

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Loitering
- 7.16 Prohibited Weapons
- 7.20 Claims against City
- 7.24 Storage and Handling of Volatile Combustibles
- 7.28 Outside Fire Service
- 7.32 Tobacco Use
- 7.36 Drinking in the City
- 7.40 Fireworks
- 7.44 House Numbering
- 7.48 Peddlers and Delivery Men
- 7.52 Yard Sales
- 7.56 Firearms

CHAPTER 7.04

STATE CRIMINAL STATUTES AND PENALTIES

Sections:

- 7.04.01 State criminal statutes adopted
- 7.04.02 State penalties adopted

7.04.01 State criminal statutes adopted All criminal statutes of the state relating to misdemeanors and violations of the laws of criminal procedure in connection therewith, three (3) copies of which are on file in the Recorder/Treasurer's office, are hereby enacted by the City Council to form a part of the laws of the city and any person, firm or corporation being found guilty of the violation of any such laws shall be deemed guilty of the violation of the ordinances of the city, and shall be fined or imprisoned or both in the manner set out under the state statutes. STATE LAW REFERENCE - See A.C.A. 14-55-501

7.04.02 State penalties adopted The same minimum and maximum penalties for the violation of misdemeanors and violations as are provided in the state statutes are hereby adopted as the minimum and maximum fines for the violation of the same offenses which are prohibited by the ordinances of this city. STATE LAW REFERENCE - A.C.A. 14-55-501

CHAPTER 7.08

CURFEW

Sections:

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

7.08.01 Civil emergencies The Mayor, any time a condition has arisen or is imminent which in his judgment constitutes a civil disturbance, riot, insurrection or time of local disaster, may declare a state of emergency and impose a curfew for such time and for such areas as he deems necessary to meet such emergency. Provided, however, such curfew shall not extend for over a period of forty-eight (48) hours unless extended by a majority vote of the members of the governing body.

7.08.02 Congregating during state of emergency No person shall congregate, operate any business or be upon the streets or other public ways, unless on official business for the city or state, in any area or areas designated by the Mayor as curfew areas in the city during the time of any declared emergency.

7.08.03 Penalty Any person violating any of the provisions of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and may be punished by a fine not to exceed Five Hundred (\$500.00) Dollars or confinement in jail for not more than one (1) year, or both.

7.08.04 Curfew for minors

- A. It is hereby made unlawful for any person under the age of eighteen (18) years to be or remain in or upon any of the streets, alleys or public places in the city after the hour of 11:30 pm. until the hour of 5:00 a.m., unless such person is accompanied by a parent or guardian or other person having the legal custody of such minor person, or is in the performance of an errand or duty directed by such parent, guardian or other person having the legal care or custody of such minor person, or whose employment makes it necessary to be upon the alleys or other public places during the specified hours; provided, this exception shall not apply when a person under such age shall be playing or unnecessarily loitering in or upon such streets, alleys or public places, whether alone or accompanied by a parent, guardian or any person whomsoever.

- B. It is unlawful for any parent, guardian or other person having the legal care and custody of any person under eighteen (18) years of age to allow or permit any such child, ward or other person under such age, while in such legal custody, to go or be in or upon any of the streets, alleys, or public places in the city within the time prohibited in (A) hereof, unless there exists a reasonable necessity therefore.

- C. The penalty for violation of this ordinance shall, upon conviction in the Madison County District Court or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for violations of the Huntsville Municipal Code or as provided in 7.08.03 of the Huntsville Municipal Code. (Ord. No. 2009-9, Sec. 1.)

CHAPTER 7.12

LOITERING

Sections:

- 7.12.01 Illegal
- 7.12.02 Definitions
- 7.12.03 Penalty

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

7.12.02 Definitions.

- A. A person commits the offense of loitering if he:
1. lingers, remains or prowls in a public place or on the premises of another without apparent reason and under circumstances that warrant alarm or concern for the safety of persons or property in the vicinity; and upon inquiry by a law enforcement officer, refuses to identify himself and give a reasonably credible account of his presence and purpose; or
 2. lingers, remains, or prowls in or near a school building, not having any reason or relationship involving custody of or responsibility for a student, and not having written permission from anyone authorized to grant the same; or
 3. lingers or remains in a public place or on the premises of another for the purpose of begging; or
 4. lingers or remains in a public place for the purpose of unlawfully gambling; or
 5. lingers or remains in a public place for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual activity; or
 6. lingers or remains in a public place for the purpose of unlawfully buying, distributing, or using a controlled substance; or
 7. lingers or remains on or about the premises of another for the purpose of spying upon or invading the privacy of another.
- B. Among the circumstances that may be considered in determining whether a person is loitering are that the person:
1. takes flight upon the appearance of a law enforcement officer; or
 2. refuses to identify himself; or
 3. manifestly endeavors to conceal himself or any object.
- C. Unless flight by the actor or other circumstances make it impracticable, a law enforcement officer shall, prior to an arrest for an offense under subsection A (1) of this section, afford the actor an opportunity to dispel any alarm that would otherwise be warranted by requesting him to identify himself and explain his presence and conduct.

- D. It shall be a defense to a prosecution under subsection 1(a) that the law enforcement officer did not afford the defendant an opportunity to identify himself and explain his presence and conduct, or if it appears at trial that an explanation given by the defendant to the officer was true, and if believed by the officer at that time, would have dispelled the alarm.

7.12.03 Penalty. As set out in A.C.A. 5-71-213, loitering is a Class C misdemeanor punishable by a maximum fine of One Hundred Dollars (\$100.00).

CHAPTER 7.16

PROHIBITED WEAPONS

Sections:

- 7.16.01 Unlawful to carry, exchange

7.16.01 Unlawful to carry, exchange. It shall be unlawful for any person to carry any knife, the blade of which is over three (3) inches in length, or to carry any instrument commonly called a crabapple switch, dirk, dagger, pick or any other dangerous or deadly weapon within the city, and it shall further be unlawful for any firm or corporation to sell, barter, exchange or otherwise dispose of such knives, crabapple switches, dirks, daggers or picks, or instruments to be used for a weapon within the corporate limits of the city.

CHAPTER 7.20

CLAIMS AGAINST CITY

Sections:

- 7.20.01 Liability coverage
7.20.02 Settlement of claims

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

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

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

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

CHAPTER 7.24

STORAGE AND HANDLING

OF VOLATILE COMBUSTIBLES

Sections:

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

7.24.01 Restriction on keeping. Gasoline, naphtha, benzine, and other like volatile combustibles or their compounds in excess of a total of five (5) gallons, exclusive of that in tanks of automobiles, in combustion engines, or in approved portable wheeled tanks in public garages each not exceeding sixty (60) gallons capacity, shall not be kept within any building. Such total of five (5) gallons or less shall be kept only in cans approved by the Chief of the Fire Department. Any quantity in excess of five (5) gallons shall be kept only in a tank or tanks placed not less than two (2) feet beneath the surface of the ground or in an outside tank or tanks above ground and approved by the Chief of the Fire Department located not less than fifty (50) feet from the line of any adjoining property which may be built upon. The tank or tanks shall be adequately and properly diked with a dike having capacity not less than equal in volume to that of the tank or tanks surrounded. No underground tanks shall be placed, constructed or maintained under a street, public sidewalk or in a sidewalk area.

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

7.24.03 Penalty. Any person who shall violate or fail to comply with any of the provisions of this chapter, or who shall violate or fail to comply with any order or regulation, shall upon conviction, be punished by a fine not exceeding One Hundred Dollars (\$100.00). The imposition of one (1) penalty for violation of this chapter shall not excuse the violation or permit

it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and each day that any prohibited condition is maintained shall constitute a separate offense. The application of said penalty shall not be held to prevent the enforced removal of any prohibited condition as provided by this chapter.

CHAPTER 7.28

OUTSIDE FIRE SERVICE

Sections:

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|---------|--|
| 7.28.01 | Authority to dispatch |
| 7.28.02 | Restrictions |
| 7.28.03 | Cost of aid without mutual aid agreement |
| 7.28.04 | Mutual aid agreement |
| 7.28.05 | Payment of money collected |

7.28.01 Authority to dispatch. No Fire Department apparatus shall be taken beyond the corporate limits of the city to assist at any fire or for any other purpose, except by order of the Mayor or Fire Chief or such other person as they may designate, and subject to the restrictions and conditions hereinafter set forth.

7.28.02 Restrictions. The Mayor or Fire Chief or such other person as they may designate, is authorized, in his discretion, to aid in the extinguishing of fires in another city, (or town), public institutions, corporation or other properties within a reasonable distance from the city or on property immediately adjacent to the city in which there is a possibility of fire spreading within the corporate limits, under the following conditions:

- A. A request from a city or incorporated town for assistance must come only from the Mayor, Fire Chief or such other person as may be designated by mutual agreement;
- B. Calls may be responded to only by such apparatus which, in the judgment of the Mayor or Fire Chief or such other person as they may designate, can be safely sent without unduly impairing the fire protection within the city, and when highways and weather conditions are favorable;
- C. The city, incorporated town, public institution, corporation, or individual requesting assistance must pay the charge for apparatus and service hereinafter provided unless there exists a mutual aid agreement;

- D. The city, incorporated town, public institution, corporation or individual must compensate the city for any loss or damage to such apparatus while answering such call, and be responsible to the members of the Fire Department of the city for any injuries suffered or incurred by them while responding to such calls and while working at such fire, unless otherwise covered by insurance.

STATE LAW REFERENCE - See A.C.A. 14-53-102

7.28.03 Cost of aid without mutual aid agreement. Unless there exists a mutual aid agreement, every municipality, institution, corporation or individual requesting and receiving services of the Fire Department of the city, shall pay for such services and the use of apparatus as follows:

Cost - \$100.00 per call for pumpers and tankers

\$50.00 per call for service units

Each person, city, firm or corporation receiving services of the Fire Department, unless there exists a mutual aid agreement, shall pay to the city for each fire driver a sum representing Ten Dollars (\$10.00) per hour or part thereof from the time the apparatus leaves the fire house until it returns thereto, and as to each fireman helping at the fire, a sum representing Ten Dollars (\$10.00) per hour or part thereof, from the time he reports until the time his services end. The payments herein stipulated shall be made to the city of Huntsville within thirty (30) days after demand.

7.28.04 Mutual aid agreement. In consideration of the mutual covenants and agreements herein contained, the parties hereto agree for themselves and their successors as follows:

Response Consideration

- A. Each department agrees to make available, upon the request of an authorized representative a department having jurisdiction over a fire or other emergency incident, such personnel and equipment as are reasonably available to render assistance to the requesting department.
- B. No department requesting aid shall be in any manner liable for the provision or reimbursement of wages, benefits, workmen's compensation payments, or any other compensation required or incurred the department providing aid or assistance. In conjunction with this understanding and agreement, each department hereby obligates itself to make a formal request to the municipality or governing body in which the department is situate for such wages, benefits, workmen's compensation and other benefits as are required, if any.
- C. When mutual aid is rendered by any department, the responding department, its equipment and personnel, agree to remain under the direction and control of an

authorized representative of the requesting department. Unless the senior fire officer of the requesting department acts to relinquish authority, he shall be responsible for all operations, personnel assignments, and equipment deployments.

Financial Consideration

- A. No responding department shall charge for the use of its equipment in a mutual aid response, unless a pre-existing agreement as to expense allocations shall exist among the requesting and responding departments, and the municipalities in which they are situated.
- B. Notwithstanding the provisions of paragraph A above, no department shall be required to utilize depletable resources (such as foams and extinguishers) without reimbursement therefore. Any request by an authorized representative of a department requesting aid for the use of a depletable resource shall, upon its use, bind the requesting departments for reimbursement of the reasonable cost thereof.
- C. Each department hereby agrees to present this agreement to the governing body of the municipality or governing body in which it is situated with a request that the said body expressly authorize its department to respond to calls for mutual aid hereunder, in an attempt to assure that such municipality is responsible for workmen's compensation benefits paid or to be paid to injured emergency personnel of the department originating such municipality. That is to say that no municipality which is the site of a fire or other emergency situation shall be responsible for workmen's compensation benefits for the personnel of any responding department, unless otherwise required by law.
- D. Each department shall independently and adequately insure its equipment against loss and damage, shall independently and adequately insure against its own liability from personal injury, death and property damage, and that of its agents and personnel, and hereby releases and holds harmless any department which responds to a request for mutual aid.
- E. It is agreed that any participating department may withdraw from this **MUTUAL AID AGREEMENT**, by providing that sixty (60) days written notice is given to the other department(s) before withdrawing its services as provided herein. This agreement shall continue in full force and effect until terminated as provided herein.

The undersigned officers of the various named departments have executed this agreement with full authority so to do, intending to be legally bound hereby.

7.28.05 Payment of money collected Money collected under the terms of Sections 7.28.03 and 7.28.04 of this chapter shall be paid to the general fund of the city.

CHAPTER 7.32

TOBACCO USE

Sections:

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|---------|-------------|
| 7.32.01 | Definitions |
| 7.32.02 | Unlawful |
| 7.32.03 | Penalty |

7.32.01 Definitions

Smoking means inhaling, exhaling, burning or carrying any lighted tobacco products, including cigarettes, cigars, pipe tobacco or any other lighted combustible plant material.

Tobacco is to include any product containing, made or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means or any component, part or accessory of a tobacco product to include but not limited to: any lighted or unlighted cigarette, cigar, pipe and any other smoking product, and spit tobacco, also known as smokeless, dip, chew, snus and snuff, in any form including, “e-cigarette” and electronic nicotine devices, (ENDs). (Ord. No. 2014-7, Sec. 1.)

7.32.02 Unlawful It shall be unlawful for any person to use tobacco as above set forth in any and all buildings, facilities, vehicles, equipment and grounds owned, leased and/or operated by the city of Huntsville, Arkansas, except in posted and designated areas only. (Ord. No. 2014-7, Sec. 1.)

7.32.03 Penalty Any person found guilty of violating this ordinance shall be fined an amount not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00) for each offense. (Ord. No. 2014-7, Sec. 2.)

CHAPTER 7.36

DRINKING IN THE CITY

Sections:

7.36.01 Drinking prohibited

7.36.01 Drinking prohibited Any person who shall in any public place, or highway, or street, or parking lot, or in or upon any vehicle commonly used for the transportation of passengers, or any type of vehicle, or farm equipment, drink any intoxicating liquor of any kind, or if any person shall be drunk or intoxicated in any public place, or building, or at any public gathering, or if any person shall be drunk or disorderly, he shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Fifteen Dollars (\$15.00) nor more than Fifty Dollars (\$50.00), or by imprisonment for not less than five (5) days nor more than thirty (30) days, or by both such fine and imprisonment. (Ord. No. 76-1, Sec. 1.)

CHAPTER 7.40

FIREWORKS

Sections:

7.40.01 Fireworks in the city

7.40.02 Fine

7.40.03 Fireworks Regulations

7.40.01 Fireworks in the city It shall be lawful for any person, person, firms, company or business corporation to sell, possess, or have in possession give away, shoot, or explode firecrackers, or any fireworks in the city of Huntsville, provided that no firecrackers, fireworks or other explosives shall be shot or exploded on the public square. (Ord. No. 16-8, Sec. 1.)

7.40.02 Fine Any person or persons, firms, or business concerns, shooting or exploding fireworks on the public square of Huntsville, Arkansas, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding Three Hundred Dollars (\$300.00). (Ord. No. 16-8, Sec. 2.)

7.40.03 Fireworks Regulations

The Huntsville Police Department will be enforcing Arkansas State laws pursuant to the display, sale, and use of fireworks.

The displaying of fireworks in any window where the sun may shine through glass on the fireworks or to permit the presence of lighted cigars, or cigarettes or pipes, within ten feet of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs with the words FIREWORKS NO SMOKING in letters not less than four inches high. No fireworks are to be sold at retail at any location where paints, oil, or varnish are kept in the original unbroken containers, nor where gasoline or other inflammable substance is used, stored, or sold.

All licensees must have a fire extinguisher in the area readily accessible to any point of storage or sale of fireworks. In lieu of such extinguisher, retailers may maintain a minimum of fifteen gallons of water or a common type of hose, connected to a water system to be readily available to any are where fireworks are stored or sold.

It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of twelve years or to any person known to be intoxicated or irresponsible. It shall be unlawful to explode or ignite fireworks within six hundred feet of any church, hospital, public school, or within two hundred feet of where fireworks are stored, sold, or offered for sale. No person shall ignite or discharge any articles of fireworks within or throw the same from a motor vehicle while therein, nor shall any person place or throw any articles of fireworks into or at a motor vehicle, or at or near any person or group of people.

It has been further determined that the discharge of fireworks shall be permitted within the city limits of the city of Huntsville between the hours of 8:00 a.m. and 10:00 p.m. only from July 1 through July 4 with the exception of approved public displays. The use of all aerial fireworks on a stick is also prohibited with the exception of approved public displays.

CHAPTER 7.44

HOUSE NUMBERING

Sections:

- 7.44.01 Numbered dwellings
- 7.44.02 Numbering system
- 7.44.03 Fine

7.44.01 Numbered dwellings All residential homes and business buildings and other structures where people assemble for purposes of government, education, religion or entertainment within the city limits of the city of Huntsville, Arkansas, pursuant to the provisions of this ordinance shall be numbered. (Ord. No. 78-4, Sec. 1.)

7.44.02 Numbering system The city of Huntsville is hereby authorized to establish a numbering system within its city limits and assign numbers as herein provided. The City Clerk or other authorized person shall notify the owner or other responsible person of the number assigned his structure, and said person shall cause same to be displayed on said structure within ninety (90) days of said notification. The numbers so assigned shall be placed on the structure in such a manner as to be easily read from the street upon which the structure is located. (Ord. No. 78-4, Sec. 2.)

7.44.03 Fine If any person shall willfully fail to display an assigned number as herein provided, or cause same to be removed from the structure, he shall be guilty of a violation of this ordinance and may be fined in any sum not to exceed \$100.00. (Ord. No. 78-4, Sec. 4.)

CHAPTER 7.48

PEDDLERS AND DELIVERY MEN

Sections:

- 7.48.01 Obtaining a license
- 7.48.02 License fee
- 7.48.03 Parking
- 7.48.04 Fine

7.48.01 Obtaining a license One and after the passage and publication of this ordinance it shall be unlawful for any person, firm, company or corporation to sell, retail, or wholesale, any products, either to residents or retail establishments, without first obtaining a license from the city of Huntsville, Arkansas, by the City Clerk, for such sale and delivery. (Ord. No. 7, Sec. 1.)

7.48.02 License fee Any and all persons or parties as an itinerant and not as a regular established merchant who shall peddle or sell within the city of Huntsville, Arkansas, anything as an itinerant salesman shall first procure of and from the City Clerk of said city a license and pay therefore the sum of Five dollars (\$5.00) per day or any part of a day, provided such license shall not be charged against anyone so selling the products of his own labor and that of his immediate family. (Ord. No. 5, Sec.12.)

7.48.03 Parking It shall be unlawful for any hauler, peddler, salesman, company, person, firm, or corporation to park any motor vehicle or other conveyance to the public square or within one block thereof for a period of more than thirty (30) minutes at any one time, this shall apply whether said hauler, peddler, salesman, company, person, firm, or corporation be licensed or not. (Ord. No. 7, Sec. 3.)

7.48.04 Fine Any person convicted of a violation of this ordinance or any part thereof shall be fined in any sum not less than Five Dollars or more than Fifty Dollars and each and every day shall constitute a separate offense. (Ord. No. 7, Sec. 4.)

CHAPTER 7.52

YARD SALES

Sections:

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| 7.52.01 | Definitions |
| 7.52.02 | Permit required |
| 7.52.03 | Terms |
| 7.52.04 | Fees |
| 7.52.05 | Penalties |

7.52.01 Definitions

- A. The terms “outdoor rummage sales,” “yard sales,” “porch sales” and “garage sales” shall be understood to mean and include all sales which the general public may attend, which are held on privately owned property either wholly or partly outdoors, regardless whether such property is ordinarily used for residential, commercial, social and/or religious purposes, which are of a duration of not more than three (3) consecutive calendar days, and at which items of new and/or used merchandise, clothing, crafts, live plants, household furnishings and appliances, tools, and other items commonly sold at such sales are offered to the public for purchase.
- B. Specifically excepted are sales by merchants or organizations of items which such merchants or organizations ordinarily offer for sale in the course of operating their established business enterprises on a regular day-to-day basis and at an established commercial location. Also excepted are judicial sales. (Ord. No. 01-2, Sec. 1.)

7.52.02 Permit required No person, firm, partnership, corporation or organization shall hold or maintain any garage sale, porch sale, sidewalk sale, outdoor rummage sale or yard sale without first having applied for and actually obtained a written permit for the sale from the office of the City Clerk. (Ord. No. 01-2, Sec. 2.)

7.52.03 Terms

- A. Permits shall be on a form prepared by the office of the City Clerk.

- B. Permits will be issued on all properly completed forms.
- C. All persons or other entities obtaining permits shall remove all signs regarding said sale within one (1) day after said sale.
- D. Permits shall be for a period of time not to exceed three (3) consecutive calendar days, and the date or dates of the sale permitted thereby shall be clearly stated on each permit, together with the name of the individual signing the application for the same, the address of the sale, and the date of issuance of the permit.
- E. Each applicant for a permit heretofore required, whether an applicant by virtue of being the individual signing the application, or by virtue of being the name applicant, or by virtue of being a contributor of things to be offered for sale, shall be entitled to receive four (4) permits per calendar year.
- F. Sales may take place in daylight hours only.
- G. Following every sale all remaining sales items, display tables, shelves, etc. shall be removed within two (2) consecutive days after sales permit expires. (Ord. No. 01-2, Sec. 3.)
- H. There shall be no more than four (4) permits per residential location per calendar year. (Ord. No. 02-6, Sec. 3.)

7.52.04 Fees A permit fee of Two Dollars (\$2.00) shall accompany each application filed with the office of the City Clerk. Sales permits must be displayed in a prominent place at the location of the sale for the duration of the sale and subsequent clean-up period. Sales permits must be visible from the public street. (Ord. No. 01-2, Sec. 4.)

7.52.05 Penalties Any person, firm, partnership, corporation or organization violating any provisions of this chapter shall be deemed guilty of a misdemeanor; and each day that any violation shall be in existence shall be deemed a separate offense. Upon conviction of such offense, the person, firm, partnership, corporation or organization so convicted shall be fined, for each separate offense, a sum of not less than Twenty-Five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00). (Ord. No. 01-2, Sec. 5.)

CHAPTER 7.56

FIREARMS

Sections:

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|---------|---------------------------|
| 7.56.01 | Discharging firearms |
| 7.56.02 | Exceptions |
| 7.56.03 | Personal injury or damage |
| 7.56.04 | Fine |

7.56.01 Discharging firearms It is hereby prohibited and unlawful to discharge within the city limits of Huntsville, Arkansas, any rifle, shotgun, handgun or firearm of any type that uses gunpowder, except at a shooting range properly designated by the city of Huntsville and approved by its Police Department. (Ord. No. 2010-6, Sec. 1.)

7.56.02 Exceptions The following exceptions are hereby permitted:

- A. When discharged or fired by a duly constituted law enforcement officer and when necessary in the performance of his or her duty.
- B. Firearms may be discharged within the city limits by owners or hunters with permission during state or federal hunting seasons on tracts of land containing at least forty (40) acres or an Agricultural One (A-1) zoning designation. (Ord. No. 2012-2, Sec. 1.)
- C. Firearms may be discharged in self-defense and against animals which constitute a present danger upon a person or person's property within the city limits.
- D. During the execution of depredation permits issued by the Arkansas Game and Fish Commission. (Ord. No. 2010-6, Sec. 1.)

7.56.03 Personal injury or damage In any and discharges of firearms inside the city limits, caution shall be taken to insure that the impact of any projectile fired will not cause personal injury or damage to public or private property. (Ord. No. 2010-6, Sec. 1.)

7.56.04 Fine The penalty for violation of this ordinance shall be a fine of One Hundred Dollars (\$100.00) for the first offense and Two Hundred Fifty Dollars (\$250.00) and/or ten (10) days in jail for the second or any subsequent offenses, plus any and all applicable costs. (Ord. No. 2010-6, Sec. 2.)