

This Instrument Prepared by:

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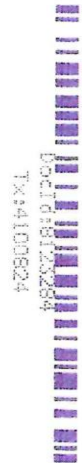


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Ordinance
INSTRUMENT TYPE

City of Russellville
GRANTOR

Ordinance #2460
GRANTEE



ORDINANCE NO. 2460

AN ORDINANCE ADOPTING A CITY ADMINISTRATION CODE AND FOR OTHER PURPOSES

WHEREAS, the City of Russellville, Arkansas (“City”), has many ordinances governing city elected officials, city boards and commission and city departments and amendments to those ordinances scattered throughout its record books in no particular order of reference except for when they were in chronologically; and,

WHEREAS, all of these ordinances have recently been codified into one (1) code named “The City Administration Code”; and,

WHEREAS, The City Administration Code (“Code”) consists of three (3) Articles with the Title:

- (a) Title I – The City Administration Code
 - (1) Article I – City Elected Officials
 - (2) Article II – City Boards and Commissions
 - (3) Article III – City Departments

WHEREAS, Arkansas Code Annotated §14-55-207 allows for the adoption of technical codes such as this Code by reference; and,

WHEREAS, the City Council of the City of Russellville adopts this Ordinance under the authority of Arkansas Code Annotated § 14-55-101, §14-55-102, § 14-55-501, 14-55-206 and 14-55-207.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, ARKANSAS, OF THE FOLLOWING:

SECTION 1: The proposed City Administration Code, as listed below in this paragraph are hereby adopted by reference for the City of Russellville, Arkansas, pursuant to the statutory authority provided by A.C.A. §§ 14-55-206(b) and 14-55-207, and codified as adopted into a City Code attached to this Ordinance listed as Exhibit A, pursuant to A.C.A. §14-55-701 *et seq.*;

- (a) Title I – City Administration Code
 - (1) Article I – City Elected Officials
 - (2) Article II – City Boards and Commission
 - (3) Article III – City Departments

SECTION 2: An electronic copy of the current editions of the City Administration Code has been filed in the office of the City Clerk-Treasurer of the City of Russellville for inspection and view by the public prior to the passage of this Ordinance.

SECTION 3: That the municipality forthwith gave notice to the public, by publication in a newspaper with general circulation within the municipality, stating that copies of the City Administration Code, is and has been open to public inspection at the Office of the City Clerk-Treasurer prior to the passage of this Code adopted by reference as aforesaid.

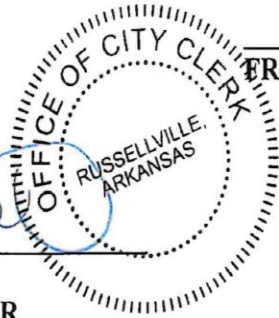
SECTION 4: If any provision of the City Administration Code is declared invalid by a court of competent jurisdiction, such declared invalidity shall not affect the validity of the remainder of the adopted City Administration Code.

SECTION 5: In exercising the authority to codify the City Administration Code, the City Attorney can make the following changes to the adopted City Administration Code:

- (a) Correct the spelling of words;
- (b) Change capitalization for the purpose of uniformity;
- (c) Correct manifest typographical and grammatical errors;
- (d) Correct manifest errors in references to laws, ordinances and other documents;
- (e) Correct manifest errors in internal reference numbers or letters; and
- (f) Correct punctuation.

ORDAINED, this 20th day of July, 2023.

FRED TEAGUE, MAYOR



ATTEST:

**GINA SKELTON,
CITY CLERK-TREASURER**

I, Gina Skelton, City Clerk-Treasurer of the City of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2460 passed by the City Council of the City of Russellville, Arkansas, on the 13th day of June, 2023.

APPROVED AS TO LEGAL FORM:

**WILLIAM F. SMITH III,
CITY ATTORNEY**

TITLE - CITY ADMINISTRATION CODE

CODIFICATION OF ORDINANCES PERTAINING TO CITY ADMINISTRATION

ARTICLE I - CITY ELECTED OFFICIALS

CHAPTER 1	GENERAL
CHAPTER 2	CITY COUNCIL MEMBERS
CHAPTER 3	MAYOR
CHAPTER 4	CITY CLERK-TREASURER
CHAPTER 5	CITY ATTORNEY

ARTICLE II - CITY BOARDS AND COMMISSIONS

CHAPTER 1	GENERAL
CHAPTER 2	ADVERTISING AND PROMOTION COMMISSION
CHAPTER 3	AIRPORT COMMISSION
CHAPTER 4	CIVIL SERVICE COMMISSION
CHAPTER 5	RUSSELLVILLE HISTORIC DISTRICT COMMISSION
CHAPTER 6	RECREATION AND PARKS COMMISSION
CHAPTER 7	PLANNING COMMISSION
CHAPTER 8	OAKLAND CEMETERY COMMISSION

ARTICLE III - CITY DEPARTMENTS

CHAPTER 1	GENERAL
CHAPTER 2	AIRPORT DEPARTMENT
CHAPTER 3	ANIMAL CONTROL
CHAPTER 4	FINANCE
CHAPTER 5	FIRE DEPARTMENT
CHAPTER 6	HUMAN RESOURCES
CHAPTER 7	INFORMATION TECHNOLOGY
CHAPTER 8	PLANNING AND DEVELOPMENT
CHAPTER 9	POLICE DEPARTMENT
CHAPTER 10	PUBLIC WORKS
CHAPTER 11	RECREATION AND PARKS

ARTICLE I - CITY ELECTED OFFICIALS

CHAPTER 1 – GENERAL

SECTION 1 – TITLE

- 1.1** This Article shall be known and referred as “The City of Russellville, Arkansas, City Elected Officials Code.” Any reference to the word “Code” in this Chapter shall mean the all codes contained in this Article.

SECTION 2 – PRIOR ACTS OF THE CITY ELECTED OFFICIALS AND SAVINGS

- 2.1** The repeal of any prior ordinance or portion thereof by adoption of this Code shall not affect or impair any act done or right vested or accrued before such repeal takes effect but every such act done or right vested or accrued shall remain in full force and effect to all intents and purposes as if such repeal had not taken place. No act or duty performed in the past by City Elected Officials shall be deemed invalid while the City Elected Officials were operating under the authority of state law, prior ordinances or part thereof that are repealed by this Code. All acts prior to the passage of this Code viewed within all respects as if such prior ordinances or part thereof had not been repealed.
- 2.2** The repeal or amendment of prior ordinances does not release or extinguish any penalty, forfeiture, or liability incurred or right accruing or accrued under prior ordinances, unless the repealing or amending act so provides expressly. Those prior ordinances shall be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of the right, penalty, forfeiture, or liability.
- 2.3** The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

SECTION 3 - SEVERABILITY

- 3.1** If any article, chapter, section, subsection, provision, paragraph, sentence, clause, or phrase of this Code is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining parts of this Code.

SECTION 4 - AMENDMENTS TO CODE.

- 4.1** All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed titles, chapters, sections or subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby.
- 4.2** Amendment to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section of the Russellville City Elected Officials Code is

hereby amended to read as follows:..." The new provisions shall then be set out in full.

- 4.3** In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Russellville City Elected Officials Code is hereby amended by adding a section (or articles or chapter) to be numbered which said section (or article or chapter) reads as follows: The new provisions shall then be set out in full.
- 4.4** All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article, or chapter number, as the case may be.

SECTION 5 – REPEALER

- 5.1** Ordinance Nos. 98, 128, 234, 247, 303, 517, 623, 627, 765, 797, 862, 988, 1331, 1411, 1520, 2097, 2221, 2373 and 2425 are hereby repealed in their entirety.
- 5.2** Ordinance Nos. 452, 653, 898, 927, 1420, 1600 and 2423 are hereby repealed in their entirety.
- 5.3** Ordinance Nos. 1421, 2041 and 2424 are hereby repealed in their entirety. Ordinance No. 1962, Section 5, 6, 7, 8, 9 and 10, are hereby repealed in their entirety. Resolution Nos. 760 and 1770 are hereby repealed in their entirety.
- 5.4** Ordinance Nos. 98, 128, 234, 247, 303, 517, 623, 627, 797, 862, 988, 1682 and 2422 are hereby repealed in their entirety.
- 5.5** Any ordinance in conflict with this Code is hereby repealed.

CHAPTER 2 - CITY COUNCIL MEMBERS

SECTION 1 - TITLE

- 1.1** This Chapter shall be known and referred to as: “The City Council Members Code for the City of Russellville, Arkansas.” Any reference to the word “Code” in this Chapter shall mean this Code contained in this Chapter.

SECTION 2 - AUTHORITY

- 2.1** This Code is passed pursuant to the authority granted to the City of Russellville, Arkansas (“City”) by the State of Arkansas under Ark. Code Ann. §§14-42-102, 14-42-113, 14-43-307, 14-43-312, 14-43-409, 14-43-410, 14-43-501 and 14-43-502.

SECTION 3 - DUTIES

- 3.1** The Council Member shall perform the following duties:
 - 3.1.1** Have a vote on any ordinance, by-law, resolution, order or motion before any regular or special City Council meeting if present, unless a Governor declares a disaster emergency under the Arkansas Emergency Services Act of 1973, § 12-75-101 *et seq.*
 - 3.1.2** Count towards a majority of the whole number of Council Members of the City Council to constitute a quorum for the transaction of business at a regular or special City Council meeting.
 - 3.1.3** Be eligible to be president pro tempore to preside over council meetings should the Mayor be absent from a regular or special City Council Meeting.
 - 3.1.4** Perform all functions of the Mayor during the disability or absence of the mayor if the Mayor is unable to perform the duties of office or cannot be located.
 - 3.1.5** May compose one (1) of the three (3) Council Members to call special meetings.
 - 3.1.6** Sponsor items on any regular or special City Council meeting or committee meeting agenda.
 - 3.1.7** In addition to the duties imposed upon the Council Member by this Ordinance, the Council Member shall perform such other duties as are imposed by the general laws of the state for a city of the first class.

SECTION 4 - PART-TIME EMPLOYMENT

- 4.1** A Council Member shall be part time.

SECTION 5 - COMPENSATION

- 5.1** The following shall govern the compensation for the position of Council Member:
 - 5.1.1** The salary for a newly elected or appointed Council Member shall be the same as the salary was for an outgoing Council Member.

- 5.1.2** Upon re-election to the same position, the Council Member shall retain their existing pay level.
- 5.1.3** Annually for each budget, to be effective at the first payroll period coincident with or first following January 1st, a pay adjustment shall be proposed and then approved by vote of the City Council based on the most current version of the Arkansas Municipal League Salary Survey Results for cities in the range of 20,000 to 49,999 population, to increase the base salary of a Council Member to at least the average range of the salary study but not greater than the maximum salary for City Council Members of the salary study.
- 5.1.4** A Council Member shall be eligible to receive any cost of living adjustments and stipends. A Council Member may be eligible to receive health benefits, retirement contributions, retirement benefits and any other benefit conferred on a City employee except for sick or vacation time if they meet other city or state law prerequisites for qualifying for those benefits. Such benefits shall be deemed as salary of a Council Member but not be considered part of a Council Member's base salary when the Council Member's position is annually reviewed for a pay adjustment.

CHAPTER 3 – MAYOR

SECTION 1 - TITLE

- 1.1** This Chapter shall be known and referred to as: “The Mayor Code for the City of Russellville, Arkansas.” Any reference to the word “Code” in this Chapter shall mean this Code contained in this Chapter.

SECTION 2 - AUTHORITY

- 2.1** This Code is passed pursuant to the authority granted to the City of Russellville, Arkansas (“City”) by the State of Arkansas under Ark. Code Ann. §§14-42-102, 14-42-113, 14-43-401, 14-43-409, 14-43-501(b) and 14-43-504.

SECTION 3 - DUTIES

- 3.1** The Mayor shall perform the following duties:
 - 3.1.1** By virtue of the position of Mayor, be the ex-officio president of the City Council and preside at its meetings.
 - 3.1.2** Have the responsibility to keep city government running properly.
 - 3.1.3** Have the duty to enforce ordinances of the City.
 - 3.1.4** Vote when the Mayor's vote is needed to pass an ordinance, bylaw, resolution or motion.
 - 3.1.5** Have a vote to establish a quorum at any regular or special City Council meetings.
 - 3.1.6** Sign all ordinances, resolutions and City Council meetings.
 - 3.1.7** If permitted by ordinance or Council rules, introduce ordinances, resolutions and recommend policy.
 - 3.1.8** Veto any ordinance, resolution or order adopted or made by the Council, or any part thereof which in the Mayor’s judgment is contrary to the public interest.
 - 3.1.9** Be required to prepare and submit a budget to the city for approval, on or before the first day of December each year
 - 3.1.10** Determine the day-to-day activities and supervise the City department heads, appointive officers, and those city employees not working under the direct supervision of a department head. Any City employee who works under the direct supervision of a department head of the City shall be supervised and directed by the department head who supervises the employee.
 - 3.1.11** Have the power to appoint and remove all department heads and those City employees not working under the direct supervision of a department head, subject to the City Council's vote to override. Any City employee who works under the direct supervision of a department head of the City shall be appointed and removed by the department head who supervises the employee.

3.1.12 Upon the absent or disability of the Finance Director, the Mayor of the City of Russellville, Arkansas, is hereby authorized, instructed and directed to co-sign all checks or vouchers for the City.

3.1.13 In addition to the duties imposed upon the Mayor by this Ordinance, the Mayor shall perform such other duties as are imposed by the general laws of the state for a city of the first class.

SECTION 4 – FULL TIME EMPLOYMENT

4.1 The Mayor shall be full time and shall not engage in any outside employment.

SECTION 5 - COMPENSATION

5.1 The following shall govern the compensation for the position of Mayor:

5.1.1 The salary for a newly elected or appointed Mayor shall be the same as the salary was for the outgoing Mayor.

5.1.2 Upon re-election to the same position, the official shall retain their existing pay level.

5.1.3 Annually for each budget, to be effective at the first payroll period coincident with or first following January 1st, a pay adjustment shall be proposed and then approved by vote of the City Council based on the most current version of the Arkansas Municipal League Salary Survey Results for cities in the range of 20,000 to 49,999 population, to increase the base salary of the Mayor to at least the minimum range of the salary study but not greater than the maximum range of the salary study.

5.1.4 The Mayor shall be eligible to receive any cost of living adjustments, stipends, health benefits, retirement contributions, retirement benefits and any other benefit conferred on a City employee except for sick or vacation time. Such benefits shall be deemed as salary of the Mayor but not be considered part of the Mayor's base salary when the Mayor's position is annually reviewed for a pay adjustment.

CHAPTER 4 – CITY CLERK-TREASURER

SECTION 1 - TITLE

- 1.1** This Chapter shall be known and referred to as: “The City Clerk-Treasurer Code for the City of Russellville, Arkansas.” Any reference to the word “Code” in this Chapter shall mean this Code contained in this Chapter.

SECTION 2 - AUTHORITY

- 2.1** This Code is passed pursuant to the authority granted to the City of Russellville, Arkansas (“City”) by the State of Arkansas under Ark. Code Ann. §§14-42-113, 14-43-313, 14-43-316, 14-43-405, 14-43-406, 14-43-409, 14-43-506 and 14-43-507.

SECTION 3 - OFFICE OF CITY CLERK-TREASURER

- 3.1** The offices of City Clerk and City Treasurer for the City shall continue to be a combined position, still to be known as the City Clerk-Treasurer.

SECTION 4 - DUTIES

- 4.1** The duties of the City Clerk-Treasurer shall be those as set forth by the laws of the State of Arkansas, and such other following duties:
 - 4.1.1** Have custody, but not exclusive custody or control, of all the laws, ordinances, resolutions and official documents of the City and its actions.
 - 4.1.2** Keep a regular and correct written journal of the proceedings of the City Council; prepare and distribute copies of the Council meeting agenda and associated documents to the Council, Mayor and press/media.
 - 4.1.3** Perform such duties as prescribed in Ark. Code Ann. §14-43-506.
 - 4.1.4** Be authorized and empowered to perform the functions of a magistrate during the disability or absence of the Mayor, as outlined and set forth in A.C. § 14-43-501(b)(3)(A).
 - 4.1.5** Appoint a part-time Deputy City Clerk-Treasurer if such position if budgeted by the City Council or the Deputy City Clerk-Treasurer is a volunteer and administer the oath of office to the Deputy City Clerk-Treasurer.
 - 4.1.6** Upon the absent or disability of the Finance Director, the City Clerk-Treasurer of the City of Russellville, Arkansas, is hereby authorized , instructed and directed to sign all checks or vouchers for the City.
 - 4.1.7** Receive, file and retain as required by law the statements of financial interests from elected or appointed city officials, including the Mayor, Council Members, City Clerk-Treasurer and City Attorney.
 - 4.1.8** Sign all bonds and debentures of the city that have been approved by City Council.
 - 4.1.9** Such other different or additional duties as may be enacted by an amendment to the Arkansas Constitution or legislative acts.

- 4.1.10** Record all ordinances or documents as required by the Pope County Courthouse, Russellville, Arkansas.
- 4.1.11** Maintain the official seal of the City.
- 4.1.12** Such duties as from time to time be directed by the Council in ordinances and resolutions.

SECTION 5 - PART-TIME EMPLOYMENT

- 5.1** The City Clerk-Treasurer shall be employed part time.

SECTION 6 - COMPENSATION

- 6.1** The following shall govern the compensation for the position of City Clerk-Treasurer:
 - 6.1.1** The salary for a newly elected or appointed City Clerk-Treasurer shall be the same as the salary was for the outgoing City Clerk-Treasurer.
 - 6.1.2** Upon re-election to the same position, the official shall retain their existing pay level.
 - 6.1.3** Annually for each budget, to be effective at the first payroll period coincident with or first following January 1st, a pay adjustment shall be proposed and then approved by vote of the City Council based on the most current version of the Arkansas Municipal League Salary Survey Results for cities in the range of 20,000 to 49,999 population with part time City Clerks or City Clerk-Treasurers, to increase the base salary of the City Clerk-Treasurer to at least the average range of the salary study but not greater than the highest salary of a part time City Clerk or City Clerk-Treasurer in the salary study.
 - 6.1.4** The City Clerk-Treasurer shall be eligible to receive any cost of living adjustments and stipends. The City Clerk-Treasurer may be eligible to receive health benefits, retirement contributions, retirement benefits and any other benefit conferred on a City employee except for sick or vacation time if they meet other city or state law prerequisites for qualifying for those benefits. Such benefits shall be deemed as salary of the City Clerk-Treasurer but not be considered part of the City Clerk-Treasurer's base salary when the City Clerk-Treasurer's position is annually reviewed for a pay adjustment.

CHAPTER 5 – CITY ATTORNEY

SECTION 1 - TITLE

- 1.1** This Chapter shall be known and referred to as: “The City Attorney Code for the City of Russellville, Arkansas.” Any reference to the word “Code” in this Chapter shall mean this Code contained in this Chapter.

SECTION 2 -AUTHORITY

- 2.1** This Code is passed pursuant to the authority granted to the City of Russellville, Arkansas (“City”) by the State of Arkansas under Ark. Code Ann. §§14-42-113, 14-43-313, 14-43-315, 14-43-409 and 14-43-410.

SECTION 3 - DUTIES

- 3.1** The City Attorney shall perform the following duties:
 - 3.1.1** Advise the Mayor and City Council on all legal issues of actions taken at City Council meetings.
 - 3.1.2** Advise all City elected officials on all matters pertaining to the operation of the City as well as any and all City business; on their official duties and answer such questions as may be required by all City officials pertaining to the affairs of the City.
 - 3.1.3** Advise the City Council, or any committee or member thereof, the Mayor and the heads of all departments, and through the heads of departments, all other officers or officials of the City upon any and all legal questions affecting the City's interest as well as to their respective duties, liabilities and answer all questions relative to the operation of the City.
 - 3.1.4** Advise all City commissions, boards or committees if requested and prepare all legal documents required by said commissions, boards or committees handling City business.
 - 3.1.5** Prepare all ordinances, resolutions, contracts, leases, conveyances, bonds, and such other legal instruments as may be required by any City department or office, or by the Mayor or City Council Members to further the City affairs or the business of the City.
 - 3.1.6** Review and approve as to form all ordinances, resolutions or other legal documents prior to consideration by the City Council as well as review and approve as to form all contracts, agreements, leases, bonds, insurance policies, or other legal documents filed with the City pursuant to the ordinances, resolutions, codes, regulations or state laws thereof, which are in the name or are made to, or with the City.
 - 3.1.7** Take charge of and direct the management of all litigation in which the City may be a party or in which the City may have an interest; shall represent the City and all City officials in their official capacity in all legal matters and proceedings in which they may be a party, or interested; to prosecute or defend in the name of the City for any civil action brought in any state court, federal court or administrative tribunal regarding the

legality of City ordinances, the operation of City functions, any City action or inaction and any other City affair when instructed by the City Council; and in any appeal from Circuit Court to the Arkansas Court of Appeals, Arkansas Supreme Court or other appellate court, board or commission.

- 3.1.8** File information or affidavit for an arrest warrant for the arrest of any person for the violation of any ordinance of such city or of the laws of this state which are violated within the limits of such city; prosecute violations of city ordinances in Pope County District Court, City of Russellville, Criminal Division in the name of the City and all such cases which may be appealed from any District Court to Circuit Court; prosecute in the City's and/or State's name in Pope County District Court, City of Russellville Criminal Division for all traffic violations, criminal violations and criminal misdemeanors occurring in the city limits of the City and all such cases which may be appealed from District Court to Circuit Court when such prosecutions are assigned to the City Attorney by the 5th Judicial Prosecutor's Office under Ark. Code Ann §§16-21-115 and 16-21-150.
- 3.1.9** In addition to the duties imposed upon the City Attorney by this Ordinance, the City Attorney shall perform such other duties as are imposed by the general laws of the state for a city of the first class.

SECTION 4 - FULL-TIME EMPLOYMENT

- 4.1** The City Attorney shall be full time and shall not engage in any outside legal employment, including the private practice of law. The only exception to this prohibition shall be any case assigned to the City Attorney by an order of a court of competent jurisdiction.

SECTION 5 - COMPENSATION

- 5.1** The following shall govern the compensation for the position of City Attorney:
 - 5.1.1** The salary for a newly elected or appointed City Attorney shall be the same as the salary was for the outgoing City Attorney.
 - 5.1.2** Upon re-election to the same position, the official shall retain their existing pay level.
 - 5.1.3** Annually for each budget, to be effective at the first payroll period coincident with or first following January 1st, a pay adjustment shall be proposed and then approved by vote of the City Council based on the most current version of the Arkansas Municipal League Salary Survey Results for cities in the range of 20,000 to 49,999 population, to increase the base salary of the City Attorney to at least the minimum range of the salary study but not greater than the maximum range of the salary study.
 - 5.1.4** The City Attorney shall be eligible to receive any cost of living adjustments, stipends, health benefits, retirement contributions, retirement benefits and any other benefit conferred on a City employee except for sick or vacation time. Such benefits shall be deemed as salary of the City Attorney but not be considered part of the City Attorney's base salary

when the City Attorney's position is annually reviewed for a pay adjustment.

ARTICLE II: CITY BOARDS AND COMMISSIONS

CHAPTER 1 – GENERAL

SECTION 1 – TITLE

- 1.1** This Article shall be known and referred as “The City of Russellville, Arkansas, City Boards and Commissions Code.” Any reference to the word “Code” in this Chapter shall mean the all codes contained in this Article.

SECTION 2 – PRIOR ACTS OF THE CITY BOARDS AND COMMISSIONS AND SAVINGS

- 2.1** The repeal of any prior ordinance or portion thereof by adoption of this Code shall not affect or impair any act done or right vested or accrued before such repeal takes effect but every such act done or right vested or accrued shall remain in full force and effect to all intents and purposes as if such repeal had not taken place. No act or duty performed in the past by City Boards and Commissions shall be deemed invalid while the City Boards and Commissions were operating under the authority of state law, prior ordinances or part thereof that are repealed by this Code. All acts prior to the passage of this Code viewed within all respects as if such prior ordinances or part thereof had not been repealed.
- 2.2** The repeal or amendment of prior ordinances does not release or extinguish any penalty, forfeiture, or liability incurred or right accruing or accrued under prior ordinances, unless the repealing or amending act so provides expressly. Those prior ordinances shall be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of the right, penalty, forfeiture, or liability.
- 2.3** The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

SECTION 3 - SEVERABILITY

- 3.1** If any article, chapter, section, subsection, provision, paragraph, sentence, clause, or phrase of this Code is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining parts of this Code.

SECTION 4 - AMENDMENTS TO CODE

- 4.1** All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code, may be numbered in accordance with the numbering system of this code and printed for inclusion herein. In the case of repealed titles, chapters, sections or subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby.
- 4.2** Amendment to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the

following language: "That section of the Russellville City Board and Commissions Code is hereby amended to read as follows:..." The new provisions shall then be set out in full.

- 4.3 In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Russellville City Boards and Commissions Code is hereby amended by adding a section (or articles or chapter) to be numbered which said section (or article or chapter) reads as follows: The new provisions shall then be set out in full.
- 4.4 All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article, or chapter number, as the case may be.

SECTION 5 – REPEALER

- 5.1 Ordinance Nos. 1692, 1746, 1957, 2067 and 2077 are hereby repealed in their entirety.
- 5.2 Ordinance No. 2174 is hereby repealed in its entirety.
- 5.3 Ordinance No. 913, 1570, 1631 and 2259 are hereby repealed in their entirety.
- 5.4 Ordinance Nos. 406, 470, 1000, 1209, 1360, 1531, 1631, 1997, 2010 and 2036 are hereby repealed in their entirety.
- 5.5 Ordinance Nos. 1793, 1961, 1967, 2045, 2066, 2078, 2139, 2164, 2208, 2225, 2328, 2338 are hereby repealed in their entirety.
- 5.6 Ordinance Nos. 1998, 2220 and 2254 are hereby repealed in their entirety.
- 5.7 Ordinance Nos. 2011, 2023, 2048 and 2236 are hereby repealed in their entirety.
- 5.8 Any other ordinance in conflict with this Code is repealed in their entirety.

SECTION 6 - PENALTY

- 6.1 Any person violating any provisions declared to be unlawful by this Code shall be deemed guilty of a violation and upon conviction be fined a sum, up to, but not exceeding:
 - 6.1.1 one thousand dollars (\$1,000.00) for the first offense;
 - 6.1.2 two thousand dollars (\$2,000.00) for the second offense;
 - 6.1.3 four thousand dollars (\$4,000.00) for each subsequent offense after the second offense;
 - 6.1.4 plus court costs and applicable fees authorized by the City or State.
- 6.2 If it is found that any violation of this Code is found to be continuous in respect to time, the fine or penalty for allowing the continuous thereof, in violation of this Code, shall not exceed five hundred dollars (\$500.00) for each day that it is unlawfully continued, plus court costs and applicable fees.
- 6.3 A violation may be sentenced as either a criminal violation or a civil violation.
- 6.4 Prosecution of violations shall be heard in the Pope County District Court, City of Russellville Criminal Division.

6.5 Upon a conviction or a plea of guilty or no contest for a violation of this Code, the District Court shall assess all applicable court costs and fees.

CHAPTER 2 – ADVERTISING AND PROMOTION COMMISSION

SECTION 1 – TITLE

- 1.1** The title of this Chapter shall be “The Russellville Advertising and Promotion Commission Code.” Any reference to the word “Code” in this Chapter shall mean the Russellville Advertising and Promotion Commission Code.

SECTION 2 - LEVY OF ADVERTISING AND PROMOTION TAX

- 2.1** A tax of three percent (3%) is hereby levied on the portion of the gross receipts or gross proceeds received from the renting, leasing or otherwise furnishing of hotel, motel house, cabin, bed and breakfast, campground, or condominium, or other similar rental accommodations or sleeping, meeting or party room facilities for profit in the City of Russellville, Arkansas, but such accommodations shall not include the rental or lease of such accommodations for periods of thirty (30) days or more; and,
- 2.2** The three percent (3%) tax described in this Code hereof shall be paid by the persons, firms, and corporations liable therefor and shall be collected by the Advertising and Promotions Commission of the City of Russellville, (herein after called the “Commission”), or by a designated agent of the Commission, in the same manner and at the same time as the tax is levied by the Arkansas Gross Receipts Act, A.C.A. §26-52-101, *et. seq.* (A.C.A. §26-75-603 (a)(1)).
- 2.3** The person paying the tax shall report and remit said tax on forms provided by the Commission and as directed by the Commission. The rules, regulations, forms of notice, assessment procedures, and the enforcement and collection of the tax under the Arkansas Gross Receipts Act shall, so far as practicable, be applicable with respect to the enforcement and collection of the tax levied pursuant to the authority of A.C.A. §26-75-603. The administration and enforcement, and all actions shall be by and through the proper Commission officials or agents.

SECTION 3 - ESTABLISHMENT OF ADVERTISING AND PROMOTIONS COMMISSION

- 3.1** There is hereby created the City of Russellville Advertising and Promotions Commission, which shall be composed of seven (7) members, each of whom shall reside within the City, as follows:
 - 3.1.1** Four (4) members shall be owners or managers of a business in the tourism industry, at least three (3) of whom shall be owners or managers of hotels, motels or restaurants, and who shall serve for staggered terms of four (4) years; and,
 - 3.1.2** Two (2) members of the Commission shall be members of the governing body, selected by the governing body and shall serve at the will of the governing body; and,
 - 3.1.3** One (1) member shall be from the public at large and shall be nominated by the Mayor of the City and approved by the City Council

of the City for a term of four (4) years, in accordance with the applicable Arkansas law.

3.2 The four (4) tourism industry positions provided for in subdivision (a)(1) of A.C.A. §26-75-605(a)(1) shall be filled by appointment made by the City Council of the City for staggered terms so that:

3.2.1 one (1) member will serve for a term of one (1) year;

3.2.2 one (1) for a term of two (2) years;

3.2.3 one (1) for a term of three (3) years; and,

3.2.4 one (1) for a term of four (4) years.

3.3 All successors to these members shall be appointed for a term of four (4) years. Vacancies on the commission, whether resulting from expiration of a regular term or otherwise, in any of the four (4) tourism industry positions or in the at-large position shall be filled by appointment made by the remaining members of the commission, with the approval of the governing body of the City.

SECTION 4 - PURPOSE OF COLLECTED TAX REVENUE

4.1 All local taxes collected pursuant to this Code shall be used for the following purposes. The use or pledge of all, or any part of, the revenues derived from the tax for the purposes prescribed in this Code shall be for the advertising and promotion of the City of Russellville, Arkansas. This revenue shall be used or pledged for the purposes authorized in this Code and in accordance with A.C.A §26-75-606 only upon the recommendation of the Commission.

SECTION 5 - COLLECTION AND ENFORCEMENT PROCEDURES

5.1 In the event that any person, firm, partnership, association, corporation, or other business entity fails to make such a report as required by Section 2 within the time period permitted for making of such reports by state law, the Advertising and Promotion Commission, acting by itself or through its designated agent, is hereby authorized and directed to:

5.1.1 Provide notice to said person or business entity of the obligation of the person or business entity to report said proceeds and pay the subject sales or use tax;

5.1.2 Submit to the person or business entity a form on which the person or business entity shall indicate, under oath, the amount of proceeds derived from the subject month from the renting, leasing or otherwise furnishing of hotel or motel accommodations for profit within the City; and,

5.1.3 In the event of a failure of the taxpayer to provide information pursuant to the request of the commission as set forth in the above paragraph, the Commission or its designated agent, shall make an examination or investigation of the place of business, the books, records, papers, vouchers, accounts and documents of any taxpayer,

person, or business entity which such documents shall be exhibited to the agent of the commission or commission itself by the taxpayer at a time and place directed by notice of the commission. The procedures for such examinations and investigations are set out in Section 6 and are consistent with and similar to A.C.A. §26-18-101 *et seq.*, as allowed by A.C.A. §26-75-603.

5.1.4 Based on the information accumulated from the procedures identified above, the commission shall issue an assessment of tax due for subject periods. Notice of the assessment shall be delivered to the person or business entity against whom the assessment is made. The notice shall state the amount of the assessment and may include any penalty and interest applicable to the taxes assessed. Any taxpayer that wishes to seek administrative relief from any proposed assessment of taxes (with penalty or interest as applicable) shall file a written request for a hearing before the commission challenging the identified assessment within twenty (20) days after receipt of the notice of the assessment. In no event shall the failure to exercise the investigative tools provided in Section 6 preclude the Commission from exercising remedies in this paragraph.

5.1.5 Supplemental to the foregoing procedures, the Commission may request the proper judicial authorities to pursue the criminal sanctions provided for by Section 8 herein below.

5.2 With reference to any taxpayer who fails to timely pay the subject tax, the Advertising and Promotion Commission is hereby authorized and directed to assess penalties and interest against the taxpayer as follows: A penalty equal to five percent (5%) of the unpaid tax amount per month not to exceed a total assessment of thirty-five percent (35%) of the unpaid tax; simple interest on unpaid taxes shall be assessed at the rate of ten percent (10%) per annum.

5.3 Upon the filing with the agent of the Advertising and Promotion Commission of a request for hearing pursuant to Subsection 5.1.4, the commission shall, within a reasonable time, hold a hearing regarding the proposed assessment and shall, within a reasonable time following the hearing, issue its determination regarding the assessment. As a result of the determination of the commission, a certificate of indebtedness shall be issued reflecting the amount of tax, penalty and interest owed.

5.4 After the issuance of a certificate of indebtedness, including any penalties and interest, the written certificate of indebtedness shall be delivered to the taxpayer. Thereafter, the taxpayer shall have the right to request judicial relief following the procedures set forth in A.C.A. §26-75-603(d).

5.5 The Advertising and Promotion Commission, through its designated agent, shall follow the provisions of A.C.A. §26-75-603(e) regarding enforcement and collection of the tax indebtedness.

SECTION 6 - EXAMINATION AND INVESTIGATION PROCEDURES

6.1 In the administrative of this Code, the Advertising and Promotion Commission,

for the purpose of determining the accuracy of a return or fixing any liability under this Code, may make an examination or investigation of the place of business, the tangible personal property, equipment, and facilities, and the books, records, papers, vouchers, accounts, and documents of any taxpayer or other person.

- 6.1.1** Every taxpayer or other person and his agents and employees shall exhibit to the Commission or its designated agent these places and items and facilitate any examination or investigation.
 - 6.1.2** The Commission or its designated agent may employ proper and reasonable audit methods as he deems necessary, including the use of sampling.
 - 6.1.3** If sampling is to be employed as an audit method, the taxpayer's consent to the sampling technique must be obtained at the commencement of the audit.
- 6.2** No taxpayer shall be subjected to unnecessary examination or investigations, and only one (1) inspection of a taxpayer's books of account shall be made for each taxable year unless the taxpayer requests otherwise or unless the Commission or its designated agent, after investigation, notifies the taxpayer in writing that an additional inspection is necessary.
- 6.3** When conducting an investigation or an audit of any taxpayer, the Commission or its designated agent may, in his discretion, examine the records and files of any person, except where privileged by law, and other business, institution, financial institution, the records of any state agency, agency of the United States Government, or agency of any other state where permitted by agreement or reciprocity.
- 6.3.1** The Commission or its designated agenda may compel production of these records by subpoena. A subpoena may be served directly by the Commission or its designated agent.
- 6.4** In the administration of this Code, the Commission or its designated agent may:
- 6.4.1** Administer oaths, conduct hearings, compel by subpoena the attendance of witnesses, testimony, and the production of books, records, papers, or other data of any person or taxpayer; or
 - 6.4.2** Examine under oath any person regarding the business of any taxpayer concerning any matter incident to the administration of this Code, as amended, from time to time.
 - 6.4.3** The fees of witnesses required by the Commission or its designated agent to attend any hearing shall be the same as those allowed to the witnesses appearing before circuit courts of this state. The fees shall be paid in the manner provided for the payment of other expenses incident to the administration of any state tax law.
- 6.5** The investigation may extend to any person that the Commission or its designated agent determines has access to information which may be relevant to the

examination or investigation.

- 6.5.1** When any subpoenas requiring the production of records as described in subsection 5.3 of this section is served on a third-party record keeper, written notice of the subpoena shall be mailed to the taxpayer that their records are being subpoenaed at least fourteen (14) calendar days, excluding legal holidays, prior to the date fixed in the subpoena as the day for the examination of records.
- 6.5.2** Notice the taxpayer required by this section is sufficient if it is mailed by certified mail to the last address on records with the Commission or its designated agent.
- 6.6** When the Commission or its designated agent has the power to issue a subpoena for their investigation, then they shall honor any reasonable request by any taxpayer being investigated by the Commission or its designated agent to issue a subpoena on the taxpayer's behalf.
- 6.7** The Commission or its designated agent or the taxpayer may apply to circuit court of Pope County for any order compelling production of the subpoenaed records.
 - 6.7.1** Failure to comply with the order of the court for the production of records may be punished by the court as for contempt.
- 6.8** The cost of producing records of a third party required by a subpoena shall be borne by the taxpayer if they request the subpoena to be issued.
 - 6.8.1** If the Commission or its designated agent initiates the subpoena for third-party records, they shall bear the reasonable costs of producing the records. The Commission or its designated agent may later access the cost against any delinquent or deficient taxpayer as determined by the records.

SECTION 7 - DEFINITIONS

- 7.1.** The following words and phrases, except where the context clearly indicates the application of a different meaning, when used in Ordinance No. 1692, as amended, shall have the following meaning:
 - 7.1.1** *A&P Tax*-means the gross receipts tax or gross proceeds tax levied by Ordinance No. 1692, as amended from time to time.
 - 7.1.2** *Assessment*-means a tax is assessed when it is recorded as the liability of a taxpayer on the Commission's records. The assessment becomes a first assessment following the decision of the Commission or its designated agent, if the assessment is protested.
 - 7.1.3** *Business entity*-means a corporation, association, partnership, joint venture, limited liability company, limited liability partnership, trust or other legal business entity.
 - 7.1.4** *Commission*-means the City of Russellville, Arkansas, Advertising and Promotion Commission, and any agent or representative designated by the Commission to perform any function hereunder.
 - 7.1.5** *City*-means the City of Russellville, Arkansas.

- 7.1.6** *Delinquency date*-means the A&P Tax is delinquent and subject to penalty on the first day of the month following the month it was due.
- 7.1.7** *Due date*-means the A&P Tax is due no later than the last day of the month following the month the A&P Tax is imposed on gross receipts or gross proceeds.
- 7.1.8** *Person*-means any natural person, firm, corporation or other business entity.
- 7.1.9** *Taxpayer*-means any person liable to remit the A&P Tax.

SECTION 8 – UNLAWFUL ACTS

8.1 It shall be unlawful to violate any provision of this Code. Any person who violates any provision of this Code shall be deemed guilty or a violation shall be subject to the penalties as set forth in Chapter 1 of this Article.

CHAPTER 3 – AIRPORT COMMISSION

SECTION 1 – TITLE

- 1.1** The title of this Chapter shall be “The Russellville Airport Commission Code. Any reference to the word “Code” in this Chapter shall mean the Russellville Airport Commission Code.

SECTION 2 - ESTABLISHMENT OF AIRPORT COMMISSION FOR THE CITY

- 2.1** There is hereby created an advisory Airport Commission which contains seven (7) positions. The existing Commissioners of the current Airport Commission shall compose the advisory Airport Commission with their current length of terms as shown on the attached document.
 - 2.1.1** The Airport Commission shall recommend persons to the Mayor of the City of Russellville for consideration of nomination persons to serve on the Commission subject to confirmation of the nominee by the City Council of the City of Russellville when a vacancy on the Commission occurs.
 - 2.1.2** Candidates for Commission positions shall be residents of the State of Arkansas and shall be confirmed by a majority of the whole of the City Council.
 - 2.1.3** All terms to the Commission shall be a term of five (5) years.
 - 2.1.4** Commissioners may succeed themselves after completion of a partial or whole term.

SECTION 3 - MEETINGS OF THE AIRPORT COMMISSION

- 3.1** It shall be the requirement of the Airport Commission on or before each January of each calendar year to schedule or amend the regular meeting dates, locations and times of the Airport Commission for the calendar year as decided by a majority vote of the Airport Commission present and voting and to advise the Director of the Airport on the management and operation of the Russellville Municipal Airport and all aircraft using the Russellville Municipal Airport.

SECTION 4 - AUTHORITY

- 4.1** This provision of the Code is passed by the City Council of the City of Russellville under the grant of authority given to it by the State of Arkansas under Ark. Code Ann. §§14-43-602, 14-54-103, 14-55-102 and 14-360-101 *et. seq.*

SECTION 5 – CITY EMPLOYEES OF COMMISSION

- 5.1** Any City employees who serve on an advisory board or commission such as the Airport Commission shall do so on a voluntary basis and shall not be entitled to compensation as an employee of the City.

CHAPTER 4 – CIVIL SERVICE COMMISSION

SECTION 1 – TITLE

- 1.1 The title of this Chapter shall be “The Russellville Civil Service Commission Code. Any reference to the word “Code” in this Chapter shall mean the Russellville Civil Service Commission Code.

SECTION 2 - ESTABLISHMENT OF A CIVIL SERVICE COMMISSION FOR THE CITY

- 2.1 There is hereby created a Board of Civil Service Commissioners for the Russellville Police and Fire Departments of the City of Russellville, Arkansas.

SECTION 3 - NUMBER OF COMMISSIONERS

- 3.1 The members of said Board shall be appointed by the City Council of the City of Russellville, Arkansas, and shall be composed of seven (7) upright and intelligent citizens of the City of Russellville, Arkansas, who shall serve terms as provided by the laws of the State of Arkansas.

SECTION 4 - VACANCY OF COMMISSIONER POSITION

- 4.1 When a vacancy shall occur on said Board by death, resignation or expiration of the term of office, or in any other manner, such vacancy shall be filled by the City Council or other governing body, and in the event a vacancy occurs during the term of office of any commissioner, except by the normal expiration of his term, his successors shall fill the unexpired term caused by such vacancy, and at the normal expiration of the term, the City Council or other governing body shall fill said vacancy by the appointment of a commissioner for a period of six (6) years.

SECTION 5 - COMMISSION CHAIR AND PROHIBITION OF POLITICAL CANDIDACY

- 5.1 The Chair of the Commission for each biennial, shall be the member whose term of the office first expires.
- 5.2 No person on said Commission shall hold or be a candidate for any political office under any national, state, county or municipal government, or be connected in any way in any official capacity with any political party or organization, and no such person as herein enumerated shall be eligible as a member of said Board of Civil Service Commissioner who at the time of his election shall hold any office.

SECTION 6 - POWERS OF THE CIVIL SERVICE COMMISSION

- 6.1 The Board of Civil Service Commissioners herein created shall have all powers as provided by the laws of the State of Arkansas.

SECTION 7 - ESTABLISHMENT OF THE COMMISSION BY VOTE OF CITY QUALIFIED ELECTORS

- 7.1 The question of establishing a civil service commission shall be referred to a vote of the people to be held at the next regular general election, the same to be the 7th day of November, 1978.

SECTION 8 - BALLOT FOR ELECTION

- 8.1 That the ballot title of said referred ordinance shall be as follows:
- 8.2 AN ORDINANCE TO ESTABLISH A BOARD OF CIVIL SERVICE COMMISSIONERS FOR THE RUSSELLVILLE POLICE DEPARTMENT AND RUSSELLVILLE FIRE DEPARTMENT AND FOR OTHER PURPOSES.

For Proposed Referred Ordinance No. 913 _____

Against Proposed Referred Ordinance No. 913 _____

SECTION 9 - NOTICE OF THE ELECTION TO THE POPE COUNTY ELECTION COMMISSION

- 9.1 That the County Board of Election Commissioners shall be notified of this action and shall place the same upon the ballot for said general election. Upon conclusion of the voting, the County Board of Election Commissioners will certify to the City Council of the City of Russellville, Arkansas, the number of votes voting for said question and the number of votes voting against said question.

SECTION 10 - NOTICE OF THE ELECTION TO THE PUBLIC BY THE POPE COUNTY ELECTION COMMISSION

- 10.1 That the said County Board of Election Commissioners shall properly place said question upon the ballot and properly give notice by publication of this action.

SECTION 11 - STARTING TERMS OF APPOINTED TWO ADDITIONAL COMMISSIONERS TO RAISE THE COMMISSION NUMBER FROM FIVE TO SEVEN.

- 11.1 The two (2) additional members appointed pursuant to A.C.A. §14-51-201(c)(1) shall serve staggered terms to be determined by lot so that one (1) will serve a three (3) year term and one (1) a six (6) year term, and their successors shall serve six (6)year terms.

CHAPTER 5 – RUSSELLVILLE HISTORIC DISTRICT COMMISSION

SECTION 1 – INTENT

- 1.1** It is the finding and intent of the City of Russellville, Arkansas (“City”), that:
 - 1.1.1** The City of Russellville contains unique and valuable historic properties and neighborhoods worthy of preservation and protection;
 - 1.1.2** The establishment of historic districts is in furtherance of the public interest and welfare to preserve and protect said historic district and the buildings, structures and surroundings therein;
 - 1.1.3** Certain areas and districts within the City of Russellville have a special character or special historic or aesthetic interest or value and represent architectural products of distinct periods in the history of the City of Russellville, and that said areas are in danger of having their distinctiveness destroyed without adequate consideration of the irreplaceable loss of the aesthetic, cultural and historic values represented by such areas; therefore the preservation thereof is both feasible and desirable to the people of this City;
 - 1.1.4** Ordinance No. 2011 created the Russellville Historic District Commission (“RHDC”) to oversee the creation and operation of historic districts within the City of Russellville.
 - 1.1.5** Ordinance No. 2023 set up the procedural regulations to acquire a certificate of appropriateness within the designated downtown historic district from the RHDC;
 - 1.1.6** Ordinance No. 2212 amended the procedures set up by Ordinance No. 2023;
 - 1.1.7** The City recognizes the need to better facilitate the processes and procedures of the RHDC and to make the approval process more efficient and encompassing of the concerns of the developers related to their initial economic development investment in the Russellville Downtown Historic District; and,
 - 1.1.8** The City directs the RHDC that in implementing the Design Guidelines for the Russellville Downtown Historic District it should balance the Design Guideline’s historic preservation with the applicant’s or developer’s economic viability to make repairs, alteration, renovations, new construction, moving or demolition. It is recognized that part of the purpose of the Russellville Historic Downtown Commission Ordinance was to preserve and maintain the historic nature of the downtown area as designated by this Code in order to retain the tax credits and economic incentives provided by the Downtown Historic District being registered with the National Register of Historic Places which allows developers or applicants renovating or preserving buildings in the Downtown Historic District to apply for the credits and incentives. Specifically, the RHDC shall conform to the state law, Ark. Code Ann §14-172-201 *et seq.*, in balancing historic preservation with the developer’s or applicant’s

substantial hardship in obtaining a Certificate of Appropriateness, which grants the authority for cities and counties to create local historic districts, which states, in part, Ark. Code Ann §14-172-209:

1.1.8.1 “(b)(3) The commission shall determine whether the proposed construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, or appurtenant fixtures involved will be appropriate to the preservation of the historic district for the purposes of this subchapter, or whether, notwithstanding that it may be inappropriate, owing to conditions especially affecting the structure involved, but not affecting the historic district generally, failure to issue a certificate of appropriateness will involve a substantial hardship, financial or otherwise, to the applicant, and whether the certificate may be issued without substantial detriment to the public welfare and without substantial derogation from the intent and purpose of this subchapter.

(c)(1) If the commission determines that the proposed construction, reconstruction, alteration, restoration, moving, or demolition is appropriate or is not appropriate, owing to conditions as aforesaid, but that failure to issue a certificate of appropriateness would involve substantial detriment or derogation as aforesaid, or if the commission fails to make a determination within a reasonable time prescribed by ordinance, the commission shall forthwith approve the application and shall issue to the applicant a certificate of appropriateness.”

SECTION 2 - PURPOSE

2.1 It is the purpose of this Code to:

- 2.1.1** Declare as a matter of public policy the protection, enhancement, perpetuation, and use of such areas, improvements and districts of special character or special historic or aesthetic interest or value are public necessities and are required in the interest of the health, prosperity, safety and welfare of the people of this City.
- 2.1.2** Effect and accomplish the protection, enhancement, and perpetuation of such areas and improvement of districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
- 2.1.3** Safeguard the City's historic, aesthetic and cultural heritage, as embodied and reflected in such areas;
- 2.1.4** Stabilize and improve property values in such districts;
- 2.1.5** Foster civic pride in the beauty and accomplishments of the past;
- 2.1.6** Protect and enhance the City's attractions to tourists and visitors;

- 2.1.7 Strengthen the economy of the City; and,
- 2.1.8. Promote the use of historic districts and landmarks for the education, pleasure, and welfare of the people of the City.

SECTION 3 – CREATION OF RUSSELLVILLE HISTORIC DISTRICT COMMISSION

- 3.1 The City hereby exercises the following express powers granted to it under the state laws of the State of Arkansas by:
 - 3.1.1 Establishing the RHDC pursuant to the authority contained in A.C.A. § 14-172-201 *et seq.*, which provisions of said statutes are hereby adopted.
 - 3.1.2 Composing the RHDC of nine (9) members appointed by the Mayor with the advice and consent of the City Council. Members shall be electors of the City of Russellville holding no salaried or elective municipal office and shall include at least one (1) person who owns property within the proposed historic district(s). Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, history, urban or regional planning, building rehabilitation, real estate, or preservation or conservation in general.
 - 3.1.3 Establishing appointments of RHDC commissioners for terms of three (3) years each and until their successors are appointed and confirmed by the City Council. The appointment shall be arranged so that the term of at least one (1) member shall expire each year. Vacancies shall be filled in the same manner for the balance of the unexpired terms. Members shall serve without compensation.
- 3.2 Establishment of Officers, Meetings and Staff
 - 3.2.1 The RHDC shall elect a Chairman and Vice-chairman annually from its own members and shall meet at least four times per year. The Mayor shall designate an individual to serve as the city’s Historic Preservation Officer (“HPO”), who shall serve as the RHDC’s Secretary, provide administrative support to the RHDC, and advise the RHDC on matters submitted to it. The HPO may be a current city employee or a consultant procured via a contract for professional services.
 - 3.2.2 In addition to serving as representative of the HDC, the HPO is responsible, with the assistance of the Chairman, or appointed designee, for coordinating the City’s preservation activities with those of state and national agencies and organizations. The HPO may consult, at his or her discretion, with preservation-related professionals including, but not limited to, architects, historians, engineers, archeologists and realtors.
 - 3.2.3 The RHDC shall meet at least quarterly, or more frequently if so required, to conduct business. A simple majority of the RHDC shall constitute a quorum for the transaction of business. The

HPO may, when necessary and with adequate notice, call special meetings of the RHDC.

3.3. Fiscal Procedures.

3.3.1 The RHDC is subject to all fiscal procedures of the city. The RHDC may, subject to appropriation, employ clerical and technical assistance or consultants and may accept money, gifts or grants, and use the same for such purpose.

3.4 Duties Generally.

3.4.1 The RHDC may conduct studies for the identification and designation of historic districts and sites. The RHDC may proceed at its own initiative or upon a petition from any person, group, or association. The RHDC shall maintain records of all studies and inventories for public use.

3.4.2 The RHDC may make recommendations to the State Historic Preservation Officer (SHPO) for the listing of a historic district or site in the National Register of Historic Places.

3.4.3 The RHDC will coordinate with the appropriate state and federal agencies in the pursuance and maintenance of Certified Local Government (CLG) status and Preserve America community status for the City of Russellville.

3.4.4 The RHDC will serve as the official custodian of the City's history and will act as a point of contact for the public and for state and federal agencies in all matters concerning historic preservation within the City of Russellville.

3.4.5 The RHDC may adopt rules of procedure (by-laws) not inconsistent with the provisions of this ordinance and applicable state law for the conduct of business. The RHDC shall adopt a schedule for regular meetings and shall advise the City Clerk-Treasurer of such.

3.5 Duties Specifically.

3.5.1 The HDC shall make an investigation and report on the historic significance of the buildings, structures, sites, or surroundings included in a proposed historic district and shall transmit copies of its report to the Arkansas Historic Preservation Program (AHPP), a division of the Department of Arkansas Heritage, or its successor agencies, and to the City of Russellville Planning RHDC for their consideration and recommendation. AHPP (or applicable state agency) and the Planning RHDC shall give their recommendations to the Historic District RHDC within sixty (60) days from the date of receipt of the report.

3.5.1.1 Failure by these bodies to make recommendations within sixty (60) days after date of receipt shall be taken as approval of the report of the RHDC.

of determining those of distinctive historic, community, architectural, or archeological interest or value;

- 3.6.3** Nominate buildings, structures, objects and historic districts to the National Register of Historic Places;
- 3.6.4** Recommend to the City Council the adoption of Ordinances designating areas as having special historic community or architectural value as "historic district" and add these historic districts to the provisions of this Ordinance;
- 3.6.5** Keep a register of all properties and structures that have been designated as historically significant including all information required for each designation;
- 3.6.6** Obtain the services of qualified persons to direct, advise and assist the Russellville Historic District Commission;
- 3.6.7** Request and receive any appropriate information, cooperation, assistance or studies from any City departments, boards, agencies or commissions and any joint city-county departments, boards, agencies or commissions;
- 3.6.8** Advise and assist owners of historic properties within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
- 3.6.9** Promote the education and understanding of Russellville's heritage;
- 3.6.10** Hold public hearings to review applications for certificates of appropriateness;
- 3.6.11** Periodically review the Russellville Zoning Ordinance and recommend to the Planning Commission and the City Council any amendments appropriate for the protection and continued use of property within historic districts;
- 3.6.12** Review and make recommendations to the Planning Commission on all special use permits, re-zonings, and variances that affect properties within historic districts;
- 3.6.13** Testify before relevant boards and commissions on any matter affecting architecturally and/or historically significant properties;
- 3.6.14** Destroy, exchange or otherwise dispose of in accordance with the law, any materials in its possession, except borrowed materials, which it may find to be worthless or surplus to its needs;
- 3.6.15** Establish and make reasonable charges for furnishing copies of materials in its possession or for sales of historic memorabilia or signs;
- 3.6.16** Expend any moneys arising from grants, contributions or gratuities, and receive bequests or donations of real or personal property and convert into money any such property which cannot be used in the form received, and expend the same for any of the functions performable by it;

- 3.6.17** Cooperate with the Arkansas Historic Preservation Program, historical associations and other agencies and organizations devoted to the history of this city and state;
- 3.6.18** Take such other action, not inconsistent with law, as it shall deem necessary in the performance of any of its functions; and
- 3.6.19** Adopt (or amend) its own rules and regulations by a vote of not less than two thirds of all members present and voting.

SECTION 4 - RUSSELLVILLE DOWNTOWN HISTORIC DISTRICT DESCRIPTION

4.1 The Russellville Downtown Historic District hereby created shall consist of that area of the City shown on Exhibit 1, which is attached hereto and made a part hereof.

4.2 The Russellville Downtown Historic District in Russellville, Arkansas, is more particularly described as follows:

“Beginning at the point of intersection between the south boundary of the Union Pacific Railroad right-of-way and centerline of North Commerce Avenue; thence south along that centerline to the centerline of West C Street; thence east along that centerline to a point roughly midblock; thence south through the middle of that block, across West B Street, and along westerly wall of County Extension Service building to the alley just south of that building; thence east along the alley and through the parking lot north of the County Courthouse to the centerline of North Arkansas Avenue; thence south along that centerline to roughly the midpoint of the block lying between Main Street and Second Street; thence west through the middle of that block to the centerline of South Boulder Avenue; thence north along that centerline to the centerline of West Main Street; thence west along that centerline to the centerline of Commerce Avenue; thence south along that centerline to centerline of West Second Street; thence west along that centerline to the centerline of South Denver Avenue; thence north along that centerline to centerline of West Main Street; thence west along that centerline to roughly the midpoint of the block between Denver Avenue and El Paso Avenue; thence north through the middle of that block to a point on the south boundary of the Union Pacific Railroad; thence southeasterly along that boundary to the point of beginning.

- (i) This description is intended only to generally clarify the boundaries of the RDHD. It does not meet the standards of a legal description and should not be considered or used as such.
- (ii) As the Russellville downtown street grid is skewed several degrees in a clockwise direction from a true N-S/E-W basis, bounds used in the description should be considered general, and not be taken literally.

- (iii) In instances where the RDHD boundary is unclear as it passes through the middle of blocks, along alleys, or along irregular building lines, the line shall be considered to follow building walls, property lines, or other such reasonable dividing lines between properties to be included in the district, and properties lying outside the district. Where no such reasonable dividing line is present, RHDC shall determine the RDHD boundary by majority vote.”

SECTION 5 - DEFINITIONS

- 5.1** Unless specifically defined below, words or phrases shall have the same meaning they have in common usage.
 - 5.1.1** ADAPTIVE USE - Rehabilitation of a historic structure for use other than its original use such as a residence converted into offices.
 - 5.1.2** ADDITION - New construction added to an existing building or structure.
 - 5.1.3** ALTERATION - Any project involving change of or addition to an existing building.
 - 5.1.4** BUILDING - Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.
 - 5.1.5** CERTIFICATE OF APPROPRIATENESS - A document awarded by the Historic District Commission allowing an applicant to proceed with obtaining a building permit, sign permit, or other applicable permit for the proposed rehabilitation, renovation, preservation, alteration, demolition, or new construction in a designated area or site, following a determination of the proposal’s suitability according to applicable criteria..
 - 5.1.6** CERTIFICATE OF ECONOMIC HARDSHIP - A certificate issued by the RHDC waiving the requirement for a Certificate of Appropriateness due to significant financial constraints of the property owner.
 - 5.1.7** CHARACTER - The qualities and attributes of any structure, site, street or district.
 - 5.1.8** CONTEMPORARY - Reflecting characteristics of the current period. Contemporary denotes characteristics which illustrate that a building, structure or detail was constructed in the present or recent past rather than being imitative or reflective of a historic design.
 - 5.1.9** DETAILING - Architectural aspects that, due to particular treatment, draw attention to certain parts or features of a building.
 - 5.1.10** DEMOLITION - Any act which destroys in whole or in part a building or structure.
 - 5.1.11** DEMOLITION BY NEGLECT - The destruction of a building or structure through abandonment or lack of maintenance.
 - 5.1.12** DESIGN GUIDELINES - Criteria developed by preservation commissions to identify design concerns in an area and to help property

owners ensure that rehabilitation and new construction respect the character of designated buildings and districts.

- 5.1.13 ELEMENT** - A material part or detail of a site, structure, street, or district.
- 5.1.14 ENTRANCE AREA** - The area of access to the interior of the building including the design, location, and materials of all porches, stairs, doors, transoms, and sidelights.
- 5.1.15 EXTERIOR ARCHITECTURAL FEATURES** - The architectural style, design and general arrangement of the exterior of a structure, including the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures.
- 5.1.16 FACADE** - A face of a building.
- 5.1.17 HEIGHT** - The vertical distance as measured through the central axis of the building from the elevation of the lowest finished floor level to the highest point of the building.
- 5.1.18 HISTORIC DISTRICT** - A geographically definable area with a significant concentration of buildings, structures, sites, spaces, or objects unified by past events, physical development, design, setting, materials, workmanship, sense of cohesiveness or related historical and aesthetic associations. The significance of a district may be recognized through listing in a local, state, or national register and may be protected legally through enactment of a local historic district ordinance administered by a historic district commission.
- 5.1.19 MASSING** - Volume, magnitude or overall size of a building.
- 5.1.20 ORDINARY MAINTENANCE** - Work that does not constitute a change in design, material, or outward appearance, including in-kind replacement or repair.
- 5.1.21 OWNER OF RECORD** - The person, corporation, or other legal entity listed as owner on the records of Pope County.
- 5.1.22 PRESERVATION** – The maintenance of a property without significant alteration to its current condition.
- 5.1.23 PROPORTION** - Relationship of height to width of the building outline as well as individual components.
- 5.1.24 PUBLIC NOTICE** - The classified advertisement of an event, such as a preservation commission meeting, that is published in the local newspaper and posted in the city government building in order to notify the general public of the upcoming event.
- 5.1.25 REHABILITATION** – The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

- 5.1.26 RESTORATION** – The process of returning a building to its condition at a specific time period, often to its original condition.
- 5.1.27 RHYTHM** - A harmonious or orderly recurrence of compositional elements at regular intervals, including the location of doors and the placement of windows, symmetrically or asymmetrically and their relative proportion.
- 5.1.28 ROOF AREA** - The outside covering of a building or structure extending above the vertical walls including the form, material, and texture of the roof, including the slope, pitch, and spacing of roof covering. Roof area also includes but is not limited to size, design, number, and location of dormers; the design and placement of cornices; and the size, design, material, and location of chimneys.
- 5.1.29 SCALE** - The relative dimension, size, degree or proportion of parts of a building to one another or group of buildings.
- 5.1.30 SITING** - Location of a building in relationship to the legal boundaries and setbacks, adjacent properties, and the natural conditions of the site.
- 5.1.31 STRUCTURE** - Any improvement on the land that extends above ground level.
- 5.1.32 TEXTURE** - The visual or tactile surface characteristics created by shape, arrangement and distribution of the component materials.
- 5.1.33 WALL AREAS** - The vertical architectural member used to define and divide space. This includes but is not limited to kind, texture, and exposure of wall sidings and trims and the location, number, and design of all window and door openings.

SECTION 6 - CERTIFICATE OF APPROPRIATENESS REQUIRED

- 6.1** No building or structure, including but not limited to masonry walls, fences, light fixtures, steps and paving, other appurtenant fixtures, or other elements set forth in design guidelines shall be erected, altered, restored, moved, or demolished within said Historic District until after an application for a Certificate of Appropriateness (COA) as to the exterior architectural features has been submitted to and approved by the Russellville Historic District Commission (RHDC) except the following COA's may be approved by staff:
 - 6.1.1** Sign applications to include
 - 6.1.1.1** New Signs unless new permanent structures being attached to the building;
 - 6.1.1.2** Replacements; and
 - 6.1.1.3** Window signage.
 - 6.1.2** Awning repairs / replacements
 - 6.1.3** Graffiti abatement, unless proposal is to paint over graffiti on an unpainted brick structure.

- 6.2** No building permit or other permit shall be granted for purpose of constructing or altering structures until an application for a Certificate of Appropriateness as to the exterior architectural features has been submitted to and approved by the RHDC.
- 6.3** A Certificate of Appropriateness shall be required whether or not a building permit is required.
- 6.4** In its deliberations under this Code, said RHDC shall not consider interior arrangement or use.
- 6.5** A Certificate of Appropriateness (COA) shall remain valid for one year from the date of its approval by the Russellville Historic District Commission (RHDC). If the approved scope of work on any COA is not completed within one year, work on the project shall cease unless and until the applicant secures an extension of the COA. To apply for an extension of the COA, the applicant shall make a written request to the Historic Preservation Officer (HPO), and provide any materials the HPO deems necessary for review. In cases where an applicant is requesting their first extension, the HPO shall have power to approve a one-year extension, or to refer the request to the RHDC for their review. Only the initial request for a COA extension can be approved by the HPO. Any subsequent requests for extension after the initial one-year extension shall require a majority vote of the RHDC for approval. Extensions shall be valid for a period not to exceed one year. The HPO shall notify RHDC at their next meeting of any administrative actions taken in response to a request for extension of a COA.

SECTION 7 - DETERMINATION ON AN APPLICATION

- 7.1** The following procedure is established to integrate the review process with other review processes within the City. Applications shall be reviewed and approved or denied under the following procedure
 - 7.1.1** Application: An application shall be filed with the department of Planning and Development. Application shall be accompanied by:
 - 7.1.1.1** A complete application, on a form provided by Planning and Development;
 - 7.1.1.2** A site plan showing the location of the property and the location of proposed construction, if appropriate; and,
 - 7.1.1.3** Elevations, existing and proposed.
 - 7.1.2** Determination of review
 - 7.1.1.1** Upon receipt of an application:
 - 7.1.1.1.1** Staff will review the application to confirm a complete application has been submitted; and
 - 7.1.1.1.2** Staff will make a determination based on the Historic District Guidelines if the review is to be heard by the Historic District Commission or if it is a staff level review. Any question on review authority will go to the Commission Chair for verification.

7.1.3 Review:

7.1.3.1 Applications for staff level review will be entered into the permitting system and follow standard permitting review processes.

7.1.3.2 Public Hearing: Applications deemed required for review by the RHDC:

7.1.3.2.1 Applications follow a monthly schedule of hearings maintained by Planning and Development with application deadlines.

7.1.3.2.2 The applicant shall send by certified mail to the owners of all adjacent properties, a notice of public hearing to be held by the RHDC on said application. And the applicant shall publish a notice of the public hearing at least one (1) time in a newspaper having circulation throughout the City of Russellville a minimum of seven (7) calendar days prior to the hearing. All public notification costs shall be borne by the Applicant.

7.1.3.3 Notice of such hearing shall be given by posting a sign furnished by the Historic Preservation Officer on the subject property not less than seven (7) calendar days prior to the hearing. The sign shall remain posted in a location visible from the public right-of-way for the full seven (7) calendar days until the hearing, and shall contain a statement that the posted property will be the subject of a hearing before the RHDC and shall also include contact information. If outside posting is deemed hazardous to pedestrians or otherwise infeasible, the sign may be posted in a visible location in a street-facing first-floor window.

7.1.3.4 Failure of the Historic Preservation Officer to provide the sign for the applicant or developer to post shall not cause the RHDC to deny the Certificate of Appropriateness.

7.1.3.5 The RHDC, at the public hearing, shall hear the report by staff relating to the Historic District Guidelines and all persons desiring to present information regarding the application. The RHDC shall act on such application for Certificate of Appropriateness by approving, denying, or requesting additional information. The RHDC shall determine whether the restoration, rehabilitation, renovation, preservation, alteration, construction, moving or demolition of buildings, structures, or appurtenant fixtures involved will be appropriate to the preservation of the Historic District. If the request is for additional information the applicant shall have 14 days to provide additional information and the application will be heard at the next regularly scheduled meeting. If the RHDC determines that a certificate of appropriateness

should not be issued, it shall place upon its records the reasons for such determination. The RHDC shall immediately notify the applicant of its determination.

- 7.2** The RHDC, at the public hearing, shall hear all persons desiring to present information regarding the application. The RHDC shall act on such application for Certificate of Appropriateness within a reasonable period of time. The RHDC shall determine whether the restoration, rehabilitation, renovation, preservation, alteration, construction, moving or demolition of buildings, structures, or appurtenant fixtures involved will be appropriate to the preservation of the Historic District. If the RHDC determines that a certificate of appropriateness should not be issued, it shall place upon its records the reasons for such determination. The RHDC shall immediately notify the applicant of its determination.
- 7.3** Proposed repairs, alterations, new construction, moving or demolition in the Historic District shall respect and relate to the special character of the District. In making its determination, the RHDC shall consider without being limited to the following criteria:

 - 7.3.1** The purpose of this Code;
 - 7.3.2** The architectural or historic value or significance of a building and its relationship to the surrounding area;
 - 7.3.3** The general compatibility of proposed changes; and
 - 7.3.4** Any other factor, including visual and aesthetic, considered pertinent.
- 7.4** The RHDC shall encourage proposed changes which reflect the original design of the structure, based on photographs, written description or other historical documentation, and shall be guided by the following preferences:

 - 7.4.1** It is preferable to preserve by maintenance rather than to repair original features of the building.
 - 7.4.2** It is preferable to repair rather than to reconstruct if possible.
 - 7.4.3** It is preferable to restore by reconstruction of original features rather than to remove or remodel.
 - 7.4.4** Contemporary design shall not be excluded from consideration.
- 7.5** When evaluating the general compatibility of alterations to the exterior of any building or site in the Historic District, the RHDC shall consider, but not be limited to, the following factors within the building's area of influence:

 - 7.5.1** Siting
 - 7.5.2** Height
 - 7.5.3** Proportion
 - 7.5.4** Rhythm
 - 7.5.5** Roof area

- 7.5.6** Entrance area
- 7.5.7** Wall areas
- 7.5.8** Detailing
- 7.5.9** Façade
- 7.5.10** Scale
- 7.5.11** Massing.
- 7.6** New construction shall be judged on its compatibility with the existing neighborhood and area of influence.
- 7.7** Additions to existing buildings shall be judged in the same manner as new construction and shall complement the design of the original building.
- 7.8** Any changes made in the scope of work for any building permit after issuance of a Certificate of Appropriateness shall be resubmitted to the RHDC for reapproval.
 - 7.8.1** Any changes to the scope of work after the issuance of a Certificate of Appropriateness shall not void the Certificate of Appropriateness but shall make the Certificate of Appropriateness voidable.
 - 7.8.2** Before the RHDC can declare a Certificate of Appropriateness void, the RHDC shall meet with the developer as soon as possible but not later than five (5) business days from the discovery of the change in scope of work by the RHDC or upon resubmission of the altered scope of work to the RHDC by the developer.
 - 7.8.3** No notice to materially affected property owners shall be required as a prerequisite to the holding of the meeting or for any decision to be rendered by the RHDC.
 - 7.8.4** The RHDC shall render a decision at the meeting either to approve the changes in the scope of work or deny the changes in the scope of work, in whole or in part. Any parts of the changes denied by the RHDC may be resubmitted to the RHDC from the applicant or developer for review and approval at a special RHDC meeting called before the next regularly scheduled RHDC meeting or at the next regularly scheduled RHDC meeting, whichever process is most expedient to obtain approval of the resubmitted plans. A developer or applicant may continue to work on the approved parts of the plan while waiting on approval on the denied parts of the plan.
 - 7.8.5** If the RHDC approves the changes, then the existing Certificate of Appropriateness shall be amended to reflect the changes in the scope of work. Failure of the RHDC to meet and decide within sixty (60) calendar days shall deem

the changes in the scope of work to be approved by the RHDC and the Certificate of Appropriateness shall be amended by the Historic Preservation Officer to reflect the changed scope of work.

7.8.6 Should the RHDC deny the changed scope of work and void the Certificate of Appropriateness, then the developer shall apply for approval of a new Certificate of Appropriateness in Section 6(a), provided however, that the RHDC shall hold a special meeting for the developer for the consideration of the new Certificate of Appropriateness the day the public notice publication requirement has been completed unless that day falls on a Saturday, Sunday or legal holiday in which the meeting shall be held on the next available day which is not a Saturday, Sunday or legal holiday.

7.9 Nothing in this Ordinance shall be construed to prevent the RHDC from meeting and discussing a Certificate of Appropriateness or the scope of work on a building, provided, the RHDC follows the requirements of the Arkansas Freedom of Information Acts regarding meeting notification requirements for special meetings.

7.10 Any proposed changes, additions, deletions or substitutions by an RHDC commissioner to the applicant's or developer's plans submitted to the RHDC for a Certificate of Appropriateness shall only be valid upon a proper motion and majority vote of approval by the whole number of RHDC commissioners.

SECTION 8 - DEMOLITION

8.1 If the application for a Certificate of Appropriateness involves the demolition of a building which the RHDC initially determines to be an inappropriate demolition, then the RHDC may defer the matter until such time as it has had an opportunity to consider the following alternatives to the demolition of subject property:

8.1.1 Sources of funding for preservation and restoration activities if lack of such funds is the reason for the request to demolish.

8.1.2 Adaptive use changes.

8.1.3 An attempt to find a purchaser for the property who would maintain the building in a suitable and acceptable manner.

8.1.4 The feasibility of moving the building to another appropriate location.

8.1.5 Any such other solution as may be deemed advisable and in keeping with the spirit and intent of this Code.

SECTION 9 - ECONOMIC HARDSHIP

9.1 If a certificate of appropriateness is denied, the applicant may submit an application for a certificate of economic hardship within fifteen (15) calendar days from the date of the notice of denial by the RHDC. The historic district

commission application for a certificate of economic hardship shall be subject to the hearing schedules and notice provisions applicable to applications for certificates of appropriateness.

- 9.2** It shall be incumbent on the applicant to demonstrate economic hardship to the RHDC. The applicant for a certificate of economic hardship shall submit the following information before the commission makes a determination on the application:
- 9.2.1** Estimate the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Historic District Commission for changes necessary for the issuance of a certificate of appropriateness;
 - 9.2.2** A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any buildings or structures on the property and their suitability for rehabilitation;
 - 9.2.3** Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the historic district commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
 - 9.2.4** In the case of a proposed demolition, an estimate from a licensed architect or contractor, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility or rehabilitation or reuse of the existing building or structure on the property;
 - 9.2.5** Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between seller and buyer;
 - 9.2.6** If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses, and depreciation for the previous two (2) years; and annual cash flow before and after debt service, if any, during the same period;
 - 9.2.7** All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
 - 9.2.8** Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;
 - 9.2.9** Assessed value of the property according to the two (2) most recent assessments;
 - 9.2.10** Real estate taxes for the previous (2) years;

10.3.3 Reports documenting the violations.

- 10.4** The HPO will forward the complaint and staff report to the RHDC at its next regularly scheduled meeting after the 30 days have elapsed;
- 10.5** The RHDC will review complaints and staff reports and accept information from the owner and other interested persons. Based on the information received, the RHDC may file a decision. If the RHDC determines there are specific defects with the subject property it will notify the HPO and Building Official to act under the procedures set out below to require the correction of deterioration or making of repairs to the historic structure;
- 10.6** Whenever a decision of the RHDC is filed with the HPO and Building Official, the City shall issue and cause to be served upon the owner and/or such other person who may have legal possession, custody, and control thereof, as the same may be determined by reasonable diligence, a written finding stating that the RHDC has reason to believe that the property is undergoing demolition by neglect;
- 10.7** The written finding shall identify the specific condition(s) of the property which have led to that determination, and shall contain a notice that a hearing will be held before the RHDC not less than thirty (30) nor more than forty-five (45) days after the serving of such order;
- 10.8** The written finding shall also state that the owner and/or parties in interest shall be given a right to answer and to give testimony at the hearing; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the RHDC. The purpose of the hearing is to receive evidence concerning the charge of demolition by neglect;
- 10.9** If after such finding and hearing, the RHDC determines that the structure is undergoing demolition by neglect because it is deteriorating, or if its condition is contributing to deterioration, the HPO shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owner and/or other parties in interest therein an order to repair within a time to be specified in the written decision those elements of the structure that are deteriorating, contributing to deterioration, or deteriorated.
- 10.10** An approved Certificate of Appropriateness and arrangements to bring the property into compliance agreed upon by the property owner and/or other parties in interest, and the RHDC, will stay all proceedings under these regulations.
- 10.11** Complaints or orders issued by the HPO and Building Official shall be served upon persons either personally or by certified mail. If the whereabouts of such persons are unknown and the same cannot be ascertained by HPO or Building Official in the exercise of reasonable diligence, and the HPO and Building Official shall make an affidavit to that effect, stating the steps taken to determine and locate the persons in interest, then the serving of such complaint or order may be made by publishing the same once each week for two (2) successive weeks in a newspaper of general circulation within the City. Where such service is by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

SECTION 11 - WORK NOT REQUIRING A CERTIFICATE OF APPROPRIATENESS

- 11.1** Nothing in these regulations shall be construed to prevent ordinary maintenance and/or repair of any exterior architectural feature of a property within a historic district. The Building Official in conjunction with the HPO shall be charged with determining whether proposed work constitutes "ordinary maintenance".
- 11.2** This Code shall not prevent the restoration, rehabilitation, renovation, preservation, alteration, construction, or demolition of any such feature that the Building Official or similar agent of the City shall certify is required for the public safety. In emergency situations, threatening life, limb or significant property damage, work may be authorized by the Historic Preservation Officer without a Certificate of Appropriateness. Such work shall be done in accordance with the principles and specific criteria adopted under this Ordinance. When work is performed by city staff or utility companies under this emergency clause, the RHDC shall be so notified by the next business day.
- 11.3** Work not visible from any public right-of-way shall not require a Certificate of Appropriateness. The Historic Preservation Officer shall be charged with determining whether proposed work is visible from a public right-of-way.
- 11.4** This Ordinance shall not prevent the restoration, rehabilitation, renovation, preservation, alteration, construction or demolition of any such feature under a permit issued by a Building Official or similar agent of the City prior to the effective date of the establishment of said Historic District.

SECTION 12 - APPLICABILITY TO CITY AND UTILITIES

- 12.1** Work done by the City of Russellville and by public utility companies within historic districts shall be subject to the provisions of this Ordinance. The RHDC shall consider these certificates in accordance with the procedures and standards applicable to individual certificates.

SECTION 13 - APPEALS

- 13.1** The RHDC may adopt, within its own rules, procedures for addressing aggrieved applicants or reconsidering prior decisions. Any applicant still aggrieved by the determination of the RHDC may, within thirty (30) days after the making of such decision, appeal the determination of the RHDC to the Circuit Court of Pope County, Arkansas.

SECTION 14 - ENFORCEMENT

- 14.1** In the event that work being performed is found not to be in accordance with the Certificate of Appropriateness or upon notification of such fact by the Russellville Historic District Commission and/or City staff, the building inspector shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. Stop work orders and penalties for non-compliance with such will be enforced according to other applicable laws. A decision shall be made by the RHDC concerning the stop work order within five (5) business days.

- 14.2** Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined ten dollars (\$10) to five hundred dollars (\$500) per day, in accordance with the Arkansas Historic Districts Act. Each day that a violation continues to exist shall constitute a separate offense.
- 14.3** The City Council may, at the request of the RHDC, in lieu of or in addition to penalties provided in this chapter, apply for any appropriate equitable remedy for the purpose of restraining or abating any violation of this chapter.

SECTION 15 – CONFORMANCE TO STATE LAW

- 15.1** It is the legislative intent of the Russellville City Council to grant to the RHDC authority to the extent allowed under the Arkansas Historic Districts Act, Act 484 of 1963 as amended and codified at Arkansas Code Annotated §14-172-101 *et seq.* Should Arkansas law hereafter be amended, this Ordinance shall conform to state law.

SECTION 16 – TECHNICAL REVIEW COMMITTEE

- 16.1** The RHDC may form a Technical Review Committee to be composed of either three (3) or four (4) members of the RHDC of their choosing along with the Historic Preservation Officer. The Technical Review Committee shall designate a regular time and place to meet before the regular meeting of the RHDC to review the applicant’s Certificate of Appropriateness application. The purpose of the Technical Review shall be to help exchange information between the RHDC and the applicant to educate each side in the information of the unique building characteristics and the preservation guidelines of the RHDC.

SECTION 17 – HPO AS LIAISON

- 17.1** The HPO or their designee shall serve as a liaison to the applicant or developer seeking a Certificate of Appropriateness, provided; however, the designee is not a RHDC Commissioner. The HPO or their designee may liaison with the applicant or developer seeking the Certificate of Appropriateness upon receipt of the Certificate of Appropriateness application from the applicant or developer.

SECTION 18 - OTHER PROCESSES FOR CERTIFICATE INVALID

- 18.1** Any process which does not conform to the process within this Code or contained within this Code for the application and approval of a Certificate of Appropriateness shall be invalid.

SECTION 19– TITLE

- 19.1** The title of this Chapter shall be “The Russellville Historic District and Russellville Historic District Commission Code. Any reference to the word “Code” in this Chapter shall mean the Russellville Historic District and Russellville Historic District Commission Code.

CHAPTER 6 – RECREATION AND PARKS COMMISSION

SECTION 1 – RECREATION AND PARKS COMMISSION CODE

- 1.1** This title of this Chapter shall be referred to as the “The Recreation and Parks Commission Code.” Any reference to the word “Code” in this Chapter shall mean the Recreation and Parks Commission Code.

SECTION 2 – AUTHORITY

- 2.1** This Ordinance is passed pursuant to the authority granted to the City of Russellville, Arkansas, by the State of Arkansas under A.C.A. §§14-43-602, 14-55-101 and 14-55-102.

SECTION 3 - ESTABLISHMENT OF A RECREATION AND PARKS COMMISSION

- 3.1** A Recreation and Parks Commission (hereinafter, “Commission”) is hereby created and established for the City of Russellville, Arkansas.
- 3.2** The Commission shall consist of five (5) residents or non-residents of the City of Russellville, Arkansas. All Commission members shall be appointed by the Mayor and confirmed by the City Council; however non-residents of the City shall require unanimous approval and confirmation by the governing body of the City of Russellville.
- 3.3** All Commission members shall be appointed for terms of four (4) years unless appointed to serve the remaining unexpired term of a previous Commissioner. All currently serving Commissioners shall continue to serve the remaining length of time of their appointment under the previous ordinances in effect at the time of their appointment to the Commission.
- 3.4** The Commission shall also consist of three (3) ex-officio members who shall consist of 1) the Russellville School District Superintendent or their designee; 2) the Mayor of the City of Russellville, Arkansas; and 3) the Department Head of the Recreation and Parks Department of Arkansas Tech University. Ex-officio Commission members shall have no vote on the Recreation and Parks Commission and shall not serve as an officer on the Recreation and Parks Commission. They shall have the right to be recognized to speak as a Commission member. Ex-officio Commission members shall serve until they no longer hold the position which qualifies them for membership to the Commission.
- 3.5** Persons who serve as current City Council Members, current city employees, current board or commission members on other City of Russellville, Arkansas, boards and commissions shall be ineligible to be appointed to the Parks and Recreation Commission.
- 3.6** One (1) or two (2) City Council Members may be selected by the City Council during their organization meeting each year to serve as a liaison to the Recreation and Parks Commission. They shall have no vote on the Recreation and Parks Commission and shall not serve as an officer of on the Recreation and Parks Commission. They shall have the right to be recognized to speak as a Commission member.

- 3.7** Regular meetings of the Recreation and Parks Commission shall be held on the second (2nd) Tuesday of every month unless changed by majority vote of the Commission. Regular meetings of the Commission shall be held at the Hughes Center.
- 3.8** A quorum shall be required in order for the Recreation and Parks Commission to conduct any business. A quorum for the Commission shall consist of three (3) members of the Commission. Ex-officio members and City Council liaisons shall not count towards a quorum for the Commission.
- 3.9** No member or officer of the Recreation and Parks Commission shall engage in any activity or business on behalf of the Commission unless agreed to and authorized by a majority vote of the Commission.
- 3.10** Any member of the Recreation and Parks Commission may be removed by a majority vote of the whole number of the City Council of the City of Russellville, Arkansas, with or without cause subject to such acts being prohibited by law.
- 3.11** The Recreation and Parks Commission voting members shall have the power and authority to call special meetings to conduct business whenever such circumstances require it. A special meeting is any meeting outside the time of a regular meeting. Either the Chairperson of the Commission or three (3) Commission members shall be able to call a special meeting as long as at least two (2) hours' notice is given to media outlets prior to the proposed special meeting time.
- 3.12** The Recreation and Parks Commission shall elect officers from the voting members of the Commission:
- 3.12.1** A Chairperson to preside over the meetings, moderate the discussion in the meetings, recognize speakers on topics on the agenda and facilitate moving through the agenda for the meetings;
 - 3.12.2** A Vice-Chairperson to discharge the duties of the Chairperson in the Chairperson's absence;
 - 3.12.3** A Secretary to record the minutes of the meetings and to send all official correspondence of the Commission;
 - 3.12.4** All officers shall have the authority to vote on all agenda items before the Recreation and Parks Commission unless precluded from doing so by operation of law, ethics or conflicts of interest.
 - 3.12.5** All officers shall be elected by a majority of the voting members present and voting.
 - 3.12.6** Officers of the Commission shall serve one (1) year unless an officer resigns, is removed from the Commission or is otherwise unable to serve on the Commission.
- 3.13** All members of the Commission shall serve without compensation. Members may be reimbursed for their actual expenses, including travel, lodging and meal expenses incurred while on official business of the Commission which had prior approval by the City Council.

- 3.14 All members of the Recreation and Parks Commission shall, if possible, attend each scheduled regular meeting of the Commission. The service of any member of the Recreation and Parks Commission who misses three (3) scheduled regular meetings of the Commission during any twelve (12) month period without good cause shall automatically terminate and a successor shall be appointed by the Mayor and confirmed by the City Council to serve the remainder of the unexpired term of the terminated Commissioner.
- 3.15 Any member of the Commission may be removed from the Commission with or without cause by a two-thirds ($\frac{2}{3}$) vote of the City Council.

SECTION 4: DUTIES OF THE RECREATION AND PARKS COMMISSION

- 4.1 The Recreation and Parks Commission shall have the following duties:
 - 4.1.1 Advise and assist the City and its officers and employees in promoting, aiding, encouraging and conducting public recreation, including the development of recreation and park facilities and programs.
 - 4.1.2 Advise and assist the City and its officers and employees in the planning, maintenance, development and operation of all recreation areas and facilities owned, controlled or leased by the City of Russellville.
 - 4.1.3 Advise and assist the City and its officers and employees in formulating and recommending general policies related to the purpose of the Commission.
 - 4.1.4 Advise and assist the City and its officers and employees in adopting by-laws, rules and regulations, subject to the approval of the City Council, as the Commission may require facilitating the operation of a recreation and parks system.
 - 4.1.5 Advise and assist the City and its officers and employees in studying and making recommendations on the acquisition and development of recreation areas and facilities, such as playgrounds, parks, beaches, pools, campsites, concessions and other centers of recreation.
 - 4.1.6 Advise and assist the City and its officers and employees in the interpreting the function and operation of recreation and park services to public officials and to the general public to the end that the services receive adequate financial support from public and private sources.

SECTION 5 – CITY EMPLOYEES ON COMMISSION

- 5.1 Any City employees who serve on an advisory board or commission such as the Recreation and Parks Commission shall do so on a voluntary basis and shall not be entitled to compensation as an employee of the City.

CHAPTER 7 – PLANNING COMMISSION

SECTION 1 – PLANNING COMMISSION CODE.

- 1.1 The title of this Chapter shall be “The Russellville Planning Commission Code. Any refer to the word “Code” in this Chapter shall mean the Russellville Planning Commission Code.

SECTION 2 – AUTHORITY

- 2.1 The City of Russellville is authorized to pass this Ordinance pursuant to the grant of authority given to the City of Russellville by the State of Arkansas under Ark. Code Ann. §14-56-401 et. seq.

SECTION 3 – ESTABLISHMENT OF PLANNING COMMISSION

- 3.1 There is established by the City Council of the City of Russellville a Planning Commission for the City of Russellville to be composed of ten (10) members who shall serve without compensation.
 - 3.1.1 One (1) member of the Planning Commission is to be a currently serving Council Member of the City Council of the City of Russellville to be selected by the governing body to serve on the Planning Commission and shall have no voting privileges.
 - 3.1.2 The other nine (9) members of the Planning Commission shall be qualified by knowledge or experience to act upon matters pertaining to the physical, social and economic development of the City of Russellville.
 - 3.1.3 Of the nine (9) members, two-thirds (2/3) of the members shall not hold any other municipal office or appointment except membership in the Board of Adjustment or a joint planning agency.
 - 3.1.4 One-third (1/3) of the nine (9) members may live outside the corporate limits of the City of Russellville but within the registered planning boundary of the City of Russellville. The other two-thirds (2/3) of the members shall be residents of the City of Russellville.

SECTION 4: APPOINTMENT OF COMMISSIONERS

- 4.1 The Mayor may appoint any person to the Planning Commission subject to the conditions in SECTION of this Code who shall become a member of the Planning Commission upon being confirmed by the City Council.
- 4.2 Any vacancy due to the death or resignation of a Commission member shall be filled for the unexpired portion of the term remaining by appointment by the Mayor and confirmation by the City Council.
- 4.3 Any member of the Planning Commission, except the member from the City Council, may be removed by a majority vote of the City Council at any time for good cause shown.
- 4.4 Any commissioner whose term has expired shall continue to serve until his or her successor is confirmed by the City Council.

SECTION 5: TERM OF COMMISSIONERS

- 5.1 The number of years that a term of a commissioner on the Planning Commission shall be six (6) years.
- 5.2 A commissioner of the Planning Commission may be appointed or serve consecutive terms.

SECTION 6: DUTIES OF PLANNING COMMISSIONERS

- 6.1 It shall be the duty of the commissioners of the Planning Commission to carry out and execute the duties assigned to the Planning Commission under the provisions of Ark. Code Ann. §14-56-401 *et. seq.*, and any other state law pertaining to municipal planning and zoning as well as the current City of Russellville Zoning and Land Subdivision and Development Codes, their amendments or replacements, and any other municipal ordinance which confers a duty to perform by the Planning Commission.

SECTION 7 – ELECTION OF OFFICERS FOR THE COMMISSION

- 7.1 The Planning Commission shall designate one of its members as Chair and shall select a Vice-Chair, Secretary and any other such officers as the Commission may require. The Chair and all other officers shall have voting privileges.

SECTION 8 – QUORUM

- 8.1 The number of Planning Commissioners needed to be present to constitute a quorum and to conduct business is five (5) voting members of the Planning Commission. In order to pass any item on the agenda of the Planning Commission, an affirmative vote of a majority of the commissioners of the whole Planning Commission is required.

SECTION 9 – REMOVAL BY EXCESS ABSENTEEISM

- 9.1 All commissioners of the Planning Commission shall, if at all possible, attend each scheduled meeting of the Planning Commission. Any commissioner of the Planning Commission who shall miss three (3) scheduled meetings of the Commission or Technical Review meetings of the Commission, without good cause, within a twelve (12) month period shall be removed by the Mayor from the Planning Commission upon receipt of a letter from the Mayor notifying the commissioner that their term of service is terminated.

CHAPTER 8 – OAKLAND CEMETERY COMMISSION

SECTION 1 - TITLE

- 1.1** The title of this Chapter shall be “The Russellville Oakland Cemetery Commission Code. Any refer to the word “Code” in this Chapter shall mean the Russellville Oakland Cemetery Commission Code. This Code was adopted by reference in accordance with A.C.A. §14-55-207.

SECTION 2 - PURPOSE

- 2.1** The purposes of this Code are:
 - 2.1.1** To provide an appropriate final resting place for deceased individuals and allow loved ones a place of peace and tranquility at the location of the resting place.
 - 2.1.2** To ensure that the proper and reasonable maintenance, appearance and use of Oakland Cemetery is and shall remain an important function of the government of the City.
 - 2.1.3** To assure that burials, disinterments and other matters associated with a municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health and general welfare of the community.
 - 2.1.4** To make certain amendments from time to time to improve the administration of Oakland Cemetery and its associated policies and procedures.
 - 2.1.5** To regulate the purchase, transfer, and reclaiming of burial rights within Oakland Cemetery.
 - 2.1.6** To maintain the orderly record keeping, perpetual care grounds keeping, and other operational requirements of Oakland Cemetery.
 - 2.1.7** To preserve that all aspects of Oakland Cemetery are managed in a manner that will reflect positively on the City and respectful to the families of loved ones interred in Oakland Cemetery.

SECTION 3 - NAME OF CEMETERY

- 3.1** The grounds previously conveyed to the City and previous and continued designated use by the City as cemetery grounds hereafter be known as the City of Russellville Oakland Cemetery, and when the word “cemetery” is hereafter used in this chapter it shall mean the Russellville Oakland Cemetery.

SECTION 4 - DEFINITIONS

- 4.1** The following words and phrases have the following meaning for the purpose of this Code:
 - 4.1.1** “Cemetery” means the land and structure owned by the City that is dedicated to and used or intended to be used for interment of human remains that is both a burial park for earth interments, a columbarium for cremain interments, and a burial park for cremain interments.

- 4.1.2** “City” means the City of Russellville, Arkansas, a city of the first class and a municipal corporation organized under the laws of the State of Arkansas.
- 4.1.3** “City Council” means the City Council of the City of Russellville, Arkansas.
- 4.1.4** “Columbarium” means a structure, room, niche or space in a building or structure used or intended to be used for the interment of cremated human remains.
- 4.1.5** “Commission” means the Oakland Cemetery Commission of the City of Russellville, Arkansas.
- 4.1.6** “Contractor” means a third (3rd) party contracted with by the City to execute the necessary cemetery services for the City, including, but not limited to:
 - 4.1.6.1** The opening and closing of adult graves.
 - 4.1.6.2** The opening and closing of infant graves.
 - 4.1.6.3** The opening and closing of cremation graves.
 - 4.1.6.4** The disinterment of remains.
 - 4.1.6.5** The reinterment of remain.
 - 4.1.6.6** The fill in of graves.
- 4.1.7** “Contractor’s Fee Schedule” means a current fee schedule set by the Contractor for their services rendered as part of the contract between the Contractor and the City.
- 4.1.8** “Cremains” means the ash remains of a cremated human body.
- 4.1.9** “Cremation space” means a legal and authorized gravesite generally measuring two (2) feet by two (2) feet and located in areas designated by the cemetery map.
- 4.1.10** “Crypt” means a chamber of sufficient size to inter the remains of a deceased person.
- 4.1.11** "Disinterment" means the opening or excavation of an existing space.
- 4.1.12** "Fee Schedule" means the current City fee schedule as adopted and amended by the Russellville City Council by resolution which shall set the fees which shall be charged for the various cemetery services.
- 4.1.13** “Grave lot,” “grave space,” “lot” or “space” means a legal and authorized gravesite generally measuring five (5) feet in width and twelve and one-half (12½) feet in length, and intended for interment.
- 4.1.14** “Infant interment garden” means a designated area in a perpetual care cemetery for the interments of infants and children no more than twenty-four (24) months of age.

- 4.1.15** “Interment” means the lawful disposition of the remains of a deceased person as provided by law.
- 4.1.16** “Lawn crypt” means an interment space sometimes referred to as a “belowground crypt”, “westminister”, or “turf top crypt” in a preplaced chamber or burial vault either side-by-side or at multiple depths, covered by earth and sod.
- 4.1.17** “Marker” means a singular stone of granite, marble, cut stone, or a bronze plaque either flush or above ground, with the name of the deceased appearing thereon.
- 4.1.18** “Mausoleum” means a community-type structure or room or space in a building or structure used or intended to be used for the interment of human remains in crypts or niches.
- 4.1.19** “Monument” means a memorial consisting of granite, bronze, or marble bearing the name or names of an individual or family or families, consisting of a base and the upper portion or main section known as a die.
- 4.1.20** “Niche” means a space, 11.4” x 11.2” x 11.2”, in a columbarium that is used or intended to be used for the interment of the cremated remains of one (1) or two (2) deceased persons in separate urns.
- 4.1.21** “Owner” means a person who has purchased from the City a grave space, lot, or niche in Oakland Cemetery for himself, herself or others and has received a document from the City validating the right of interment in Oakland Cemetery for himself, herself or others.
- 4.1.22** “Permit holder” means a cemetery company that holds a permit issued by the Arkansas Cemetery Board to own or operate a perpetual care cemetery.
- 4.1.23** “Permanent maintenance fee” means a fund required to be established and maintained by the owner and conducting business as perpetual care cemetery by A.C.A. §§20-17-1008(b)(3)(E), 20-17-1010(c)(1), 20-17-1011(a), 20-17-1013, 20-17-1014 and 20-17-1015 and to contribute twenty percent (20%) of the sale of a lot or grave space in its cemetery to the fund as required by A.C.A. §20-17-1016; and contribute five percent (5%) of the sale of a mausoleum crypt. Lawn crypt, niche or other similar entombment in its cemetery
- 4.1.24** “Perpetual care” means the cutting and raking of the grass upon such interment spaces at reasonable intervals, the raking and cleaning of the plots, the pruning of the shrubs and trees, the general preservation of the plots and the grounds, walks, roadways and boundaries so that such grounds shall remain and be reasonably cared for as cemetery grounds forever. When used in reference to a columbarium, perpetual care means repair necessitated by ordinary wear, the cleaning and sweeping of the structure at reasonable intervals and the revision of locks and doors to prevent the entrance of unauthorized persons.
- 4.1.24.1** The term "perpetual care" shall not be construed as meaning:

4.1.24.1.1 The maintenance, repair or replacement of any memorials placed or erected upon burial spaces, lots or plots.

4.1.24.1.2 The planting of flowers or ornamental plants on burial spaces, lots or plots or the maintenance or doing of any special or unusual work in the cemetery or in a mausoleum or columbarium.

4.1.24.1.3 The reconstruction of any marble, granite, bronze or concrete work on any section or plot or any portion thereof in the cemetery and columbarium or other buildings or structures, caused by the elements, an act of nature, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or by the order of any military or civil authority, whether the damage shall be direct or collateral, except as specifically recommended by the Oakland Cemetery Commission and approved by the City Council.

4.1.25 “Perpetual care cemetery” means a cemetery for the benefit of which a permanent maintenance fund has been established in accordance with this A.C.A. §20-17-1001 *et seq.*

4.1.26 “Perpetual care fee” means a fee charged by the City to defray the costs associated with the continual maintenance of the cemetery ground and graves in keeping them in a properly maintained and in good order.

4.1.27 "Transfer" means to sell, donate, exchange, trade or convey a space.

4.1.28 “Urn” means a sealed rigid container made of a non-decomposable material designed for holding cremains.

SECTION 5 - MANAGEMENT AND RESPONSIBILITIES

5.1 The Director of the Oakland Cemetery Commission shall manage and administer the day to day operations of Oakland Cemetery with the advice from Oakland Cemetery Commission. Oversight and final approval of the property and finances of Oakland Cemetery shall be by the City Council with the day to day management and administration of the funds generated, paid or donated to the City of Russellville for the maintenance and care of Oakland Cemetery to be handled by the City of Russellville Director of Finance Department under the provisions of this Code and state law.

SECTION 6 - APPLICATION OF STATE LAW.

6.1 All provisions of the laws regulating cemeteries of the State of Arkansas also apply to the cemetery. This includes, but is not limited to, Title 20, Chapter 17, Subchapter 10 of the Arkansas Code Annotated, 1997 as amended.

SECTION 7 - RIGHT TO MAINTAIN

7.1 The City is responsible for the maintenance of the cemetery. The City reserves the right to enter upon any lot to perform all work necessary for the maintenance of the cemetery. The City shall not be responsible for the repair or replacement of markers or memorial structures of any nature, unless the City caused the damage or destruction to the marker or memorial structure.

SECTION 8 - CEMETERIES COVERED.

8.1 All cemeteries owned or maintained by the City, or which may hereafter be acquired by the City, wherever situated, are hereby declared subject to the provisions of this Code and applicable state law.

SECTION 9 - UNLAWFUL ACTS.

9.1. It shall be unlawful for any person to violate any provision of this Code. Any person who violates any provision of this Code shall be subject to the penalties as set forth in Chapter 1 of this Article.

SECTION 10 - ESTABLISHMENT OF OAKLAND CEMETERY COMMISSION

10.1 There is hereby established a commission consisting of five (5) members to be known as the Oakland Cemetery Commission.

SECTION 11 - APPOINTMENT OF MEMBERS

11.1 The members of said Oakland Cemetery Commission shall be appointed as follows:

11.1.1 Five (5) members to be appointed by the Mayor and confirmed by the governing body of the City of Russellville.

11.1.2 One (1) Council Member shall be assigned to the Commission as a voting member by the governing body.

11.1.3 Two (2) ex-officio members, without vote, may be appointed from funeral homes located in the city limits of the City of Russellville.

11.1.4 The City Attorney, City Clerk, Finance Director and Mayor; shall be advisory officers, without vote, to the Commission.

SECTION 12 - COMPENSATION

12.1 All of the members of said Commission shall serve without compensation. Members may be reimbursed for reasonable expenses, including travel, lodging, and meal expenses incurred while on official business of the Commission if supported by paid receipts returned to the Finance Department, which has had prior approval by the City Council.

SECTION 13 - TERMS

13.1 The terms of the members first appointed shall be determined by lot at the first meeting of the Commission with one member serving two years; two members serving three years; and two members serving four years. Terms of office thereafter shall be for four years. All vacancies shall be filled for the unexpired terms of the member whose position is vacant in the same manner as such member received the original appointment. Residents and non-residents of the

City of Russellville, Arkansas, may serve on the Commission. However, non-residents of the City shall require unanimous approval and confirmation by the governing body of the City of Russellville.

SECTION 14 - ORGANIZATION OF COMMISSION

- 14.1** Immediately after appointment and qualification, or until their successors qualify, the Commission shall organize by election a chairman, vice-chairman, and a secretary who shall serve for one (1) year.

SECTION 15 - MEETING

- 15.1** Regular meetings shall be held at least once a month at a regular date and time to be fixed by the members, and special meeting may be held upon the call of the chairman. Any three (3) members of the Commission may call a meeting after giving one (1) or more days' notice of such meeting to all members.

SECTION 16 - QUORUM

- 16.1** Three (3) members shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time. Passage of any motion shall be by the number of voting members present and voting.

SECTION 17 - LAPSE OF MEMBERSHIP

- 17.1** After a member of the Commission fails to attend three (3) consecutive meetings, unless excused by the vote of said Commission, their membership shall automatically terminate, and their successor shall be appointed in the same manner as their predecessor. A member of the Commission may be removed from office by a two-thirds (2/3) vote of the City Council.

SECTION 18 - POWERS AND DUTIES

- 18.1** The Commission shall have the following powers and duties:
- 18.1.1** Act in an advisory capacity to the City Council in promoting and aiding the development, maintenance and improvement of Oakland Cemetery.
 - 18.1.2** At the request of the City Council, recommend to the Council the names of candidates who are qualified in the administration of public cemeteries for appointment by the Council to the Oakland Cemetery Commission.
 - 18.1.3** Act in an advisory capacity to the City Council and to the Director of Oakland Cemetery Commission in the planning, maintaining, developing and operation of all cemeteries owned, controlled, or leased by the City of Russellville.
 - 18.1.4** Formulate and recommend to the City Council, general policies related to the purposes of the Commission; and adopt by-laws, rules and regulations, subject to the approval of the City Council, as the Commission may require facilitating the operation of an Oakland Cemetery Commission system.

18.1.5 At the request of the City Council, cause a budget to be prepared and submitted to the Council annually on or before December 1, providing for the costs of maintenance and operation of the Oakland Cemetery facility and programs for the ensuing year. The budget shall contain estimates and recommendations for such long term capital outlay projects as may be necessary to provide for an orderly development of Oakland Cemetery areas and facility.

18.1.6 Study and make recommendations on the acquisition and development of Oakland Cemetery and facilities, such as trees, benches, shrubs, monuments, arches, fences and other points of interest.

18.1.7 Interpret the function and operation of Oakland Cemetery services to public officials and to the general public to the end that the services receive adequate financial support from public and private sources.

18.1.8 Develop and maintain in an attractive and safe manner the Oakland Cemetery area and facilities of the City of Russellville.

SECTION 19 - CITY EMPLOYEES ON COMMISSION

19.1 Any City employees who serve on an advisory board or commission such as the Cemetery Commission, shall do so on a voluntary basis and shall not be entitled to compensation as an employee of the City.

SECTION 20 - EXPENDITURE OF FUNDS

20.1 The City Council may appropriate and expend funds from the city general fund or levy and collect a tax in the same manner as taxes are levied for other public purposes to operate a program; to acquire, develop, maintain and operate cemeteries and for the payment of salaries of persons employed for said work.

20.2 An Oakland Cemetery Commission Fund may be established as a depository for all monies received for Oakland Cemetery purposes from the procedures from all gifts, legacies or bequests and all monies derived by the City from fees for services administered by the City Council or under the management of the Director of Oakland Cemetery Commission.

SECTION 21 - DIRECTOR OF OAKLAND CEMETERY COMMISSION

21.1 The position of Director of Oakland Cemetery Commission is hereby established.

21.2 The Mayor shall appoint a Director of Oakland Cemetery Commission to administer Oakland Cemetery and programs and may request the Commission to recommend for this position one or more candidates to the City Council.

21.3 The Director of Oakland Cemetery Commission shall attend meetings of the Commission and shall make such reports to the Commission and to the City Council, as circumstances dictate.

21.4 The Director of Oakland Cemetery Commission, upon request, shall advise with city officials and community organizations in the City of Russellville concerning

the expenditure of public funds for Oakland Cemetery Commission; acquisition, design and development of Oakland Cemetery and areas; and shall maintain effective and cooperative relations with officials of the county and special interest organizations.

21.5 The Director of Oakland Cemetery Commission shall:

21.5.1 With the approval of the City Council and in accordance with civil and/or city service procedures, employ required personnel, such as assistants, supervisors and leaders, maintenance and clerical personnel; and supervise them in the performance of their various duties.

21.5.2 Administer, operate and maintain existing Oakland Cemetery areas and facilities and plan for the acquisition, development and operation of proposed facilities in accordance with policies formulated by the Oakland Cemetery Commission and approved by the City Council.

21.5.3 Prepare an annual budget, with the advice of the Oakland Cemetery Commission and the Finance Director, for presentation to the City Council.

21.5.4 Inform the general public of the services and facilities being provided by the Oakland Cemetery Commission; address professional, civic and lay groups on Oakland Cemetery subjects; solicit suggestions from the general public increasing the effectiveness of Oakland Cemetery; cooperate with governmental and voluntary organizations and agencies in the furtherance of problems; and provide, upon request, assistance of a technical nature to community agencies and organizations on problems related to Oakland Cemetery and programs.

SECTION 22 - GENERAL RULES AND REGULATIONS

22.1 No signs, notices, or advertisements of any kind shall be allowed in the cemetery unless approved by the Director of the Oakland Cemetery Commission.

22.2 Vehicles driven within the cemetery must remain on designated driveways and shall not exceed fifteen (15) miles per hour.

22.3 Trespassing or loitering in the cemetery shall be prohibited. Persons shall not be allowed within the cemetery unless they are engaged in legitimate cemetery related activities such as funerals, visitation, maintenance, or research.

22.4 The cemetery will be open during daylight hours only. Notwithstanding the prior provision relating to daylight hours, persons are not allowed on the grounds of the cemetery prior to 6:00 A.M. or after 9:00 P.M.

22.5 The knocking down of headstones and monuments, except as needed for official cemetery business, is prohibited.

22.6 The throwing of rubbish/garbage/trash/recycling materials/yard waste onto the grounds of the cemetery is prohibited.

22.7 No fireworks are permitted to be discharged on the grounds of the cemetery.

- 22.8** The removal of flowers from burial sites, other than by official cemetery personnel, is prohibited.

SECTION 23 - CARE, MAINTENANCE, IMPROVEMENTS, AND OPERATIONS.

- 23.1** The care and maintenance of the cemetery grounds shall be the responsibility of the City of Russellville. Said maintenance work shall be performed by City employees or contract labor (Contractor) acting under the supervision of the Director of the Oakland Cemetery Commission. Persons having purchased an interest in a grave space are encouraged to notify the appropriate employee of the Director of the Oakland Cemetery Commission before commencing maintenance work within the cemetery.
- 23.2** All improvements and alternations of any spaces in the cemetery shall be under the direction of and subject to written approval from the Director of the Oakland Cemetery Commission.
- 23.3** It shall be unlawful for any person or firm to build or construct a concrete or other permanent curb around any space or parcel of land in this cemetery. It shall be unlawful to raise or depress the surface of any grave space without written permission.
- 23.4** Persons desiring to plant or place flowers, trees, shrubs, or floral designs of any kind upon cemetery property should seek permission from the Director of the Oakland Cemetery Commission. Any flower, shrub, tree, or floral design planted or placed on cemetery property without permission may be removed by cemetery maintenance personnel.
- 23.5** The planting of trees within the cemetery shall be discouraged because trees make maintenance within the cemetery more difficult. Memorials may be planted in areas designated by the City staff after payment of a fee as set by the Director of the Oakland Cemetery Commission.
- 23.6** Floral designs or other decorative pieces shall not be placed on any space unless placed in a holder that is an integral part of the grave marker or mounted on top of the grave marker.
- 23.6.1** An exception to Subsection 23.6 is that arrangements may be placed on a space at the time of the funeral as long as they are removed within ten (10) days.
- 23.6.2** Another exception to Subsection 23.6 is that arrangements may be placed on the gravesite within seven (7) days prior to Memorial Day or All Saints Day as long as the arrangements are removed within seven (7) days after the special days.

SECTION 24 - MONUMENTS AND MARKERS REGULATIONS

- 24.1** All monuments shall be placed on concrete bases so that they can be maintained in a level condition. Monuments shall not be installed until a permit is received from the Director of the Oakland Cemetery Commission.
- 24.2** Cleaning and arranging of monuments, head stones and markers shall be coordinated by the Director of the Oakland Cemetery Commission.

- 24.3 Every foundation for a monument or marker shall be at least as long and as wide as the stone resting upon it, and shall extend at least twenty-four (24) inches below the grade for the monument, and eighteen (18) inches for a marker.
- 24.4 When it is necessary to set either the monument or marker over a grave, the footing shall have sufficient overlap on each side of the grave to prevent settlement and tilting.
- 24.5 When the footing is extended more than four (4) inches out from the base stone it shall be so formed as to provide at least six (6) inches of cover of earth.
- 24.6 In all instances the top of the concrete footing should finish at least one and a half (1.5) inches below the grade to conceal the joint.
- 24.7 Footing shall be poured with three thousand (3,000) pounds per square inch (psi) or stronger concrete. The surface of the footing shall be level and have a smooth float finish.
- 24.8 Plans for footings of monuments exceeding four (4) feet in height shall be approved by the Director of the Oakland Cemetery Commission and City Engineer. Companies placing monuments are directed to call the Director of the Oakland Cemetery Commission and the City Engineer for their inspection and approval of footings for larger monuments before said large monuments are placed.

SECTION 25 OWNERSHIP OF LOTS AND INTERMENT.

- 25.1 Lots or grave spaces purchased within Oakland Cemetery are to be used for burial purposes and no other purpose, and shall be subject at all times to the rules and regulations of the City of Russellville for the policing, good order, and government of said cemetery. The rules and regulations relating to the cemetery may be amended from time to time upon recommendation of the Oakland Cemetery Commission and adopted by the City Council. Individuals purchasing lots/grave spaces within said cemetery acquire limited title to said property, subject to the rules and regulations adopted by the Russellville City Council.
- 25.2 Lots and grave spaces shall be defined by a map of the cemetery, maintained by the Director of the Oakland Cemetery Commission.
 - 25.2.1 Traditional interment grave spaces measure five (5) feet in width and twelve and one-half (12½) feet in length.
 - 25.2.2 Cremation spaces shall be two (2) feet by two (2) feet and located in areas designated by the cemetery map. Cremains may be placed in an unoccupied interment/burial space at the request of the owner of said space.
- 25.3 The City Attorney shall, upon receipt of written request from the Director of the Oakland Cemetery Commission, prepare a deed of ownership for each interment/grave space purchased. The Director of the Oakland Cemetery Commission should ensure that a record of all purchased interment/grave spaces are maintained and that the ownership is recorded on the cemetery map. A copy of the deed shall be filed and recorded at the Pope County Circuit Clerk's Office.

- 25.4** The individual owning a grave space may sell their interest in said property by preparing a deed conveying said interest. Such conveyance deed shall be filed and recorded at the Pope County Circuit Clerk's Office and a copy shall be provided to the Director of Oakland Cemetery Commission.
- 25.5** No more than one body or the remains of one body shall be interred in one space. Exception to this is that cremains of more than one person may be interred in a burial space that is located within a family plot.
- 25.6** All coffins buried in Oakland Cemetery shall be interred in an outer rigid container.
- 25.7** Upon notification of death and intent to inter a person's remains in Oakland Cemetery, the family of the deceased shall notify the designated employee in the Director of Oakland Cemetery Commission. Said employee shall prepare a permit which shall be issued when all of the necessary paperwork has been completed and all the necessary fees have been paid. The permit shall indicate the owner of the grave space, the name of the person to be interred, the grave number/legal description, the time and date of interment and fees paid. No burial will be allowed without a permit from the City.
- 25.8** No burials will be conducted on the following days:
- 25.8.1** New Year's Day;
 - 25.8.2** Memorial Day;
 - 25.8.3** July 4th;
 - 25.8.4** Labor Day;
 - 25.8.5** Thanksgiving Day;
 - 25.8.6** Christmas Day;
 - 25.8.7** All Sundays.
- 25.9** The permit shall not be issued for a burial within a grave space unless the person or persons desiring said interment presents a City Cemetery Deed for the space, or unless the City's records indicate that said space is owned by the deceased, or the person desiring interment.
- 25.10** No grave may be open to inter or disinter unless a permit has been issued by the Director of the Oakland Cemetery Commission. The opening of a grave space without a permit shall be a violation of this Ordinance. Persons guilty of any such violation shall be punished in accordance with the Section 1.9 of this Code.
- 25.11** No disinterment may be initiated without first obtaining a permit from the City. Said permit will not be issued without proof of a proper permit from the State regulatory authority.

SECTION 26 - PURCHASE PRICES AND FEES

- 26.1** Upon recommendation by the Oakland Cemetery Commission, the governing body shall from time to time and by resolution, set the Fee Schedule for the various cemetery services. The Fee Schedule passed by the City Council shall

remain in force until a new Fee Schedule is passed repealing the existing Fee Schedule.

SECTION 27 - DISPOSITION OF FEES

- 27.1** Twenty percent (20%) of the fees collected from the sale of lot or grave spaces shall be deposited in a trust and designated as the Permanent Maintenance Fund of Oakland Cemetery.
- 27.2** Eighty percent (80%) of the fees collected from the sale of lot or grave spaces shall be deposited in the Russellville Oakland Cemetery Fund (Fund 24).
- 27.3** Five percent (5%) of the fees collected from the sale of a mausoleum crypt, lawn crypt, niche or other similar entombment in Oakland Cemetery shall be deposited in the Permanent Maintenance Fund of Oakland Cemetery.
- 27.4** Ninety-five percent (95%) of the fees collected from the sale of a mausoleum crypt, lawn crypt, niche or other similar entombment in Oakland Cemetery shall be deposited in the Russellville Oakland Cemetery Fund (Fund 24).
- 27.5** Only the interest and income generated by the principle (corpus) of trust may be used for the maintenance and care of Oakland Cemetery. The principle of the trust shall not be used for the maintenance and care of Oakland Cemetery.
- 27.6** Russellville Oakland Cemetery Fund (Fund 24) shall be used for the operation and maintenance of Oakland Cemetery.

SECTION 28 - ACCOUNTING OF CEMETERY FUND

- 28.1** The Finance Department shall all maintain accounts and funds relating to Oakland Cemetery.
- 28.2** A monthly report shall be prepared by the Finance Department and provided to the Mayor, City Council, Oakland Cemetery Commission and the Oakland Cemetery Director.

SECTION 29 - DONATIONS TO CEMETERY

- 29.1** Any donations to Oakland Cemetery shall be deposited in Russellville Oakland Cemetery Fund (Fund 24) unless the donation is specifically made to the Permanent Maintenance Fund of Oakland Cemetery.

SECTION 30 - CONTRACTOR'S FEE

- 30.1** A fee for the Contractor for services for Oakland Cemetery they perform shall be charged in addition to the regular and cremation grave purchases made.
- 30.2** The cost of the Contractor fees charged shall be set by the Contractor's Fee Schedule for the following services:
 - 30.2.1** The opening and closing of adult graves;
 - 30.2.2** The opening and closing of infant graves;
 - 30.2.3** The opening and closing of cremation graves;
 - 30.2.4** The disinterment of remains;

- 30.2.5** The reinterment of remain; and,
- 30.2.6** The fill in of graves.
- 30.3** There shall also be an administration fee of 10% of the Contractor's Fee Schedule of the above listed services in Subsections 30.2.1 thru 30.2.5.
- 30.4** The City Council may approve of a request from the Contractor to adjust the Contractor's Fee Schedule after thirty (30) days written notice has been given to the City Council through the Cemetery Director and Finance Director of the proposed new Contractor's Fee Schedule.
- 30.5** The initial Contractor's Fee Schedule outlined in Section 30 of this Code shall become on the effective date of this Code.
- 30.6** Any new proposed Contractor's Fee Schedule shall become effective the day after the approval by the City Council.
- 30.7** All fees contained in this Ordinance shall be paid to the City Department of Finance, including fees for the Contractor's services. Upon receipt of fees for the Contractor's services from the purchaser, the Department of Finance shall remit the amount of the fee the Contractor is due for the services procured by the purchaser from the Contractor's Fee Schedule.

SECTION 31 REMITTANCE OF ANNUAL REPORT TO THE STATE

- 31.1** The Director of the Finance Department shall submit the annual report to the Arkansas Cemetery Board within seventy-five (75) days after the end of each calendar year as required by A.C.A. §20-17-1023 along with the information and fee required by A.C.A. §20-17-1023.

SECTION 32 - INSTALLMENT SALES CONTRACTS

- 32.1** Sales of grave spaces, cremation spaces or niches may be sold by installment sales contracts to potential owners provided they comply in collection of the costs and fees and other aspects to A.C.A. §20-17-1001 *et seq.*

ARTICLE III - CITY DEPARTMENTS

CHAPTER 1 – IN GENERAL

SECTION 1 – TITLE

- 1.1 This Article shall be known and referred as “The City of Russellville, Arkansas, City Departments Code.”

SECTION 2 – PRIOR ACTS OF THE CITY DEPARTMENTS AND SAVINGS

- 2.1 The repeal of any prior ordinance or portion thereof by adoption of this Code shall not affect or impair any act done or right vested or accrued before such repeal takes effect but every such act done or right vested or accrued shall remain in full force and effect to all intents and purposes as if such repeal had not taken place. No act or duty performed in the past by the City Departments shall be deemed invalid while the Departments was operating under the authority of state law, prior ordinances or part thereof that are repealed by this Code. All acts prior to the passage of this Code viewed within all respects as if such prior ordinances or part thereof had not been repealed.
- 2.2 The repeal or amendment of prior ordinances does not release or extinguish any penalty, forfeiture, or liability incurred or right accruing or accrued under prior ordinances, unless the repealing or amending act so provides expressly. Those prior ordinances shall be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of the right, penalty, forfeiture, or liability.
- 2.3 The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

SECTION 3 - SEVERABILITY

- 3.1 If any article, chapter, section, subsection, provision, paragraph, sentence, clause, or phrase of this Code is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining parts of this Code.

SECTION 4 – REPEALER

- 4.1 Any ordinance in conflict with article, chapter, section, subsection, provision, paragraph, sentence, clause, or phrase of this Code is hereby repealed in its entirety.
- 4.2 Ordinance Nos. 332, 630, 1190, Section One (1) of Ordinance No. 1209, 2174 and Section 3 of Ordinance No 2338 are hereby repealed.
- 4.3 Ordinance Nos. 1264 and 1368 are hereby repealed.
- 4.4 Ordinance No. 2256 is hereby repealed
- 4.5 Ordinance No. 1049, 1729, 1790, and 2237 are hereby repealed.

4.6 Ordinance No. 1962 is hereby repealed.

SECTION 5 – COMPENSATION OF DIRECTORS AND CHIEFS

5.1 All Directors and Chiefs mentioned in this Code shall receive such compensation as shall be determined by the City Council of the City of Russellville, Arkansas, in its annual budget and in compliance with the Salary Plan adopted by the City of Russellville, Arkansas.

SECTION 6 - AMENDMENTS TO CODE.

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

6.2 Amendment to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section of the Russellville City Departments Code is hereby amended to read as follows:..." The new provisions shall then be set out in full.

6.3 In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Russellville City Departments Code is hereby amended by adding a section (or articles or chapter) to be numbered which said section (or article or chapter) reads as follows: The new provisions shall then be set out in full.

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

SECTION 7 – ADMINISTRATIVE CONTROL OF DEPARTMENT HEADS AND CHIEFS

7.1 All Directors and Chiefs of the City are considered department head positions, under the administrative control of the Mayor of the City of Russellville subject to City Council review as outlined under Ark. Code Ann. §14-42-110.

CHAPTER 2 – AIRPORT DEPARTMENT

SECTION 1 – TITLE

- 1.1 This Chapter shall be known and referred to as “The City of Russellville, Arkansas, Airport Department Code.”

SECTION 2 – AUTHORITY

- 2.1 This Code is passed pursuant to the authority granted to the City by the State of Arkansas under A.C.A. §§14-43-602, 14-55-101 and 14-55-102.

SECTION 3 - ESTABLISHMENT OF AIRPORT DEPARTMENT FOR THE CITY

- 3.1 There is hereby established an Airport Department of the City of Russellville.

SECTION 4 - ESTABLISHMENT OF THE POSITION OF AIRPORT DIRECTOR

- 4.1 There is hereby established a Director of the Airport of the City of Russellville, a department head position.

SECTION 5 - DUTIES OF THE AIRPORT DIRECTOR

- 5.1 The Director of the Airport shall have full and complete authority to:
 - 5.1.1 Manage, operate, and maintain the municipal airport property which may now or hereafter be owed by the City of Russellville, Arkansas, its related properties and facilities subject to the authority of the City Council of the City of Russellville;
 - 5.1.2 Employ any and all assistants and employees of whatever nature, kind and character subject to the authority of the City Council of the City of Russellville;
 - 5.1.3 Remove any and all assistants and employees of whatever nature, kind and character subject to the Personnel Policy Manual of the City of Russellville

SECTION 6 - AIRPORT REVENUES

- 6.1 All revenues derived from the operation of the Russellville Airport and related properties, after paying the operating and maintenance expenses, shall be set aside and used for additional improvements on said airport, or for the retirement of debts and interest incurred for the purchase and improvement of the airport and related properties.

SECTION 7 - AIRPORT COMMISSION RULES AND REGULATIONS TO REMAIN IN FULL FORCE AND EFFECT

- 7.1 All rules and regulations adopted by the Russellville Airport Commission governing the operation of the Russellville Airport and all aircraft using the Russellville Airport shall remain in effect and in force.

SECTION 8 - AIRPORT DEPARTMENT FINANCIAL RECORDS

- 8.1 All financial records of the Russellville Airport shall be kept and maintained by the City Director of Finance. All financial records, transactions, expenditures, assets, income and funds of the Russellville Airport shall be kept separate from

the City of Russellville financial records, transactions, expenditures, assets, income and funds.

CHAPTER 3 – ANIMAL CONTROL DEPARTMENT

SECTION 1 – TITLE

- 1.1 This Chapter shall be known and referred to as “The City of Russellville, Arkansas, Animal Control Department Code.”

SECTION 2 – AUTHORITY

- 2.1 This Code is passed pursuant to the authority granted to the City by the State of Arkansas under A.C.A. §§14-43-602, 14-55-101 and 14-55-102.

SECTION 3 – ESTABLISHMENT OF THE ANIMAL CONTROL DEPARTMENT

- 3.1 The Russellville Animal Control Department is hereby established.

SECTION 4 – CREATION OF THE POSITION OF DIRECTOR OF ANIMAL CONTROL

- 4.1 There is hereby created a position, Director of Animal Control of the City of Russellville, a department head position.

SECTION 5 – RESPONSIBILITY OF THE ANIMAL CONTROL DEPARTMENT

- 5.1 It shall responsibility of the Animal Control Department, its Director and all of the employees of the Animal Control Department to enforce the provisions of the Animal Control Code within the city limits of the City of Russellville.

CHAPTER 4 – FINANCE DEPARTMENT

SECTION 1 - TITLE

- 1.1 This Chapter shall be know and referred to as the City of Russellville, Arkansas, Finance Department Code.

SECTION 2 – AUTHORITY

- 2.1 This Code is passed pursuant to the authority granted to the City by the State of Arkansas under A.C.A. §§14-43-602, 14-55-101 and 14-55-102.

SECTION 3 – ESTABLISHMENT OF THE FINANCE DEPARTMENT

- 3.1 There is hereby established a Department of Finance of the City of Russellville.

SECTION 4 – CREATION OF A DIRECTOR OF THE FINANCE DEPARTMENT

- 4.1 There is hereby established a Director of Finance of the City of Russellville, a department head position.

SECTION 5 – RESPONSIBILITY OF THE FINANCE DEPARTMENT

- 5.1 The Finance Department shall have the custody of the finances of the City of Russellville and shall be required to submit, monthly, a full report and a detailed statement of the financial condition of the City of Russellville, showing receipts, disbursement and balance on hand, together with all liabilities of the City of Russellville, the report shall be submitted to the City Council of the City of Russellville in open session.

SECTION 6 – DUTIES OF THE FINANCE DEPARTMENT

- 6.1 The following shall be the duties of the Finance Department.
 - 6.1.1 Disburse money in accordance with the rules and regulations governing the disbursement of funds, as approved by the City Council.
 - 6.1.2 Advise the City Council at stated intervals of the status of all funds, as well as the general fiscal status of the City of Russellville.
 - 6.1.3 Recommend to the City Council the investment of surplus funds.
 - 6.1.4 Present to the City Council suggested rules and regulations or changes in current rules and regulations that would improve systems for collecting, disbursing or budgeting funds.
 - 6.1.5 Assist and advise the Mayor, other elected officials, department heads and the City Council in the construction of the annual budget and in long range projects requiring either the acquisition of new funds or the build-up of retained funds to achieve a capital outlay not feasible in the annual budget.
 - 6.1.6 Supervise the spending of the funds allocated by the City Council in the annual budget in order that each item of disbursement will be in compliance with the rules and regulations adopted by the City Council governing budgetary expenditures
 - 6.1.7 Collect, record and issue receipts for all funds legally levied by the City of Russellville and to perform this service in accordance with the rules and regulations governing collection, recording and receiving, as approved by the City Council.

CHAPTER 5 – FIRE DEPARTMENT

SECTION 1 – TITLE

- 1.1 This Chapter shall be know and referred to as the City of Russellville, Arkansas, Fire Department Code.

SECTION 2 – AUTHORITY

- 2.1 This Code is passed pursuant to the authority granted to the City by the State of Arkansas under A.C.A. §§14-43-602, 14-53-101, 14-55-101, 14-55-102 and 14-55-103.

SECTION 3 – ESTABLISHMENT OF THE FIRE DEPARTMENT

- 3.1 The Russellville Fire Department, the object and purpose of which is the control and prevention of fire and the protection of life and property within the City, is hereby established.

SECTION 4 – DUTIES OF THE FIRE DEPARTMENT

- 4.1 It shall be the duty of the Russellville Fire Department to:
 - 4.1.1 Provide fire protection for all structures, property or land within the corporate limits of the City.
 - 4.1.2 Prevent the destruction by fire of property located outside of the corporate limits of the City in order to lessen such losses by fire when the City has entered into a mutual aid agreement with another city or town.
 - 4.1.3 Provide emergency medical services within the corporate limits of the City.
 - 4.1.4 Administer the Arkansas Fire Prevention Code for the City.
 - 4.1.5 Administer the business and building permit processes for the City.
 - 4.1.6 Contract with surrounding political subdivisions to provide mutual aid for fire protection.
 - 4.1.7 Provide inspections for all commercial structures.
 - 4.1.8 Administer burn permits.
 - 4.1.9 Perform arson investigation.
 - 4.1.10 Perform other such duties as assigned by the Mayor or City Council.

SECTION 5 - COMPOSITION

- 5.1 The Fire Department shall consist of a Fire Chief and such other officers and personnel as may be deemed necessary by the Fire Chief and approved by the City Council for the effective operation of the Department.

SECTION 6 – DUTIES OF THE FIRE CHIEF

- 6.1 The Fire Chief shall:
 - 6.1.1 Be administrative head of the Department and promulgate such rules, regulations and procedures as may be necessary to ensure a modern and efficient fire department and emergency medical service.
 - 6.1.2 Be commander of the whole fire force, under the superintendence of the City Council and Mayor.

- 6.1.3 Be the custodian of, and responsible for, all property of the Fire Department.
- 6.1.4 Be the administrative head of the office of building inspections and promulgate such rules, regulations and procedures as may be necessary to ensure effective and efficient operations.
- 6.1.5 Be the chief fire code official responsible for updating the code as editions or revisions that are relevant fire codes as they are made and published or delegate such responsibility to personnel within the Department.
- 6.1.6 Provide such training and education to Department personnel to ensure all personnel are at optimum levels of readiness for all emergency responses under the Department's assigned duties.
- 6.1.7 Be fully responsible for the operation and the equipment of the Department.

SECTION 7 - ADOPTION BY REFERENCE

- 7.1 This Code is enacted pursuant to A.C.A. §14-53-101(b). The provisions of A.C.A. §14-53-102 are hereby incorporated and made applicable to the Fire Department of the City of Russellville and to the City of Russellville.

SECTION 8 – NO REPEAL OF ANY CIVIL SERVICE COMMISSION LAWS

- 8.1 That this Code shall in no way repeal all or any part of any ordinance or code of the City of Russellville, Arkansas providing for the establishment of the Russellville Civil Service Commission.

SECTION 9 – RUSSELLVILLE FIRE DEPARTMENT SERVICE LIMITS

- 9.1 Pursuant to A.C.A. §14-53-102, no fire service by the City shall be rendered outside the City by the Russellville Fire Department except in the following cases:
 - 9.1.1 To go to the aid of a fire department who has a mutual aid protection agreement with the City of Russellville through the Russellville Fire Department;
 - 9.1.2 To protect property within the City threatened by a fire outside the City limits;
 - 9.1.3 To protect City property located outside the City.
 - 9.1.4 To protect Act 9 industries; and,
 - 9.1.5 To go to the aid of any emergency service.

CHAPTER 6 – HUMAN RESOURCES DEPARTMENT

SECTION 1 - TITLE

- 1.1 This Chapter shall be know and referred to as the City of Russellville, Arkansas, Human Resources Department Code.

SECTION 2 – AUTHORITY

- 2.1 This Code is passed pursuant to the authority granted to the City by the State of Arkansas under A.C.A. §§14-43-602, 14-55-101 and 14-55-102.

SECTION 3 – ESTABLISHMENT OF THE HUMAN RESOURCES DEPARTMENT

- 3.1 The Russellville Human Resources Department is hereby established.

SECTION 4 – CREATION OF THE POSITION OF DIRECTOR OF THE HUMAN RESOURCES DEPARTMENT

- 4.1 There is hereby created a position, Director of Human Resources for the City of Russellville, a department head position.

SECTION 5 - DUTIES OF THE HUMAN RESOURCES DIRECTOR

- 5.1 The duties of the Human Resources shall be as follows:
 - 5.1.1 To be the Department Head of the Department of Human Resources.
 - 5.1.2 To be the contact person for the City of Russellville, Arkansas, for businesses related to city employees' benefits, insurance, unemployment compensation, APERS, workforce services, workers' compensation claims and filings, workplace safety, and city required HIPAA and COBRA filings;
 - 5.1.3 To maintain personnel files of city employees of the City of Russellville, Arkansas.
 - 5.1.4 To organize the annual sign up of city employees' benefits.
 - 5.1.5 To prepare any paperwork or filings for city employees' benefits, insurance, unemployment compensation, APERS, workforce services, workers' compensation claims and filings, workplace safety and city required HIPAA and COBRA filings.
 - 5.1.6 To list job openings as required by the City of Russellville, Arkansas, Personnel Policy Manual.
 - 5.1.7 To maintain and update job descriptions of all employees of the City of Russellville, Arkansas, upon the submissions or updates by the department heads of the City of Russellville, Arkansas.
 - 5.1.8 To support all employees of the City of Russellville, Arkansas, regarding their benefits, insurance, workers' compensation, HIPAA, COBRA and APERS claims and questions.
 - 5.1.9 To receive, collect, store and turn over to the proper person or body, job applications for any job opening in the City of Russellville, Arkansas.

CHAPTER 7 – INFORMATION TECHNOLOGY DEPARTMENT

SECTION 1 - TITLE

- 1.1** This Chapter shall be know and referred to as the City of Russellville, Arkansas, Information Technology Department Code.

SECTION 2 – AUTHORITY

- 2.1** This Code is passed pursuant to the authority granted to the City by the State of Arkansas under A.C.A. §§14-43-602, 14-55-101 and 14-55-102.

SECTION 3 – ESTABLISHMENT OF THE INFORMATION TECHNOLOGY DEPARTMENT

- 3.1** The Russellville Information Technology Department is hereby established.

SECTION 4 – CREATION OF THE POSITION OF DIRECTOR OF INFORMATION TECHNOLOGY

- 4.1** There is hereby created a position, Director of Information Technology of the City of Russellville, a department head position.

SECTION 5 – RESPONSIBILITY OF THE INFORMATION TECHNOLOGY DEPARTMENT

- 5.1** The Department of Information Technology shall have administrative control over the informational technological systems, network and hardware of the City of Russellville.

SECTION 6 – DUTIES OF THE INFORMATION TECHNOLOGY DEPARTMENT

- 6.1** These are the following duties of the Information Technology Department.
 - 6.1.1** Work with all Departments within the City of Russellville to create, repair, update or upgrade all technological information systems and network of the City of Russellville.
 - 6.1.2** Advise the City Council of the status of the systems and network when requested to do so by the Mayor or City Council.
 - 6.1.3** Recommend to the City Council and Mayor for repair or upgrade to systems or the network when the need arises.
 - 6.1.4** Present to the City Council and Mayor suggested rules and regulations or changes in current rules and regulations that would improve systems or network abilities.
 - 6.1.5** Assist and advise the Mayor, other elected officials, department heads and the City Council in long range projects regarding information technology systems or network.

CHAPTER 8 – PLANNING AND DEVELOPMENT

SECTION 1 - TITLE

- 1.1 This Chapter shall be know and referred to as the City of Russellville, Arkansas, Planning and Development Department Code.

SECTION 2 – AUTHORITY

- 2.1 This Code is passed pursuant to the authority granted to the City by the State of Arkansas under A.C.A. §§14-43-602, 14-55-101 and 14-55-102.

SECTION 3 – ESTABLISHMENT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

- 3.1 The Russellville Planning and Development Department is hereby established.

SECTION 4 – DUTIES OF THE PLANNING AND DEVELOPMENT DEPARTMENT

- 4.1 The duties of the Planning and Development Department shall be as follows:
 - 4.1.1 Administer the provisions of the City Zoning Code.
 - 4.1.2 Administer the provisions of the Land Subdivision and Development Code.
 - 4.1.3 Have in attendance the Director of Planning and Development or personnel for all Planning Commission, Board of Adjustment and Russellville Historic District Commission meetings.
 - 4.1.4 Advise all members of the Planning Commission, Board of Adjustment, City Council, Mayor and Department Heads of all City planning and development matters when asked or requested.
 - 4.1.5 Have the Director of Planning and Development or their designee serve as the Historic Preservation Officer for the Russellville Historic District Commission.
 - 4.1.6 Enforce the various City Codes within the City through the Division of Code Enforcement within the Planning and Development Department.

SECTION 5 – CREATION OF THE DIRECTOR OF PLANNING AND DEVELOPMENT

- 5.1 There is hereby created the position of Director of Planning and Development for the City, a department head position

SECTION 6 - DUTIES OF THE DIRECTOR OF PLANNING AND DEVELOPMENT

- 6.1 The Director of Planning and Development shall have the following duties:
 - 6.1.1 Administers the municipal planning program.
 - 6.1.2 Directs the planning staff and coordinates their activities with other staff members.
 - 6.1.3 Execution of the development of municipal planning standards and implementation of the city's comprehensive planning program.
 - 6.1.4 Acts as chief advisor to the Planning Commission, Board of Adjustment and Russellville Historic District Commission.
 - 6.1.5 Coordinate planning activities with those of other city departments and various regional, state and federal agencies.

- 6.1.6** Handle all zoning requests for administrative appeals, variances, special exceptions and the enforcement of all policies and regulations embodied in the Zoning Code.
- 6.1.7** Responsible for all preliminary and final plats that are presented to the Planning Commission for review.
- 6.1.8** Provide Staff Reports to the Planning Commission and Board of Adjustment them with all necessary information concerning requests for rezoning, vacations, special use permit, large scale development, subdivision plats, administrative appeals, variances and special exceptions.
- 6.1.9** Responsible for publishing or seeing that appropriate legal notices are published in regard to rezoning requests and other areas that fall within his jurisdiction for notifying or seeing that surrounding property areas are notified.
- 6.1.10** Deal with the public in matters relating to rezoning variances and subdivision plats.
- 6.1.11** Supervise the enforcement of the Zoning Code, and exercise the power to make affidavit for the warrant of arrest for any person violating the terms of the Zoning Code.

CHAPTER 9 – POLICE DEPARTMENT

SECTION 1 – TITLE

- 1.1 This Chapter shall be know and referred to as the City of Russellville, Arkansas, Police Department Code.

SECTION 2 – AUTHORITY

- 2.1 This Code is passed pursuant to the authority granted to the City by the State of Arkansas under A.C.A. §§14-43-602, 14-52-101, 14-52-201, 14-55-101, 14-55-102 and 14-55-103.

SECTION 3 – ESTABLISHMENT OF THE POLICE DEPARTMENT

- 3.1 That the law enforcement and protection of the City of Russellville, Arkansas, shall be vested in and delegated to the hereinafter established police department. The Police Department is hereby established, as the law enforcement and protection agency for the purpose of preserving peace, maintaining order, and enforcing the law and ordinances of the City of Russellville, Arkansas.
- 3.2 The position of Police Chief is hereby established and shall be the administrative head for the Police Department with the authority to promulgate such rules, regulations and procedures as may be necessary to ensure a modern and efficient Police Department.

SECTION 4 – DUTIES OF THE POLICE DEPARTMENT

- 4.1 The Police Department and its membership shall be the law enforcement and protection agency charged with the responsibility for law enforcement, protection, preservation of peace and order within the City of Russellville.
- 4.2 The Police Department through its Chief of Police and appointed officer shall perform all duties assigned to the department by A.C.A. §§14-1-102, 14-52-202, 14-52-203 and any other state or City law.
- 4.3 The Police Department may charge law enforcement officers from other departments attending educational training classes at the Russellville Police Department reasonable costs incurred for the supplying of materials to said officers needed for the said classes. The Police Department shall not charge its own law enforcement officers for any costs incurred supplying its own officers materials needed to attend educational training classes.
 - 4.3.1 All monies generated from this charge and collected by the Russellville Police Department shall be deposited into the Russellville Police Department training line item in its budget.
- 4.4 The Chief of Police of the Russellville Police Department, or his designated representative, under the provisions of Ark. Code Ann. §§14-52-202 and 21-6-307, shall collect a fee in the amount of \$50.00 for the serving of each warrant or order of arrest from the Russellville District Court, City of Russellville Criminal Division. Said fee shall be collected at the time the warrant is served. The fee shall then be held until after final disposition of the defendant's charge. After a

final judgment of conviction, the fee shall be transmitted to the Finance Department of the City.

4.4.1 All fees collected by the Chief of Police, or their officers, under the provisions of this Code, shall be paid into the City General Fund.

4.5 The Police Department shall charge each individual who requests to be fingerprinted by the Police Department for noncriminal purposes fifteen dollars (\$15.00) for the service in order to offset the cost of expenses associated with the service.

4.5.1 Fee money collected by the Russellville Police Department for the noncriminal fingerprinting service shall be remitted to the Finance Department who shall deposit the money in Special Fund No. 15 (Fund 15-111-5215).

4.6 The Police Department is hereby designated as the official with the primary responsibility for the fines assessed in the Pope County District Court, City of Russellville Criminal Division.

4.7 The Police Department shall enforce any City false alarm ordinance law or ordinance in effect by billing and collecting any person violating said law or ordinance.

4.8 The police officers of the Police Department shall perform all duties as stated in A.C.A. §14-52-203 which is hereby incorporated into this Code by reference.

SECTION 5 – DUTIES OF THE POLICE CHIEF

5.1 As well as duties listed in SECTION 4 of this Code, the Chief of Police shall perform all duties as stated in A.C.A. §14-52-202 which is incorporated into this Code by reference.

SECTION 6 - ADOPTION BY REFERENCE

6.1 The provisions of A.C.A. §§14-52-101(a), 14-52-104, 14-52-110, 14-52-111 and 14-52-113 are hereby incorporated and made applicable to the Police Department of the City of Russellville and to the City of Russellville.

SECTION 7 – NUMBER OF OFFICERS IN THE POLICE DEPARTMENT

7.1 The Police Department shall consist of such number of other police officers as may be provided by the Russellville City Council per A.C.A. §14-52-201 which is hereby incorporated herein.

7.2 All candidates for the position of police officer shall be certified by the Russellville Civil Service Commission and appointed by the Chief of Police.

SECTION 8 – NO REPEAL OF ANY CIVIL SERVICE COMMISSION LAWS

8.1 That this Code shall in no way repeal all or any part of any ordinance or code of the City of Russellville, Arkansas providing for the establishment of the Russellville Civil Service Commission

CHAPTER 10 – PUBLIC WORKS

SECTION 1 - TITLE

- 1.1 This Chapter shall be know and referred to as the City of Russellville, Arkansas, Public Works Department Code.

SECTION 2 – AUTHORITY

- 2.1 This Code is passed pursuant to the authority granted to the City by the State of Arkansas under A.C.A. §§14-43-602, 14-55-101 and 14-55-102.

SECTION 3 – ESTABLISHMENT OF THE PUBLIC WORKS DEPARTMENT

- 3.1 The Russellville Public Works Department is hereby established.

SECTION 4 – DUTIES OF THE PUBLIC WORKS DEPARTMENT

- 4.1 The duties of the Public Works Department shall be as follows:
 - 4.1.1 Implementation of the Master Street Plan.
 - 4.1.2 Implementation of the Master Drainage Development and Plan.
 - 4.1.3 Provide expert guidance in regard to City Public Works projects or impact of potential development to public drainage improvements, buildings, easements or right of ways to the Planning Commission, City Council and Mayor.
 - 4.1.4 Execute the requirements of City Floodplain Administrator
 - 4.1.5 Aid in the administration of the Land Subdivision Development Code
 - 4.1.6 Aid in the administration of the Zoning Code.
 - 4.1.7 Investigate residents' complaints regarding drainage, road conditions, general development activities, and related conditions as might affect adjacent citizen's properties, real and structural.
 - 4.1.8 Provide design and construction details for various street, concrete, steel and soil designs as approved through the Mayor.
 - 4.1.9 Procure rights-of way and easement agreements for Public Works Department projects.
 - 4.1.10 Develop and maintain the Standard Specifications for Street and Drainage Construction.
 - 4.1.11 Review and approve technical design data, plans and specifications submitted by consulting engineers for conformance with city standards and sound engineering practice.
 - 4.1.12 Confer with governmental agency representatives and local utility company representatives on technical matters pertaining to municipal public work facilities and projects.
 - 4.1.13 Repair and maintain all city streets.
 - 4.1.14 Service vehicles in the City fleet when requested by a City Department.
 - 4.1.15 Execute all City Council approved public works projects and coordinate all work in the execution of approved public works projects with all contractors, constructions managers, architects, project engineers,, inspectors, subcontractors and other third (3rd) parties affiliated with the approved projects.

SECTION 5 – ESTABLISHMENT OF DIRECTOR OF PUBLIC WORKS DEPARTMENT

- 5.1** There is hereby created the position of Director of Public Works for the City, a department head position,

SECTION 6 – DUTIES OF THE DIRECTOR OF PUBLIC WORKS DEPARTMENT

- 6.1** The duties of the Director of Public Works for the City shall be as follows:
- 6.1.1** Supervise and coordinate the activities of the Public Works Department. The Director shall be responsible for the planning and the prompt, orderly and efficient execution of the work as required as established by the Department's duties or public works projects assigned to the Department by the Mayor or City Council.

CHAPTER 11 – RECREATION AND PARKS DEPARTMENT

SECTION 1 - TITLE

- 1.1 This Chapter shall be know and referred to as the City of Russellville, Arkansas, Recreation and Parks Department Code.

SECTION 2 – AUTHORITY

- 2.1 This Code is passed pursuant to the authority granted to the City by the State of Arkansas under A.C.A. §§14-43-602, 14-55-101 and 14-55-102.

SECTION 3 - RECREATION AND PARKS DEPARTMENT ESTABLISHED

- 3.1 The Recreation and Parks Department is hereby established for the City of Russellville.
- 3.2 The functions of this Department are to provide opportunities for wholesome, year round public recreation service for each age group and to develop and maintain in an attractive and safe manner the recreation and park areas and facilities of the City of Russellville, and to insure that such facilities are suitable for a wide variety of recreation purposes.
- 3.3 The Department shall be administered by the Director of Recreation and Parks with the advice of the Recreation and Parks Commission and subject to the approval of the City Council.

SECTION 4 - EXPENDITURE OF FUNDS

- 4.1 The City Council may appropriate and expend funds from the City General Fund or levy and collect a tax in the same manner as taxes are levied for other public purposes to operate a recreation program; to acquire, develop, maintain and operate public parks and recreation facilities; and for the operation and maintenance of public parks, playfields, land and water areas, structures for centers of recreation, and for the payment of salaries of persons employed for said work.
- 4.2 A City Special Funds Budget is established as a depository for all monies received for recreation and park purposes from the procedures from all gifts, legacies or bequests and all monies derived by the City from fees for recreational services administered by the City Council or under the management of the Director of Recreation and Parks.

SECTION 5 - DIRECTOR OF RECREATION AND PARKS

- 5.1 The position of Director of Recreation and Parks is hereby established which is a department head position.
- 5.2 The Director of Parks and Recreation shall attend meetings of the Commission and shall make such reports to the Commission and to the City Council, as shall be required.
- 5.3 The Director of Recreation and Parks, upon request, shall advise with city officials and community organizations in the City of Russellville concerning the expenditure of public funds for recreation and parks; acquisition, design and development of recreation facilities and areas; and shall maintain effective and

cooperative relations with officials of the county, special recreation districts, state agencies and with local, state and national voluntary organizations.

- 5.4** The Director of Recreation and Parks shall with approval of the City Council and in accordance with the City Personnel and Policy Handbook, employ required personnel, such as assistants, recreation supervisors and leaders, maintenance and clerical personnel; and supervise them in the performance of their various duties.
- 5.5** The Director of Recreation and Parks shall administer, operate and maintain existing recreation and park areas and facilities and plan for the acquisition, development and operation of proposed facilities in accordance with policies formulated by the Recreation and Parks Commission and approved by the City Council.
- 5.6** The Director of Recreation and Parks shall assist the Mayor with the preparation of the annual budget pertaining to the Department of Recreation and Parks for presentation to the City Council.
- 5.7** The Director of Recreation and Parks shall inform the general public of the services and facilities being provided by the Recreation and Parks Department; address professional civic and lay groups on recreation subjects; solicit suggestions from the general public increasing the effectiveness of the recreation program; cooperate with governmental and voluntary organizations and agencies in the furtherance of recreation problems; and provide, upon request, assistance of a technical nature to community agencies and organizations on problems related to recreation and park facilities and programs.
- 5.8** The Director of Recreation and Parks shall assist community organizations in the promotions of recreation services; conduct studies of local conditions and needs for recreation services; and assist with the recruitment and training of professional recreation personnel and volunteer leaders.