

CHAPTER 19 OFFENSES

Sec. 19-1. State Misdemeanors.

It shall be unlawful for any person to commit within the corporate limits of the City of Searcy any act which shall constitute a misdemeanor under the laws and statutes of the State of Arkansas, and the commission of such acts is hereby forbidden.

Whoever shall violate the provisions of this section, upon conviction thereof, shall be punished by the imposition of the same penalty as is therefor provided by the laws and statutes of the state.

Sec. 19-2. B-B Shot, Discharge Prohibited.

It shall be unlawful for any person to shoot or cause to be propelled or discharged by means of any spring, trigger mechanism, or in any other manner whatsoever, leaden pellets commonly referred to as B-B shot upon any of the streets, alleys, parks, school grounds, premises of any other public place, or upon any private property in the City of Searcy. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00). (*Ord. No. 365, § 2, 5-3-55*)

Sec. 19-3. Same -- Second Offense.

On a second conviction for said offense, the offender shall be fined not less than one hundred dollars (\$100.00) and may be imprisoned not exceeding twelve (12) months. (*Code 1938, § 234*)

Sec. 19-4. Horse Race Wagering, Advertising or Transportation for Purposes Thereof Prohibited.

It shall hereafter be unlawful for any person to solicit or accept in the City of Searcy any bets or wagers on any horse race to be run in the City of Searcy or elsewhere; and it shall be unlawful for any person, persons, or corporation to advertise or cause to be advertised in the City, by any written or printed advertisements, form sheets, programs, or in any other matter of the place or places where bets or wagers may be taken on any horse race, either in the City of Searcy or elsewhere; and it shall be unlawful for any person to operate or cause to be operated, wholly or in part, in the City any public conveyance for the purpose of transporting any person within the City to any destination for the purpose of soliciting or accepting bets or wagers to places where bets or wagers are taken on any horse race, provided the provisions of this section shall not apply to the printing or publishing of any news items in newspapers. (*Ord. No. 471, § 1, 3-4-65*)

Sec. 19-5. Same -- Penalty for Violations.

Any person violating the provisions of Section 19-5 shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) and the commission of each act prohibited shall be deemed a separate offense. (*Ord. No. 471, § 2, 3-4-65*)

Sec. 19-6. Loitering.

Any person who shall be found loitering in or upon any street, alley, park or public grounds or places, or in any private ground or place, other than their own premises, not having any business or proper right to be there, and not being able to give a good and sufficient reason for being there, shall be deemed guilty of loitering. (*Code 1938, § 312*)

Sec. 19-7. Same -- Penalty.

Any person violating Section 19-7 shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not to exceed twenty-five (\$25.00), and may be imprisoned in the City jail for a term not to exceed thirty (30) days. (*Code 1938, § 313*)

Sec. 19-8. Noises -- Sound Devices on Vehicles and Aircraft.

It shall be unlawful for any person to operate in the City any wagon, airplane, truck or vehicle upon which or in which there is placed any sound device whereby announcements or broadcasts are made, or music is played, unless a permit shall have been granted by the Mayor of the City therefor. Any person desiring a permit shall make application to the Mayor for the same, and if it shall appear to him that it will be detrimental to the best interest of the public, such permit shall not be granted. The Mayor is hereby given the power and authority to designate, in the event any permit is granted, the conditions of such permit, and such conditions shall be imposed so that the peace and quiet of the inhabitants of the City shall not be interfered with.

If any person should be granted a permit in accordance with this section and shall violate the terms and conditions thereof, the Mayor is hereby authorized to revoke the permit, and the person shall be guilty of violation of the provisions hereof, and subject to the penalties provided by Section 1-8.

Sec. 19-9. Same -- Musical Instruments and Radios.

It shall be unlawful for any person, without a permit from the Mayor, to maintain and operate in any place or on any premises in the City, any radio or other mechanical musical instrument or device of any kind whereby the sounds therefrom are cast directly upon public streets and places, and where such devices are maintained and operated for advertising purposes or for the purpose of

attracting the passing public, or which are so placed and operated that sounds coming therefrom can be heard to the annoyance and inconvenience of travelers upon any street or public place or of persons in neighboring premises, provided however, that between the hours from 11:30 a.m. to 1:00 p.m. and from 5:00 p.m. to 8:00 p.m., such radios or other mechanical musical instruments or devices may be maintained or operated in such a manner that the sounds therefrom may be heard not more than a distance of three hundred (300) feet therefrom.

Sec. 19-10. Same -- Hours Noisy Outdoor Amusements Must Close.

It shall be unlawful for the owner of or any person employed at any place where an outdoor amusement is operated, to operate or conduct such business between the hours from 11:00 p.m. to 7:00 a.m. of each day, whereby noise emitting therefrom shall disturb the peace and quiet of inhabitants or occupants of any occupied building.

Sec. 19-11. Same -- Loud and Unnecessary Noises Prohibited.

The creation of any unreasonably loud, disturbing and unnecessary noises in the City is prohibited. Noises of such character, intensity and duration, as to be detrimental to the life or health of any individual, or in the disturbance of the public peace and welfare, is prohibited.

Sec. 19-12. Same -- Acts Declared Loud and Unnecessary.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises, and noises in violation of this section but this enumeration shall not be deemed to be exclusive, namely:

1. The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device for an unnecessary and unreasonable period of time.
2. The playing of any radio, television, phonograph, or any musical instrument in such manner or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m. as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any dwelling, hotel or other type of residence, or of any person in the vicinity.
3. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of any person in any hospital, dwelling, hotel or any type of residence, or of any person in the vicinity.

4. The keeping of any animal, bird or fowl which by causing frequent or long-continued noise shall disturb the comfort or repose of any person in the vicinity.
5. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to cause loud and unnecessary grating, grinding, rattling or other noise.
6. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. *(Ord. No. 2004-12; §1, 5-11-2004)*

Sec. 19-13. Curfew -- Declaration of Emergency by Mayor.

The Mayor shall have the power and authority to declare a state of emergency when in his judgment there is imminent or apparent danger to life and/or property of any of the citizens of the City, or to the maintenance and preservation of law and order. *(Ord. No. 516, § 1, 5-6-69)*

Sec. 19-14. Same -- Same -- Restrictions Authorized.

In the event such a state of emergency is declared, the Mayor shall have power and authority to impose a curfew on persons within the corporate limits of the City, or any of them, for and during the state of emergency, or any portion thereof. Such curfew may prohibit or restrict any person from utilizing the streets, highways, alleys, or any other public thoroughfare or any public property for and during the existence of the curfew. *(Ord. No. 516, § 2, 5-6-69)*

Sec. 19-15. Same -- Enforcement.

The police department and any and all other law enforcement officers and agencies are hereby empowered to enforce the provisions of Sections 18-20, 19-21. *(Ord. No. 516, § 3, 5-6-69)*

Sec. 19-16. Same -- Penalty.

Any person who violates any provision of Section 19-21 shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) for each offense, and may be imprisoned in the county jail for not more than one (1) year. *(Ord. No. 516, § 4, 5-6-69)*

Sec. 19-17. Discharge of Firearms Prohibited.

- a. The discharge of any firearm within the City Limits of the City of Searcy, Arkansas, except as hereinafter provided, be and it is hereby expressly prohibited. For purposes hereof, the term "firearm" shall mean any pistol, handgun, rifle, machine gun,

shotgun, or any other nature or type firearm or gun or any powder or explosive or combustible material employed for the purposes of propelling a projectile.

- b. The prohibitions of this Ordinance shall not apply to any certified law enforcement officer who shall discharge a firearm in pursuance of his duties as such law enforcement officer.
- c. The prohibitions of this Ordinance shall not apply to any shooting range for which a permit has been issued by the City of Searcy during the hours between 9:00 a.m and 8:00 p.m., or other hours as may otherwise be established for any such facility by the Mayor.
- d. Any person who violates the prohibition of this Ordinance, or owner or operator of a shooting range operating without a permit, shall be guilty of a misdemeanor and shall be penalized by way of a fine of not more than \$500.00, and/or a term of confinement in the County Detention Center of not more than one year. (*Ord. No. 87-21, 12-8-87; Ord. No. 2006-17, § 1, 7-11-2006*)

Sec. 19-18. Prohibition of Congregation on Certain Parking Lots.

It shall be unlawful for any one or more persons to stop, stand, park or congregate upon any parking lot or driveway of any business or religious establishment within the City of Searcy, Arkansas, after such business is closed to customers. From and after the effective date hereof, it shall be unlawful for any one or more persons to stop, stand, park or congregate upon any parking lot owned and controlled by the City of Searcy, Arkansas, after the hour of 6:00 p.m.

Sec. 19-19. Same -- Defenses.

It shall be a defense to a prosecution hereunder that any person who shall stop, stand, or park on any parking lot described in Section 19-25 does so in the course of such person's business in connection with the owner of such parking lot, in the case of a non-City owned parking lot. It shall be a defense to a prosecution hereunder that any person who shall stop, stand, or park upon a parking lot owned and controlled by the City of Searcy, does so in conjunction with such person's business in connection with the owner of any business served by such parking lot.

Sec. 19-20. Same -- Penalties.

Any person who shall violate Section 19-25 shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$100.00. (*Ord. No. 88-04, 3-14-88*)

Sec. 19-21. Same -- Penalty.

Any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor and shall, upon conviction be fined not more than \$100.00. (*Ord. No. 629, § 1-3, 8-12-80; Ord. No. 696, § 1-2, 6-10-86*)

Sec. 19-22. Curfew for Persons Under the Age of 18 Years.

- a. Except as hereinafter provided, from and after the effectiveness hereof, it shall be unlawful: (i) for the parent, guardian or any person standing in loco parentis (hereinafter, "Parent") with respect to any person under the age of eighteen (18) years (hereinafter, "Minor") to permit such Minor; and (ii) for any Minor, to be or remain upon the streets, alleys or highways, parking lots, whether public or private parks, playgrounds, within any business establishment in the City of Searcy, Arkansas during the following periods:
 - i. from 12:00 a.m. to 5:00 a.m. on Friday and Saturday nights; and
 - ii. from 11:00 p.m. to 5:00 a.m. on all other nights
- b. It shall be a defense to prosecution for violation hereof that:
 - i. the Minor is accompanied by his Parent;
 - ii. the Minor is accompanied by an adult, at least twenty-one (21) years of age who possess a written authorization from the Parent to accompany the said Minor for a designated period of time, for a specific purpose and within a specified area, which such authorization shall include the name, address and telephone number of such Parent;
 - iii. the Minor is proceeding directly from his place of employment, a school or city sponsored event, or a religious event or function, and within one (1) hour after the conclusion thereof, to his place of residence; provided that the said Minor has in his possession a written, dated statement from his Parent, specifically authorizing such Minor to travel from his place of employment or from any such function, which such authorization shall include the name, address and telephone number of such Parent.
- c. Upon a first violation of the provisions hereof, the Minor shall be required to accompany police officials to the Police Department whereupon the Parent of such Minor will be notified by telephone or other means of communication that the Minor has been found in violation of this Ordinance. The Parent shall be required to come to the Police Department and take charge of the said Minor. If the Parent is unavailable, or cannot be located within a reasonable time, police officials shall release the said Minor in accordance

with Arkansas and Federal law. Upon any such first violation, a written warning citation shall be issued to the Minor and his Parent, either in person, or by certified mail. A copy of the said warning citation as maintained in the records of the Searcy Police Department shall be sufficient proof of its service for all purposes hereof.

- d. Upon conviction of a second violation of the prohibitions hereof, a Parent, a Minor, or both, shall be fined not less than \$100.00, nor more than \$500.00. (Ord. No. 94-02, §§ 1-4, 1-11-94)

Sec. 19-23. Prohibition Against Placing Signs on Utility Poles; Rules Regarding Placement of Signs and Bills Generally.

It shall be unlawful, and punishable as hereinafter provided, for any person or other entity to nail, tack, tape or otherwise affix any sign, bill or other material of any nature or kind whatsoever, to any public utility pole or supporting structure located within the City of Searcy, Arkansas. Any sign, poster, or other printed material announcing or advertising a garage sale, or other function or event, which shall be placed upon any property within the City of Searcy, shall have printed thereon the date of such sale or other event or function, and shall be removed by the party conducting such garage sale or sponsoring such other event or function within one (1) day after the conclusion of such garage sale or the occurrence of such other event or function. Any person who shall violate the provisions of this Section upon conviction, shall be assessed a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). A violation of the terms hereof shall be an unclassified misdemeanor. In all prosecutions hereunder, the person conducting any such garage sale or sponsoring any such event or other function, shall be conclusively presumed to have placed, or failed to remove any such sign or bill which is found to be in violation of the terms hereof.

Sec. 19-24. Prohibition Against Cruising.

- a. **Definitions.** The following words and phrases shall, for purposes of this Ordinance, have the following meanings:

Cruising or *to cruise* shall mean to operate a motorized vehicle or moped, past a Traffic Control Point three (3) times in the same direction within any three-hour period.

Enforcement period shall mean the period between the hours of 7:00 p.m. and 4:00 a.m., inclusive, each day.

Restricted area shall mean E. Race Avenue from and including Gum Street to and including Moss Street.

Traffic Control Point shall mean the location of any sign indicating that cruising is prohibited, or any point designated by the Chief of Police or his duly authorized designee which is located between any such signs.

- b. **Cruising Prohibited.** It shall be unlawful for any person to cruise in the Restricted Area during the Enforcement Period. A violation of this subsection shall constitute a traffic violation and each successive trip past a Traffic Control Point after a violation has occurred shall constitute a separate violation.
- c. **Signs.** Signs indicating that cruising is prohibited shall be posted at periodic intervals immediately adjacent to and within the restricted area. Such signs shall state substantially as follows:

**NO CRUISING 7 P.M. TO 4 A.M.
UNLAWFUL TO PASS THIS POINT 3 TIMES IN 3-HOUR PERIOD**

- d. **Penalties.** Each violation of the provisions hereof shall be punishable by a fine of not more than \$100.00.
- e. **Defenses.** The provisions of this Section shall not be applicable to the operator of a police, fire or rescue vehicle in the conduct of official duties, the operator of a common carrier, or the operator of any motor vehicle or moped when such motor vehicle or moped is being operated for business purposes.
- f. The enforcement hereof may be suspended by order of the Police Chief upon specified dates to accommodate parades, tours or other community events.
(Ord. No. 94-15, 6-14-94; Ord. No. 97-14, 5-13-97)

Sec. 19-25. Use of Motorized Vehicles on Bicycle Trails Prohibited; Penalties.

- a. **Prohibition.** Except as provided in Section 19-25b, it is hereby declared to be unlawful for any person to operate any motorized vehicle upon any trail, path or area designated as a Bicycle trail, path or area in the City of Searcy. For purposes hereof, a “motorized vehicle” shall mean and include, but shall not be limited to, automobiles, trucks, motorcycles, all-terrain vehicles, motorized bicycles, golf carts, motor scooters, go-carts, or any other vehicle or conveyance powered by any type of motor.
- b. **Exceptions to Prohibitions.** The prohibitions contained in Section 19-25a shall not apply to motorized vehicles operated by or at the direction of the City, police vehicles, fire equipment, ambulances or other emergency vehicles.

- c. **Penalties.** Any person violating the prohibition contained in Section 19-25a shall be guilty of an unclassified misdemeanor, and, upon conviction thereof, shall be punished by a fine of up to \$250.00 for each offense. (*Ord. No. 99-06, 3-9-99*)

Sec. 19-26. Novelty Lighters.

- a. **Prohibitions; Inapplicability.** The retail sale, offer of retail sale, gift or distribution of any novelty lighter within the territorial jurisdiction off the City of Searcy is prohibited. The prohibition is inapplicable to: (1) novelty lighters which are only being actively transported through the city; or (2) novelty lighters located in a warehouse closed to the public for purposes of retail sales.
- b. **Definition.** “Novelty lighter” means a lighter that has entertaining audio or visual effect, or that depicts, through the use of logos, decals, art work, or by other means, or that resembles in physical form or function articles commonly recognized as appealing to or intended for use by children ten (10) years of age or younger. This includes, but is not limited to, lighters that depict or resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages, or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel.
- c. **Exceptions.** The term “novelty lighter” excludes: (1) any lighter manufactures prior to 1980; and (2) any lighter which lacks fuel; or (3) any lighter which lacks a device necessary to produce combustion or a flame.
- d. **Enforcement.** The provisions of this section shall be enforced by the fire marshal, any police officer, any code enforcement officer, and any other City official authorized to enforce any provision of the Searcy Code of Ordinances.
- e. **Violation; Penalty.** Any person or entity violating any provision of this section is guilty of an infraction, and upon conviction therefor, shall be subject to a fine or penalty of not less that \$25.00 nor more than \$500.00. (*Ord. No. 2007-38, §1, 10-9-2007*)

Sec. 19-27. Possession, Sale, Manufacture or the Offering for Sale of Certain Substances.

19-27-1. **Acts Determined Unlawful.** It shall be unlawful for any person to use, possess, purchase, attempt to purchase, sell, manufacture, publicly display for sale or attempt to sell, give, or barter any one of more of the substances define set forth in Section 19-27-2 withing the City Limits of the City of Searcy, Arkansas.

19-27-2. Schedule of Substances. Any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- a. All substances identified in Ark. Code Ann . §§ 5-64-201, et seq.;
- b. Synthetic cannabanoids including, without limitation, the following:
 1. Salviadinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;
 2. (6aR,10aR)-9-(hydroxymethyl)-6,6dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol some trade or other names: HU-210;
 3. 1-Pentyl-3-(1-naphthoyl)indole-some trade or other names: JWH-018\spice;
 4. 1-Butyl-3-(1naphthoyl)indole-some trade or other names: JWH-073;
 5. 1-(3-[trifluoromethylphenyl]) piperazine-some trade or other names: TFMPP;
 6. or any similar structural analogs.

19-27-3. Confiscation; Destruction. In the event that any of the substances identified in this Section 19-27 are found in the possession of any person, firm or other entity, those substances may be confiscated and destroyed by law enforcement officials.

19-27-4. Exception for Law Enforcement Purposes. It shall not be and offense under Section 19-27-1 if the person in possession of any of the substances listed herein was acting at the direction of an authorized agent of the City of Searcy to enforce or ensure compliance with this law prohibiting the sale of the substances listed herein.

19-27-5. Exception for Prescription by Licensed Health Care Providers. This ordinance shall apply to any person who commits any act described in this Section 19-27 pursuant to the direction or prescription of a physician or dentist licensed or permitted to prescribe the use or possession of any such substance.

19-27-6. Penalties. Any person found to be in violation of the provisions of this Section 19-27 will be guilty of a misdemeanor and: (i) subject to a term of imprisonment not to exceed one (1) year; and/or (ii) subject to a fine of not more than One Thousand Dollars (\$1,000.00).

(Ord. No. 2010-15, §1, 6-8-2010)

Sec. 19-28. Use of Tobacco Products Prohibited; Exception for Designated Areas.

- 19-28-1. Use Prohibited. The use of tobacco products, smokeless tobacco, vapor pens, electronic smoking devices or other, similar products collectively, whether containing tobacco or not, ("Tobacco Products") upon property, structures, facilities, vehicles or equipment owned or operated by the City of Searcy is expressly prohibited.
- 19-28-2 Exceptions for Designated Areas. The Mayor of the City of Searcy may designate one or more areas at any facility owned or operated by the City of Searcy as a designated area for the use of Tobacco Products otherwise prohibited herein.
- 19-28-3 Penalties. Any person violating the provisions of this Section 19-28 shall be, if having been found guilty of violating the provisions of this section, fined not less than \$25.00 nor more than \$250.00 for each offense. (*Ord. No. 2013-11, Ord. No. 2016-15 §1*)

Sec. 19-29 Exemption of White County Fair.

- 1, Findings. The Searcy City Council finds that the operation of the White County Fair, by the White County Fair Board during the week designated by the White County Fair Board as the week of the White County fair is a pre-existing, non-conforming use that pre-dated the adoption of the Searcy Code of Ordinances.
2. Exemption. Notwithstanding any provision herein to the contrary, the activities undertaken at the White County fairgrounds during the week designated by the White County Fair Board as the week of of the White County Fair, and specifically the provisions of Section 19-8, 19-9, 19-10, 19-11, 19-12 and 19-13, are exempted from enforcement by the City of Searcy.
3. Effect Upon Other Activities. The provisions of this Section shall have no effect upon other events undertaken at the White County fairgrounds or those events not sanctioned by the White County Fair Board.

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