CHAPTER 7.04

STATE CRIMINAL STATUTES AND PENALTIES

Sections:

7.04.01  State criminal statutes adopted
7.04.02  State penalties adopted
7.04.03  Arkansas Criminal Code adopted
7.04.04  Controlled Substances Act adopted

7.04.01 State criminal statutes adopted  All criminal statutes of the state relating to misdemeanors and the laws of criminal procedure in connection therewith, three (3) copies of which are on file in the City Clerk's office, are hereby enacted by the City Council to form a part of the laws of the city and any person, firm or corporation being found guilty of the violation of any such laws shall be deemed guilty of the violation of the ordinances of the city,
and shall be fined or imprisoned or both in the amount set out under the State statutes. (Concept from Ord. No. 148-63) STATE LAW REFERENCE – A.C.A. 14-55-501

7.04.02 State penalties adopted The same minimum and maximum penalties for the violation of misdemeanors as are provided in the State statutes are hereby adopted as the minimum and maximum fines for the violation of the same offenses which are prohibited by the ordinances of this city. (Concept from Ord. No. 148-63) STATE LAW REFERENCE – A.C.A.14-55-502

7.04.03 Arkansas Criminal Code adopted The Arkansas Criminal Code, compiled and annotated as Ark. Stat. Ann. Title 41 through Title 48 inclusive, (a) is hereby adopted by incorporation by reference as fully and completely as if the entire text thereof shall have been set forth word-for-word herein. (b) The Council hereby further expressly declares that all subsequent amendments to the said Arkansas Criminal Code are hereby adopted by incorporation by reference from the date of their subsequent enactment by the General Assembly. (Ord. No. 79-3)

7.04.04 Controlled Substances Act adopted (a) The Uniform Controlled Substances Act of 1971, annotated at A.C.A.5-64-101 through 5-64-608, is hereby adopted in full as amended by incorporation by reference. (b) The subsequent amendments to the said Uniform Controlled Substances Act are further adopted by incorporation by reference as they are enacted, published and promulgated. (Ord. No. 79-2)

CHAPTER 7.08

CURFEW

Sections:

7.08.01 Civil emergencies 7.08.02 Congregating during state of emergency

7.08.01 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.

7.08.02 Congregating during state of emergency No person or persons shall congregate, operate any businesses or be upon the streets or other public ways, unless on official business for the city or state, in any area or areas designated by the mayor as curfew areas in the city during the time of any declared emergency.
CHAPTER 7.12
LOITERING, UNDER AGE

Sections:

7.12.01 Finding and purpose
7.12.02 Definitions
7.12.03 Penalty
7.12.04 Exceptions to curfew
7.12.05 Penalties and law enforcement

7.12.01 Finding and purpose The City Council finds that special circumstances exist within the city that call for special regulation of minors within the city in order to protect them from each other and from other persons on the street during the nocturnal hours, to aid in crime prevention, to promote parental supervision and authority over minors, and to decrease nocturnal crime rates. (Ord. No. 99-7, Sec. 1.)

7.12.02 Definitions For purpose of this curfew ordinance, the following terms, phrases, words, and their derivation shall have the meanings ascribed to them by this section:

City is the city of Prairie Grove, Arkansas.

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

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

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

Parent is any person having legal custody of a minor (i) as a natural parent, (ii) as an adoptive parent, (iii) as a legal guardian, (iv) as a person whom legal custody has been given by order of the court.

Public places means a publicly or privately owned place to which the public or substantial numbers of people have access. A public place does not include the residence of a minor, or the residence of a minor’s parent, or a responsible adult.
**Responsible adult** means a person at least 21 years of age to whom a parent has expressly given permission to accompany a minor. (Ord. No. 99-7, Sec. 2.)

**7.12.03 Curfew for minors**

A. It shall be unlawful for any minor to be upon the streets, sidewalks, parks, playgrounds, public places and vacant lots, or to ride in or upon, drive or otherwise operate or be a passenger in any automobile, bicycle, or other vehicle in, upon, over or through the streets, or other public places between the following hours:

1. On Sunday through Friday evenings from 11:00 p.m. through 5:00 a.m. (six hours);

2. On Saturday evenings beginning at midnight through 5:00 a.m. (five hours)

B. It shall be unlawful for any parent to permit a minor to be upon the streets, sidewalks, parks, playgrounds, public places and vacant lots, or to ride in or upon, drive or otherwise operate a vehicle in, upon, over or through the streets, or other public places in violation of subsection (a) above. The fact that a minor is in violation of the provisions of subsection (a) hereinabove, without a defense as set forth in section (a) shall create a rebuttable presumption that a parent is in violation of this subsection. (Ord. No. 99-7, Sec. 3.)

**7.12.04 Exceptions to curfew**

A. No withstanding the provisions of Section Three, the minor curfew ordinance does not apply:

1. At any time a minor is accompanied by a parent, or by a responsible adult authorized by a parent to take the parent’s place to accompany the minor for a designated period of time and purpose within a specified area.

2. If the minor is employed, for a period of time 45 minutes after work, provided that circumstances suggest the minor is returning from work to a place of residence.

3. When a minor is returning home from an activity that is supervised by adults and sponsored by the city, a civic organization, a public or private school, or any entity that takes responsibility for the minor, provided that the activity has not concluded for more than 45 minutes.
4. At any time the minor is on a legitimate parentally approved errand.

5. At any time the minor is on a trip in interstate commerce.

6. At any time the minor is required to leave a residence because of an emergency.

7. At any time the minor is engaged in an activity that is protected by the First Amendment to the United States Constitution, or the freedom of speech, religion or expression provisions in Article II of the Arkansas Constitution.

B. If a minor being questioned about the possible violation of the curfew ordinance provides law enforcement officer with sufficient reason to believe that the minor is entitled to an exemption as set out above, the law enforcement officer shall take no enforcement action under this article, provided the officer may make a report of the minor’s identity, the exemptions claimed, and other necessary information to note the possible violation of this article. (Ord. No. 99-7, Sec. 4.)

7.12.05 Penalties and law enforcement

A. A parent or minor found to be in violation of this article shall be subject of the penalties provided in the Prairie Grove Municipal Code.

B. At the discretion of the law enforcement officer, any minor receiving a citation for violation of the minor curfew ordinance may be released to immediately return home, may be escorted to his/her home, or may be taken into custody and delivered to an appropriate juvenile authority to be held until a parent can be located to take custody of the minor.

C. Nothing in this section shall preclude a law enforcement officer from taking any or all appropriate actions for a minor’s violation of any other local or state law. (Ord. No. 99-7, Sec. 5.)
CHAPTER 7.16

OUTSIDE FIRE SERVICE

Sections:

7.16.01 Authority to dispatch
7.16.02 Restrictions
7.16.03 Cost of aid without mutual aid agreement
7.16.04 Mutual aid agreement
7.16.05 Rural Fire Association and members not affected

7.16.01 Authority to dispatch  No fire department apparatus shall be taken beyond limits of the city to assist at any fire or for any other purpose, except by order of the Mayor or Fire Chief or such other person as they may designate, and subject to the restrictions and conditions hereinafter set forth.

7.16.02 Restrictions  The Mayor or Fire Chief or such other person a they may designate are authorized, in their discretion, to aid in the extinguishing of fires in another city, (or town), public institutions, corporation, or other properties within a reasonable distance from the city or on property immediately adjacent to the city in which there is a possibility of fire spreading within the corporate limits, under the following conditions:

A. A request from a city or incorporated town for assistance must come only from the Mayor, Fire Chief or such other person as may be designated by mutual agreement.

B. Calls may be responded to only by such apparatus which in the judgment of the Mayor or Fire Chief or such other person as they may designate can be safely sent without unduly impairing the fire protection within the city, and when highways and weather conditions are favorable.

C. The city, incorporated town, public institution, corporation, or individual requesting assistance must pay the charge for apparatus and service hereinafter provided unless there exists a mutual aid agreement.

D. The city, incorporated town, public institution, corporation or individual must compensate the city for any loss or damage to such apparatus while answering such call, and be responsible to the members of the Fire Department of the city for any injuries suffered or incurred by them while responding to such calls and while working at such fire, unless otherwise covered by insurance.

7.16.03 Cost of aid without mutual aid agreement  Unless there exists a mutual aid agreement, every municipality, institution corporation, or individual requesting and receiving service
of the fire department of the city, shall pay for such service and the use of apparatus as follows:

Pumper - $50.00, within 2 miles of station; $5.00 additional for each mile or fraction thereof.

Each person, city, firm or corporation receiving service of the fire department, unless there exists a mutual aid agreement, shall pay to the city for each fire driver a sum representing Three Dollars ($3.00) per hour or part thereof from the time the apparatus leaves the fire house until it returns thereto, and as to each fireman helping at the fire, a sum representing Three Dollars ($3.00) per hour or part thereof, from the time he reports until the time his service ends. The payments herein stipulated shall be made to the City Treasurer within fifteen (15) days after demand.

7.16.04 Mutual aid agreement The Mayor and Chief of the Fire Department, are thereby authorized to enter into mutual aid agreements, with other municipalities, firms, corporations, or individuals, for the rendering of fire service, subject to the following conditions:

A. That the parties with whom such mutual aid agreements are entered into shall agree to indemnify the city against any or all loss, cost, and damage which it may suffer or sustain by reason of damage to any apparatus arising from any cause whatsoever while such apparatus is going to or from the scene of the fire or while at the scene of the fire. The duty to indemnify shall be performed within fifteen (15) days after demand.

B. As to each fire driver injured while driving to or from the fire, or while at the scene of the fire, and as to each fireman helping at the fire, injured between the time he reports to the foreman of his company and the time his service ends, the person entering into such mutual aid agreements shall pay within fifteen (15) days after demand to the city a sum sufficient to cover the medical and hospital expenses by such injured driver or fireman.

7.16.05 Rural Fire Association and members not affected Nothing contained in this chapter shall prohibit the city council from entering into a mutual aid agreement with the Prairie Grove Rural Fire Association. Nothing contained herein shall preclude the city council from entering into any sort of mutual contracting agreement for the providing of fire protection service for the Prairie Grove Rural Fire Association and its members. Any such agreement, encompassing fire protection service for the association and its members, shall be set forth in writing and approved by resolution of the city council.
CHAPTER 7.20
SOLICITORS

Sections:

7.20.01 Definitions
7.20.02 Registration required
7.20.03 No-knock list
7.20.04 Time limitations
7.20.05 Penalty

7.20.01 Definitions The following definitions shall be used in construing this chapter:

Canvasser any person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident for the primary purpose of

A. Attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or

B. Distributing a handbill or flyer advertising a non-commercial event or service.

Charitable means and includes the words patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal, either actual or purported.

Contributions means and includes the words alms, money, subscription, property or any donations under the guise of a loan, or money, or property.

Solicitor means any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, for the purpose of selling goods or services, or the taking or attempting to take orders for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services to be performed in the future. This definition also includes any person who, without invitation, goes upon private property to request contributions of funds, or anything of value, or sell goods or services for political, charitable, religions, or other non-commercial purpose.
**Solicitation** includes all activities ordinarily performed by a solicitor as described above. (Ord. No. 2010-21, Sec. 3.)

7.20.02 Registration required Every solicitor within the corporate limits of the city of Prairie Grove shall register with the city on a form provided by the city. In the case of a non-profit organization using minors as solicitors, an adult sponsor shall register with the city. Registrations shall be effective for a two-week period. Solicitors must furnish a copy of a photo ID when registering. All persons shall carry a copy of their registration with them while soliciting. (Ord. No. 2010-21, Sec. 3.)

7.20.03 No-knock list

A. The City Business Clerk shall maintain a list of those residents that have requested to have their addresses listed on a no-knock list. Any solicitor or canvasser shall obtain a copy of the city’s current no-knock list prior to engaging in solicitation or canvassing and shall be required to avoid any address listed on the no-knock list.

B. In addition, any solicitor or canvasser shall avoid any residence upon which a sign of any type containing the words “No Solicitation” or words of similar import is located either upon the entrance to the property, or upon or near the door of any residence. (Ord. No. 2010-21, Sec. 3.)

7.20.04 Time limitations No solicitation or canvassing activities shall be permitted between the hours of 8:00 p.m. and 9:00 a.m. (Ord. No. 2010-21, Sec. 3.)

7.20.05 Penalty Any person convicted of violating this ordinance shall be fined a penalty not to exceed Twenty-Five Dollars ($25.00) for every day of violation. (Ord. No. 2010-21, Sec. 4.)
CHAPTER 7.24

NOISE

Sections:

7.24.01 Prohibited
7.24.02 Act considered noise
7.24.03 Exceptions
7.24.04 Penalty
7.24.05 Permits

7.24.01 Prohibited Unreasonable loud, disturbing and unnecessary noise within the limits of the city is prohibited.

The noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in the disturbance of the public peace and welfare is prohibited. (Ord. No. 140, Secs. 1 & 2)

7.24.02 Acts considered noise The following acts, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this chapter, but this enumeration shall not be deemed to be exclusive, namely,

A. The maintenance and operation of an outside loud speaker or public address system transmitting music, advertising or speaking is prohibited except upon permit issued by a person designated to so issue permits by the city council; and notwithstanding said permit, any such loud speaker or public address system shall not be operated in such a manner or at such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital, dwelling house, hotel, tourist court or other type of residence, or of any person or persons in the vicinity.

B. The keeping of any animal, bird, fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.
C. The playing of any radio, phonograph or any musical instrument in such a manner or at such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital, dwelling house, hotel, tourist court, or other type of residence, or of any person in the vicinity.

D. The sounding of any horn or signal device on any automobile, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound, and the sounding of such device for an unnecessary and unreasonable period of time.

E. Yelling, shouting, hooting, whistling or singing or unnecessary use of noise-making devices on the public streets, particularly between the hours of 9:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital, dwelling house, hotel, tourist court, or other type of residence, or of any persons in the vicinity.

F. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in session or adjacent to any hospital, which unreasonably interfered with the working of sessions thereof.

G. The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention by the creation of noise to any performance, shows, sale or display of merchandise shall be only by permit as set forth in Section (a) above, and shall be subject to the same limitations, violations and penalties as therein provided, and at no time shall the noise thereby created be in such a manner and such volume as to annoy or disturb the comfort or repose of persons in any office, hospital, dwelling house, hotel, tourist court or other type of residence, or any person in the vicinity. (Ord. No. 140, Sec. 3)

H. Loud activities associated with construction activities outside of normal daylight hours occurring from 9:00 p.m. to 7:00 a.m. (Ord. No. 03-7, Sec. 1.)

I. From and after the effective date hereof the creation or emission of engine exhaust noise through the use of "Jacob Brakes" or other similar engine compression retarding device so as to create a loud or raucous noise shall be prohibited, except when used as a safety device. (Ord. No. 05-6, Sec. 1.)

7.24.03 Exception None of the terms or prohibitions hereof shall apply to or be enforced against:

A. Necessary warning signals given by police cars, fire trucks, voluntary firemen or licensed physicians while such persons are answering an emergency call.
B. The reasonable use of amplifiers or loud speakers in the course of public addresses which are non-commercial in character. (Ord. No. 140, Sec. 4)

C. Work declared to be an emergency or construction that is necessary to insure the health and safety of the residents. (Ord. No. 03-7, Sec. 2.)

7.24.04 Penalty Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than Ten Dollars ($10.00) and not more than Fifty Dollars ($50.00) for each offense. (Ord. No. 140, Sec. 5)

7.24.05 Permits Permits for the operation, maintenance and use of amplifiers or loud speakers as hereinabove set forth in Section 7.24.02 shall be issued for the said amplifiers, loud speakers or public address systems to be operated only between the hours of 8:00 a.m. and 8:00 p.m. daily. Permits will be issued for operations at other hours, such permits to be special permits and for special occasions. (Ord. No. 140, Sec. 7)

CHAPTER 7.28

OPEN CONTAINERS OF INTOXICATING LIQUOR PROHIBITED

Sections:

7.28.01 Definitions
7.28.02 Open container illegal, penalty
7.28.03 Consumption illegal, penalty

7.28.01 Definitions

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

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

7.28.02 Open containers illegal, penalty. It shall be unlawful for any person to have in his possession or control an open container or containers of "intoxicating liquor" and/or beer in any public place, highway or street, or in or upon any passenger coach or train, automobile, bus or other public conveyance. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than Twenty-five ($25.00) Dollars nor more than One Hundred Dollars ($100.00). (Ord. No. 1975-6, Sec. 2 & 3)
7.28.03 Consumption illegal, penalty. It shall be unlawful for any person to drink any "intoxicating liquor" and/or "beer" in any public place, highway or street, or in or upon any passenger coach or train, automobile, bus or other public conveyance. Any person violating provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than Twenty-Five Dollars ($25.00) nor more than One Hundred Dollars ($100.00). (Ord. No. 1975-6, Sec. 4)

CHAPTER 7.32

PUBLIC PROPERTY OFFENSES

Sections:

7.32.01 Definitions
7.32.02 Offenses against public property
7.32.03 Penalty

7.32.01 Definitions For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. (Ord. No. 1975-2, Sec. 2)

7.32.02 Offenses against public property No person in the city shall;

A. Willfully, maliciously, wantonly, negligently or otherwise injure, deface, destroy or remove real property or improvements thereto, or movable or personal property, belonging to the city.

B. Tamper with, injure, deface, destroy or remove any sign, notice, marker, fire-alarm box, fire-plug, or any other personal property erected or placed by the city. (Ord. No. 1975-2, Sec. 3)

7.32.03 Penalties Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined an amount not less than Five Hundred Dollars ($500.00), nor more than One Thousand Dollars ($1,000.00). (Ord. No. 1975-2, Sec. 4)
CHAPTER 7.36

PRAIRIE GROVE WATER SUPPLY LAKE FISHING ORDINANCE

Sections:

7.36.01 Short title
7.36.02 Declaration of policy
7.36.03 Administration
7.36.04 Violation
7.36.05 Adoption of State Board of health rules
7.36.06 Penalty

7.36.01 Short title This ordinance shall be known and may be cited as the Prairie Grove Water Supply Lake Fishing Permit Ordinance. (Ord. No. 80-3, Sec. 1)

7.36.02 Declaration of policy It is hereby declared to be the purpose of this ordinance to regulate by permit fishing on the Prairie Grove Water Supply Lake in order to protect the public safety, health and welfare and to enhance recreational facilities of the people of Prairie Grove, Arkansas, and the surrounding area. (Ord. No. 80-3, Sec. 2)

7.36.03 Administration

A. Supervisor - There is hereby created the position of Lake Supervisor, who shall be responsible for enforcement of the provisions of this ordinance and the rules and regulations promulgated in furtherance hereof. The Supervisor may be authorized to issue citations and summons to any person who violates the rules and regulations set out herein. The Supervisor shall be appointed by the Mayor subject to confirmation by the City Council.

B. Permit Required - The City Council expressly declares that no person shall enter the entry points of the access roads or fish from the Water Supply Lake without first obtaining a permit from the City. The cost of such permit shall be $2.00 per person plus $3.00 per boat daily payable in advance. The permit shall be effective from sun-up until sun-down during the day for which the permit is acquired. Permits may be obtained from the Lake Supervisor under rules and regulations promulgated by the Lake Supervisor.

C. Termination of Permit Issuance - The Mayor of the city of Prairie Grove or the City Health Officer are authorized to terminate activity on the Lake at their discretion. (Ord. No. 80-3, Sec. 3 as amended by Ord. No. 81-1)

7.36.04 Violation Any person found to molest, litter or in any way harm the Lake or the surrounding area shall be in violation of this ordinance and subject to penalty. (Ord. No. 80-3, Sec. 4)
7.36.05 Adoption of State Board of Health rules

A. Rules adopted by reference The rules and regulations pertaining to Public Water Systems promulgated by the State Board of Health and codified at Section 7(b) of these said published rules is hereby adopted and incorporated herein by reference as fully as if they had been set forth word-for-word herein.

B. Copies of rules to be kept The City Clerk is hereby directed to keep on file three (3) copies of the rules described in Section 5(a).

C. Enforcement Any violation of any rule set out in the rules and regulations described in Section 5(a) shall be a violation of this ordinance. Those said rules shall be enforced and failure of any employee of the City to enforce the same shall be a reasonable ground for dismissal. (Ord. No. 80-3, Sec. 5)

7.36.06 Penalty The City Court shall have original jurisdiction in all persecutions arising out of the enforcement of this ordinance. Any person found guilty of violating any provision hereof or regulation promulgated hereunder shall be fined a sum of not less than Twenty-Five Dollars ($25.00) nor more than one Hundred Dollars, ($100.00). Each day a person is in violation of any provision of this ordinance shall be deemed a separate offense. (Ord. No. 80-3, Sec. 6)

CHAPTER 7.40

FIREWORKS

Sections:
7.40.01 Illegal to possess
7.40.02 Illegal to discharge
7.40.03 Penalty

7.40.01 Illegal to possess It shall be illegal for any person to keep on hand, sell or offer for sale any firecrackers, roman candles, sky rockets, or any other kind of fireworks within the corporate limits.

7.40.02 Illegal to discharge It shall be illegal for any person to shoot off, fire, or discharge within the city limits fireworks of any kind or description whatever, except between the hours of 9:00 a.m. to 11:00 p.m. on July 4th of every year. Regardless, no stick rockets shall be allowed at any time within the city limits. (Ord. No. 2010-20, Sec. 2.)

7.40.03 Penalty That any person who shall violate any of the provisions of this chapter shall upon conviction be fined in any sum of not more than Twenty-Five Dollars, ($25.00) for each offense. (Concept from Ord. No. 23)
CHAPTER 7.44

SHOOTING GALLERIES

Sections:

7.44.01 Private shooting galleries
7.44.02 Commercial firing ranges

7.44.01 Private shooting galleries

A. From and after the date of passage hereof it shall be unlawful for any person to discharge any firearm or to propel with any air or spring gun any lead, stone or other object of similar substance except as is provided herein.

B. The following definitions shall have application in the course of enforcement of this ordinance:

*Shooting gallery* an indoor facility where patrons are allowed to discharge a firearm for a fee; or where participants are allowed to discharge firearms in competition for sport or pleasure.

*Private indoor firing range* an indoor facility where firearms are tested for firing proficiency in association with another vocation or business of the owner of it and where discharge of firearms is limited to use by the owner of the facility.

C. It shall be unlawful for a person to establish or maintain a shooting gallery within the city limits.

D. It shall be unlawful for any person to establish or maintain a Private Indoor Firing Range except as shall be allowed by this ordinance.

E. A private indoor firing range may be established only with a conditional use permit in an A-1 (Agricultural) Zone if the following criteria are met:

1. The building which houses the facility is insulated to such an extent that the noise from it does not become a public or private nuisance; and

2. The Chief of Police, after an inspection of the premises, finds that no public safety hazards exist and recommends that a conditional use permit be granted.
F. No person shall operate a private indoor firing range in such a manner as to constitute a public or private nuisance. Nothing herein shall be construed in such a way as to limit the right of the city or any resident thereof to bring a civil action to abate a public or private nuisance.

G. The location of a private indoor firing range shall be allowed only in an A-1 (agricultural) zone and only then on authority of a conditional use permit.

H. Notwithstanding the language of Section (A), the discharge of a firearm by a law enforcement or animal control officer in the performance of his duty shall not constitute a violation of it.

I. Any person convicted of violating any provision of this ordinance may be fined an amount not to exceed $1,000.00 and that sum may be levied, in the case of a continuing violation, for each day a violation exists. (Ord. No. 2000-8, Secs. 1-9.)

7.44.02 Commercial firing ranges

A. Commercial firing ranges shall be defined as follows:

Commercial firing range – an indoor or outdoor area where firearms can be tested, demonstrated, fired or serviced for commercial sales, repair, or service.

B. It shall be unlawful for any person to establish a shooting gallery within the city limits except as shall be allowed in this ordinance.

C. It shall be unlawful for any person to establish or maintain a commercial firing range except as shall be allowed by this ordinance.

D. A commercial firing range may be established only with a conditional use permit in a B-1, B-2 or M zone if all of the following criteria are met:

1. The area in which guns are discharged, tested, or demonstrated is protected by barriers, which cannot be penetrated by the weapon being fired. Barriers must provide ample protection in the direction of the discharge as well as protective barriers on the sides; and,

2. The Chief of Police, after an inspection of the proposed use, finds that ample protections are in place, and the operation will impose no public safety hazards and recommends that a conditional use permit be granted; and,
3. Commercial firing ranges can only be permitted by businesses that are legally involved in the sales, repair or demonstration of firearms.

E. No person shall operate a firing range in such a manner as to constitute a public or private nuisance. Nothing herein shall be construed in such a way as to limit the right of the city or any resident thereof to bring a civil action to abate a public or private nuisance.

F. Any person convicted of violating any provision of this ordinance may be fined an amount not to exceed One Thousand Dollars ($1,000.00) and that sum may be levied in the case of a continuing violation, for each day a violation occurs. (Ord. No. 2006-25, Secs. 2-7.)

CHAPTER 7.48

STORAGE AND TRANSPORT OF COMBUSTIBLE LIQUIDS

Sections:

7.48.01 Unlawful conduct
7.48.02 Definitions
7.48.03 Storage of flammable and combustible liquids
7.48.04 Transportation of flammable and combustible liquids

7.48.01 Unlawful conduct From and after the date of passage of this ordinance, it shall be unlawful for any person to store or transport flammable and combustible liquids in any manner inconsistent with the provisions of this ordinance. (Ord. No. 80-7, Sec. 1)

7.48.02 Definitions The following terms are hereby defined for the purpose of this ordinance as follows:

A. Flammable (Class 1) Liquids--Liquids with a closed cup flash point below 100° F (37.8° C).
B. Class IA Liquids--Flammable liquids with a close cup flash point below 73° F (22.8° C) and a boiling point below 100° F (37.8° C).
C. Class IB Liquids--Flammable liquids with a closed cup flash point below 73° F (22.8° C) and a boiling point above 100° F (37.8° C).
D. Class IC Liquids--Flammable liquids with a closed cup flash point of 73° F (22.8° C) or above but not more than 100° F (37.8° C) and any boiling point.
E. Combustible classes II and III Liquids--Liquids with a closed cup flash point of more than 100° F (37.8° C).
F. Class II Liquids--A combustible liquid with a closed cup flash point of 100° F (37.8° C) or above but less than 140° F (60° C).

G. Class III A Liquids--A combustible liquid with a closed cup flash point of 140° F (60° C) or above but below 200° F (93.3° C).

H. Class III B Liquid--A combustible liquid with a closed cup flash point of 200° F (93.3° C) or above.

I. Person--Any individual, corporation or other legal entity. (Ord. No. 80-7, Sec. 2)

7.48.03 Storage of flammable and combustible liquids

A. Class IA liquids shall not be stored within the corporate limits of the city of Prairie Grove, provided, however, that one (1) container of liquefied petroleum (LP) of no more than two hundred fifty (250) gallons (by water capacity) maximum storage may be stored on a single premises pursuant to provisions of the State Fire Code. This provision shall be applicable to engine fuel systems; provided, however, that an engine fuel system fuel container shall be limited to a maximum storage of one hundred (100) gallons by water capacity for each motor vehicle upon which it is installed. (Ord. No. 2006-22, Sec. 2.)

B. Class IB and IC liquids shall not be stored above ground except in approved containers of ten (10) gallon capacity or less. Provided, however, that this provision shall not apply to an engine fuel system container holding fuel for the propulsion of an engine. (Ord. No. 2012-16, Sec. 2.)

C. Class II liquids shall not be stored above ground except in approved containers of one hundred (100) gallon by water capacity or less. Provided, however, that this provision shall not apply to an engine fuel system container holding fuel for the propulsion of an engine. (Ord. No. 2012-16, Sec. 2.)

D. Class III liquids shall be stored in the manner required by the National Fire Code adopted by separate ordinance.

E. The foregoing standards are in addition to standards set out in the said National Fire Code and such state and federal laws governing the handling of such material. (Ord. No. 84-3, Sec. 2)

F. The city may exempt the maximum storage limitation, if reviewed and approved by the Prairie Grove Fire Department and approved by the City Council for specified usages that require greater volumes of storage. Such exemption is only available outside residential and commercial zoning districts. All storage of flammable and combustible liquids shall be in compliance with the provisions of the Arkansas Fire Code, NFPA 30, and NFPA 58, as applicable. (Ord. No. 2012-16, Sec. 2.)
7.48.04 Transportation of flammable and combustible liquids. It shall be unlawful for any vehicle used for the transportation of Class 1A, 1B, 1C, or Class II liquids to be within the city limits except for the purpose of traveling through or for such reasonable time as may be required for servicing containers. It shall be unlawful for any person to park such vehicle or leave such vehicle unattended within the city limits except for emergency. (Ord. No. 80-7, Sec. 4)

CHAPTER 7.52

LOITERING

Sections:

7.52.01 Illegal
7.52.02 Definitions
7.52.03 Penalty

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

7.52.02 Definitions

A. A person commits the offense of loitering if he;

1. lingers, remains, or prowls in a public place or the premises of another without apparent reason and under circumstances that warrant alarm or concern for the safety of person 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 or 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

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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 l(a) 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 l(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.

STATE LAW REFERENCE—See Ark. Stat. 41-2914

7.52.03 Penalty. As set out in Ark. Stat. 41-2914, loitering is a Class C misdemeanor punishable by a maximum fine of One Hundred ($100.00) Dollars.
CHAPTER 7.56

WEAPONS

Sections:

7.56.01 Concealed weapon
7.56.02 Discharging firearms
7.56.03 Throwing objects
7.56.04 Other weapons

7.56.01 Concealed weapon Any person who shall wear or carry in any manner whatever, as a weapon, any dirk or sword or spear in a cane, brass or metal knuckles, razor, blackjack, billie or sap, ice pick, or any pistol of any kind whatever, shall be guilty of a misdemeanor. Provided, nothing in this section shall be so construed as to prohibit any person from carrying such pistols as are used in the army or navy of the United States when carried uncovered and in the hand, provided, officers whose duties require them to make arrests, or to keep and guard prisoners, together with persons summoned by such officers to aid them in the discharge of such duties, while actually engaged in such duties, are exempt from the provisions of this section. Provided, further, nothing in this section shall be so construed as to prohibit any person from carrying any weapon when upon a journey or upon his premises.

7.56.02 Discharging firearms If any person shall be found guilty of discharging firearms of any kind within the city, unless in self-defense or in the execution of legal process, he shall be deemed guilty of a misdemeanor.

Firearm shall mean a weapon powered by the combustion of black power or smokeless gunpowder. (Ord. No. 2012-11, Sec. 2.)

7.56.03 Throwing objects Any person found throwing stones, sticks or missiles of any kind whatever at or upon any public or private building or at any person in the street, alley, place or unenclosed or enclosed ground within the city shall be deemed guilty of a misdemeanor.

7.56.04 Other weapons No person shall use or discharge any type of “B-B,” air rifle or pistol, bow, crossbow, sling-shot or any other such weapon which is gas, air or spring operated within this city:

A. With the purpose of causing injury to persons or animals or damage to property, or

B. In a manner which may negligently cause injury to persons or animals or damage to property.

No person shall use or discharge such weapons on any public property, street, alley, or park. (Ord. No. 2012-11, Sec. 3.)
CHAPTER 7.60

PUBLIC SERVICE IN LIEU OF INCARCERATION

Sections:

7.60.01 Public service authorized
7.60.02 Conditions of public service
7.60.03 Administrative fee levied
7.60.04 Administrator
7.60.05 Public service defined
7.60.06 Suspension
7.60.07 Credit for public service

7.60.01 Public service authorized. There is hereby established an authority of the Administrator to allow the performance of public service as alternative to incarceration ordered by the Judge of the Prairie Grove District Court. (Ord. No. 1992-9, Sec. 1)

7.60.02 Conditions of public service. Public service shall be authorized in all cases wherein:

A. The defendant has been sentenced to a determinate jail term;
B. The defendant elects, by executing an appropriate written statement, to perform public service in lieu of incarceration;
C. The defendant pays the administrative fee hereby levied;
D. The defendant complies with such rules as are promulgated by the Administrator;
E. The alternative is not prohibited by the terms of the sentence; and
F. The defendant is accepted into the program by the Administrator. (Ord. No. 1992-9, Sec. 2)

7.60.03 Administrative fee levied. There is hereby levied a fee in the amount of Ten Dollars ($10.00) per day for the purpose of financing operational costs incurred in connection with the maintenance of the program hereby authorized. The fee shall be collected by the Administrator on a daily basis and all funds collected under the authority of this chapter shall be deposited on the date received and turned over to the City Treasurer at the end of each calendar month. (Ord. No. 1992-9, Sec. 3)

7.60.04 Administrator. The Chief of Police is hereby designated as Administrator of the program and the funds generated hereby. The Chief of Police shall have sole discretion to determine the scope and extent of public service to be performed and shall have the authority to promulgate all rules necessary to effectuate the purposes and language of this chapter. (Ord. No. 1992-9, Sec. 4)
7.60.06 Suspension. The Administrator may suspend public service at any time by any participant in his sole discretion and no credit shall be allowed as an offset to incarceration for less than eight (8) hours' service in a twenty-four (24) hour period. (Ord. No. 1992-9, Sec. 6)

7.60.07 Credit for public service. For each eight (8) hours of public service time, a participant shall be allowed twenty-four (24) hours credit to offset jail time. (Ord. No. 1992-9, Sec. 7)

CHAPTER 7.64

PRAIRIE GROVE MUNICIPAL LIBRARY

Sections:

7.64.01 Public library established
7.64.02 Library Board of Trustees established
7.64.03 Number of Trustees

7.64.01 Public library established From and after effective date hereof, there shall be established within the city of Prairie Grove, a public library as is authorized by A.C.A. 13-2-502. (Ord. No. 98-24, Sec. 1.)

7.64.02 Library Board of Trustees established There is hereby established a Board of Trustees for the public library to be selected in the manner set out in A.C.A. 13-2-502. (Ord. No. 98-24, Sec. 2.)

7.64.03 Number of Trustees The Board of Trustees shall consist of five (5) Trustees to be selected and serve such initial terms as are authorized by law. (Ord. No. 98-24, Sec. 3.)
7.60.05 Public service defined The term "public service" as used herein, shall be deemed to mean any labor performed on public or private property from which the public derives a direct or indirect benefit. (Ord. No. 1992-9, Sec. 5)

7.60.06 Suspension The Administrator may suspend public service at any time by any participant in his sole discretion and no credit shall be allowed as an offset to incarceration for less than eight (8) hours' service in a twenty-four (24) hour period. (Ord. No. 1992-9, Sec. 6)

7.60.07 Credit for public service For each eight (8) hours of public service time, a participant shall be allowed twenty-four (24) hours credit to offset jail time. (Ord. No. 1992-9, Sec. 7)

CHAPTER 7.64

ALARM SYSTEMS

Sections:

7.64.01 Definitions
7.64.02 Responsibility to answer alarms
7.64.03 Inspection of alarm devices
7.64.04 Transmission of excessive false alarms
7.64.05 Penalties
7.64.06 Municipal liability

7.64.01 Definitions The following words, terms, and phrases, as used in this chapter, shall have the meanings respectively ascribed to them in this section, unless the context clearly indicates otherwise.

Alarm system means any burglar, fire, and/or holdup alarm system referred to in this chapter.

Burglar alarm system means an alarm signaling an entry or attempted entry into the area protected by the system.

Burglar, fire, and holdup alarm business means any business operated by a person for a profit which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, serving or responding to a burglar, fire, or holdup alarm system, or which causes any of these activities to take place.
Central station means any premises, usually maintained by an alarm company, equipped to receive and displace signals from intruder alarm systems.

Communicator panel means the device that receives alarm signals from subscribers whose lines terminate at the police/fire dispatch point.

Direct alarm means any police/fire alarm device running directly from a specific location to the police dispatch point, connected by leased telephone lines.

Fire alarm system means an alarm system signaling a fire on the premises protected by the system.

Holdup alarm system means an alarm system signaling a robbery or attempted robbery.

Indirect alarm means any police/fire alarm device running directly from a specific location to the police/fire dispatch point through and alarm company's receiving location to the police/fire dispatch unit. The alarm may be connected to the police/fire dispatch point leased telephone lines or called in by the alarm company's receiving location personnel.

Interconnect means to connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

Local alarm (audible type) means these alarms sound audibly on the premises whether or not connected as a "direct" or "central station" alarm.

Person means any person, firm, partnership, association, corporation, company or organization of any kind.

Subscriber means a person who contracts for or receives service or maintenance with respect to any alarm system from an alarm business. (Ord. No. 05-17, Sec. 1.)

7.64.02 Responsibility to answer alarms

A. Generally When an alarm has been activated at a business or private residence and the Police Department or Fire Department respond, the owner or his representative shall be present at such location after being requested to do so by a representative of the Prairie Grove Police Department or the Prairie Grove Fire Department. Response shall be as soon as possible, but should not exceed 20 minutes from the time of request.
B. **Audible alarms** Every local alarm shall be constructed, equipped, and installed and in such a fashion that the alarms shall be incapable of sounding for more than 30 minutes following a single activation. The sounding of such audible alarm for a continuous period of more than 30 minutes shall constitute a public nuisance. (Ord. No. 05-17, Sec. 2.)

7.64.03 Inspection of alarm devices

A. The Chief of Police or the Fire Chief, or a person designated by the Police Chief or Fire Chief shall have the authority to enter the premises of any business in the city which has a direct alarm system for the purposes of checking the alarm system.

B. If any inspection reveals any problems with an alarm system, the owner or lessee shall have a period of 30 days after receiving written notice to make required corrections or repairs. If the corrections or repairs are not made in the specified amount of time, the alarm will be disconnected.

C. There will be no testing or demonstrating of a direct alarm system without first obtaining permission from the Police or Fire Departments. (Ord. No. 05-17, Sec. 3.)

7.64.04 Transmission of excessive false alarms

A. Except due to factors beyond the control of the subscriber, it shall be unlawful for any person to transmit more than five false burglar or holdup alarms within any calendar year from any single alarm system.

B. Except due to factors beyond the control of the subscriber, it shall be unlawful for any person to transmit more than two false fire alarms within any calendar year from any single alarm system.

C. False alarms shall not include alarms activated by the following:

1. Attempted or actual criminal activity or forcible unauthorized entry

2. Structural damage to the protected premises due to earthquake, high winds, lightening or flooding caused by the overflow of natural drainage;

3. Telephone line malfunctions; or

4. Electrical service interruption.

D. For the purpose of this section, factors within the "control of the subscriber" shall be defined as follows:
1. Any act or omission by a subscriber or his employee;
2. Faulty equipment;
3. Equipment not properly maintained or serviced.
(Ord. No. 05-17, Sec. 4.)

7.64.05 Penalties
A. False police alarm response charges When the Prairie Grove Police Department responds to false burglar or holdup alarms received from the same premises more than five times in a calendar year (January through December) the alarm user or subscriber shall pay the city of Prairie Grove the following amount within thirty days after receiving billing notification.

<table>
<thead>
<tr>
<th>Response</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sixth to eighth</td>
<td>$50.00</td>
</tr>
<tr>
<td>After eighth</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

If payment is not received within the thirty day period, as provided above, the alarm user or subscriber shall be found in violation of this ordinance and upon conviction shall be fined in the sum of One Hundred Dollars ($100.00) in addition to the regular billing amount.

B. False fire alarm response charges When the Prairie Grove Fire Department responds to false fire alarms received from the same premises more than two times in a calendar year (January through December) the alarm user or subscriber shall pay the city of Prairie Grove the following amount within thirty days after receiving billing notification.

<table>
<thead>
<tr>
<th>Response</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sixth to eighth</td>
<td>$50.00</td>
</tr>
<tr>
<td>After eighth</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

If payment is not received within the thirty day period, as provided above, the alarm user or subscriber shall be found in violation of this ordinance and upon conviction shall be fined in the sum of One Hundred Dollars ($100.00) in addition to the regular billing amount.

C. Informal hearing Each alarm user shall be entitled to an informal hearing with the Chief of Police, or his designate for each false police alarm in excess of five. Each alarm user shall be entitled to an informal hearing with the Fire Chief or his designate for each false fire alarm in excess of two. At the informal hearing, the subscriber may offer evidence that the alarm activation for which he is charged was not under his control as state in 7.68.01 – 7.68.04. The hearing must be requested, in writing, by certified or registered mail, directed to the Chief of Police of the Police Department of the Chief of the Fire Department within seven days after the mailing of the statement of charges for the false alarm(s). Failure to timely request a hearing shall constitute an irrevocable waiver of such hearing.

(Ord. No. 05-17, Sec. 5.)
7.64.06 Municipal liability The city and its officers, agents, employees or assignees shall not be liable for any defects in the equipment or operation of the alarm system or use of signaling systems. Nothing contained herein shall be construed as a warranty by the city that any system will work or that any equipment or service will be without defect. The city shall not be liable for any damages, consequential or otherwise, for any claim or dispute arising out of or in connection with a alarm or signaling system. (Ord. No. 05-17, Sec. 6.)

CHAPTER 7.68

TOBACCO PRODUCTS

Sections:

7.68.01 Prohibited
7.68.02 Definition
7.68.03 Exceptions
7.68.04 Enforcement
7.68.05 Penalties

7.68.01 Prohibited From and after the effective date hereof, use of tobacco products is prohibited in any building, office, vehicle, park, acreage, or other area or piece of property owned in fee or leased with the right of continuous possession by the city of Prairie Grove, including, but not limited to all offices, facilities, courtrooms, shops, parks, places of public meeting, and any and all other areas owned or leased by the city government, whether enclosed or not. (Ord. No. 04-2, Sec.1.)

7.68.02 Definition A tobacco product is defined as any cigarette, cigarillo, cigar, pipe tobacco, smokeless tobacco, snuff, smokeless tobacco pouch, or any other product made from or derived from tobacco or any tobacco derivative. (Ord. No. 04-2, Sec. 2.)

7.68.03 Exceptions Nothing in this section shall preclude the use of tobacco products by persons on privately owned property or in areas on public property designated as smoking areas by the City Council. (Ord. No. 04-2, Sec. 3.)

7.68.04 Enforcement The Prairie Grove Police Department shall have the power to enforce this section pursuant to their normal police power. (Ord. No. 04-2, Sec. 4.)

7.68.05 Penalties Any person found guilty of a violation of this ordinance shall be punished by a fine of not less than Ten Dollars ($10.00) nor more than Two Hundred Dollars ($200.00) for each such offense. (Ord. No. 04-2, Sec. 5.)

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CHAPTER 7.72

PROHIBITED SUBSTANCES

Sections:

7.72.01 Definitions
7.72.02 Selling
7.72.03 Exception
7.72.04 Unlawful
7.72.05 Medical purposes
7.72.06 Fine
7.72.07 Superseded

7.72.01 Definitions

Person means a person, any form of corporation, partnership, wholesaler or retailer.

Illegal smoking product includes any substance, whether called tobacco, herbs, incense, spice or any blend thereof, which includes any one or more of the following chemicals:

A. Salviadivinorum or salvinorum A: All parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts.

B. (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo(c)chromen-1-ol...........
   Some trade or other names: HU-210

C. 1-Pentyl-3-(1-naphthoyl) indole...........
   Some trade or other names: JWH-018/spice

D. 1-Butyl-3-(1-naphthoyl) indole...........
   Some trade or other names: JWH-073

E. N-BENZYLPIPERAZINE...........
   Some trade or other names: BZP

F. 1-(3’[trifluoromethylphenyl]) piperazine.
   Some trade or other names: TFMPP

G. Or any similar substance.

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Which products are sometimes known as “K2” or “Spice.”
(Ord. No. 2010-19, Sec. 1.)

7.72.02 Selling It is hereby declared to be unlawful for any person to knowingly possess, give, barter, sell, attempt to purchase or possess with the intent to sell any illegal smoking product within the city limits of the city of Prairie Grove, Arkansas. (Ord. No. 2010-19, Sec. 2.)

7.72.03 Exception It is not an offense under 7.06.02 of this ordinance if the person was acting at the direction of an authorized agent of the city of Prairie Grove to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substance. (Ord. No. 2010-19, Sec. 3.)

7.72.04 Unlawful It is unlawful for any person to knowingly breathe, inhale or drink any compound, liquid or chemical listed within this ordinance, or a similar substance for the purpose of inducing a condition of intoxication, stupefaction, giddiness, paralysis, irrational behavior, or in any manner, changing, distorting or disturbing the auditory, visual or mental process. (Ord. No. 2010-19, Sec. 4.)

7.72.05 Medical purposes This ordinance does not apply to any person who commits any act described in this ordinance pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act. This ordinance likewise does not apply to the inhalation of anesthesia for a medical purpose or dental purpose. (Ord. No. 2010-19, Sec. 5.)

7.72.06 Fine Any person to be in violation of this ordinance will be guilty of a misdemeanor and subject to a fine of not less than One Hundred Dollars ($100.00) and not to exceed Five Hundred Dollars ($500.00) for a first offense or up to double that sum for each repetition of such offense. In the event the violation would also be punishable by state law, a term of imprisonment consistent with the comparable state legislation may be imposed by the court. (Ord. No. 2010-19, Sec. 6.)

7.72.07 Superseded If the Arkansas Legislature adopts a statute enacting criminal penalties for the possession, sale or delivery of any illegal smoking product, as defined in this ordinance, then upon the effective date of such statute, this ordinance shall be superseded said statute. However, any violation of this ordinance occurring prior to the effective date of such a state statute may be prosecuted after the effective date of such a state statute. (Ord. No. 2010-19, Sec. 7.)