

ORDINANCE #001-2009

BE IT ENACTED BY THE CITY OF CEDARVILLE
ARKANSAS, AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE PROVIDING FOR
THE ESTABLISHMENT OF A FLOOD DAMAGE PREVENTION PROGRAM FOR
CEDARVILLE AND FOR OTHER PURPOSES."

SECTION 1. STATUTORY AUTHORITY

The Legislature of the State of Arkansas has in Ark. Code Ann. § 14-268-101 et seq., delegated the responsibility of local governmental units to adopt regulations to minimize flood losses. Therefore, the CITY of CEDARVILLE, Arkansas, does hereby ordain as follows:

SECTION 2. FINDINGS OF FACT

- A. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of CEDARVILLE in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for CEDARVILLE," dated Feb. 28, 2009, with an effective Flood Insurance Rate Map (FIRM) Feb. 28, 2009.
- B. These Special Flood Hazard Areas are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- C. These periodic flooding events are exacerbated by the cumulative effect of floodplain developments which cause an increase in flood heights and velocities, and by the placement of inadequately elevated, inadequately floodproofed or otherwise unprotected structures or uses vulnerable to floods into Special Flood Hazard Areas. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events.

SECTION 3. STATEMENT OF PURPOSE

The purpose of this ordinance is to promote the public health, safety and general welfare, to prevent adverse impacts from any floodplain development activities, and to minimize public and private losses due to flooding events in identified Special Flood Hazard Areas. This ordinance advances the stated purpose through provisions designed to:

- A. Protect human life and health;
- B. Protect natural floodplains against unwise development;
- C. Eliminate adverse impacts of necessary floodplain development;
- D. Minimize expenditure of public monies on flood control projects;

- E. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- F. Minimize prolonged business interruptions due to flooding events;
- G. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in Special Flood Hazard Areas;
- H. Minimize future flood blight areas to help maintain a stable tax base; and
- I. Provide for notice to potential buyers when property is in a Special Flood Hazard Area.

SECTION 4. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of Cedarville

SECTION 5. METHODS OF REDUCING FLOOD LOSSES

This ordinance uses the following methods to accomplish the stated purpose:

- A. This ordinance restricts or prohibits structures or uses in Special Flood Hazard Areas that adversely impact health, safety or property during flooding events;
- B. This ordinance requires protection against flood damage for structures or uses vulnerable to floods at the time of initial construction, or after substantial improvement of the structure, or after substantial damage has occurred;
- C. This ordinance controls the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation and transport of flood waters;
- D. This ordinance controls floodplain development (structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations and other activities) which may increase flood damage by increasing flood elevations, flood water velocities, or flood discharge patterns;
- E. This ordinance regulates the construction of flood barriers which unnaturally divert floodwaters or which may adversely impact other lands.

SECTION 6. FLOOD DAMAGE PREVENTION CODE ADOPTED BY REFERENCE.

There is hereby adopted by reference a "Flood Damage Prevention Code for Cedarville, Arkansas," dated 2-28-09. The code shall include:

ARTICLE 1 DEFINITIONS

ARTICLE 2 ADMINISTRATION

ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

A copy of the referenced code shall be filed in the office of the Recorder/Treasurer Reding and shall be available for inspection and copying by any person during normal office hours.

SECTION 7. ABROGATION AND GREATER RESTRICTIONS

This ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies.

SECTION 8. INTERPRETATION

In the interpretation and application of this ordinance, all provisions must:

- A. Be considered as minimum requirements;
- B. Be liberally construed in favor of the governing body; and
- C. Be deemed to neither limit nor repeal any other powers granted under State statutes.

SECTION 9. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that land outside Special Flood Hazard Areas will be free from flooding, nor that strict adherence to this ordinance protects uses permitted within Special Flood Hazard Areas from all flood damages. This ordinance specifically does not create liability on the part of the community, nor any official or employee of the community, for any flood damages that result while strictly following this ordinance, or from any lawful administrative decision made under the provisions of this ordinance.

SECTION 10. COMPLIANCE

Constructing, locating, substantially altering or changing the use of any structure or land after the effective date of this ordinance requires full compliance with the provisions of this ordinance and all other applicable regulations.

SECTION 11. PENALTY FOR NON-COMPLIANCE

Flood hazards are reduced by compliance with the provisions of this code. Accordingly, enforcement of this ordinance discourages non-compliance and is a recognized mechanism for flood hazard reduction.

- A. The Floodplain Administrator must enforce the provisions of this ordinance and is authorized to
- B. Issue cease and desist orders on non-compliant floodplain development projects;
- C. Issue citations for non-compliance;
- D. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties; and
- E. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this ordinance.
 - (1) It is a misdemeanor to violate or fail to comply with any provision of this ordinance.
 - (2) Any person found, in a court of competent jurisdiction, guilty of violating this ordinance is subject to fines of not more than \$500 per day for each violation; in addition the defendant is subject to payment of all associated court costs and costs involved in the case.

SECTION 12. SEVERABILITY

If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of this ordinance is invalid or unconstitutional, that finding in no way affects the validity of the remaining portions of this ordinance.

SECTION 13. EMERGENCY CLAUSE

It is hereby found and declared by Cedarville that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

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

APPROVED: Mayor Ben Strong
(Local Official)

PASSED: 2-28-09
(Date)

ATTEST: Alicson Reding
(City of County Clerk)

CERTIFICATION

I, the undersigned, Alicson Reding, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the City of Cedarville, at a regular meeting duly convened on 2-28-09.
(governing body)
(community name) (date)

Alicson Reding
(City or County Clerk)

CITY OF CEDARVILLE, ARKANSAS

ORDINANCE NO. ~~002-0000~~ 2009

AN ORDINANCE ESTABLISHING A POLICE DEPARTMENT IN THE CITY OF CEDARVILLE, DECLARING AN EMERGENCY, AND FOR OTHER RELATED PURPOSES.

WHEREAS, the City Council of Cedarville has determined that it is in the best interests of the citizens of Cedarville to establish a police department to preserve the peace of the city, secure the citizens from personal violence and safeguard their property from fire and unlawful depredations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CEDARVILLE, ARKANSAS, AS FOLLOWS:

SECTION 1: Pursuant to the authority contained in Ark. Code Ann. § 14-52-101, there is hereby established a Cedarville Police Department ("CPD").

SECTION 2: The CPD shall be under the general superintendence of the mayor and under the specific superintendence of a chief of police.

SECTION 3: The CPD Chief of Police shall be appointed exclusively by the mayor subject to an override vote of 2/3 of the Cedarville City Council.

SECTION 4: The primary duties of the CPD and CPD Chief of Police are to the citizens of Cedarville.

SECTION 5: Notwithstanding any law or ordinance to the contrary the CPD and the CPD Chief of Police shall have all of the powers and duties afforded them under the law of the State of Arkansas and the United States of America. Including but not limited to the following:

- a. The CPD Chief of Police shall execute and return all writs and process directed to him by the mayor. In criminal cases or cases of a violation of the city ordinance, he may serve them in any part of the county.
- b. It shall be the duty of the CPD and the CPD Chief of Police to:
 - i. Suppress all riots and disturbances and breaches of the peace;
 - ii. Apprehend all disorderly persons in the city;
 - iii. Pursue and arrest any person fleeing from justice in any part of the state;
 - iv. Apprehend any person in the act of committing any offense against the laws of the state or ordinances of the city and forthwith to bring such persons to a court of competent authority for examination or trial;

- v. Utilize every lawful means to secure the citizens of Cedarville from personal violence;
- vi. Utilize every lawful means to safeguard the property of the citizens of Cedarville from fire or unlawful depredations; and
- vii. Both enforce and abide by all the laws of the United States of America and the State of Arkansas and the ordinances of the City of Cedarville.

SECTION 6: The CPD is to patrol solely inside the city limits of Cedarville except as described below:

- a. When it is necessary to leave the city limits he must notify the county dispatcher for his reasons for leaving so it can be logged, and the CPD Officer must fill out and turn in a report stating his reasons for leaving city limits.
- b. When the CPD becomes involved in a pursuit he will immediately at the end of the pursuit fill out a complete incident report and attach it to his regular report. The incident report will give complete details.

SECTION 7: The CPD Chief of Police will be required to actively patrol 32 hours per week and the hours will be at his discretion and the hours will be listed on his daily report. He will also be on 24 hour call 7 days per week, holidays included.

- a. Whenever called out on a holiday a complete incident report will be made and his salary will be prorated and he will receive compensation. Holidays for compensation are to be New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Presidents' Day, and Christmas. This provision is intended to comply with Ark. Code Ann. § 14-52-105.

SECTION 8: Any time the Chief of Police or CPD Officer must leave his patrol unit while on active duty he must notify the county dispatcher so his whereabouts will be known in case of emergency.

SECTION 9: All bonds will be turned in at the end of shift or the next business day if the bonds are received after the City offices have closed.

SECTION 10: All tickets will be turned in at the end of shift or the next days' business if ticket is written after the city offices have closed.

SECTION 11: The CPD Chief of Police and CPD Officers will at all times be courteous and understanding to all citizens and at no time will use abusive language regardless of the attitude of the other person. He will conduct himself in a professional manner at all times.

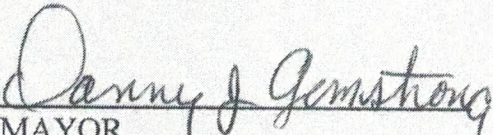
SECTION 12: Neither the CPD Chief of Police nor CPD Officers shall be required to live within the city limits of Cedarville, but it is the strong wish and desire of the City

Council of the City of Cedarville that the CPD Chief of Police and CPD Officers make every effort to reside within the city and become beneficial and productive members of the community in every respect practicably possible.

SECTION 13: This ordinance is deemed important for the immediate protection and preservation of the public peace, health, safety, and welfare of the citizens of Cedarville, Arkansas, because this ordinance authorizes the creation of a police department to protect the citizens of Cedarville and preserve the peace of the city. Therefore an emergency is hereby declared and this ordinance shall be and take effect and be in full force after its passage, approval, and publication.

PASSED AND APPROVED THIS 18 DAY OF Sept, 2009.

APPROVED:


MAYOR

ATTESTED:


RECORDER/TREASURER

CITY OF CEDARVILLE, ARKANSAS
ORDINANCE NO. 003-2009

AN ORDINANCE TO DESIGNATE FIVE (5) PUBLIC PLACES FOR THE POSTING OF ORDINANCES AND LAWS OF THE CITY OF CEDARVILLE, ARKANSAS AND FOR OTHER RELATED PURPOSES.

WHEREAS, no newspaper is published in the City of Cedarville, and

WHEREAS, Act 295, which was enacted during the 79th Session of the Arkansas General Assembly in 1993, amends Ark. Code Ann. § 14-55-206 by permitting, "[i]n municipalities in which no newspaper is published, written or printed notice posted in five (5) of the most public places designated by the governing body in an ordinance or minutes of the governing body shall be deemed a sufficient publication of any law or ordinance."

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CEDARVILLE, ARKANSAS, AS FOLLOWS:

SECTION 1: That printed notice of all bylaws or ordinances of a general or permanent nature and all those imposing any fine, penalty, or forfeiture shall be posted in the five (5) public places listed below:

Cedarville City Hall
Cedarville Library
Cedarville Fire station (main station)
Cedarville Post Office

Cedarville Water Department

SECTION 2: Pursuant to Arkansas statute the five locations may be changed from time to time by a majority of the City Council and such changes need only be reflected in the minutes of city council meetings, but a record of the current locations and the meetings where changes were made shall be maintained in city hall by the City Recorder/Treasurer for public inspection.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This ordinance is deemed important for the immediate protection and preservation of the public peace, health, safety, and welfare of the citizens of Cedarville, Arkansas, because otherwise the City would be required to spend money for publishing ordinances which is sorely needed for other services and because it has been proven that posting of notices is more effective. Therefore, an emergency is hereby declared and this ordinance shall take effect and be in full force after its passage, approval, and publication.

PASSED AND APPROVED THIS 18 DAY OF Sept, 2009.

APPROVED:

Danny J. Gemstone
MAYOR

ATTESTED:

Adrian
RECORDER/TREASURER

*Amend Posting 5
Take out FD + Add Cedarville Conv.*

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amend CCS

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