requirements of 44 CFR §65.12 are first met.**
- b) **No Manufactured Home may be<sup>81</sup> placed in a regulatory floodway**, regardless of elevation height, anchoring methods, or No-Rise Certification.

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**(5) In AH or AO Risk Zones:  
Special Flood Hazard Areas of shallow flooding**

**a) For Residential Structures in Zones AH or AO:**

1. All new residential structures must be constructed with the top surface of the lowest floor elevated **2 feet or more** above the published BFE, or **2 feet or more** above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
2. For all substantial improvements or substantial damage to existing residential structures the entire structure becomes subject to the requirements of a new residential structure.
3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.

**b) or Nonresidential Structures in Zones AH or AO:**

1. All new commercial, industrial or other nonresidential structure must either:
  - a. have the top surface of the lowest floor elevated **2 feet or more** above the published BFE, or **2 feet or more** above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM, with documentation on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas; or
  - b. be floodproofed such that the structure, together with attendant utility and sanitary facilities be designed so that below **3 feet or more** above the published BFE in Zone AH, or **3 feet or more** above the base specified flood depth in an AO Zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.

3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

c) **For Manufactured Homes in Zones AH or AO:**

1. All manufactured homes that are placed or substantially improved on sites:
  - a. outside of a manufactured home park or subdivision,
  - b. in a new manufactured home park or subdivision,
  - c. in an expansion to an existing manufactured home park or subdivision, or
  - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated **2 feet or more** above the published BFE, or **2 feet or more** above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph 1. of this section be elevated so that either:
  - a. the lowest floor of the manufactured home meets the elevation standard of paragraph 1., or
  - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.
4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.

- d) **Where FEMA has not established a regulatory floodway in Zones AH or AO,** no Floodplain Development Permit may be issued unless a detailed engineering analysis is submitted along with the application that demonstrates the increase in base floodwater elevation due to the proposed development and all cumulative developments since the publication of the current FIRM will be less than 1 foot.
  - e) **Require adequate drainage paths** around structures on slopes, to guide floodwaters around and away from proposed structures.
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**(6) In “A” Risk Zones:  
Special Flood Hazard Areas with no base flood elevations determined**

- a) **In Zone A, The applicant or the applicant’s agent must determine a base flood elevation prior to construction. The BFE will be based on a source or method approved by the local Floodplain Administrator.**
- b) **For Residential Structures in Zone A:**
  - 1. For all new residential structures, the top surface of the lowest floor must have an elevation **2 feet or more** above the BFE. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
  - 2. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.
  - 3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.
- c) **For Nonresidential Structures in Zone A:**
  - 1. All new commercial, industrial or other nonresidential structures must either:
    - a. have the lowest floor (including basement) elevated **2 feet or more** above the base flood level or
    - b. be floodproofed such that, together with attendant utility and sanitary facilities, be designed so that below **an elevation of 3 feet above** the base flood level the structure is watertight with walls substantially

impermeable to the passage of water and with structural components having the

capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- c. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Floodproofing Certificate that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

**d) For Manufactured Homes in Zone A:**

1. All manufactured homes that are placed or substantially improved on sites:
  - a. outside of a manufactured home park or subdivision,
  - b. in a new manufactured home park or subdivision,
  - c. in an expansion to an existing manufactured home park or subdivision, or
  - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated **2 feet or more** above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph (1.) of this section be elevated so that either:
  - a. the lowest floor of the manufactured home is **2 feet or more** above the base flood elevation, or
  - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately

anchored foundation system to resist flotation, collapse, and lateral movement.

3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.
  4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.
- e) **Base flood elevation data and a regulatory floodway**, utilizing accepted engineering practices, shall be generated for subdivision proposals and other proposed development including the placement of **manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser**, if not otherwise provided.

## **TITLE 14**

### **ZONING**

#### Chapters:

4. Zoning and Planning Commission
- 14.08 Zoning and Planning Code

### **CHAPTER 14.04**

#### **ZONING AND PLANNING COMMISSION**

#### Sections:

- 4.1. Findings and policy
- 4.2. Composition
- 4.3. Duties and functions

1. Findings and policy The Town Council of Beaver, Arkansas, hereby finds that is necessary to establish a Zoning and Planning Commission to ensure an orderly growth within the community and geographical areas contiguous to the town of Beaver and to ensure the observance of building, sanitation, health and safety standards for all concerned in the interest of preserving and furthering the health, safety and welfare of its citizens. (Ord. No. 1.02, Sec. 1.)

2. Composition The Commission shall consist of five (5) members. They shall be appointed by the Mayor with the approval of at least four (4) members of the Council. At least one (1) of the Commission members will be a member of the Council. The Commission will elect its own Chairman. Commissioners will serve a three (3) year term and can succeed themselves. (Ord. No. 1.02, Sec. 2.)

3. Duties and functions

A. The Commission

1. shall plan for orderly growth,
2. shall determine geographic areas for commercial, residential and agricultural lands,

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3. shall be responsible for observance of building codes, shall be responsible for issuing building permits,
4. shall be responsible for ensuring compliance with and enforcing zoning, building, sanitation, health and safety codes, and
5. shall prepare and maintain a Land Use General Plan and Planning Area Map and a Zoning and Planning Code.

B. The Commission shall act impartially and equitably in all matters brought before it. It shall make no arbitrary decisions that would create a hardship for any citizen of Beaver. (Ord. No. 1.02, Sec. 3.)

## **CHAPTER 14.08**

### **ZONING AND PLANNING CODE**

Sections:

1. Findings and policy
2. Land Use General Plan and Planning Area Map adopted
3. Zoning and Planning Code adopted

1. Findings and policy <sup>88</sup> The Town Council of Beaver, Arkansas, hereby finds and determines that the Land Use General Plan and Planning Area Map and the Zoning and Planning

Code prepared and presented by the Zoning and Planning Commission are fair and equitable to all citizens of the town of Beaver, and that the policies and procedures are not intended to cause a hardship for any citizen but is enacted to insure an orderly growth within the community for the observance of building codes, geographical areas, sanitation, health and safety of all concerned. The Town Council further determines that all building, zoning, septic and water systems will be erected or established in accordance with county, state and federal laws, and that proper authority will be required prior to approval.

2. Land Use General Plan and Planning Area Map adopted Following appointment of a Planning Commission by the Town Council which prepared a work program, made studies of the present conditions and the probably future growth of the municipality and its neighboring territory, prepared a planning area map, and prepared a general plan and map, held duly advertised public hearing on November 25, 2003, to allow discussion and citizen comments on the proposed document and map, and adopted the plan and forwarded it to the Town Council which resolved on March 1, 2004, to adopt the general plan and map as amended. The Town Council hereby readopts and reaffirms the general plan and map, as follows:

## **GENERAL PLAN FOR BEAVER, ARKANSAS**

### **INTRODUCTION**

In 2003, the community of Beaver, Arkansas, determined that it would be in the best interest of the citizens to begin a process of preparing a long-range development plan. This decision grew from a desire to protect the desirable aspects of life in the area while, at the same time, addressing identified problems.

The Beaver Town Council entrusted the Zoning and Planning Commission with the responsibility of undertaking the necessary studies and then preparing the plan. As part of this process, a series of meetings was held, ending with a formal public hearing on November 25, 2003.

At the various meetings, the Zoning and Planning Commission discussed community issues and gathered ideas from citizens. Citizens present were asked to comment on the things that they liked about the area. They were also invited to discuss areas for improvement.

The ultimate goal of the Zoning and Planning Commission was to prepare a General Plan which set forth the development goals for the community. The Zoning and Planning Commission would then prepare supporting regulations and forward them to the Town Council.

This document contains the General Plan developed by the Zoning and Planning Commission. It is intended as a statement of the community's policies toward the various aspects of community growth and development.

The plan which follows presents background information as well as particular proposals. It includes, at the end, a map which contains the major proposals that were developed during the planning process.

Since the plan is a policy document, as opposed to a legal one, it must rely on supporting regulations to protect or carry out its various provisions. Those regulations are legal in nature. One set of regulations designed to support a plan is the Zoning Code. Another consists of subdivision regulations.

The Zoning Code prescribes land use, setback, size, height and other restrictions upon every parcel of land with the town. The code includes a text and a zoning map. It is administered by the Zoning and Planning Commission although the Town Council makes the final decisions regarding its provisions.

The subdivision regulations, or development regulations as they are sometimes called, govern new subdivision development. They do so within the area designated as the town's planning area boundary. Thus, control of development, but not zoning control (in Beaver's case,) may extend beyond the town limits.

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### ABOUT BEAVER

The town of Beaver traces its roots to the mid 1850's when it was known as "Rector's Place." Around 1852, Wilson "Squire" Beavers arrived from Tennessee and built a ferry crossing on the White River along with a stagecoach inn, grist mill, and log cabin for his family.

During the Civil War, Squire Beaver's home became known as the "Confederate House." Its owners housed and fed Confederate soldiers during the Battle of Pea Ridge.

Beaver boasted a post office before one was established at Eureka Springs. A local quarry supplied much of the stone for major buildings in Eureka Springs and a general merchandising store in Beaver.

Rome Swope, one of the owners of the store building moved it to its present location and converted it into a popular Sunday meeting place called "River View Hotel." It is said that people came by rail (at a cost of 80 cents), buckboard, and horseback for Sunday's hotel chicken dinners and baseball.

Legend maintains that between Beaver and nearby Brooklyn there were once 30 saloons and nine baseball teams.

In 1949, the historic suspension bridge replaced the ferry, toll bridge and a concrete bridge that fell to a flood. The suspension bridge has served as the town's symbol since then and has become a source of great local pride.

Local citizens attempted to incorporate the town in 1949, but political struggles deferred the actual incorporation until 1980.

Beaver has a Mayor-Council form of government. Like most smaller communities, it has a part-time government. This includes the Mayor's office, Town Council, Zoning and Planning Commission and Town Recorder/Treasurer. The Holiday Island Rural Fire Department serves the town of Beaver.

The 1980 census reported the population of Beaver at 81 persons. The population count recorded a dip to 57 persons by 1990. The 2000 census recorded the population at 95 with a median age of 41.5 years. There is enough vacant land inside the town limits that the population of the community could increase substantially without any additional annexations.

The town of Beaver is located in the extreme northern part of the state on the shores of Table Rock Lake. Its location adjacent to the resort communities of Holiday Island and Eureka Springs makes it an ideal community for retirees.

Beaver maintains a municipal water system but most homes are on private wells. There is no public sewer available. This means that lots must be large enough to allow the use of septic tanks.

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#### ISSUES

- A. The small size of Beaver makes the provision of municipal services financially difficult in most cases
- B. There is little "through" traffic nor is there a significant trade area outside the town limits from which commercial ventures may draw. As a result, any commercial activity will depend, absent the re-routing of the highway, upon tourist traffic.
- C. The Arkansas Highway and Transportation Department is presently planning the development of a new bridge to replace the existing one-way bridge currently serving as the main artery to and from Beaver. The location of the new bridge will be crucial to the future of the community, particularly since it may create more automobile traffic to support commercial ventures.
- D. Since it is a small, rural community, the residents of Beaver are unaccustomed to stringent land-use controls. The land use component of this plan must, therefore, recognize a minimum of land use regulation necessary to protect the public health, safety and welfare.

#### PURPOSE

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The Comprehensive Plan acts as a guideline. It is based on an analysis of the town's past and present trends. These include population, land use, housing, natural resources, economy, public facilities, and transportation. It also reflects the vision of the people of Beaver.

The Plan itself is not a legal document, but is an adopted policy statement. The subdivision and zoning regulations support the Plan. They are the legal tools that carry out or protect the Plan.

## COMMUNITY VISION

Efforts were made to develop agreement on a town "vision," or how the citizens of Beaver see the town in the future. Several public meetings were held at the Community Center to allow citizens to voice their opinions concerning the future of their community. Overwhelmingly, those present spoke of the need to maintain and improve upon the quiet beauty of the town.

Overall, citizens want a community with a quiet, semi-rural life. New development should match the existing development in terms of scale and quality. Local residents do not want the kind of uncontrolled growth that can occur in communities that suddenly become part of a "hot" market.

Industrial development was not mentioned as a high priority. The main opinion voiced was that any new business or industrial development should be clean and offer above average salaries.

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The Comprehensive Plan should encourage positive growth that reflects the desires of the citizens. The Planning Commission and Town Council should use what resources the town has to carry out community improvements requested by the citizens.

The citizens of Beaver concurred on the whole that they are happy with what their town offers at this time – a quiet home with close access to almost any convenience, where neighbors are friendly and respect privacy.

## CONCLUSIONS

Proposed land uses and other portions of the General Plan are based on anticipated demand for land use activity. It is likely that Beaver will continue developing residentially at about the same rate as in the past.

Currently, residential land uses in the town make up most of the development.

Commercial and mixed use facilities now account for 10 percent of the town's acreage.

Given the location of Beaver and the issues of <sup>92</sup> growth discussed earlier, commercial activity should increase very slowly if it occurs at all. Control of commercial development should not be a major problem, except to the extent that it occurs within otherwise residential areas.

## GOALS

As part of the planning process, the Zoning and Planning Commission established goals for the future development of the town and its planning area. These goals help form policies which in turn guide the construction of the plan itself. The major goals established include the following:

- A. Protect existing residential areas from adverse land uses.
  - B. See that new developments are built in a way that adds to a positive environment within the community.
  - C. See that new developments are built to reasonable construction standards. They should not place an undue burden on local resources. Also, they should not endanger existing properties due to poor drainage, overcrowding, or inappropriate design, i.e., design of such a scale and nature that it detracts from the overall image of the community, thereby decreasing the value of existing properties.
  - D. Maintain an active Zoning and Planning Commission that will serve as a communication link between the citizens and elected officials.
  - E. Prevent overcrowding of homes and makeshift housing construction.
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- F. Prevent land use practices that endanger the health, safety and welfare of the citizens of Beaver.

## POLICIES

The general policy of the town of Beaver is to employ guidelines that promote practices for meeting health, safety and basic needs requirements in a high quality environment for the welfare of the community. Specific policies that support this are:

- A. The community will employ up-to-date development management practices, including land use planning, zoning, and building code enforcement in order to promote community values and priorities.
- B. The community will support safe, decent, affordable, and sanitary housing for citizens.
- C. The community will encourage the full use of private property as long as the health, safety, and general welfare of the citizens are protected.
- D. The town will generally promote quiet residential uses within the community. Where commercial development is allowed, it will be of high quality.



- E. The community will discourage commercial developments that are out-of-scale or character with the quality of life envisioned by the citizens.
- F. The community will evaluate each new development proposal on the basis of adequate parking, access, impact on surrounding areas, impact on public services, and the general health, safety and welfare of the citizens.

#### ACTION PLAN

- A. Upgrade the Zoning Code and adopt a set of subdivision regulations in order to implement this plan.
- B. Prepare a long-range capital improvements program to support this Plan.
- C. The Planning Commission will have a public forum quarterly to discuss community development issues.
- D. Hire a Building Inspector on an "as needed" basis to determine safety violations and to make sure that new developments meet the town's codes.
- E. Enforce the town's existing ordinances controlling unsightly property and consider additional regulations as may be required.

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#### THE PLAN

The comprehensive plan map appears at the end of this narrative. This map summarizes the land use allocations for the town of Beaver. The plan is general and will be used by the Planning Commission and Town Council in making land-use decisions.

The plan reflects as closely as possible the wishes of the citizens who took part in the public hearings and public forums. Large-scale uses are confined to the center of the community. Within the older portion of the town, new or existing commercial uses will be the type that do not interfere with existing residences.

The plan also indicates the location of existing public uses in Beaver. These consist of Town Hall and other public or institutional uses. It is proposed that the existing park area be improved as funds are available.

Since the town of Beaver is beginning a new Plan and new Zoning Code, the General Plan Map and Zoning Map will be similar in nature. There are some differences, however. A town may choose to delay the actual zoning of properties to match the Plan.

In summary, the General Plan is a statement at a point in history as to how the town should grow and develop. From time to time, the Zoning and Planning Commission may see the need to

update the plan to address issues that may develop in the future. This will follow the same process as the original plan.

#### ACKNOWLEDGEMENTS

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Beaver Zoning and Planning  
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Bullard Debbie  
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Marvin Higginbottom

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History of  
Beaver Flo  
Fitzsimmons

This plan was adopted by the Zoning and Planning Commission of Beaver on November 25, 2003.

Planning

Consultant Jim von

Tungeln

Urban Planning Associates, Inc.

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cities of the first and second class and incorporated communities have the power under Arkansaslaw to adopt and enforce plans for the coordinated, adjusted, and harmonious development of themunicipality and its environs, and that the town of Beaver has grown, both in population and in the diversity and size of its economy over the years, and that the town of Beaver has undergone

an extensive study of the need and the necessity for a Zoning Code and Map, and that both the Beaver Zoning and Planning Commission and the Beaver Town Council have adopted by resolution the General Plan and map for the town and its environs, and that the Beaver Planning Commission approved and sent to the Town Council for consideration a Zoning and Planning Code on November 25, 2003. The Town Council approved and adopted the Zoning and Planning Code by reference as the Official Zoning Code of and for the town of Beaver, Arkansas, pursuant to ACA 14-55-207 on March 1, 2004, by its Ord. No. 1.16. Prior to adoption, copies of the Zoning and Planning Code and map were filed with the Beaver Recorder/Treasurer and were available for inspection and view by the public prior to adoption of the Zoning and Planning Code. The town of Beaver gave notice to the public, by publication in a newspaper with general circulation within the town of Beaver and by posting in the five most public places, stating that copies of the Zoning and Planning Code and related documents, including the official zoning Map, were open to public inspection prior to the public discussion, passage and adoption of the Zoning and Planning Code adopted by reference. The Town Council by ordinance repealed any ordinance in conflict with the Zoning and Planning Code adopted by reference. The Town Council hereby readopts and reaffirms the Zoning and Planning Code as follows:

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**CHAPTER I**

**Art. 1-1 DEFINITIONS**

Certain words and phrases shall for the purpose of these regulations have the following meaning:

**Accessory structure** A subordinate structure located on the lot with the principal structure. Where an accessory structure is attached to the principal structure in a substantial manner, as by a roof, such accessory structure shall be considered as a part of the principal structure. An example of an accessory structure for a non-residential structure would be the education buildings of a church, with the sanctuary being the principal structure.

**Accessory use** A use which is customarily incidental to the principal use, as a garage for the storage of an automobile by occupant or resident. In buildings restricted to residential use,

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the office of a professional person or customary family workshops not conducted for compensation shall be deemed an accessory use.

**Advertising sign or structure** Any cloth, card, paper, metal glass, wooden, plastic, plaster, stone or other sign, device or structure of any character whatsoever, including a statuary placed for outdoor advertising purposes on the ground or on any tree, wall or bush, rock, post, fence, building or structure. The term "place" shall include erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever. Neither directional, warning nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of these regulations. See Beaver Code, Sec. 7.32.

**Alley** A narrow public way not in excess of 20 feet which affords a secondary means of access to abutting properties and not intended for general traffic circulation, and which may be used for public utility purposes.

**Apartment house** See **Dwelling**, multiple family.

**Area** This term refers to the amount of land surface in a lot or parcel.

**Area requirements** The yard, lot area, width of lot, and parking requirements as set forth in a specific district.

**Bed and breakfast** Formerly known as "boarding house." An owner-occupied dwelling unit that contains no more than three guest rooms where lodging, with or without meals, is provided for compensation. The operator of the inn shall live on the premises or in adjacent premises.

**Builder** Any person, firm, corporation, association, municipality or government agency, who, for compensation, constructs, installs, alters or repairs individual, partnership, or corporate buildings or lands for others.

**Building** See **Structure**

**Child care center** Any place, home or institution which receives three or more children under the age of 16 years, and not of common parentage, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation. This definition shall not include:

- A. Public and private schools organized, operated, or approved under the laws of this state.
  - B. Custody of children fixed by a court of competent jurisdiction.
  - C. Children related by blood or marriage within the third degree to the custodial parent.
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- D. Churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or other church activities.

**Town Council** An authoritative group of elected persons who have final authority over requests submitted to the Zoning and Planning Commission.

**Coverage** The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

**Convenience store** Any retail establishment offering for sale prepackaged or prepared foods products, household items, gasoline and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

**Existing use** The established fact of the use of land or structure at time of effect date of these regulations.

**Dwelling** Any building or portion thereof, which is designed or used as living quarters for one or more families.

**Dwelling, single family** A detached dwelling designed to be occupied by one family.

**Dwelling, two family** A detached dwelling designed to be occupied by two families living independently of each other.

**Dwelling, multiple** A detached dwelling designed to be occupied by three or more families living independently of each other, exclusive of hotels or motels.

**Family** One or more persons occupying premises and living as a single, non-profit housekeeping unit, provided that, unless all members are related by blood or marriage, the number of persons shall not exceed five.

**Gasoline service station** Any area of land, including structures thereon, that is used for the retail sales of gasoline or oil fuel, or other automobile accessories, and incidental services including facilities for lubricating, hand-washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair, or automatic automobile washing or the sale of butane or propane fuels.

**Home occupation** Any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or advertising signs other than one non-illuminated name plate not more than two square feet in area attached to the main or accessory building.

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Home occupations shall include repair and service facilities where no noise, glare, smoke, or fumes are produced which would interfere with the quiet use of nearby residential properties.

**Homeowner** A person who owns and occupies a building as his home.

**Landowner** A person who owns land inside the town limits of the town of Beaver.

**Lot** A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to same.

**Lot area** The total horizontal area included within lot lines.

**Lot, corner** A lot at the junction of and fronting on two or more intersecting streets.

**Lot coverage** The percentage of the lot area that is occupied by the area of the structure.

**Lot, depth of** The mean distance between the front lot line and the rear lot line. The greater frontage of a corner lot is its depth and the lesser frontages is its width.

**Lot, interior** Any lot other than a corner lot.

**Lot, line** Any boundary of a lot. Any lot line not a rear lot line nor a front line shall be deemed a side lot line.

**Lot line, front** The street line at the front of a lot. On a corner lot, the owner may specify the front lot line on the plot plan.

**Lot line, rear** The lot line opposite to the front lot line.

**Lot of record** A lot which is a part of a subdivision recorded in the office of the County Recorder or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**Lot, through** A lot extending from one street to another.

**Lot, width of** The mean dimension measured at substantially right angles to the depth of lot.

**Manufactured home** A residential dwelling built in accordance with the Federal Manufactured Home Construction and Safety Standards. Manufactured homes are further classified as either (1) single section, or (2) multi-section.

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**Manufactured home park** Land or property containing a minimum of 3 acres which is used or intended to be used or rented for occupancy by mobile homes or movable sleeping quarters of any kind.

**Manufactured home park (commercial)** A commercial operation where space is provided by the day, week, or longer periods of time.

**Manufactured home subdivision** A subdivision in which lots are platted to be served by public rights-of-way, designed and intended for sale to individuals who will place a mobile home unit or joining of units.

**Modular home** A residential dwelling, constructed in a factory to a residential construction code other than the Federal Manufactured Home Construction Safety Standards.

**Mobile home** A residential dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, built prior to enactment of the Federal Manufactured Home Construction and Safety Standards, and consistent with any state definitions.

**Non-conforming** A use or structure or both that existed prior to the adoption of these regulations but which does not meet the requirements of these regulations.

**Open space** Any unoccupied space on a lot that is open and unobstructed to the sky and unoccupied by no structures or portion of structures whatever.

**Parking space** An on-lot space available for the parking of one motor vehicle.

**Principal use** The chief or main recognized use of a structure, of a lot, or of

land.**Property line** The line bounding a lot as defined herein.

**Setback** The required minimum horizontal distance between the structure line and the related front, side, or rear property line.

**Story** That portion of a structure, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and ceiling next above it.

**Story, half** A partial story under a gable, hip, or gambrel roof, the wall plates of which or at least two opposite exterior walls are not more than four feet above the floor of each story.

**Streets** A public way which affords the principal means of access to abutting properties.

**Street, arterial** An interregional road conveying traffic between towns, cities and other urban centers. Efficient movement of traffic is the primary function of arterial roads, hence private access and frontage should be controlled and limited to high-volume generators of vehicle trips.

**Street, collector** Streets that conduct and distribute traffic between residential street. Residential frontage along collector streets should be prohibited or severely restricted in new subdivision.

**Structure** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures

include buildings, fences, billboards, decks, and poster panels, but do not include walks and drives.

**Structure, single family** A detached residence designed for occupancy by one family only, and having a minimum of 500 square feet of living space.

**Structure, two family** A detached residence designed for occupancy by only two families, with separate housekeeping and cooking facilities for each.

**Structure, multi-family** A residence designed for occupancy by three or more families, with separate housekeeping and cooking facilities for each.

**Use of land** The portion of a lot not occupied by a structure shall be considered to be in the same use as is the principal structure located on the lot unless such land is utilized for open storage or agriculture outside of the structure; then the use of land shall be classified according to the nature of its use.

**Use permitted on review** A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, smoke, traffic or noise) is permitted in a district subject to approval by the Zoning and Planning Commission, and subject to special requirements, different from those requirements for the district in which the conditional use may be located.

**Warehousing** The process of storing in structures merchandise, household goods and/or agricultural products.

**Wholesaling** Those operations that are engaged in the business of selling to retailers or jobbers rather than consumers.

**Yard** A horizontal distance from a lot line to a parallel designated line. A yard is an open space extending the full distance of the lot.

**Zoning** Lands divided into sections which are restricted for different purposes, provided however, that in-home business activities (home businesses) are permitted in all zones which permit residences so long as business activities are conducted entirely within residential buildings without employing the use of structures not attached to residential buildings and do not require the use of yard space or activities outside the main structure, and so long as they do not unreasonably impair the peace and quiet of neighbors or affect the exterior residential appearance of residential buildings. Signs are permitted as provided in the Sign Ordinance. Home businesses shall not deleteriously affect the residential character of residential neighborhoods by emitting loud or disruptive noises or offensive smells, and shall not include immoral or dangerous activities. If, upon complaint to the zoning and Planning Commission, the zoning and Planning Commission finds that a particular in-home business violates this provision,

it shall be subject to an order commanding cessation and compliance issued by the Town Council upon recommendation or the Zoning and Planning Commission.

**Zones** shall be:

**R-1:** Single family dwelling of stick construction to be used by one (1) family only.

**R-2:** Duplex (2 units).

**R-3:** Multi-family units.

**R-1-MP:** Single family dwelling, mobile home park. A designated area for single family mobile homes or travel trailers or motor homes.

**C-1-R-1:** Lands that may be used for single family dwellings of stick construction or light business. A legitimate business that renders a service to the public. No noxious or offensive trade or activity shall be permitted nor shall anything be done thereon which may be, or become, a nuisance to the community.

**C-2:** Lands that may be used for light business. A legitimate business that renders a service to the public. No noxious or offensive trade or activity shall be permitted nor shall anything be done thereon which may become a nuisance to the community.

**R-1-A:** Lands that may be used for single family dwelling and limited to non-commercial agriculture.

**Zoning and Planning Commission** A Commission duly founded by ordinance by the Town Council of the town of Beaver.

## CHAPTER II

### ESTABLISHMENT OF DISTRICTS

**Art. 2-1**

**CLASSIFICATION OF DISTRICTS**

For the purpose of promoting the public health, safety, morals, and general welfare of the community, the town of Beaver, Arkansas, is hereby divided into the following types of districts:

**R-1:** Single family dwelling of stick construction to be used by one (1) family only.

**R-2:** Duplex (2 units).

**R-3:** Multi-family units.

**R-1-MP:** Single family dwelling, mobile home park. A designated area for single family mobile homes or travel trailers or motor homes.

**C-1-R-1:** Lands that may be used for single family dwellings of stick construction or light business. A legitimate business that renders a service to the public. No noxious or offensive trade or activity shall be permitted nor shall anything be done thereon which may be, or become, a nuisance to the community.

**C-2:** Lands that may be used for light business. A legitimate business that renders a service to the public. No noxious or offensive trade or activity shall be permitted nor shall anything be done thereon which may become a nuisance to the community.

**R-1-A:** Lands that may be used for single family dwelling and limited to non-commercial agriculture.

## **Art. 2-2**

### **BOUNDARY OF DISTRICTS**

- A. The boundaries of the zoning districts are hereby established as shown on the mapentitled Zoning District Map of Beaver, Arkansas, which is a part of these regulations and which is on file at Town Hall.

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- B. Interpretation of district boundaries

1. Where district boundaries are indicated as approximately following the center lines of streets or highways, said street lines shall be construed tobe such.
2. Where district boundaries are so indicated that they approximately followthe lot lines, such lot lines shall be construed to be said boundaries.

3. Boundaries indicated as approximately following town limits shall be construed as following town limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately following alleys shall be construed as following alleys.
6. When the street or property layout existing on the ground is at variance with that shown on the Zoning District Map or with other requirements of these regulations, the Board of Appeals shall interpret the boundaries.
7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Zoning Appeals.

### CHAPTER III

#### USE AND AREA DISTRICTS

##### Art. 3-1

**R-1: Single family** This district is intended to include the quiet residential neighborhoods characterized by single-family homes on large lots, plus certain area where similar residential development is likely to occur. This is the most restrictive residential district. The principal use of land is for detached single-family dwellings and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area.

##### A. Permitted uses

1. Single family dwelling, detached.
2. Public parks, playgrounds, and other municipal recreational uses.
3. Public schools and private schools offering general education courses.
4. Municipal water supply.

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5. Customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted for gain. Any accessory building shall be on the same lot with the principal building.

##### B. Uses permitted upon review of the Zoning and Planning Commission

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1. Buildings associated with farming operations.
- C. Size and area regulations All buildings shall be set back from street right-of-waylines or lot lines to comply with the following yard requirements:
1. Front yard – 20 ft. from the property line or 40 ft. from the center line of existing right-of-way, whichever is greater.
  2. Side yard – the main buildings shall be a minimum of 10 ft. from each property line for residential.
  3. Side yard street – 20 ft. from the property line or 40 ft. from the centerline of existing right-of-way, whichever is greater.
  4. The main building shall be a minimum of 30 ft. from the back property line.
  5. Lot width – no restrictions.
  6. Lot area – no restrictions.
- D. Structure coverage On any lot, the area occupied by structures, including accessory structures, shall not exceed 50% of the total area of the lot.
- E. Height regulations See Article 4-10.3.

**Art. 3-2**

**R-2: Duplex (2 units)** This is a residential district intended to provide for a slightly higher population density than the R-1 single-family district and a greater diversity of housing types, but with basic restrictions similar to the R-1 district. The principal use of land is for single-family attached and detached structures and two-family dwellings.

- A. Permitted uses
1. Single family dwelling, detached.
  2. Two family dwellings/duplexes
  3. Public parks, playgrounds, and other municipal recreational uses.
  4. Public schools and private schools offering general education courses.
  5. Municipal water supply.
6. Customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted for gain. Any accessory building shall be on the same lot with the principal building.

- B. Uses permitted upon review of the Zoning and Planning Commission
  - 1. Buildings associated with farming operations.
- C. Size and area regulations All buildings shall be set back from street right-of-waylines or lot lines to comply with the following yard requirements:
  - 1. Front yard – 20 ft. from the property line or 40 ft. from the center line of existing right-of-way, whichever is greater.
  - 2. Side yard – the main buildings shall be a minimum of 10 ft. from each property line for residential.
  - 3. Side yard street – 20 ft. from the property line or 40 ft. from the centerline of existing right-of-way, whichever is greater.
  - 4. The main building shall be a minimum of 30 ft. from the back property line.
  - 5. Lot width – no restrictions.
  - 6. Lot area – no restrictions.
- D. Structure coverage On any lot, the area occupied by structures, including accessory structures, shall not exceed 50% of the total area of the lot.
- E. Height regulations See Article 4-10.3.

**Art. 3-3**

**R-3: Multi-family units** This is a residential district to provide for medium density dwellings and includes a wide variety of housing types. The principal use of land is for single-family, two-family dwellings, townhouses, multiple family dwellings, and bed and breakfasts. Recreational, religious and educational uses normally located to service residential areas are also permitted to provide the basic elements of convenient, balanced and attractive living areas.

- A. Permitted uses
  - 1. One-family dwellings
  - 2. Two-family dwellings
  - 3. Multi-family dwellings
  - 4. Manufactured housing provided that:

- a. All transportation elements, including tongues, have been removed;
- b. The structure is underpinned with material on the town's approved list;
- c. The structure is the principal structure on the lot;

- d. Permanent, off-street parking is provided;
- e. The structure is set up by a licensed installer in accordance with regulations set forth by the Arkansas Manufactured Housing Commission or the manufacturer's instructions.
- f. No two individual manufactured homes shall be connected in anyway as to create one single family home.
- g. Each multi-section manufactured home shall be located on a lot having at least 10,000 sq. ft.
- h. Each single section manufactured home shall be located on a lot having at least 6,000 sq. ft.
- i. If three or more manufactured housing units are located on one single piece of property, it shall be deemed a manufactured home park, and must be designed and constructed in accordance with the regulations set forth in Art. 4, regarding the Manufactured Housing Park Regulations.
- j. No manufactured home will be added to, altered, moved or improved without prior approval of the Zoning and Planning Commission of the town of Beaver.
- k. The Zoning and Planning Commission has reviewed the proposed manufactured home request at a public meeting and granted a special use permit for the location of the manufactured home. Prior to the public meeting, the applicant shall furnish proof to the town of Beaver that all property owners within 100 ft. of the proposed location have been notified in person or by certified letter. If all other conditions of this section are met, the Zoning and Planning Commission may approve the location of the specific manufactured housing where it feels that the visual integrity, stability of property values, and general health, safety and welfare of the neighborhood will be protected.

- 5. Churches or similar places of worship
- 6. Schools and kindergartens
- 7. Public parks and playgrounds and other municipal recreational uses.
- 8. Home occupations as defined by these regulations.
- 9. Day care centers
- 10. Craft shops
- 11. Other uses deemed by the Zoning and Planning Commission to be similar in nature and consequence to the use outlined above.

- B. Size and area regulations All buildings shall be set back from street right-of-waylines or lot lines to comply with the following yard requirements:

1. Front yard – 20 ft. from the property line or 40 ft. from the center line of existing right-of-way, whichever is greater for residential. Commercial uses shall have a minimum setback of 50 ft. from all street right-of-waylines.
  2. Side yard – the main building shall be a minimum of 10 ft. from each property line for residential. Commercial uses shall have a minimum sideyard setback of 25 ft.
  3. Side yard street – 20 ft. from the property line or 40 ft. from the centerline of existing right-of-way, whichever is greater.
  4. The main building shall be a minimum of 30 ft. from the back propertyline.
  5. Lot width – no restrictions.
  6. Lot area, residential – no restrictions.
- C. Structure coverage On any lot, the area occupied by structures, including accessory structures, shall not exceed 50% of the total are of the lot.
- D. Height regulations See Article 4-10.3.
- E. Miscellaneous
1. No commercial use in this district shall be an all night operation.
  2. No use in this district shall be operated in such a manner as to produce audible noise outside normal working hours which are defined as the hours between 6:00 a.m. and 10:00 p.m. Mondays through Saturdays.

**Art. 3-4**

**R-1-MP Manufactured Home Park**

- A. General description This district recognizes a specific housing type which must be accommodated in the town of Beaver in either rental park settings. It is the intent of this district that it be located so as to not adversely affect the established residential development patterns and densities in the town. Such locations, however, shall have necessary public utilities, community facilities, and other public services in order to provide a healthful living environment with the normal amenities associated with residential districts of the town.
- B. Permitted uses
1. Single section and multi-section manufactured homes.

2. Customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted for gain.

C. Development standards Manufactured Home Parks shall comply with the following requirements:

1. No parcel of land containing less than three (3) acres shall be used for a Manufactured Home Park.
2. Manufactured Home Parks may locate only in the R-1-MP district.
3. The development shall be located on a well-drained site, property graded to insure rapid drainage and freedom from stagnant pools of water.
4. A site development plan shall be submitted showing the area and dimensions of the tract of land; the number, locations, and size of all manufactured home spaces; the location and width of roadways, walkways, and recreational area; and the location of service buildings and other proposed structures. If approved, said development shall conform to the site development plan and violation of the plan shall nullify the permit.
5. Individual home spaces shall be provided consisting of a minimum of 4,000 sq. ft. for each space, which shall be at least 40 ft. wide and clearly defined on the ground.
6. Homes shall be so harbored on each space that there shall be at least 10 ft. between the manufactured home and any other detached structure.
7. Each manufactured home space shall abut a driveway of not less than 20 ft. in width, which shall have unobstructed access to a dedicated public street. The driveway shall consist of a minimum of six-inch gravel base with two inches of concrete or asphalt surface.
8. Each Manufactured Home Park shall provide service buildings to house each toilet, bathing, and other sanitation facilities and such laundry facilities as the town may require.
9. A 200 amp electrical service shall be provided for each manufactured home space.
10. No building or structure erected or stationed in the Manufactured Home Park shall have a height greater than one story or 15 ft.
11. Each Manufactured Home Park shall be permitted to display on each street frontage, one identifying sign of a maximum size of 32 sq. ft.
12. There shall be at least two paved parking spaces for each manufactured home space, which shall be on same site or located in grouped parking bays specifically designed for such purpose close to the site served. Spaces will consist of a six-inch gravel base with two inches of concrete or hot mix asphalt surface.
13. A landscaped strip of open space shall surround the Manufactured Home Park 25 ft. wide along all street and other property lines. This area shall not be included as part of any manufactured home space.

14. Any manufactured home located in this district shall be set up and anchored in accordance with the rules and regulations of the Arkansas Manufactured Housing Commission.

**Art. 3-5**

**C-1-R-1: Light business and residential**

- A. General description Lands that may be used for single family dwellings of stick construction or light business. A legitimate business that renders a service to the public. No noxious or offensive trade or activity shall be permitted nor shall anything be done thereon which may be, or become, a nuisance to the community.
- B. Permitted uses
  1. One family dwellings.
  2. Churches or similar places of worship
  3. Schools and kindergartens
  4. Public parks, playgrounds, and other municipal recreational uses.
  5. Home occupations as defined by these regulations.
  6. Day care centers
  7. Craft shops
  8. Other uses deemed by the Zoning and Planning Commission to be similar in nature and consequence to the use outlined above.
- C. Height regulations See Article 4-10.3.
- D. Setbacks All buildings shall be set back from street right-of-way lines or lot lines to comply with the following yard requirements:
  1. Front yard – 20 ft. from the property line or 40 ft. from the center line of existing right-of-way, whichever is greater.
  2. Side yard – the main buildings shall be a minimum of 10 ft. from each property line for residential.
  3. Side yard street – 20 ft. from the property line or 40 ft. from the centerline of existing right-of-way, whichever is greater.
  4. The main building shall be a minimum of 30 ft. from the back property line.
  5. Lot width – no restrictions.
  6. Lot area – no restrictions.
- E. Loading and unloading Loading and unloading facilities shall be provided so not to block any public way.

- F. Parking Two off-street parking spaces shall be provided for each one-family dwelling. Parking requirements for commercial uses shall be determined by the Zoning and Planning Commission.

**Art. 3-6**

**C-2: Light business**

- A. General description Lands that may be used for light business. A legitimate business that renders a service to the public. No noxious or offensive trade or activity shall be permitted nor shall anything be done thereon which may become a nuisance to the community.
- B. Permitted uses.
1. Retail establishments providing goods or services.
  2. Office buildings and banks.
  3. Automotive service stations, including repair and storage.
  4. Motels.
  5. Convenience stores.
  6. Restaurant facilities.
  7. All other uses deemed similar in nature by the Zoning and Planning Commission and not otherwise prohibited in this section.
- C. Yard requirements All buildings shall be set back from street right-of-way lines or lot lines to comply with the following yard requirements:
1. Front yard – 20 ft. from the property line or 40 ft. from the center line of existing right-of-way, whichever is greater.
  2. Side yard – the main building shall be a minimum of 10 ft. from each property line for residential.
  3. Side yard street – 20 ft. from the property line or 40 ft. from the centerline of existing right-of-way, whichever is greater.
  4. The main building shall be a minimum of 30 ft. from the back property line.
  5. Lot width – no restrictions.
  6. Lot area, residential – no restrictions.
- D. Height See Article 4-10.3.
- E. On-lot parking space
1. On-lot parking facilities shall be provided all employees.

2. Provisions shall be made for on-lot and customer parking to handle normal anticipated demand.

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3. Motels or similar facilities shall provide one on-lot parking space for each sleeping unit or manufactured home space.

F. Loading and unloading Loading and unloading facilities shall be provided so as not to block any public way.

G. Prohibited uses Junk or salvage yards

### Art. 3-7

#### R-1-A: Single family agriculture

A. General description This district is designed to protect the agricultural nature of land currently located inside the town limits, or that might be annexed into the town of Beaver in the future. The single family agricultural zone will be restricted to those uses normally associated with non-commercial agricultural and residential and accessory uses.

B. Permitted uses

1. Single family dwellings
2. Non-commercial agriculture
3. Customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted for gain. Any accessory building shall be on the same lot with the principal building.

C. Size and area regulations All buildings shall be set back from street right-of-way lines or lot lines to comply with the following yard requirements:

1. Front yard – 20 ft. from the property line or 40 ft. from the center line of existing right-of-way, whichever is greater.
2. Side yard – the main building shall be a minimum of 10 ft. from each property line for residential.
3. Side yard street – 20 ft. from the property line or 40 ft. from the centerline of existing right-of-way, whichever is greater.
4. The main building shall be a minimum of 30 ft. from the back property line.
5. Lot width – no restrictions.
6. Lot area – no restrictions.

- D. Structure coverage On any lot, the area occupied by structures, including accessory structures, shall not exceed 50 percent of the total area of the lot.

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- E. Height See Article 4-10.3.

## CHAPTER IV

### GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS

#### Art. 4-1

#### ANNEXATION

- A. Territory annexed to the town of Beaver after adoption of these regulations shall be given zone designations within 120 days after the effective date of annexation in the following manner:
1. The Zoning and Planning Commission shall make a study of the annexed area to determine what potential zoning district or districts would be most appropriate for the individual properties.
  2. The Zoning and Planning Commission will hold a public hearing to discuss the proposed zoning. Notice of the public hearing will be placed in a newspaper of general circulation in the community at least 15 days prior to the hearing. At the hearing the Zoning and Planning Commission will hear request, if any, from the owners of the property being annexed, concerning the zoning classification. The Zoning and Planning Commission will also hear comments from other citizens regarding the zoning classification.
  3. Following the public hearing, the Zoning and Planning Commission shall make a recommendation to the Town Council regarding the appropriate zoning classification.
  4. During the time, during which the Zoning and Planning Commission is considering the zoning of a newly annexed area, the area shall be deemed to be zoned R-1. If no recommendations are made within the 120 days, the property will remain zoned R-1.

#### Art. 4-2

#### APPROVAL REQUIRED

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The construction, installation or alteration of any new structure larger than ten (10) by twelve (12) feet will require the approval of at least three-fifths (3/5) of the five (5) member Commission. Complete plans must accompany each request, along with an attached permit from the County Health Department for septic service (where applicable) at the location or lot.

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**Art. 4-3**

**USES PERMITTED**

Permits for temporary non-conforming Upon application to the Board of Appeals, permits may be issued for temporary uses such as: the sale of produce in season; bazaars and carnivals, and offices, signs or other uses necessary for the sale or construction of property or buildings. Permits so issued shall be subject to such limitations as the Board of Appeals may impose to protect the character of the district or districts affected.

**Art. 4-4**

**COMPLETION OF EXISTING BUILDINGS**

- A. Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction at the time of the adoption of these regulations.
- B. Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been issued within 30 days prior to the adoption of these regulations, provided construction is started on said building within 120 days after adoption of these regulations.

**Art. 4-5**

**EXISTING STRUCTURES**

See Article 5-1.

**Art. 4-6**

**APPLICATION OF REGULATION TO THE USES OF MORE RESTRICTIVE DISTRICTS**

- A. Whenever the specific district regulations pertaining to one district permit the uses of a more restrictive district, such uses shall be subject to conditions set forth in the regulations of the more restrictive district unless otherwise specified.

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- B. It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for non-residential purposes.

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**Art. 4-7**

**RELIEF FROM REQUIREMENTS FOR LOT AREA OR LOT WIDTH IN A RESIDENTIAL ZONE**

On any lot separately owned in a residential zone at the time of passage of these regulations and retained in continuous separate ownership, a single-family structure may be erected even though the lot be of less width and/or area than required by the regulations of the residential zone in which the lot is located, provided all other area requirements are met.

**Art. 4-8**

**AREAS NOT TO BE DIMINISHED**

The lot or yard areas required by these regulations for a particular building or use at the time of passage of these regulations or later constructed or established shall not be diminished and shall not be included as a part of the required lot, open space, or yard area of any other building or use. If the lot, open space or yard areas required by these regulations for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in these regulations.

**Art. 4-9**

**LOT SIZE**

The lot size will vary to meet State and County Health Department Codes and will meet the septic requirements and codes.

**Art. 4-10**

**BUILDING SIZE AND EXTERIOR FINISH**

1. Any single family dwelling must have a minimum of 1,200 square feet under roof, with a minimum of 750 square feet of living space. The exterior will have a finished type siding installed. No insulation board or building paper will be left

exposed. Exterior will be painted or stained according to the type of finish installed.

2. Any multiple family dwelling or complex must have a minimum of 650 square feet of heated living space per unit.
3. No roofline will be constructed higher than 32 feet, measured at the wall abutting the highest grade from ground to peak.

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#### **Art. 4-11**

### **OCCUPANCY AND COMPLETION**

The structure will not be occupied until water, sewer and electricity is connected and the structure is at least seventy-five per cent (75%) completed. The structure must be completed in not more than twelve (12) months from date of issuance of permit. In the event that an extreme hardship develops because of health, weather or acts of God, a variance extension may be granted.

#### **Art. 4-12**

### **TRAILERS, MOTOR HOMES AND MOBILE HOMES**

1. No single-wide mobile homes will be permitted as a permanent living quarters, except in the designated Mobile Home Park, R-1-MP, but will be permitted to be placed on the property for a period not to exceed twelve (12) months during the construction period of a permanent residence.
2. Travel trailers or motor homes will be permitted for not more than thirty (30) days, except in the designated Mobile Home Park, R-1-MP, or unless a house is under construction, then paragraph F.1. will apply.
3. Double-wide mobile or modular homes are permitted, provided they meet the following requirements.
  - A. Homes must have a HUD sticker.
  - B. Homes must have a conventional shingled roof.
  - C. Homes must be installed on a permanent foundation, tied down or attached to the foundation, wheels, axles, springs and tongue or tow bars removed. Concrete foundation and footings must meet the same requirements as a conventional house.
  - D. Homes must be completely underpinned with proper ventilation for size of home.

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4. Single-wide mobile homes will be removed from the property upon completion of the permanent residence. Travel trailers or motor homes will be vacated upon completion of the permanent residence.

#### **Art. 4-13**

#### **MOBILE HOME PARK**

The Mobile Home Park presently located in the town of Beaver, consisting of twelve (12) hook-ups or sites, is designated a Mobile Home Park, provided it meets the rules and regulations

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as outlined in Act 96 of 1913 (A.C.A. 20-7-109.).

#### **Art. 4-14**

#### **ELECTRICAL AND INSIDE PLUMBING**

Electrical and inside plumbing will meet present county, state and national Electrical and Plumbing Codes and will be inspected at intervals as set forth under "inspections" in this code.

#### **Art. 4-15**

#### **EXCAVATION AND WATER SHED**

Earth, rock, gravel, etc. will not be moved as to drain on other property or disturb the natural water shed.

#### **Art. 4-16**

#### **CULVERT AND DITCH DRAINAGE**

Culverts of not less than twelve (12) inches in diameter will be installed when the property connects to county and state roads or is a designated town or private street, except at a natural crown.

#### **Art. 4-17**

#### **INSPECTIONS**

1. During the construction of any structure, the Zoning and Planning Commission or designated representative must make progress inspections at certain key points of such construction. The Zoning and Planning Commission or their representative will check the applicant's construction within twenty-four (24) hours of the requested inspection, Monday through Friday. It is the duty of the applicant or

his contractor to advise the Zoning and Planning Commission when the structure is ready for inspection on the following points:

### **Structure**

1. Trench and foundation
2. Concrete or block walls
3. Framing
4. Final

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### **Plumbing**

1. Rough-in of drain, waste and vent\*
2. Pipe inspection: under floor
3. Sewer line from house to septic and laterals
4. Final plumbing air or water test

\*Note: A water test is required by 14.8.1 of the Arkansas State Plumbing Code.

### **Electrical**

1. Rough-in
2. Service

### **Final**

2. If the Zoning and Planning Commission or their representative is not contacted to conduct an inspection at the construction points listed previously, the owner or contractor will be required to remove or redo whatever is needed to make a proper inspection.
3. Normally a fee will not be assessed the homeowner or builder for conducted inspections. However, if a qualified, licensed inspector is required, he may assess the homeowner or builder a minimal fee for his services.

## **Art. 4-18**

### **CONSTRUCTION GUIDES**

- A. All construction must meet the standards described in the current editions of the following documents: 122

1. International Building Code;
2. International Residential Code for One- and Two-Family Dwellings.

STATE LAW REFERENCES – See Police power statute, ACA 14-55-102;  
A.C.A. 14-55-207; ACA 14-55-206

**Art. 4-19**

**OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING**

- A. General intent and application It is the intent of these requirements that adequate parking and loading facilities be provided for each use of land within the town of Beaver. Further, these facilities shall be located totally within the private property

lines and not in the street right-of-way. The requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

- B. Location The off-street parking lot shall be located within 200 feet, exclusive of street and alley widths, of the principal use, and shall have direct access to a public street or alley.
- C. Joint parking facilities Whenever two or more uses are located together in a common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing a permanent parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements.
- D. Size of off-street parking space The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than 9' x 20' plus adequate area for ingress and egress.
- E. Amount of off-street parking and loading required Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:
  - 1. Dwelling, single-family, or duplex: Two parking spaces for each separate dwelling unit within the structure.
  - 2. Dwelling, multiple-family: The number of spaces provided shall not be less than one and one-half times the number of units in the dwelling.
  - 3. Hotel or motel: One parking space for each two guests provided overnight accommodations.
  - 4. Hospitals: One space for each four patient beds, exclusive of bassinets, plus one space for each three employees including nurses, plus adequate area for the parking of emergency vehicles.
  - 5. Medical or dental clinics or offices: Six spaces per doctor plus one space for each two employees.
  - 6. Sanatoriums, convalescent or nursing homes: One space for each six patient beds plus one space for each staff or visiting doctor plus one space for each two employees including nurses.
  - 7. Community Center, theater, auditorium, church sanctuary: One parking space for each three seats, based on maximum seating capacity.
  - 8. Convention hall, lodge, club, library, museum, place of amusement or recreation: One parking space for each fifty square feet of floor area used for assembly or recreation in the building.

9. Office building: One parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building services.
10. Commercial establishment not otherwise classified: One parking space for each one hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public.

For all uses not covered in 1 through 10 above, the Zoning and Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

- F. Paved surface required All parking spaces shall be constructed with a gravel, bituminous, asphalt, (sealed surface) or concrete surface and maintained in such a manner that no dust will result from continued use.

## CHAPTER V

### NON-CONFORMING BUILDINGS, STRUCTURES, AND USES OF LAND

#### Art. 5-1

#### NON-CONFORMING BUILDINGS AND STRUCTURES

A non-conforming building or structure existing at the time of adoption of these regulations may be continued, maintained, and repaired, except as otherwise provided in this section.

- A. Alteration or enlargement of buildings and structures A non-conforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements is made to conform to all of the regulations of the district in which it is located or unless approved by the Zoning and Planning Commission. If a building or structure is conforming as to use, but non-conforming as to yards or height, or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with yard and height and off-street parking requirements of the district in which said building or structure is located. No non-conforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located or unless approved by the Zoning and Planning Commission.

- B. Outdoor advertising signs and structures Any advertising sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time these regulations became effective, which does not conform to the provisions hereof, shall not be structurally altered. All such non-conforming advertising signs, billboards, commercial advertising structures, and statuary, and their supporting members, shall be completely removed from the premises not later than three years from the effective date of these regulations.
- C. Building vacancy A building or structure or portion thereof, which is non-conforming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

When a building becomes vacant, it may be used again for any use allowed in the zone in which it is located. The Zoning and Planning Commission shall review the proposed use before the building is occupied in order to determine that the use is allowable in the zone.

- D. Change in use A non-conforming use of a conforming building or structure shall not be expanded or extended into any other portion of such conforming building or structure, or changed except to a conforming use. If such a non-conforming use, or portion thereof, is discontinued or changed to a conforming use, any future use of such buildings, structure, or portion thereof, shall be in conformity with regulations of the district in which such building or structure is located. A vacant or partially vacant non-conforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one year after the effective date of these regulations. Otherwise, it shall be used in conformity with the regulations of the district in which it is located.

The use of a non-conforming building or structure may be changed to a use of the same or a more restrictive district's classification, but where the use of non-conforming buildings or structures is changed to a use of more restrictive district's classification, it thereafter shall not be changed to a use of a less restricted district's classification.

**Art. 5-2**

**NON-CONFORMING USES OF LAND**

A non-conforming use of land where the aggregate value of all permanent buildings or structures is less than \$1,000, existing at the time of the adoption of these regulations, may be continued for a period of not more than three years therefrom, provided that:

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1. Said non-conforming use may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of these regulations.
2. If said non-conforming use or any portion thereof is discontinued for a period of six months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which said land is located.

Lots of record that are platted and existing at the time of the adoption of these regulations shall be deemed to be in compliance with all size and area restrictions of the zone in which they are located.

**Art. 5-3**

**USES PERMITTED ON REVIEW**

Several uses not normally permitted in a given zone may be permitted upon review and approval of the Zoning and Planning Commission. Such uses have been specified where applicable. The petitions must submit plot plans showing the proposed layout of such use, its effect on adjacent property, and the nature of activity contemplated. He shall also provide proof that each property owner within 200 feet of this property has been notified of the pending use.

Return receipts of certified letters will be acceptable proof of notification. The Zoning and Planning Commission must approve the use by a majority vote with a quorum present.

## CHAPTER V

### Art. 5-4

#### Conditional Use Permits

- A. A conditional use permit is required for any use which is not a use allowed by right in any zoning district of the town. Conditional use permits will be issued only when authorized by the terms of this chapter. Approval of a conditional use shall not be a matter of right but shall only be granted when the proposed use is in harmony with the character of the zone where it shall be located.
- Once a conditional use is approved, that use may continue so long as the owner abides by the requirements of this subsection and any special conditions placed up the use by the City Council. The conditional use is granted to the applicant for a specific use at a specific property and is not transferable.
- B. Submission requirements: Anyone requesting a conditional use permit shall submit an application to the city providing the following:
1. The name, address and telephone number of the record title holder of the property and the legal description of the property, provided by a copy of the warranty deed;
  2. The names, addresses and telephone numbers of all intended grantees, if the property is subject t contract sale or title is to be otherwise conveyed;
  3. A layman's description of the property;
  4. The zoning classification of the property;
  5. Brief statement describing the intended use, and the affect the proposed conditional use will have on the character of the neighborhood;
  6. The names, current addresses as provided by the Carroll County Tax Assessor and zoning districts of adjacent property owners (all within 200 feet of the property in every direction) including those across streets from the property in question;
  7. A scaled survey drawing of the property on which the use will be located, showing accurate lot lines, zoning district, surrounding zoning, immediate adjacent property owners' names, a north arrow, existing structures, trees and any proposed improvements.
  8. Any other material or information relevant to the application. The city may request such drawings and other documents as may be helpful to the city's review of the application.
  9. Information submitted much be signed by the record title owner of the property, or his or her agent identified and designated in writing by the property owner.
  10. Applications for conditional use permits for nightly lodging shall state the number of "lodging units" and parking spaces available. The term "Nightly Lodging" shall mean any rental for less than thirty days.
- C. Upon receipt of a completed application for a conditional use permit and an application fee, the City Council shall take up the application at the next scheduled meeting of the Council, or it may call a Special Meeting of the City Council, if necessary.

**The following procedures shall apply:**

1. The applicant shall notify all adjacent property owners (within 200 feet of the property lines in every direction) by certified mail, return receipt requested, at least ten (10) days prior to the council meeting. All return receipts and a copy of the letter shall be furnished to the city prior to the council meeting.

**D. Action by the City Council on conditional use.**

1. The City Council shall hear the petitioner's request for a conditional use at the council meeting and shall consider the petitioner's purpose for the conditional use request as well as public comments. The applicant must be present at the meeting for the matter to be considered. If the applicant is unable to attend written authorization from the applicant authorizing representation must be presented to the City Council for the matter to be considered. Any decisions made by the designated agent shall be binding on the landowner.
2. The City Council shall either grant or deny the conditional use permit within a reasonable time, imposing such conditions, if any, deemed necessary and appropriate to protect the character of the neighborhood. Once a CUP is granted, there shall be a final inspection of the property by a qualified building inspector to be paid for by the City.

The following consideration shall be discussed in relation to each proposed use:

Particular consideration shall be given to the impact on adjacent property owners in residential Zones:

- a. Whether the proposed use would be contrary to master, comprehensive or land use plans and would have an adverse effect of the plans.
- b. The existing land use pattern in the neighborhood.
- c. Whether the proposed change will adversely influence the property values or living conditions in the neighborhood.
- d. Whether the proposed use will create a drainage problem.
- e. Whether the proposed use will seriously reduce light and air to adjacent areas.
- f. Whether the proposed use will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.
- g. Whether there are substantial reasons why the property cannot be used in accord with existing zoning without the conditional use being granted.
- h. Whether the proposed use is in harmony with the character of the neighborhood.
- i. Whether other adequate sites in the city exist for the proposed use in districts already permitting such use.
- j. Adequacy of parking, and whether providing parking for the use would damage existing scenic areas, including front yards, gardens and grounds.
- k. Traffic congestion near the proposed site; specific concerns as to ingress and egress, two- way traffic, danger from curves or other terrain conditions; prevention of smooth flow of visitors, customers and motorists.
- l. Adequacy of utilities serving the site, including wells, septic and electric.
- m. Adequacy of refuse and service area.
- n. Screening and buffering from adjacent properties.

- o. Environmental impact of proposed use, including, but not limited to, odors, noise, smoke or signs.
  - p. The temporal nature of the enterprise, with allowances for temporary activities only in extreme cases where effort is already underway to construct a permanent facility.
  - q. The opinions of adjacent property owners.
3. Any person affected by a proposed use may express approval or disapproval in writing or in person at the City Council meeting. Any lack of response by surrounding property owners shall not be interpreted as approval or disapproval.
  4. Where a conditional use application has been opposed in writing by more than 20% of the adjacent property owners, which includes land separated from the subject property by only a street, a three-fourths vote of the City Council full membership shall be required for it to be approved. In no case, can approval be reached with less than this three-fourths vote.
- E. Conditional use appeal.**
1. An applicant or adjacent property owner wishing to appeal a decision of the City Council approving or denying a conditional use permit may appeal the decision to the City Council, so long as written notice of intent to appeal and a statement of the reason the appeal should be granted is filed with the city within 15 days of the previous decision.
  2. Where a conditional use is under protest by more than 20% of the adjacent property owners, which includes land separated from the subject property by only a street, a three- fourths vote of the City Council full membership shall be required when an appeal exists.
- F. Revocation of conditional use permit**
- The city may revoke a conditional use permit for violation of any condition in the permit. In the event the city learns of any such violation, it shall notify the applicant of the violation. T The applicant may be heard at the next meeting of the City Council when consideration of the revocation is on the agenda and show cause as to why the permit should not be revoked. If the applicant fails to appear or fails to show good cause why the permit should not be revoked, the permit shall be revoked, and the use shall cease, and any continuation of the use shall be a violation of this code.
- G. Re-application**
- Once an application for a conditional use permit for a property has been denied, such Action cannot be reconsidered for a period of 12 months after the original decision, except that the City Council by a three-fourths vote of the full Council may agree to schedule a special meeting earlier in those cases where the applicant, in writing, clearly demonstrates that:
1. Circumstances affecting the property that is the subject of the application have substantially changed; or
  2. New information is available that could not, with reasonable diligence, have been presented at the previous meeting.

**CHAPTER VI**

**BOARD OF ZONING APPEALS**

**Art. 6-1**

**GENERAL**

From time to time the quasi-legislative Planning and Zoning Commission shall convene as the quasi-adjudicatory Board of Zoning Appeals.

1. The Board shall meet as required to hear appropriate requests and appeals without undue delay.
2. The Board is a quasi-adjudicative body which has exclusive jurisdiction to hear and decide:
  - a. Appeals from enforcement decision of administrative officers, which decisions may be reversed in whole or in part, or sustained.
  - b. Variance requests.

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**Art. 6-2**

**ORGANIZATION OF BOARD OF ZONING APPEALS**

- A. A Board of Zoning Appeals, hereinafter referred to as the Board is hereby established and shall consist of the members of the Zoning and Planning Commission.
- B. The Board shall meet, organize, and elect its own chairman who shall serve for one year or until his successor duly qualifies. The chairman may appoint a secretary who is not a member of the Board and who shall hold office until relieved by the Board and who shall receive such compensation from the town of Beaver as may be affixed from time to time by the Town Council.

**Art. 6-3**

**MEETINGS**

- A. Meetings of the Board shall be held at such time and at such place within the town of Beaver as the Board may designate, and may meet at any time on call of the chairman.
- B. The Board shall keep minutes of its proceedings which shall contain as a minimum:

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1. Time, date, and place of meeting.
2. Names of members present.
3. Citation, by number, and description of appeal or application.
4. Pertinent facts of the case.
5. Names of persons appearing and their interest in the case.
6. Record of vote by name.
7. Authority for decision (cite ordinance or statute) and reason for conditions imposed.

The minutes of the meeting shall be filed by the secretary of the Board in the offices of the Town Recorder/Treasurer and shall be public record.

**Art. 6-4**

## **APPEALS FROM DECISION OF ENFORCEMENT OFFICER**

The Board shall hear appeals from an administrative decision of the Enforcement Official, who shall be designated by the Town Council, concerning interpretation of the zoning ordinance and shall decide whether such interpretation was in error or not.

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### **Art. 6-5**

#### **VARIANCE**

"Variance requests" ask for minor deviations from the stringent requirements of provisions of the ordinance.

1. Variance requests shall be directed to the Board of Zoning Appeals.
2. Variance requests will be considered when the applicant shows that strict enforcement of the ordinance causes undue hardship due to circumstances unique to an individual property, and when the applicant shows that the relief requested will be in keeping with the spirit and intent of the ordinance.
3. The Board may impose conditions in the granting of a variance to insure compliance or to protect adjacent property.
4. Appeals from Board decisions shall be taken to the Carroll County Circuit Court.

### **Art. 6-6**

#### **OTHER FUNCTIONS OF THE BOARD**

The Board may hear applications and take such action as permitted on matters specifically referred to it under these regulations.

### **Art. 6-7**

#### **APPEALS FROM DECISIONS OF THE BOARD**

Appeal from the decision of the Board shall be to a court of record within 30 days from the decision of the Board.

### **Art. 6-8**

#### **NOTICES AND FEES**

- A. Whenever an appeal or application for a variance is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application, which notice shall be published at least once not less than seven days preceding the date

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of such hearing in an official paper or a paper of general circulation in Beaver, said notice to designate the particular location with which the appeal or application is concerned, and a brief statement as to what the appeal or application consists of as an alternative, the Board may allow the applicant to circulate the same information by personal notification to the property owners within 200 feet

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of the property for which the variance is requested and present proof to the Board that such information was circulated The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.

- B. The appellant or applicant shall be required to pay to the Town Recorder/Treasurer a filing fee of Twenty-Five Dollars (\$25.00) to cover such other costs as may be incurred in connection with such appeal or application.

## **CHAPTER VII**

### **AMENDMENTS**

#### **Art. 7-1**

##### **AMENDMENT TO TEXT**

The Town Council may suggest that the Zoning and Planning Commission amend the text of these regulations or the Zoning and Planning Commission itself may desire to initiate an amendment. Should the Zoning and Planning Commission, after study, request a change in the text, it shall conduct a public hearing on the proposed amendment. Following the public hearing, such recommendations shall be submitted to the Town Council for adoption.

#### **Art. 7-2**

##### **CHANGE IN CLASSIFICATION**

- A. Rezoning requests seek complete changes of the particular property use permitted in the designated zone in which the particular property is located. As such, rezoning requests seek legislative changes to the zones and uses permitted by the ordinance in the affected zone.
  - 1. Rezoning requests must be made in writing to the Zoning and Planning Commission, stating fully the facts and circumstances, including the

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degree to which the affected property's proposed use would change the use permitted in the zone in which the property is located.

2. The Zoning and Planning Commission then will give the requester a hearing date. The requester then must publish public notice of the hearing at least one time fifteen days in advance of the hearing in a newspaper in general circulation in the town. The requester must also send notice of the hearing by certified mail to each owner of real property within a radius of 200 feet. Upon return of the list of affected property owners and

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submission of proof of notice to each, and proof of the public notice the scheduled hearing will be held.

3. At the hearing, the requester and any interested person may present relevant information. The Zoning and Planning Commission will consider each request and recommend decision to the Town Council which will decide each request without undue delay. Appeals from the Town Council's decision on rezoning shall be taken to the Carroll County Circuit Court.
  - B. No application for a zoning amendment will be considered by the Zoning and Planning Commission within twelve months from date of final disapproval of a proposed amendment unless the Zoning and Planning Commission finds that a substantial reason exists for waiving this limitation.
  - C. Before any action shall be taken as provided in this section, any person or persons proposing a change in the zoning regulations or district boundaries shall deposit with the Town Recorder/Treasurer the sum of Fifty Dollars (\$50.00) to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the Town Council.

## **CHAPTER VIII**

### **ENFORCEMENT**

#### **Art. 8-1**

#### **ENFORCEMENT OFFICER**

The provisions of this part of the ordinance shall be administered by an Enforcement Official designated by the town of Beaver.

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**Art. 8-2**

**ENFORCEMENT OF ORDINANCE**

Any person or person offending against or violating the provisions of Ord. No. 1.02 shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than Twenty-Five Dollars (\$25.00) each day for each offense or violation that occurs. Each day said offense or violation occurs shall constitute a separate offense.

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**Art. 8-3**

**FEES**

Fees for required submission associated with these regulations shall be assessed according to a schedule set by the Town Council of the town of Beaver.

**Art. 8-4**

**CONFLICTING ORDINANCES REPEALED**

All ordinances and parts of ordinances inconsistent or in conflict with these regulations are hereby repealed and amended to comply herewith.

**Art. 8-5**

**SEPARABILITY**

If any chapter or part of any chapter, paragraph, or clause of these regulations is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force, or effect of any other chapter or chapters, part of chapter, paragraph, or clause of these regulations.

Prepared with assistance from:

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**CHAPTER 15**  
**SUBDIVISION REGULATIONS**

(Reserved)

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