

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Loitering
- 7.14 Minors Prohibited to Possess Tobacco Products
- 7.16 Prohibited Weapons
- 7.20 Claims against City
- 7.24 Storage and Handling of Volatile Combustibles
- 7.25 Unlawful Burning
- 7.28 Fireworks
- 7.32 Sexually Oriented Business
- 7.36 Ambulance Services
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CHAPTER 7.04

STATE CRIMINAL STATUTES AND PENALTIES

Sections:

- 7.04.01 State criminal statutes adopted
- 7.04.02 State penalties adopted

7.04.01 State criminal statutes adopted All criminal statutes of the state relating to misdemeanors and violations and the laws of criminal procedure in connection therewith, three (3) copies of which are now on file in the office of the Recorder/Treasurer, are hereby enacted by the City Council of the city of Greenland, Arkansas, to form a part of the laws of the city and any person, firm or corporation being found guilty of the violation of any such laws shall be deemed guilty of the violation of the ordinances of the city, and shall be fined or imprisoned or both in the manner set out under the state statutes.

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

7.04.02 State penalties adopted The same minimum and maximum penalties for the violation of misdemeanors and violations as are provided in the state statutes are hereby adopted as the minimum and maximum fines for the violation of the same offenses which are prohibited by the ordinances of this city. STATE LAW REFERENCE-A.C.A. 14-55-502

CHAPTER 7.08

CURFEW

Sections:

- | | |
|---------|--|
| 7.08.01 | Civil emergencies |
| 7.08.02 | Congregating during state of emergency |
| 7.08.03 | Penalty |
| 7.08.04 | Curfew for minors |

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 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.

7.08.03 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.

7.08.04 Curfew for minors

- A. Findings and purpose The City Council for the city of Greenland, Arkansas, 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.
- B. Definitions For purposes of this curfew ordinance, the following terms, phrases, words, and their derivations shall have the meanings ascribed to them by this section:

City is the city of Greenland, 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 in 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

1. As a parent,
2. As an adoptive parent,
3. As a legal guardian,
4. As a person to whom legal custody has been given by the order of a 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 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.

C. Curfew for minors

1. 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 operation 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:
 - a. On Sunday through Thursday evenings from 11:00 p.m. through 5:00 a.m. (6 hours);
 - b. On Friday and Saturday evenings beginning at midnight through 5:00 a.m. (5 hours).
2. 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 paragraph (C)(1) above. The fact that a minor is in violation of the provisions of subsection (C)(1) hereinabove, without a defense as set forth in this ordinance, shall create a rebuttable presumption that a parent is in violation of this subsection.

D. Exception to curfew

1. Notwithstanding the provisions of this ordinance, the Minor Curfew Ordinance does not apply:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. At any time the minor is on a legitimate parentally approved errand.
 - e. At any time the minor is on a trip in interstate commerce.
 - f. At any time the minor is required to leave a residence because of an emergency.
 - g. 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.
2. If a minor being questioned about the possible violation of this Curfew Ordinance provides a law enforcement officer with sufficient reason to believe that the minor is entitled to an exemption under subsection (d)

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 exemption claimed, and other necessary information to note the possible violation of this article.

E. Penalties and law enforcement

1. A parent or minor found to be in violation of this article shall be subject to a fine of not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).
2. At the discretion of the law enforcement officer, any minor receiving a citation for violation of this Curfew Ordinance may be released to immediately return home, may be escorted to their home, or may be taken into custody and delivered to an appropriate juvenile authority to be held until a parent can be located to take custody of the minor.
3. 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. 286, Sec. 1.)

CHAPTER 7.12

LOITERING

Sections:

7.12.01	Illegal
7.12.02	Definitions
7.12.03	Penalty

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

7.12.02 Definitions

- A. A person commits the offense of loitering if he:

1. lingers, remains, or prowls in a public place or 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 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 premise 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 1(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 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.

7.12.03 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 7.14

MINORS PROHIBITED TO POSSESS TOBACCO PRODUCTS

Sections:

- 7.14.01 Intent
- 7.14.02 Prohibited Possession
- 7.14.03 Violation and Penalty
- 7.14.04 Definition of “Minor”

7.14.01 Intent This Ordinance is intended to supplement, and not conflict with, Arkansas Code Annotated Section 5-27-227. (Ord. No. 340, Sec. 5)

7.44.02 Prohibited Possession It shall be unlawful for any minor to use or possess or to purchase, or attempt to purchase tobacco in any form, cigarette papers, a vapor product, alternative nicotine product, e-liquid product, or any component of a vapor product, or e-liquid product, or cigarette papers within the city limits of the City of Greenland. (Ord. No. 340, Sec. 1)

7.44.03 Violation and Penalty Any minor found to be using, possessing, purchasing or attempting to purchase tobacco in any form, cigarette papers, a vapor product, alternative nicotine product, e-liquid product, or any component of a vapor product, or e-liquid product, or cigarette papers shall be subject to a fine of not less than \$100.00 and not more than \$1,000.00. (Ord. No. 340, Sec. 2)

That upon conviction, the District Court Judge may order the product or implement destroyed. (Ord. No. 340, Sec. 3)

7.14.04 Definition of “Minor” "Minor" includes any person who is under the age of twenty-one (21) years of age except that "minor" does not include a person who is under twenty-one (21) years of age if the person presents a military identification card establishing that he or she is a member of the United States Armed Forces or has attained nineteen (19) years of age as of December 31, 2019. (Ord. No. 340, Sec. 4)

CHAPTER 7.16

PROHIBITED WEAPONS

Sections:

- 7.16.01 Unlawful to carry, exchange
- 7.16.02 Discharging firearms

7.16.01 Unlawful to carry, exchange 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, switches, dirks, crabapples daggers or picks, or instruments to be used for a weapon within the corporate limits of the city.

7.16.02 Discharging firearms

- A. No person, firm or corporation shall fire or discharge a firearm of pistol using either powder, gas, air or chemical as a propellant within the city limits of Greenland, Arkansas, except:
 - 1. This section shall not apply to any law enforcement officer in the discharge of his official duties, or
 - 2. For the protection of life or property, and
 - 3. On and within districts zoned as “agricultural.”
- B. Any person, firm, or corporation violating the provisions of this ordinance shall be guilty of a misdemeanor and shall be fined a sum not less than Twenty-Five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00) and each violation shall be and constitute a separate offense. (Ord. No. 246, Secs. 1-2.)

CHAPTER 7.20

CLAIMS AGAINST CITY

Sections:

- 7.20.01 Liability coverage
- 7.20.02 Settlement of claims

7.20.01 Liability coverage The city shall carry liability coverage on all its motor vehicles in the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act.

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

7.20.02 Settlement of claims All persons having claims against the city may file them with the Recorder/Treasurer. The Recorder/Treasurer shall present them to the Council. The Council may grant a hearing for the claimant and may authorize a settlement.

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

CHAPTER 7.24

STORAGE AND HANDLING

OF VOLATILE COMBUSTIBLES

Sections:

- 7.24.01 Restriction on keeping
- 7.24.02 Volatiles never to be allowed to pass into drainage system
- 7.24.03 Penalty
- 7.24.04 Above-ground storage

7.24.01 Restriction on keeping Gasoline, naphtha, benzine, and other like volatile combustibles or any of their compounds in excess of a total of five (5) gallons, exclusive of that in tanks of automobiles, in combustion engines, or in approved portable wheeled tanks in public garages each not exceeding sixty (60) gallons capacity, shall not be kept within any building. Such total of five (5) gallons or less shall be kept only in cans approved by the chief of the fire department. Any quantity in excess of five (5) gallons shall be kept only in a tank or tanks placed not less than two (2) feet beneath the surface of the ground or in an outside tank or tanks above ground and approved by the chief of the fire department located not less than fifty (50) feet from the line of any adjoining property which may be

built upon. The tank or tanks shall be adequately and properly diked with a dike having capacity not less than equal in volume to that of the tank or tanks surrounded. No underground tanks shall be placed, constructed or maintained under a street, public sidewalk or in a sidewalk area.

7.24.02 Volatiles never to be allowed to pass into drainage system In no instance shall gasoline, naphtha, benzene and other like volatile combustibles or any of their compounds be allowed to run upon the floor or fall or pass into the drainage system of the premises. Self-closing metal cans shall be used for all oily waste or waste oils.

7.24.03 Penalty Any person who shall violate or fail to comply with any provision of this chapter, or who shall violate or fail to comply with any order or regulation, shall upon conviction, be punished by a fine not exceeding One Hundred Dollars (\$100.00). The imposition of one (1) penalty for violation of this chapter shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and each day that any prohibited condition is maintained shall constitute a separate offense. The application of said penalty shall not be held to prevent the enforced removal of any prohibited condition as provided by this chapter.

7.24.04 Above-ground storage

- A. It shall hereafter be unlawful for any person, firm or corporation to store Class I or Class II flammable and combustible liquids, as defined by the Arkansas Fire Prevention Code, in any above-ground storage tanks provided, this prohibition shall not apply to any above-ground storage tanks existing on May 2, 1989, which have been installed in compliance with the Arkansas Fire Prevention Code or the National Fire Protection Association's Standard No. 30 entitled "Flammable and Combustible Liquids Code". The Fire Chief of the City of Greenland, Arkansas, or his duly authorized agent, shall have the authority to require the removal of any above-ground storage tank existing on May 2, 1989, upon a determination that the tank creates a safety hazard to life or property.
- B. The storage of liquefied petroleum gases in above-ground tanks is prohibited in any of the designated fire districts of the city of Greenland, Arkansas, provided, this prohibition shall not apply to tanks existing on May 2, 1989, which are installed in compliance with requirements of "Arkansas Fire Prevention Code" and the "State Code, Liquefied Petroleum Gas Container and Equipment."
- C. Nothing in this ordinance shall prohibit the use of Class II liquids in outside above-ground storage tanks having capacities between sixty (60) and six hundred (600) gallons for farm use. (Ord. No. 115, Secs. 1, 2 and 3)

CHAPTER 7.25**UNLAWFUL BURNING****Sections:**

- 7.25.01 Unlawful acts
- 7.25.02 Burning garbage and trash

7.25.01 Unlawful acts The following acts shall be misdemeanors and shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

- A. Setting on fire or causing or procuring to set on fire any forest, brush or other inflammable vegetation or lands of another.
- B. Burning any brush, stumps, logs, rubbish, fallen timber, grass, stubble, scrap materials, junk or debris of any sort, whether on one's own land or that of another.
- C. Building a camp fire or leaving a camp fire to spread or throwing away a lighted cigar, match or cigarette or by the use of any other manner starting a fire in forest material and leaving the same unextinguished.
- D. Defacing or destroying fire warning notices.
(Ord. No. 260, Sec. 1.)

7.25.02 Burning garbage and trash

- A. It shall be unlawful for any person to burn any garbage or trash, except as provided in sub-paragraph (B) following.
- B. No person or persons shall kindle or maintain a bonfire or burn trash, lumber, leaves, straw, or any other combustible material in any street or alley or on any premises or vacant lot without first obtaining and having in full force and effect permission to do so from the Chief of the Fire Department or his representative. No such permit shall be issued to kindle, build, maintain or use a fire within fifteen (15) feet of a fire hydrant or within two (2) feet of any concrete curb or the surface of any permanent pavement except for the purpose of repairing, removing or constructing the same. Burning under permit, as provided for in this paragraph, shall also be subject to such additional proper safeguards as the Chief of the Fire Department, or his representative, may prescribe. All burning of materials permitted by this paragraph shall be conducted on still days, during daylight with

an adult in constant attendance and shall be done in a location at least twenty-five (25) feet from any building or structure and where standing grass or weeds will not communicate fire to nearby property. No permit shall be issued by the Fire Chief, or his representative, unless it is determined within his discretion that such open burning is necessitated because the restrictions imposed by the then existing Greenland trash disposal contractor. No permit shall be issued for any burning, the contaminants from which shall constitute "air pollution" as defined by A.C.A. 8-4-303.

- C. The penalty provisions set out in 7.25.01 shall also be applicable for violations in 7.25.02 (A) and (B). (Ord. No. 260, Sec. 2.)

CHAPTER 7.28

FIREWORKS

Sections:

7.28.01	Use
7.28.02	Sale
7.28.03	Penalty

7.28.01 Use It shall be unlawful for any person to ignite, shoot or set fire to any firecracker, rocket, roman candle or any other firework within the corporate limits of the city except

- A. During the hours of 12:00 p.m. (noon) to 12:00 a.m. (midnight) on July 1, July 2, July 3 and July 4 of each year; or
- B. During the hours of 12:00 p.m. (noon on December 31 of each year to 1:00 a.m. on January 1 of the following year. (Ord. No. 304, Sec. 1.)

7.28.02 Sale It shall be unlawful for any person, entity, group or association to offer for sale, expose or display for sale, or sell at retail to users or consumers any fireworks within the corporate limits of the city except as follows:

- A. No display or sale shall occur before 12:00 o'clock a.m. (noon) on the 15th day of June each year and no display or sale shall occur after 9:00 o'clock p.m. on July 5 each year; and,

- B. No display or sale shall occur in any location not previously approved by the Mayor (or his designee); the Mayor may require that certain conditions be met and maintained in order to approve a location. In the event that an emergency situation prevents use of fireworks at a time/date provided by 7.28.01, the City Council by resolution may determine an alternative time and date for use of fireworks. (Ord. No. 307, Sec. 1.)
- C. A display/sale location must be no less than 250 feet from any other display/sale location and at least 250 feet from any location which sells, offers for sale, stores or otherwise handles gasoline, diesel fuel, propane or other flammable materials or explosives of any type and 250 feet from any natural gas/fuel, exposed pipeline or valving; and,
- D. Each display or sale location must have a city business license and otherwise obey and comply with all other city, state and federal laws, rules and regulations; and,
- E. No firecracker, rocket, punk, roman candle, or any other firework or fire may be started, ignited, shot, set or otherwise detonated within 250 feet of any display/sale location; and,
- F. Comply with all lawful orders of the city police or Fire Department concerning such other safety requirements as may from time to time be appropriate. The use of fireworks in Greenland as provided in 7.28.01 above is expressly prohibited in the event a State or Washington County Burn Ban or Fire Ban has been issued which covers the times/dates set forth in that section. (Ord. No. 307, Sec. 2.)

7.28.03 Penalty A person or entity violating 7.28.01 of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined in any sum not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00); any person, entity, group or association violating 7.28.02 of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined in any sum not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) and be subject to a review of their display/sale location approval (if any) which may result in having the display/sale location approval repealed and forfeiture of the right to continued display and sale of fireworks in the city. (Ord. No. 177, Sec. 4.)

CHAPTER 7.32

SEXUALLY ORIENTED BUSINESS

Sections:

7.32.01	Purpose and intent
7.32.02	Definitions
7.32.03	Classification
7.32.04	Location
7.32.05	Non-conforming businesses
7.32.06	Penalties

7.32.01 Purpose and intent It is the purpose of this ordinance to regulate sexually oriented businesses, to promote the health, safety and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market, unless otherwise restricted by law. (Ord. No. 187, Sec. 1.)

7.32.02 Definitions

Adult Arcade - any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled image-producing devices are maintained to show images to five or fewer viewers at one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities”(j) or “specified anatomical areas”(k).

Adult bookstore or Adult Video Store - a commercial establishment whose principal business purposes is to offer for sale or rental for any form of consideration any one or more of the following:

- A. Books magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproduction, slides or other visual representations which depict or describe “specified sexual activities”(j) or “specified anatomical areas,”(k), or
- B. Instruments, devices or paraphernalia, which are designed for, use in connection with” specified sexual activities”(j).

Adult Cabaret - a nightclub, bar, restaurant or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity; or
- B. Live performances which are characterized by the exposing of “specified anatomical areas”(j) or by “specified sexual activities”(k), or
- C. Films, motion pictures, videocassettes, slides or other photographic reproductions, which are characterized by the depiction of specified sexual activities”(j) or “specified anatomical areas”(k).

Adult Motion Picture Theater - a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown, excluding those which are rated by the Motion Picture Association of America, which emphasize “specified sexual activities”(j) or “specified anatomical areas”(k).

Adult Theaters - a theater, concert hall, auditorium or similar commercial establishment, which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas”(j) or “specified sexual activities”(k).

Nudity or State of Nudity -

- A. The appearance of the bare human buttocks, anus, male genitals, female genitals or female breast.
- B. A state of dress that fails to opaquely cover a human buttocks, anus, male genitals, female genitals or areola of the female breast.

Person - an individual, proprietorship, partnership, corporation, association, limited liability company, or other legal entity.

Semi-nude - a state of dress in which clothing covers no more than the genitals, pubic region and/or the female breast, as well as portion of the body covered by supporting straps or devices.

Sexually Oriented Business - an adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater or adult theater whose inventory, merchandise or performances are characterized by a preponderance of “specified sexual activities”(j) or “specified anatomical areas”(k) as the same are defined herein.

Specified Sexual Activities -

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Act of human masturbation, sexual intercourse or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

Specified Anatomical Areas -

- A. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the tope of the areola; and
- B. Human male genitals in a discernible turgid state even if completely and opaquely covered.

Residential District - any land within the city limits of Greenland, Arkansas, zoned as R-1 Low Density Residential or R-2 Medium Density Residential, as defined by the city of Greenland Zoning Code. (Ord. No. 187, Sec. 2.)

7.32.03 Classification Sexually oriented businesses are classified as follows:

- A. Adult Arcade;
 - B. Adult Bookstores or Adult Video Stores;
 - C. Adult Cabarets;
 - D. Adult Motion Picture Theaters;
 - E. Adult Theaters
- (Ord. No. 187, Sec. 3.)

7.32.05 Location of Sexually Oriented Businesses Sexually oriented businesses shall not be allowed in any zoning district except C-General Commercial where they may be allowed as conditional uses subject to the following:

- A. No sexually oriented business may be operated within 750 feet of:
 - 1. A church or other religious facility;
 - 2. A public, charter, or private elementary, secondary or post-secondary school; pre-school or child care facility;
 - 3. A public park;
 - 4. A boundary of a residential zone, R, or any single-family or multiple-family residential use;
 - 5. A hospital or other medical facility;
 - 6. Properties listed on the National Register of Historical Places or local history districts as identified by the Arkansas Historic Preservation Program;
 - 7. Another sexually oriented business.
- B. No sexually oriented business may be operated within 1,000 feet of any room, building, premises, place or establishment that sells or dispenses alcohol or beer.
- C. For the purpose of subsection (A), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public, charter or private elementary or secondary or post-secondary school, or to the nearest boundary of an affected public park, residential district, residential lot, hospital or other medical facility, or properties listed on the National Historic Register or local historic districts as identified by the Arkansas Historic Preservation Program.
- D. For the purposes of subsection (A) of this section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located to the closest exterior wall of the structure which the other sexually oriented business is located.

- E. A person commits an offense if he causes or permits the operation, establishment or maintenance of a sexually oriented business (1) within seven hundred fifty feet (750') of the places listed at Section 4, subsection A (1 through 7) or (2) within one thousand feet (1000') of any room, building premises, place or establishment that sells or dispenses alcohol or beer. (Ord. No. 187, Sec. 4.)

7.32.06 Non-conforming sexually oriented business A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the subsequent location of a church, public, charter or private elementary or secondary school, public park, residential district or residential lot within seven hundred fifty feet (750') of the sexually oriented business. This provision applies only to an ongoing sexually oriented business, not to a sexually oriented business that has been terminated for any reason or discontinued for a period of ninety (90) days or more subsequent to the location of the church, public, charter or private elementary or secondary school, public park, residential district, or residential lot. (Ord. No. 187, Sec. 5.)

7.32.07 Enforcement

- A. Any person operating or causing to be operated any sexually oriented business in violation of any part of this ordinance, upon conviction, is punishable by a fine not to exceed Five Hundred Dollars (\$500.00).
- B. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed Two Hundred Fifty Dollars (\$250.00) for each day that the same is unlawfully continued.
- C. A person who operates or causes to be operated a sexually oriented business in violation of this ordinance will be subject to a suit for injunction as well as prosecution for criminal violations. (Ord. No. 187, Sec. 6.)

CHAPTER 7.36

AMBULANCE SERVICES

Sections:

7.36.01 Interlocal Agreement

7.36.01 Interlocal Agreement The First Amendment to Interlocal Agreement for Ambulance Services, as attached hereto, is approved and the Mayor and Recorder/Treasurer are authorized to sign such and the payments called for therein are authorized to be paid from the funds budgeted for ambulance services. (Ord. No. 2011-299, Sec. 1.)

CHAPTER 7.40

POSTING OF ORDINANCES

Sections:

- | | |
|---------|-------------------|
| 7.40.01 | Ordinances posted |
| 7.40.02 | Text |
| 7.40.03 | Public places |

7.40.01 Ordinances posted All laws, bylaws, resolutions, notices, or ordinances of the city of Greenland, Arkansas, hereinafter adopted or enacted shall be posted in the five (5) hereinafter designated public places for a period of not less than thirty (30) calendar days. (Ord. No. 2006-252, Sec. 1.)

7.40.02 Text Such posting, as aforesaid, shall occur within seventy-two (72) hours of adoption or enactment, shall be done in a manner which provides reasonable protection for the documents against the elements, the posting should ensure that the full text of the resolution, bylaw, notice or ordinance is visible to the public or that the full title and first page of the text is visible with written advice to the effect that a complete copy of the entire text of the bylaw, resolution, notice, or ordinance is available to the public at the office of the City Recorder/Treasurer in City Hall during regular office hours. (Ord. No. 2006-252, Sec. 2.)

7.40.03 Public places The most public places in Greenland, Arkansas, for purposes of posting all bylaws, notices, resolutions and ordinances are hereby determined to be:

- A. East side of bathroom in Greenland City Park-Taylor Park;
- B. North side of Community Center near front door;
- C. East wall of Greenland Public School Middle School building by Administration Entrance;
- D. North wall of Dee Lee Gym by entrance; and,
- E. South side of City Hall building near court entrance.
(Ord. No. 2006-252, Sec. 3.)

CHAPTER 7.44

MARIJUANA REGULATIONS

Sections:

- 7.44.01 Intent
- 7.44.02 Prohibited Actions
- 7.44.03 Violation and Penalty

7.44.01 Intent This Ordinance is intended to supplement, and not conflict with, Arkansas Medical Marijuana Amendment of 2016. (Ord. No. 345, Sec. 3)

7.44.02 Prohibited Actions It shall be unlawful to:

- (1) Undertake any task under the influence of marijuana when doing so would constitute negligence or professional malpractice:
- (2) It shall be unlawful for any person to possess, smoke, or otherwise engage in the medical use of marijuana :
 - A. on a School Bus
 - B. on the grounds of a daycare center, preschool, primary or secondary school. College or university;
 - C. At a Drug or alcohol treatment facility;
 - D. At a community or recreation center;
 - E. In a correctional facility
 - F. on any property that is under control of the Arkansas National Guard or the United States Military; or
- (3) It shall be unlawful for any person to smoke, or otherwise engage in the medical use of marijuana;
 - A. On any form of public transportation
 - B. In a public place; or

- (4) It shall be unlawful for any person to Operate, navigate, or be in actual physical control of a motor vehicle, aircraft, motorized watercraft, or any other vehicle drawn by power other than the muscle power while under the influence of marijuana.
- (5) It shall be unlawful for any person to Smoke Marijuana:
 - A. In a Place where smoking of tobacco is prohibited by law;
 - B. In the presence of a person who is under fourteen (14) years of age;
 - C. Inside a motor vehicle, aircraft, motorized watercraft, or any vehicle drawn by power other than muscle power;
 - D. Knowingly in the presence of a pregnant woman; or
 - E. In a place where smoking of marijuana for medical use is likely to cause another person not authorized to use marijuana to be under the influence of marijuana; or
- (6) It shall be unlawful for any person to Smoke Marijuana for medical use if the person is under twenty-one (21) years of age. (Ord. No. 345, Sec. 1)

7.44.02 Violation and Penalty Any person found to be possessing, smoking, or otherwise engaged in the medical use of marijuana in violation of this ordinance shall be subject to a fine of not less than \$100.00 and not more than \$1,000.00. (Ord. No. 345, Sec. 2)