

CITY OF SPRINGDALE  
Committee meeting  
AGENDA  
Monday, October 3<sup>rd</sup>, 2011  
Multi-purpose Room #236  
Meetings begin at 5:30 p.m.

**Ordinance Committee:**

1. **An Ordinance** amending Sec. 82-1 of the Code of Ordinances of the City of Springdale, Arkansas, which relates to Door to Door Solicitation at Private Residences; and for other purposes, presented by Jeff C. Harper, City Attorney. **Pg's 1-2**
2. **An Ordinance** amending Sections 14-9, 14-56, and 14-57 of the Code of Ordinances to the City of Springdale, Arkansas; and for other purposes, presented by Jeff C. Harper, City Attorney. (animal services ordinance) **Pg's 3-4**
3. **A Review** of Chapter 107, Stormwater, presented by Patsy Christie, Planning Director and Alan Pugh, Chief Engineering Coordinator.
4. **A Discussion** Use Unit 50: Hunting with Firearms on Private Property in Agricultural Districts, presented by Councilman Brad Bruns, and Jeff C. Harper, City Attorney. **Pg 5**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SEC. 82-1 OF THE CODE OF THE ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS, WHICH RELATES TO DOOR TO DOOR SOLICITATION AT PRIVATE RESIDENCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council for the City of Springdale, Arkansas finds that the current door to door solicitation ordinance needs to be amended to provide for a permit to be issued to any door to door peddler or solicitor within the City of Springdale, Arkansas;

**WHEREAS**, through such amendment the City Council believes the ordinance would be better enforced as there would be a better record of those persons authorized to peddle or solicit within the City of Springdale;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that Sec. 82-1 is hereby amended as follows:

**Sec. 82-1. - Door to door solicitation at private residences.**

(a) *Definitions.* The following words, terms and phrases and their derivations, when used in this section, shall have the meanings ascribed to them in the section, except where the context clearly indicates a different meaning:

(1) *City* means City of Springdale, Arkansas.

(2) *Peddler* means any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale.

(3) *Peddling* includes all activities ordinarily performed by a peddler as indicated in the previous paragraph.

(4) *Solicitor* means any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, for the purpose of taking or intending to take orders for the sale of goods, wares, merchandise or other personal property of any nature for future delivery, or for services to be performed in the future.

(5) *Solicitation* includes all activities ordinarily performed by a solicitor as indicated in the previous paragraph.

(b) *Permit required.* Every peddler or solicitor shall be required to obtain a permit from the city clerk during normal business hours, excepting all city hall days, prior to being allowed to solicit business within the city. The city clerk shall charge a fee of \$ \_\_\_\_\_ for each permit issued to each peddler or solicitor under this section. The city clerk shall require a photo identification of the person which shall set out their name, address, and date of birth. Unless the person has had a previous permit revoked, the city clerk shall issue a permit which shall be good for a period of \_\_\_\_\_ days. This permit must be kept at all times by the peddler or solicitor when they are engaging in peddling or soliciting within the city. The city clerk shall also provide each person who receives a peddler or solicitor permit with a copy of Sec. 82-1 of the Code of Ordinances of the City of Springdale. Peddlers or solicitors under the age of 18 are exempt from the provisions of this article unless the peddler or solicitor is acting as an agent or employee of a person or organization which would otherwise be required to obtain a permit pursuant to the terms of this section. Duties of city clerk under this section. The city clerk is hereby directed to prepare and maintain a list of the names and addresses of all residents of the city who desire no peddling or soliciting at their residence. The said residents of the city who desire for their name to be placed on this list may do so by contacting the city clerk in person, by phone, or by mail.

(c) Further duties of city clerk. The city clerk shall also prepare and maintain a list of the names and addresses of all residents of the city who desire no peddling or soliciting at their residence. The said residents of the city who desire for their name to be placed on this list shall do so by contacting the city clerk in person, by phone, or by mail. A copy of this list shall be provided to each peddler or solicitor when a permit is issued. ~~Duties of peddler or solicitor.~~ Prior to engaging in the practice of peddling or soliciting at private residences, all persons must first obtain a copy of the list of residents who desire no peddling or soliciting at their private residence. Any peddler or solicitor who contacts any owner or owners, occupant or occupants of said private residences who are on the list, shall be in violation of this section.

(d) Exception to permit fee requirement. Although required to obtain a permit unless otherwise exempted, excluded or excepted in this article, no member or representative of a non-profit organization shall be required to pay any fee for the permit if such person solicits pursuant to their association with such non-profit organization, and if such non-profit organization would qualify as a charitable organization for contribution purposes as defined in 28 U.S.C. 170(c). The city clerk shall have the discretion to require proof of qualification of such entity as a charitable non-profit organization or proof of an individual's affiliation with the organization prior to issuing a free permit.

(e) Duties of peddler or solicitor. Prior to engaging in the practice of peddling or soliciting at private residences, all persons must first obtain a copy of the list of residents who desire no peddling or soliciting at their private residence. Any peddler or solicitor who contacts any owner/owners or occupant/occupants of said private residences who are the list shall be in violation of this section. Further, each peddler or solicitor must carry his/her permit on his/her person while peddling or soliciting.

(df) Prohibition when signs are posted. It shall be unlawful for any person, while conducting the business of a peddler or solicitor, to enter upon any residential premises in the city where the owner, occupant or person legally in charge of the premises has posted, at the entry of the premises, or at the entry of the principle building on the premises, a sign bearing the words "no peddlers," "no solicitors," "no trespassing," or words of similar import.

(eg) Hours restricted. No person while conducting the activities of peddler or solicitor shall enter upon any private residence, knock on doors, or otherwise disturb persons in their residence between the hours of 8:00 p.m. and 9:00 a.m.

(fh) Penalty. Any violation of this section shall be deemed a nuisance and punishable by a fine as provided by section 1-9.

**PASSED AND APPROVED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED:

\_\_\_\_\_  
Jeff C. Harper, City Attorney

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTIONS 14-9, 14-56, AND 14-57 OF THE CODE OF ORDINANCES TO THE CITY OF SPRINGDALE, ARKANSAS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council for the City of Springdale, Arkansas finds that Sections 14-9, 14-56 and 14-57 of the Code of Ordinances for the City of Springdale, Arkansas are in need of amendment to better clarify the City's animal ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that Chapter 14, Animals is hereby amended as follows:

**Sec. 14-9. - Trapping.**

- (a) No person shall set any trap to catch any animal, permit any trap owned by them or in their control to be set to catch any animal, or allow a trap to be set to catch an animal on their property unless approved by the division of animal control. When a dog or cat is so trapped, the animal control division of the ~~public-works~~ animal services department shall be immediately notified, and the dog or cat shall be immediately relinquished to animal control or delivered to Springdale Animal Services.
- (b) This section shall not apply to the indoor trapping of rats and mice.
- (c) Nothing in this paragraph shall apply to forbearing season traps authorized by the Arkansas Game and Fish Commission pursuant to Game and Fish Commission Code of Regulations, Sections 10.02 and 10.04.
- (d) Any wild animals inadvertently caught by use of a trap will be the responsibility of the person setting such trap and the Arkansas Game and Fish Commission.

**Sec. 14-56. - Duties of animal control officer.**

The animal control division is part of the ~~police~~ animal services department and the animal service division supervisor is supervised by the ~~director of public works~~ mayor. ~~The police department shall be responsible for enforcing provisions of this chapter.~~ Police officers, animal control officers and the animal service division supervisor shall have the authority to issue citations, orders, notices, or directions as may be necessary to properly enforce the provisions set out in this chapter.

**Sec. 14-57. - Authority.**

The ~~police~~ animal services department is hereby authorized to appoint animal control officers to carry out the provisions of this article, and to take up, impound, sell or destroy any animal running at large in violation of the terms of this chapter, or any animal that has bitten a person or another animal, or any animal suspected of having a disease transmissible to human beings. Such animal may be taken up or impounded without the necessity of filing a complaint and shall be subject to the provisions in this article.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED:

\_\_\_\_\_  
Jeff C. Harper, City Attorney

Article 5: Use Units amended to add

USE UNIT 50: Outdoor Recreation Area – Hunting with Firearms on Private Property in Agricultural Districts

As an outdoor recreation activity the hunting of animals on private property shall be conducted in accordance with the requirement as set forth in Article 6 Supplementary District Regulations, Section 1.2 Hunting on Private Property.

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Article 6 Supplementary District Regulations, Section 1.2 added

1.2 Hunting with Firearms on Private Property

Hunting with Firearms on Private Property, as allowed by this section, is intended to be a non-obtrusive activity operated on a limited basis and would be incidental to the agricultural character of the area, conducted in such a manner to not create a safety concern for neighboring properties or the neighborhood as a whole and only if granted a conditional use under the procedures set forth in Article 2, Section 12.

Firearm use is restricted to shotguns only.

A minimum lot size in an Agricultural District (A-1) shall be a lot, tract or parcel of 40 acres or more. The area in which hunting is to occur shall not be within 300 feet of the lot, tract or parcel line and shall be marked in such a manner that the area is recognizable by law enforcement officials that the area has been granted permission for hunting.

Hunting times shall be limited to seasons as established and approved by the Arkansas Game and Fish. All hunters must have a valid license issued by the Arkansas Game and Fish and shall have with them at all times written permission from the landowner. Written permission is not required of the landowner or members of their family on the landowner's property.