

City Council Members

Ward 1 Position 1 – Andy Hawkins
Ward 1 Position 2 – David Grimes
Ward 2 Position 1 – Mark Vaught
Ward 2 Position 2 – Shelley Mehl
Ward 3 Position 1 – Jim Rhodes
Ward 3 Position 2 – Mary Smith
Ward 4 Position 1 – Theodore Jones, Jr.
Ward 4 Position 2 – Shelia Whitmore

Mayor Tab Townsell

City Attorney Michael Murphy

City Clerk/Treasurer Michael O. Garrett



5:30pm -- Committee Meeting:

Street Improvements & Nuisance Abatement Ordinance

6:30pm -- City Council Meeting
Courtroom in District Court Building
810 Parkway, Conway, AR 72034
February 10th, 2009

1. Call to Order

2. Roll Call

3. Minutes: *January 29th, 2009*

4. Recognition of Guests:

5. Public Hearings:

A. Public hearing to discuss renaming portions of Trey Lane.

6. Report of Standing Committees:

A. Community Development Committee (Planning, Zoning, Permits, Community Development, Historic District, Streets, & Conway Housing Authority)

1. Consideration to approve Dwayne Young as a commissioner on the Board of the Housing Authority.
2. Ordinance establishing storm water management regulations for the City of Conway.

B. Public Safety Committee (Police, CEOC, IT Technology, Fire, Dist. Court & City Att., & Animal Control)

1. Ordinance authorizing the City to purchase through Coleman's Office Supply for office furnishings for the new police facility.
2. Ordinance waiving bids for the purchase of telephone systems for the City of Conway.

7. Old Business

8. New Business

- A. Discussion / Consideration to pay for flood damages that occurred to Pearce Heating & Air located in Downtown Conway. ***(Information to be provided at meeting)***
- B. Discussion of options for the Pennington/PUD Development.

Adjournment



City of Conway, Arkansas
Ordinance No. O-09-_____

AN ORDINANCE ADOPTING A NUISANCE ABATEMENT AND PROPERTY MAINTENANCE CHAPTER AS PART OF THE CONWAY MUNICIPAL CODE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Conway presently regulates the maintenance of property through several ordinances and code sections;

WHEREAS, large portions of these ordinances and code sections are not written in a manner consistent with the Arkansas Fire Prevention Code of 2007; and

WHEREAS, the new Nuisance Abatement Code is designed to be consistent with both the Arkansas Fire Prevention Code and the Conway Zoning Ordinance; and

WHEREAS, during the 2007, the State of Arkansas adopted new legislation granting cities greater authority to mitigate nuisances and the new Nuisance Code references and incorporates this authority; and

WHEREAS, reasonable and enforceable regulations of nuisance abatement code benefit public health, safety and welfare and enhances the value of the properties so regulated.

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

SECTION 1: That the Nuisance Abatement Code, attached hereto as Exhibit "A" and incorporated herein by reference, is hereby adopted in its entirety.

SECTION 2: That the Nuisance Abatement code be codified within Title 5, Health and Sanitation, by the addition of Chapter 5.09, Nuisance Abatement.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict. Specifically,

Chapter 5.04.11, Subsection A (as created by Ord. No. O-96-78)

Chapter 5.08, Sections 01, 02, 03, 04, 05 (as created by Ord. Nos. 04-95, O-01-63, O-04-54, O-00-161, O-75-19, O-79-40)

Chapter 9.44 (as created by Ord. No. O-02-53)

Chapter 11.24 (as created by Ord. No. A-420)

of the Conway Municipal Code are hereby repealed.

SECTION 3: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 4: It is hereby found and determined that the adoption of this Ordinance is immediately necessary to insure the proper and orderly growth of the City of Conway, Arkansas and is necessary for the immediate preservation of public, health, safety and welfare; **THEREFORE**, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage.

PASSED this ___th day of _____, 2009.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer

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CITY OF CONWAY

***NUISANCE ABATEMENT
CODE***

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ARTICLE ONE – ADMINISTRATION

Section 1 – INTRODUCTION

1.1.1 General. These regulations shall be known as the *Conway Nuisance Abatement Code*. These regulations are intended to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises within the City of Conway, Arkansas.

1.1.2 Applicability. The provisions of this Code shall apply to all residential and nonresidential structures and all premises within the City of Conway, Arkansas and constitute minimum requirements and standards for premises, structures, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. Structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the *Arkansas State Fire Prevention Code*. Where different standards or requirements are imposed by this Code and other competent authority or by different sections of this Code, the most restrictive standard or requirement shall govern.

1.1.3 Maintenance. Equipment, systems, devices and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered or required shall be maintained in good working order. No occupant shall cause any required service, facility, equipment or utility to be removed from or shut off from or discontinued for any occupied dwelling, except for temporary interruptions necessitated by repairs or alterations. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures and premises.

1.1.4 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the Code Official. Such decisions are considered to be administrative determinations subject to appeal as provided by section 9. No citations may be issued based upon an administrative decision under this subsection until interested parties have been informed about the decision and been afforded an opportunity to appeal. The Senior Code Enforcement Officer shall maintain, or cause to be maintained, a file of all administrative rules made pursuant to this subsection which shall be available for copy and inspection by the public.

Section 2

CODE ENFORCEMENT OFFICERS

1.2.1 General. This Code shall be enforced by all Code Enforcement Officers of the City of Conway. For the purposes of this Code, a Code Enforcement Officer shall be defined as any city employee who has been duly sworn and authorized to uphold the ordinances of the City and laws of the State of Arkansas related to property uses, maintenance, nuisances, inspections, issuances of building permits, certifications and licensing etc., within the municipal boundaries of the City. This Code may also be enforced by any and all duly sworn law enforcement officers of the Conway Police Department.

1.2.2 Identification. All Code Enforcement Officers shall carry proper identification and present the same upon request when performing duties under this Code.

1.2.3 Rule-making authority. The Senior Code Enforcement Officer shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate administrative and procedural rules and to interpret and implement the provisions of this Code in a manner consistent with the intent thereof. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety. Rules and interpretations made pursuant to this subsection are considered to be administrative determinations subject to appeal as provided by section 9. No citations may be issued based upon a rule or interpretation under this subsection until interested parties have been informed about the decision and been afforded an opportunity to appeal. The Senior Code Enforcement Officer shall maintain, or cause to be maintained, a file of all administrative rules made pursuant to this subsection which shall be available for copy and inspection by the public.

1.2.4 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Senior Code Enforcement Officer shall have the authority to grant modifications for individual cases, provided the Senior Code Enforcement Officer shall first make written findings that a special condition or circumstance exists such that the strict letter of this Code is impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

Section 3 INSPECTIONS

1.3.1 Right of entry. Code Enforcement Officers are authorized to enter structures or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the officers may pursue such search authorizations as are provided by law.

1.3.2 Inspections. Code Enforcement Officers shall make all of the inspections required by this Code. All reports of such inspections shall be in writing by the responsible officer. Code Enforcement Officers are authorized to rely upon a responsible expert opinion as the officer deems necessary to report upon unusual technical issues that arise.

Section 4 VIOLATIONS

1.4.1 Violations declared to be strict liability misdemeanors. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code. Any person who is convicted of a violation of this Code shall be guilty of a misdemeanor, and the violation shall be deemed a strict liability offense.

1.4.2 Fines. Except as otherwise provided, a person convicted of violating any provision of this Code shall be punished by a fine not to exceed \$500.00, or double such sum for each repetition thereof. If the

violation is continuous in nature, the penalty for allowing the continuance thereof is a fine not to exceed \$250.00 for each day that the violation is unlawfully continued. The judge will determine the actual fine.

1.4.3 Citations. Code Enforcement Officers are hereby authorized to issue citations to any person, firm or corporation in conflict with or in violation of any of the provisions of this Code. Issuances of citations must comply with the Arkansas Rules of Criminal Procedures. Conway District Court shall have exclusive jurisdiction over citations issued pursuant to this Code.

1.4.4 Appeals. Any person after being found guilty of a violation or after entering a plea of guilty or *nolo contendere* to a violation shall have those appellant rights granted under the Laws of the State of Arkansas, US Constitution and Arkansas Rules of Criminal Procedure. Appeals of convictions of a violation will be with Faulkner County Circuit Court.

1.4.5 Board of Appeals. The authority of the Conway Building Code Board of Appeals (also referred to as “the Board of Appeals”) is specifically restricted to administrative matters. The Board of Appeals is not authorized to adjudicate citations or the appeal of citations.

Section 5 REVOCATION OF CERTIFICATES, LICENSES AND PERMITS

1.5.1 General. The purpose of this section is to provide a procedure for the revocation of various certificates, licenses and permits issued by the City of Conway to prevent the use of structures described in subsection 1.5.2. The certificates, licenses and permits subject to revocation under this Code are those relating to the particular or general use of property; including, without limitation and for the purpose of illustration only: certificates of occupancy, zoning variances, certification of appropriateness, business licenses, sign permits, building permits, electrical and plumbing inspection approvals, conditional use permits, special use permits, and the like.

1.5.2 Administrative Revocation. Code Enforcement Officers shall have the authority to initiate administrative revocation of any such certificate, license or permit, if he or she has a reasonable belief that the use of the property or structure:

- (A) Poses a danger to the health and welfare of the public;
- (B) Threatens property or safety of any citizen;
- (C) Violates the terms and or scope of the certificate, license, or permit; or
- (D) Lacks compliance with applicable State licensing laws and requirements.

The non-emergency administrative revocation of a certificate, license, or permit shall follow the procedures of notice and determination provided in Section 1.6 below.

1.5.3 Temporary Emergency Orders. The Senior Code Enforcement Officer shall have the authority to issue a temporary emergency order in conjunction with notice of an administrative revocation as described in subsection 1.5.2. The Temporary Emergency Order shall have the effect of prohibiting all activity that may be harmful to the public or any person and suspending any certificate, license, or permit authorizing the same. The Senior Code Enforcement Officer may issue a temporary emergency order when he or she has a reasonable belief that the use of the property or structure:

- (A) Poses an *imminent* danger to the health, safety or welfare of the public; or

(B) Threatens the life or poses an imminent danger of serious injury to any citizen.

1.5.3.1 Service of Temporary Emergency Orders. Service of Temporary Emergency Orders may be made by any Code Enforcement Officer upon the owner, manager, employee, or occupant of a structure that is subject to the provisions of subsection 1.5.3. If no one is located at the structure, the Temporary Emergency Order shall be affixed to the structure and written notice shall proceed according to subsection 1.6.2. All notices for this subsection shall clearly state "Temporary Emergency Order" and conform to the requirements of subsection 1.6.1.

1.5.4 Special Uses, Conditional Uses, and Other Authorizations Issued by City Council. The City Council for the City of Conway may revoke a special use, conditional use, or any other authorization to use property or conduct business that violates the terms of the use or threatens the property or safety of any citizen, or is detrimental to the health, safety or welfare of the public. Such a revocation may be performed at any regular or special meeting of City Council. The revocation shall be based upon the report of a Code Enforcement Officer, complaint of a citizen, or *sua sponte* action by City Council.

Section 6

ADMINISTRATIVE PROCEDURES

1.6.1 Notice of Violation. A "Notice of Violation" shall be written on standardized or letter form approved by the Senior Code Enforcement Officer that shall include the following information:

- (A) The name of the owner, if known;
- (B) An address or description of the real estate sufficient for identification;
- (C) A description of the violation or violations;
- (D) Rights of Appeal under subsection 1.9;
- (E) A statement that citations may be issued and fines assessed in addition to any administrative remedy imposed by the City.
- (F) Include a statement that the City has a right to cause repairs or demolition to be made and that the costs may be assessed against the owner and the property of the owner; and
- (G) The information required by ARK. CODE ANN. 14-54-903, if applicable.

1.6.2 Method of service. Administrative notices (such as a Notice of Violation) shall be issued by any person authorized under ARK. CODE ANN. § 14-54-903 by:

- (A) Posting on the subject property;
- (B) Regular mail; and
- (C) Certified mail, return receipt requested.

1.6.2.1 Notice by Mail. Notice by mail shall be sent to the owner's address of record with the applicable county treasurer or collector. When sent to the proper address with proper postage, notice by mail shall be deemed properly served without regard as to whether the owner or occupant accepted the mail or the mail was otherwise returned.

1.6.3 Transfer of ownership. After receiving a notice of violation, it shall be unlawful for the owner of any property or structure to sell, transfer, mortgage, and lease or otherwise alienate or dispose of the same until:

- (A) The property or structure has been caused to conform with this code; or
- (B) The owner shall provide the other party a true copy of any notice of violation issued by a Code Enforcement Officer and shall furnish to the Senior Code Enforcement Officer a signed and notarized statement from the other party accepting responsibility for the property or structure.

1.6.4 Exceptions. The Notice of Violation requirements of this section shall not apply to the issuances of citations. Issuance of citations must comply with the procedures described in subsection 4.3.

Section 7 CONDEMNATION

1.7.1 Keeping condemned structures prohibited. That it shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association, to own, keep or maintain any house, building and/or structure within the corporate limits of the City of Conway, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by Resolution of the City Council.

1.7.2 Condemnation. That any such house, building, and/or structure which is found and declared to be a nuisance by Resolution of the City Council will be condemned to insure the removal thereof as herein provided.

1.7.3 Notices. The Code Enforcement Department shall be responsible for publication, mailing or delivery of all notices required to condemn structures.

1.7.3.1 Prior notice of proposed condemnation. That prior to the consideration of a Resolution by the City Council declaring any house, building and/or structure as a nuisance, the owner(s) and any mortgagee(s) or lien holder(s), of such house, building and/or structure shall be mailed written notification of the date, time and place that the City Council will consider said Resolution. In addition, said notice shall inform the owner(s) and any mortgagee(s) or lien holder(s), of the right to be heard at the City Council meeting on the proposed Resolution declaring such house, building and/or structure to be a nuisance.

1.7.3.2 Notice to unknowns/non-residents. Should the owner(s) and mortgagee(s) and/or lien holder(s) of any such house, building and/or structure be unknown or their whereabouts be unknown or if they do not reside in Arkansas, then a copy of the written notice shall be posted upon said premises and the City Clerk or his designee shall make an affidavit setting out the facts as to unknown address, unknown whereabouts and/or non-resident status of said owner(s), mortgagee(s), and lien holder(s). Thereupon, service of publication as now provided for by law against unknown and/or non-resident defendant(s) may be had and an attorney ad litem shall be appointed to notify such persons by registered letter addressed to their last known place(s) of residence or business.

1.7.4 Resolution Information. That the Resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in said Resolution an adequate description of the house, building, and/or structure; the name(s), if known, of the owner(s) and mortgagee(s) and/or

lien holder(s) thereof; and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance.

1.7.5 Posting. After a house, building and/or structure has been found and declared to be a nuisance and condemned by Resolution as herein provided, a true and certified copy of said Resolution will be mailed to the owner(s) and mortgagee(s) and/or lien holder(s) thereof, if the whereabouts of said owner(s) and mortgagee(s) and/or lien holder(s) thereof be known or their last known address be known, and a copy thereof shall be posted at a conspicuous place on said house, building and/or structure. Provided, that if the owner(s) and mortgagee(s) and/or lien holder(s) of said house, building and/or structure be unknown or if his or their whereabouts or last known address be unknown, the posting of the copy of said Resolution as hereinabove provided will suffice as notice of the condemnation.

1.7.6 Removal. If the house, building and/or structure constituting a nuisance has not been torn down and removed, or said nuisance otherwise abated, within thirty (30) days after posting the true copy of the Resolution at a conspicuous place on said house, building and/or structure constituting the nuisance, it will be torn down and/or removed by the Senior Code Enforcement Officer or his duly designated representative.

1.7.7 Saleable material. The Senior Code Enforcement Officer or any other person or persons designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same have a substantial value, sell said house, building and/or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the City, to insure its removal and the abatement of the nuisance.

1.7.8 Proceeds. All proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials there from and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the City Clerk-Treasurer. If any such house, building and/or structure, or the saleable materials thereof, be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the City, plus any fine or fines imposed, the balance thereof will be returned by the City Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance.

1.7.9 Liens. If the City has any net costs in removal of any house, building or structure, the City shall place a lien on the personal property or real estate property as provided by ARK. CODE ANN. § 14-54-904.

1.7.10 Fine. A fine of not less than Two Hundred Fifty (\$250.00) nor more than Five Hundred Dollars (\$500.00) is hereby imposed against the owner(s) of any house, building and/or structure found and declared to be a nuisance by Resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Two Hundred Fifty Dollars (\$250.00) for each said separate and distinct offense; provided the notice as herein provided in Section 5 hereof has been given within ten (10) days after said house, building and/or structure has been by Resolution found and declared to be a nuisance.

1.7.11 Judicial declaration. In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance by a Court having jurisdiction of such matters, the City Council is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the City, and the only notice to be given to the owner(s) and mortgagee(s) and/or lien holder(s) of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in Circuit Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a Court of competent jurisdiction, a fine of One Hundred Dollars (\$100.00) is hereby imposed against the owner(s) thereof from the date said finding is made by the Court and for each day thereafter, said nuisance be not abated constitutes a continuing offense punishable by a fine of One Hundred Dollars (\$100.00) per day.

Section 8 EMERGENCY PROCEDURES

1.8.1 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the Senior Code Enforcement Officer, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

1.8.2 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

1.8.3 Emergency repairs. For the purposes of this section, the Senior Code Enforcement Officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of emergency work shall be paid by the City. The City Attorney shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

Section 9 APPEALS

1.9.1 Administrative appeal. Administrative determinations may be appealed to the Conway Building Code Board of Appeals. The following actions are *not* subject to administrative appeal and shall be appealed in the manner provided by law for those particular actions:

- (A) Citations heard in Conway District Court; and
- (B) Condemnations heard in City Council or a court of law.

1.9.2 Timely Submission of Appeal. Unless otherwise provided in this Code, any person affected by a "Notice of Violation" or other administrative determination under this Code may appeal the determination by submitting a written application to the Community Planning Department or the Code Enforcement Department within five (5) days, excluding weekends and holidays, after notice of the determination has been made.

1.9.3 Contents of Appeal. A request for an administrative appeal must be made upon forms approved by the Conway Board of Appeals that includes the following:

- (A) The date the appeal is submitted;
- (B) Appeals Board Form;
- (C) The name and address of the appellant;
- (D) The address of affected property;
- (E) Appeal Board Administrative Fee of \$250.00
- (F) A description of the administrative decision being appealed; and
- (G) The desire that the administrative decision be overturned or reviewed.

1.9.4 Notice of Hearing. The Conway Building Code Board Appeals shall consider the appeal at the next available date. The appellant shall be provided notice of the hearing by first class mail sent to the address shown on the request for administrative appeal no less than five (5) days, excluding weekends and holidays, prior to the hearing.

1.9.5 Actions pending appeal. No Code Enforcement Officer may take action based upon an administrative decision while that decision is being appealed *except* those listed below:

- (A) Citations issued under subsection 1.4.3;
- (B) Condemnations under section 1.7; or
- (C) Temporary Emergency Orders issued under subsection 1.5.3.

1.9.6 Conduct of Hearing. Hearings shall be conducted in an open forum according to such procedural rules as may be adopted by the Conway Building Code Board of Appeals. No administrative decision of a Code Enforcement Officer may be overturned unless a determination is made that:

- (A) The true intent of this Code or the rules legally adopted there under have been incorrectly interpreted;
- (B) The provisions of this Code do not fully apply; or
- (C) The requirements of this Code are adequately satisfied by other means.

1.9.7 Orders. Upon the conclusion of an appeal, the Conway Building Code Board of Appeals shall timely issue orders to guide the actions of the Code Enforcement Department regarding the appeal.

Article Two DEFINITIONS

Section 1 PURPOSE

2.1.1 General. Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit," or "story" are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof."

Section 2 LIST OF DEFINITIONS

2.2.1 Definitions.

ABANDONED MOTOR VEHICLE. Any motor vehicle which is left on public or private property, as defined in this section, for a period of more than 72 hours, regardless of whether wrecked or inoperable.

APPROVED. Consented or agreed to in writing by the Senior Code Enforcement Officer, or his proper designee.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes.

BOAT. Any vessel initially designed for the carrying of passengers or cargo upon the water, whether currently seaworthy or not, and regardless of size or design, including, without limitation, barges, motorboats whether inboard or outboard, canoes, rowboats, rafts and sailboats.

CARPORT. A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides.

CODE ENFORCEMENT OFFICER. Any city employee who has been duly sworn and authorized to uphold the ordinances of the City and laws of the State of Arkansas related to property uses, maintenance, nuisances, inspections, issuances of building permits, certifications and licensing etc., within the municipal boundaries of the City. All duly sworn law enforcement officers of the Conway Police Department are authorized to exercise authority as Code Enforcement Officers.

CONDEMN. To adjudge unfit for human occupancy.

DWELLING UNIT. Any room or group of rooms located within a structure forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, eating, and sanitation by a household or family.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food; by poison spraying, fumigating, and trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GRAFFITI. Any inscription, word, figure, or design that is marked, etched, scratched, drawn, painted, pasted or otherwise affixed to or on any structural component of any building, structure, or other permanent facility regardless of the nature of the material of that structural component, or the nature of the inscription, to the extent that the same was not authorized in advance by the owner, or otherwise deemed to be a public nuisance.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC. Any existing buildings or structures designated by the City of Conway, the State of Arkansas, or the United States government to be historic or located within a Conway historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, uninsured, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

MOTOR VEHICLE. A machine of conveyance which is self-propelled and designed to travel along the ground, and includes but is not limited to automobiles, buses, electric scooters, mopeds bicycles, motorcycles, trucks, tractors, go-carts, golf carts, motor homes.

NUISANCE. This term is defined in Article 4 Section 1 of this Code.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PRIVATE PROPERTY. Means any real property within the city which is privately owned and which is not defined as public property in this section.

PUBLIC PROPERTY. Means any real property in the city which is owned by a governmental body and includes buildings, parking lots, parks, streets, sidewalks, rights-of-way, easements and other similar property.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

REMOVAL. The act of clearing all material and debris whenever it becomes necessary to demolish any building that has been condemned and found to be a nuisance by resolution of the city council.

RESIDENCE. A structure serving as a dwelling or home. For the purposes of this Code, the term residence includes dwelling units and rooming houses.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation. Bed-and-breakfasts, boarding houses, half-way houses, and hotels, as those terms are defined under the Conway Zoning Ordinance, are included within the definition of a Rooming House.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

UNCUT WEEDS AND GRASS. See Section 3.2.4 for definition.

SENIOR CODE ENFORCEMENT OFFICER. The Head of the Code Enforcement Department or, in his or her absence, the person who is directed or appointed to temporarily assume the duties of the Head of the Code Enforcement Department.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

TRAILER. Means any freewheeling object designed or intended to be pulled or towed behind a motor vehicle, regardless of whether wrecked or inoperable, and regardless of whether currently inspected and/or registered, including without limitation the following: Boat trailers, camper trailers, cargo trailers, special trailers for items such as golf carts or motorcycles, utility trailers, and farm implements.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

WRECKED MOTOR VEHICLE. Any motor vehicle which does not have lawfully affixed thereto an unexpired license plate and the condition of which is wrecked, dismantled, partially dismantled, incapable of operation by its own power on a public street, or from which the wheels, engine, transmission or any substantial part thereof has been removed.

ARTICLE THREE

GENERAL REQUIREMENTS

Section 1 GENERAL

3.1.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

3.1.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

3.1.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Section 2 EXTERIOR PROPERTY AREAS

3.2.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

3.2.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

3.2.2.1 Illegal Dumping. That is shall be unlawful for any person, firm, or corporation to drop, dispose of, throw, toss or otherwise deposit leaves, paper, debris, brush, limbs, grass, or other simillar articles in drainage ditches, curbs and along gutters of city streets in the City of Conway,Arkansas.

3.2.3. Sediments and mud. All public roadways shall be kept clean of sediment and soil erosion from soil disturbing activities.

3.2.3.2 Abatement. Any person engaging in soil disturbing activities within the Conway city limits shall be required to implement measures to minimize the tracking of sediments and mud onto adjacent streets and roadways by vehicles leaving the site.

3.2.3.2 Exclusions. The following activities are specifically excluded from the requirements of this ordinance: emergency street, storm drainage or utility repairs. The following properties are

specifically excluded from the requirements of this ordinance: approved retention areas and reservoirs.

3.2.3.3 Clean-up. If a soil disturbing activity creates a violation, the violator shall clean up the material daily or as frequently as needed to avoid a hazard or nuisance. If an activity is found in violation of the provisions of this ordinance, the city of Conway's appointed representative shall issue a "cease and desist" order for all activities on the site until the appropriate clean-up measures are implemented and provisions are made to prevent additional pollution. The city's approval of construction, building permit approvals, payments, release of payments or bonds and final approvals shall also be withheld or revoked until a violation is corrected and appropriate sediment control measures are in place.

3.2.3.4 Fine Any violation of this ordinance shall be considered an offense punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and each day of violation may be considered a separate offense.

3.2.4 Grass or Weeds. Grass or weeds shall not exceed eight (8) inches in height in all zoning districts. This restriction will not apply to:

a. property that is zoned A-1 and is more than five (5) acres in size, except when abutting developed property, such A-1 property shall be maintained with a 15' buffer along the lot line adjacent to the developed property with grass and weeds in such buffer shall not exceed eight (8) inches in height.

b. areas specifically designated or recognized by the city, the state or the United States as wetlands, open spaces, natural or wild flower areas, or other designated preservation areas.

3.2.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

3.2.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

3.2.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

3.2.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of motor vehicles is prohibited unless conducted inside an approved spray booth.

3.2.8.2 Storage of inoperable or abandoned vehicles. No person shall park, store, leave or permit the parking, storing or leaving of any motor vehicle, and/or trailer of any kind, which is wrecked or inoperable, whether attended or not, upon any private property within the city

3.2.8.3 Authorized removal of inoperable motor vehicles. Code Enforcement Officers shall have the authority to remove inoperable motor vehicles on private property thirty (30) days after written notice has been affixed to the subject item. Such notice shall state that the subject item is a nuisance and order whoever has an interest in the subject item to remove the item from the property. If such nuisance is found upon private property, in addition to the foregoing notice, a copy of such shall be placed on the residence or business. The presence of such subject items on private property is hereby declared a public nuisance which may be abated in accordance with the provisions of this Code. Any inoperable vehicle sitting on city streets can and will be removed immediately at owners expense.

3.2.8.4 Exception: A motor vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

3.2.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

Section 3 SWIMMING POOLS, SPAS AND HOT TUBS

3.3.1 Maintenance. Swimming pools, hot tubs and spas shall be maintained in a clean and sanitary condition, and in good repair. Please see ARK. CODE ANN. § 14-54-901.

3.3.2 Enclosures. Swimming pools, hot tubs and spas containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Section 4 EXTERIOR STRUCTURE

3.4.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

3.4.2 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 3 inches in height on residential structures and shall be a minimum of 4 in height on commercial structures.

**Section 5
RUBBISH AND GARBAGE**

3.5.1 Accumulation of rubbish or garbage. All exterior property and premises of every structure shall be free from any accumulation of rubbish or garbage.

3.5.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

3.5.3 Appliance/Furniture and similar equipment not in operation shall not be discarded, abandoned or stored on premises outside of any enclosed building such as storage shed or accessory building.

3.5.4 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or an approved leak-proof garbage container.

3.5.4.1 No trash or garbage container shall be stored in a front or side yard abutting a street so as to be closer to the street than the building on the lot except on trash days. Garbage and trash containers must be placed within 5 feet of curb no earlier than 5:00 p.m. the day before and removed before 7:00 p.m. the day garbage is picked up

**Section 6
SANITARY DRAINAGE SYSTEM**

3.6.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

3.6.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

**ARTICLE 4
NUISANCES**

**Section 1
GENERAL**

4.1.1 Intent. It is the intent of this Code to prevent and abate nuisances within the municipal boundaries of the City of Conway. For the purposes of this Code, the word "nuisance" is defined as any act, omission, or property condition that is detrimental to the health, safety and welfare of the public in that it:

- (A) Injures or endangers the comfort, repose, health or safety of others;
- (B) Offends decency;
- (C) Is offensive to the senses;

- (D) Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;
- (E) In any way renders other persons insecure in life or the use of property; or
- (F) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

4.1.2 Prohibited. It shall be unlawful for any person or entity to cause, permit, maintain or allow the creation or maintenance of a nuisance.

4.1.3 Illustrative enumeration of a nuisance. The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (A) Noxious weeds and other rank vegetation;
- (B) Accumulations or storage of rubbish, garbage, materials, metals, lumber, tires, and other materials;
- (C) Any condition which provides harborage for rats, mice, snakes and other vermin;
- (D) Dilapidated structures;
- (E) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
- (F) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
- (G) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (H) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- (I) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- (J) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (K) Dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities.
- (L) Graffiti.
- (M) Inoperable or abandoned motor vehicles.
- (N) The use of tarpaulins, canvas, plastic, oil cloth, sheeting and other similar materials as fencing or to shield or enclose any structure (including, without limitation, openings for windows, doors, walls, roofs, garage doors or carports) except when temporarily necessary to perform repairs under a properly issued building permit.
- (O) Permanent or temporary basketball goals (except those approved by the City) on any public street or on any right-of-way adjacent to a public street.

Section 2 UNSIGHTLY APPEARANCES

4.2.1 Uncut weeds, grass and other unsightly and unsanitary articles. All property owners and occupants within the municipal boundaries of the City of Conway are required to cut weeds and grass, remove garbage, rubbish and other unsightly and unsanitary articles and things from their property, and to eliminate, fill up, or remove stagnant pools of water or any other unsanitary thing, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. For specific requirements related to the required maintenance of grass and weeds, refer to subsection 3.2.4.

4.2.2 Nuisance Structures. Any building or other structure which is in such a dilapidated condition that it is unsafe or unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health or safety of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located shall constitute a nuisance.

- (A) Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe conditions due to lack of abandonment of lack of maintenance, or, unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- (B) Unfit structure for human occupancy. A structure is unfit for human occupancy whenever the Code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- (C) Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

Section 3 ADDITIONAL REMEDIES

4.3.1 Authorized abatement. If the owner of any lot or other real property within the city shall neglect or refuse to remove, abate or eliminate any condition, violation, or prohibition as may be provided for in this Code, after having been given a **Notice of Violation** with seven (7) days' notice in writing to do so by the appropriate city official, the city is hereby authorized to do whatever is necessary to correct the condition, including but not limited to entering upon the property and having such weeds, rank grass or other vegetation cut and removed, or eliminating any unsanitary and unsightly condition, or causing necessary repairs to be made and charging the cost thereof to the owner of such premises, which shall constitute a lien thereon. The above mentioned seven days' notice shall be calculated by counting the first day of the seven day period as the day after written notice is given to the owner, by counting every calendar day, including weekends and holidays, and by establishing the deadline to take the above required actions as 11:59 p.m. on the seventh day. Condemnations shall follow the procedures established in Section 7 of Article I. The City reserves the right to secure a priority clean-up lien pursuant to ARK. CODE ANN. § 14-54-903.

4.3.2 Authorized removal of basketball goals. Code Enforcement Officers shall have the authority to order the immediate removal of any permanent or temporary basketball goal (unless approved by the City) that is on any public street or on any right-of-way adjacent to a public street. If the apparent owner of the basketball goal is unknown, unavailable, or unwilling to remove the basketball goal, a Code Enforcement Officer may cause the goal to be removed. Any person who is aggrieved by the actions of a Code Enforcement Officer under this subsection may appeal the same pursuant to Section 9 of Article I.

4.3.3. Vacating of Unfit or Unsafe Structures and Utility Services. Any dwelling or dwelling unit declared as unfit for human habitation or unsafe by the Conway Code Enforcement Department as so designated and placarded by a Code Enforcement Officer, shall be vacated within seven (7) days after notice of such action has been given by the Building official to both the owner and occupant of the building. On the eighth (8th) day after said notice the Code Enforcement Department shall notify all utility services that no such services shall be provided to the dwelling or dwelling unit. After utility services are cutoff no further services shall be made available until a rehabilitation permit is obtained or until the Director of Code Enforcement notifies utilities that service may be provided to the dwelling or dwelling unit.

Section 4 PLACARDING

4.4.1 Placarding. Upon failure of the owner or person responsible to comply with the Notice of Violation for a nuisance structure or equipment within the time given, the Code official shall then post on the premises or on defective equipment a placard bearing the word "**NUISANCE**" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

4.4.1.1 Placard removal. The Code Official shall remove unfit for human habitation or unsafe structure placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code.

Section 5 PROHIBITED OCCUPANCY

4.5.1 Prohibited occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code.

Public Hearing



CITY OF CONWAY
Planning and Development

1201 Oak Street
Conway, AR 72032

T 501.450.6105
F 501.450.6144

www.conwayplanning.org

February 2, 2009

Dear Resident,

A Public hearing has been set for February 10th for the consideration of renaming portions of **Trey Lane** to **Soccer Park Road** and **TBD Public Road Name. Resolution R-09-05 passed on January 29th, 2009.** Map attached showing area of interest.

That the City Council shall conduct a public hearing at its regular meeting to be held at the District Courts Building , 810 Parkway Street, Conway, Arkansas, on the 10th day of February 2009 at 6:30 p.m.

If you have any questions, please contact the Planning and Development Department at the telephone number above or by email using a link on the Planning and Development Department website (www.conwayplanning.org).

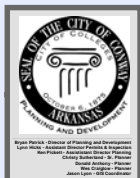
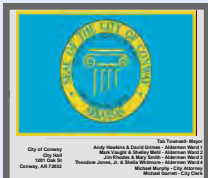
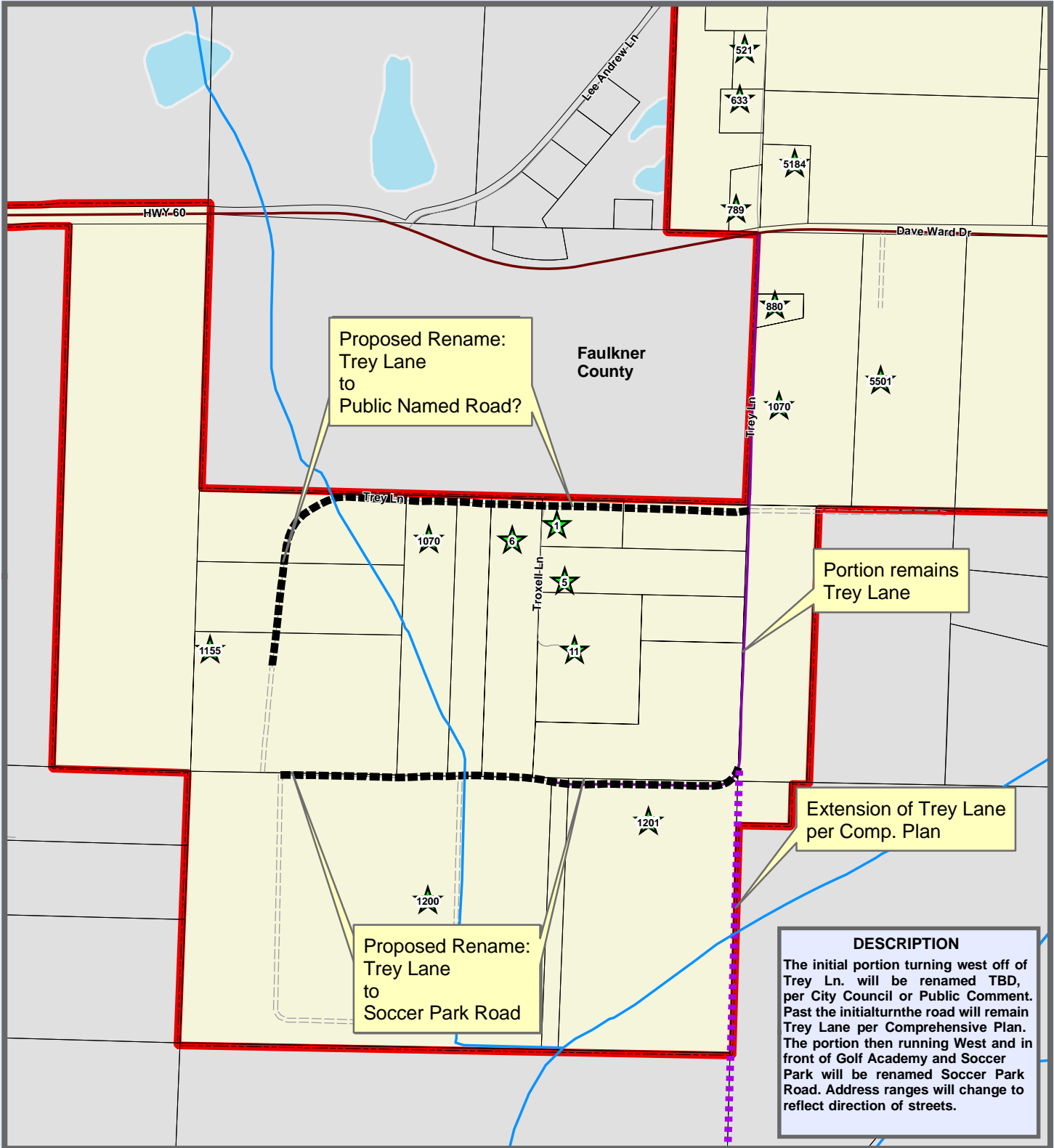
Sincerely yours,

Conway Planning and Development

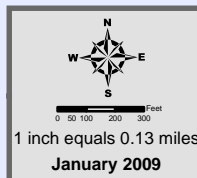
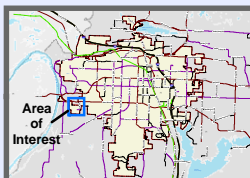
Staff

CITY OF CONWAY

TREY LANE RENAMING



INTERSTATE	PROPOSED RENAME
MAJOR ARTERIAL	RESIDENCES
MINOR ARTERIAL	CEMETERY
COLLECTOR	STREAMS
RESIDENTIAL	LAKES & PONDS
PRIVATE ROAD	CONWAY CITY LIMITS
INTERSTATE RAMP	LAND PARCELS
RAILROADS	



THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE, AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.

CONTACT INFORMATION
 LANDMARK IMS WEBSITE:
 gis.cityofconway.org (UNDER DEVELOPMENT)
 E-MAIL: Jason.Lynn@CityOfConway.org



Housing Authority of the City of Conway

MARY ANN BOYD
Executive Director

February 4, 2009

Honorable Mayor Tab Townsell & City Council
City of Conway
1201 Oak Street
Conway, AR 72032

Dear Mayor & City Council Members:

The term of Dwayne Young as a commissioner on the Board of the Housing Authority of the City of Conway, expired on January 15, 2009.

At the Annual Meeting held February 2, 2009, the Board voted to recommend that Dwayne Young who is a resident be re-appointed for another five year term beginning January 15th, 2009. The Board requests the approval of the City Council as to this appointment.

Sincerely,

Mary Boyd
Executive Director



City of Conway, Arkansas
Ordinance No. O-09-_____

AN ORDINANCE ESTABLISHING EROSION AND SEDIMENT CONTROL REQUIREMENTS; ESTABLISHING STORM WATER MANAGEMENT REGULATIONS; ESTABLISHING PENALTIES FOR VIOLATIONS AND OTHER PURPOSES.

WHEREAS: The City of Conway operates and maintains the storm water system in the City of Conway, and;

WHEREAS: The Arkansas Department of Environmental Quality (ADEQ), under regulations administered by the United States Environmental Protection Agency (EPA), requires the City of Conway to meet certain requirements as established in the national pollution discharge elimination system (NPDES) Phase II for small municipal separate storm sewer systems (MS4's) including the following:

1. Assure permitting and monitoring construction activities disturbing one acre or more of land to assure proper quality of storm water runoff from the construction sites.
2. Monitor and regulate Post construction storm water runoff control from developed sites in regard to both quality and quantity of runoff.
3. Detect and eliminate illicit discharges into the city' storm drainage system.
4. Make annual reports to ADEQ regarding the activities of the city in regard to Storm Water Management.
5. Provide for public education in regard to storm water pollution prevention; and

WHEREAS: The development of sites reduces the impermeable area and may increase the quantity of storm water runoff flowing from the site. The city desires to establish standards for the allowable quantity of flow of storm water flowing from developed sites in an effort to reduce the potential for flooding in Conway.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

Section I. Purpose

The City of Conway will regulate, assure permitting, monitor and otherwise manage the storm water runoff and other discharges that may enter the City's Storm Water System to minimize the sediments and contaminants that enter the as described and referenced herein.

Section 2 Findings

- A. During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the situation and reduction in capacity of the storm drainage system. Eroded soil also necessitates repair of sewers and ditches and the dredging of ditches and lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.
- B. Site development may result in replacement of forest covered area or vegetation covered area with impervious surfaces resulting in less quantity of storm water infiltration into the soil and greater peak storm water discharges from site with increased impervious area. The cumulative effect of increasing the imperious

area is an increase in downstream flooding.

- C. As a result, the purpose of this ordinance is to safeguard persons, protect property, and prevent damage to the environment in the City of Conway. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the City of Conway.
- D. Unpermitted and unregulated non-storm water discharges into the city's storm drainage system may contain contaminants that are harmful to the aquatic elements of the stream as well as plant wildlife along the stream. This ordinance declares unpermitted non-storm water discharges a violation and persons causing said discharges subject to penalty.

Section 3. Permits and Approvals Required

- A) No person shall be granted a building permit or shall commence land-disturbing activity that would require the disturbance of one acre or more without the obtaining a Construction Stormwater Permit from the Arkansas Department of Environmental Quality or certifying compliance and "Automatic Coverage" under the ADEQ General Storm Water Permit. The stormwater permit should be accompanied by an approved Storm Water Pollution Prevention Plan (SWPPP) which shall be maintained on the construction site for review and inspection by state and city officials. Upon request, a copy of the storm water pollution prevention plan shall be provided to the City Engineer. The permit applicant shall execute a "Erosion Control Compliance Certification" acknowledging the requirements contained in this ordinance and declaring that proper permits have been obtained from ADEQ,
- B) Before the City issues any building permit, parking lot permit or other site development permit, a site drainage plan shall be reviewed and approved by the City Engineer. The site drainage plan will be reviewed in regard to capacity of the storm drainage system to transport water across the site; assuring the adjacent properties are not adversely impacted by site modifications; and the requirement for possible storm water detention facilities will be reviewed by the City Engineer for compliance with the storm water design requirements included in this ordinance.
- C) A Construction Storm Water Permit is not required for the following activities
 - 1) Any emergency activity including utility repairs, street repairs or other repair of public or private infrastructure that is immediately necessary to maintain a necessary public service and for the protection of life, property, or natural resources.
 - 2) Agricultural and crop land activities that results in the sale of agricultural produces.
 - 3) Gardening and minor (less than 1 acre disturbed) landscaping activities.
 - 4) The harvesting of timber from a managed forest area provided the land is not used for non-timber uses following the harvest of trees.
 - 5) The construction of a single family residence or duplex located on a single lot not disturbing causing the disturbance of more than 1 acre of land. This does not exempt lots in subdivision that remain

under a open stormwater construction permit from being required to comply with the permit requirements and Storm Water Pollution Prevention Plan. This exemption applies to lots in subdivision where the area has been stabilized and no storm water runoff permit remains active. This exemption does not exempt the owner from practicing the storm water runoff management practices described herein nor the imposing of penalties for violations of conditions described in this ordinance.

- 6) Construction activities that disturb less than one acre of land are not required to obtain a storm water runoff permit but are required to comply with Best Management Practices as described herein to minimize the potential for sediments and other pollutants entering the city's storm drainage system. Person's performing soil disturbing activities will be required to practice the storm water runoff management practices described herein and are subject to penalties for violations Best Management Practices as described in this ordinance.
 - 7) The construction of individual buildings or facilities on individual lots that are part of a larger subdivision covered by an active storm water discharge permit that specifically covers and provides the Storm Water Pollution Prevention Measures (SWPPM) for the facility being constructed. The development of the individual lot shall comply with the Storm water Construction Permit and Storm Water Pollution Prevention Plan presented for the larger project.
 - 8) Construction on state highways or other projects for which a Construction Storm Water Permit has been obtained from the Arkansas Department of Environmental Quality. This exemption does not exempt the owner from practicing the storm water runoff management practices described herein nor the imposing of penalties for violations of conditions described in this ordinance.
 - 9) Routine maintenance or clearing activities on a site that does not change the quality, quantity or location of discharge of storm water runoff from a site.
- D) Site Drainage Approval is not required for the following:
- 1) The construction of a single family residence or duplex residence located on a single lot in a subdivision which has been platted and constructed in accordance with the City of Conway Subdivision Ordinance.
 - 2) Remodeling or interior construction projects which do not disturb the ground cover outside the limits of an existing structure.

Section 4. Stormwater Management Plan

- A) Prior to the city's issuance of a building permit or other site development permit (except as described in Section 3, paragraph D above), the site drainage plan or storm water runoff plan shall be approved by the City Engineer. The plan, required site information and design calculations shall be submitted to the City Engineer for approval. The application shall included the following:
1. Name(s) and address (es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall

be accompanied by a filing fee.

2. Vicinity Map clearly identifying the location of the site ,
 3. A Site Plan showing the buildings, improvements and land disturbing activities proposed for the site.
 4. A drainage plan clearly identifying the location storm water currently enters and exits the site along the proposed storm drainage improvements required to accommodate the site drainage. The plan shall identify downstream facilities that will receive the runoff from the site.
 5. A site grading plan showing the existing and final surface elevations.
 6. The plan should identifying existing ground cover material (grass, forest cover, etc.), drainage features (creeks, ditches, swales, storm drainage pipe) crossing the site, drainage features adjacent to the site, and drainage area contributing to any drainageway entering the site and water shed area of drainage areas leaving the site..
 7. Where the construction site size falls within the area which requires a Stormwater Runoff Construction Permit from the Arkansas Department of Environmental Quality, the drainage plan will not be approved until the evidence has been presented to confirm that the requirements of the Arkansas Department of Environmental Quality has been complied with. The Stormwater Pollution Prevention Plan and Storm Water Pollution Prevention Manual identifying the Best Management Practices proposed to used to control site runoff shall be considered a part of the requirements of the site development plan and shall be completed in accordance with the approved plan prior to final approval of the site improvements..
 8. Each drainage plan submitted shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Stormwater Pollution Prevention Plan and that properly trained and certified personnel will be on site on all days when construction or grading activity takes place to assure the plan is properly implemented and maintained.
- B) The City Engineer will review each Stormwater Management Plan to determine its conformance with the provisions of this ordinance. Within 30 days after receiving an application, the City Engineer shall:
1. Approve the plan.
 2. Approve the plan subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
 3. Disapprove the plan, indicating the reason(s) and procedure for submitting a revised application and/or submission.
- C) Failure of the City Engineer to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the City Engineer. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions

established by the City Engineer.

Section 5. Construction Site Sediment and Erosion Control Requirements

- A. All construction sites within the City of Conway shall implement measures to address the items contained in this section. Project sites larger than one acre are required to obtain a Stormwater Construction permit or "Automatic Coverage" under the General Storm Water Construction Permit. In conjunction with the building permit application, the owner of the construction sites smaller than one acre shall provide a properly executed a "Erosion Control Compliance Certification" acknowledging the requirements contained in this section and committing to implementing and maintaining erosion and sediment control measures necessary to conform to the requirements of this section.
1. **Owner Responsibility.** The owner of the land on which the construction activity is being performed shall be responsible for assuring compliance with the requirement of this ordinance and liable for any penalties or fines imposed. In addition, individuals and contractors may be cited, penalized and fined for specific violations.
 2. **Construction Entrance.** If a paved drive does not exist prior to construction, a stabilized entrance shall be constructed to access the site. The stabilized entrance shall be 20' wide by 20 foot long for single family or duplex construction and 20' wide by 50 feet long for all other construction. The stabilized entrance shall be constructed of a minimum 6 inch thickness of B-Stone (3" to 6" crushed stone). Provision shall be made to limit access to the site to the stabilized construction entrance. The purpose of the entrance is to reduce the potential for tracking mud on public streets. The entrance shall be maintained to serve the intended purpose with additional rock added as required. Tracking of mud or sediments onto the public street will be considered a violation of this ordinance.
 3. **Concrete Truck Wash Areas.** No washing out of the ready mix truck drum or chutes is allowed except in designated concrete washout pits located onsite or at the ready mix plant. The wash shall not be made in roadside ditches, curb inlets or other locations that would result in the residue material being carried into the storm drainage system.
 4. **Dewatering.** All water pumped out of sumps, depressions or sediment control areas should be clear water free of sediments.
 5. **Dirt and Topsoil Storage.** All uncovered stockpiles of soil or site strippings shall be located greater than 25 feet from the roadway or drainageway. If the stockpiles remain for more than 15 days, the stockpiles shall have the surface stabilized with vegetation with sediment control facilities (hay bales, silt fence, etc.) located along the down gradient side of the stockpile to contain any sediments that are eroded from the pile.
 6. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
 7. Techniques that divert upland runoff past disturbed slopes shall be employed.
 8. Stream crossing design and installation shall be specified. If a wet watercourse will be crossed regularly during construction, stabilization of the watercourse channel before, during, and after any

in-channel work shall be addressed.

9. Public and Private Utilities. Either the property developer, utility contractor performing the onsite and other parties shall be designated as the responsible party for restoring erosion control measures damaged by the utility installation. Damaged erosion control measures shall be promptly restored. The responsible party shall be as designated in the Storm Water Pollution Prevention Plan.
 10. Post-Construction Compliance. Upon completion of the permitted construction activity, the property owner will be responsible for continued compliance with the requirements of this ordinance in the course of maintenance, reconstruction or other construction activity on the site.
 11. All erosion and sediment control measures necessary to meet the objectives of this regulation shall be installed and maintained throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the intermediate plans may be required at the close of each season.
 12. Erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria as established by the City Engineer, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the City Engineer.
 13. Good House keeping practices shall be implemented on the project site to eliminate trash and debris from entering storm drainage system. In addition any chemicals or compounds (including paint, fertilizer, solvents, petroleum products or other contaminants) shall be stored and handled in a manner that will prevent any potential for the materials being carried into the city storm drainage system.
 14. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other state and federal regulations.
 15. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
 16. The storm water pollution prevention measures shall generally conform to the guidance provided in the publication Storm Water Management For Construction Activities – Developing Pollution Prevention Plans and Best Management Practices as published by the United States Environmental Protection Agency (EPA 832-R-92-005) dated September 1992. This manual along with usual and accepted engineering and construction practices will be used to evaluate if “Best Management Practices” are being implemented to meet the requirements of this Ordinance.
 17. All disturbed surfaces shall be permanently stabilized with seeding, paving or other measures to prevent soil from being exposed to storm water runoff.
 18. The erosion control measures shall be designed and installed in a manner that will not result in creating a flooding situation. The measures shall not adversely impact the passage of storm water across the site, or cause storm water to pond on adjacent property, or obstruct the flow of storm water into inlets or catch basins.
- B. Inspection and Maintenance of Erosion and Sediment Control Measures.

The Storm Water Pollution Prevention Plan or site "Erosion Control Compliance Certification" shall designate an agent representing the owner who will be responsible for inspecting and monitoring the Storm Water Pollution Prevention Measures. The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures or revision in the erosion control measures. The inspections shall clearly state deficiencies in the implementation of the plan and provide a detailed description of the items of work needed to bring the plan into compliance. The work description shall include a method of confirming any deficiency reports are presented to the party responsible for correcting the problem. The inspections shall be made at least weekly and on the day following a rainfall event greater than ½". In addition, the inspections shall be made at the following construction events:

- Start of construction
 - Installation of sediment and erosion measures
 - Completion of site clearing
 - Completion of rough grading
 - Completion of final grading
 - Close of the construction season
 - Completion of final landscaping
 - Every two weeks following stabilization until Certificate of Completion is issued by the City Engineer.
- 1) The Inspector shall make any recommendations for changes deemed necessary to improve the Storm Water Pollution Prevention on the inspection report for consideration.
 - 2) A copy of the Storm Water Pollution Prevention Plan, Storm Water Pollution Prevention Manual and Inspection Reports shall be maintained on site in a water proof enclosure that can be readily accessed by city personnel.
 - 3) The City Engineer or his designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the compliance with the plan and validity of the inspection reports.

Section 6 Storm Water Discharge Design Requirements

Drainage plans for the proposed site development shall be submitted to the City Engineer for review and approval. The plans and supporting drainage design calculations shall include the following:

- 1) Watershed map showing contours and delineation of drainage basins that contribute to drainageways that enter or leave the project boundary. The area of each watershed shall be shown in acres. The storm drainage system located down stream from the project shall be shown on the plan along with the size and water carrying capacity of the existing downstream facilities.
- 2) The peak storm water runoff shall be computed using the Rational Method or other method approved by the City Engineer. The storm water runoff rate shall be based on a 10 year frequency

rainfall event.

- 3) Runoff rates shall be based usual engineering values for runoff coefficients for the post development conditions and soil types. The coefficient shall be subject to approval of the City Engineer. In general, all cross site drainage shall be sized to accommodate runoff rates based on a runoff coefficient of not less than 0.60 for the contributing watershed.
- 4) Stormwater Detention will be required will be required for the following situations:
 - a) Downstream drainage improvements are not adequate to accommodate the estimated 10 year frequency storm water discharge from the site.
 - b) The site will be covered by more than 33% impervious surfaces (buildings, roof covered accessory buildings, paved parking or storage areas, paved drives, paved sidewalks or other impervious or low permeability surfaces). This provision allows the usual residential structure (less than 3,000 S.F. total surface coverage) and related facilities to be constructed on a usual size single family residential lot (8,000 square foot) without requiring storm water detention.
 - c) At locations where the downstream area has had a history of flooding problems (floodwaters rising to a level that building floors are flooded or major streets are made impassable).as determined by the City Engineer.
- 5) Storm Water Detention Design Requirements:
 - a) The minimum required volume of the storm water detention shall be based on the storage volume required to reduce the post construction site storm water runoff to a rate no greater than the storm water runoff from the predevelopment site.
 - b) The detention volume shall be based on a 25 year rainfall frequency.
 - c) The detention pond outlet facilities structure shall be designed to release a flow rate no greater than storm water runoff from the undeveloped site for a 10 year frequency rainfall event.
 - d) Detention area spillway and overflow facilities shall be designed to accommodate a 100 year rainfall event without creating flooding conditions upstream of the pond or endangering the stability of the detention area embankment.
- 6) Stormwater Detention Facilities may not be required to be constructed and an in lieu of storm water detention fee paid to a fund to create regional detention facilities or regional storm water management improvements under following conditions:
 - a) The storm water discharge from the site is directly into a major storm water system in which the peak flow in the stream would be increased by the delayed release from stormwater detained on the site. The City Engineer shall review calculations prepared by the developer's engineer and make the determination that this situation exist.
 - b) Site area is limited and the storm detention would not result in a detectable reduction in downstream storm water surface elevations. This condition will be subject to the approval of the City Engineer based on his review of calculations prepared by the developer's engineer and make the determination that this situation exist.
 - c) A regional detention facility is planned or under construction in the watershed impacted by the

development and the regional facility adequately addresses the increase in site runoff from the project area. The City Engineer will determine if an in lieu of fee is allowable under this exception.

- d) The in lieu of detention fee for detention facilities shall be \$15,000 per acre foot of storm water detention volume required to comply with subsection 5 above.
 - e) At locations where engineering calculation demonstrates that the proposed development will not result in an increase in the peak runoff from the site.
- 7) Flood Damage Prevention Code. Where the project limits fall within the limits of the floodplain as shown on the City's FIRM panels, all permits and approvals required by Conway's Flood Damage Prevention Code shall be obtained prior to approval of the stormwater drainage plan.

Section 7. Illicit Discharges:

- A. All non-storm water discharges into the City of Conway's storm drainage system, drainageways, creeks or stream are prohibited except those specifically permitted and authorized by ADEQ and those listed in the following paragraph.
- B. The following non-storm water discharges may be discharged unless they are identified as a significant contributor of pollutants to the city's storm drainage system:
 - 1. Waterline Flushing
 - 2. Landscape irrigation
 - 3. Diverted stream flows
 - 4. Rising ground water
 - 5. Uncontaminated ground water infiltration
 - 6. Uncontaminated pumped ground water
 - 7. Incidental discharges from potable water sources
 - 8. Foundation drains
 - 9. Air conditioning condensate
 - 10. Irrigation water
 - 11. Springs
 - 12. Water from crawl space or basement pumps
 - 13. Footing drains
 - 14. Lawn watering
 - 15. Individual residential car washing
 - 16. Discharges from riparian habitats and wetlands
 - 17. Dechlorinated swimming pool discharges
 - 18. Street wash down water
 - 19. Routing building wash water
 - 20. Discharges or flows from emergency fire fighting activities

21. Other similar occasional non-storm water discharges that are not reasonably expected to be a significant source of pollutants to the city's storm drainage system.
- C. The city will routinely monitor the storm drainage system, creeks and drainageways to locate any non-allowed discharges and cause all non-allowable discharges to be immediately stopped.

Section 8. Enforcement

A) Stop-Work Order; Revocation of Permit

If a construction activity results in creates sediment and/or other pollutant violation, the contractor shall clean up the material daily or as frequently as needed. If an activity addressed by this Ordinance is found in violation of the provisions of this Ordinance, the City of Conway's appointed representative (code enforcement personnel, city building permits officials, City Engineer, City Attorney or other duly authorized personnel) may issue a "cease and desist" order for all construction activities on the site until the appropriate clean up measures are completed, compliance with the permit is achieved or other provisions are made to prevent non-compliance with the provisions of this ordinance.. The City's approval of construction, building permit approvals, payments, release of payments or bonds, issuance of a "Certificates of Occupancy" and final approvals may be withheld or revoked until a violation is corrected and appropriate sediment control measures are in place.

B) Violation and Penalties

1. No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not less than \$100 and not more than \$500 for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.
2. Violations that are subject to an immediate penalty without notice of deficiency or warning include the following:
 - a) Commencing surface disturbance prior to obtaining a permit required by this ordinance.
 - b) Failure to conform to or implement the BMP measures (including final stabilization) as described in the project SWPPP plan.
 - c) Failure to modify SWPPP and BMP practices to conform to requirements described in this ordinance.
 - d) Tracking mud or allowing sediments to be carries onto adjacent streets.
 - e) Allowing sediments to be carried from the site into adjacent waterways or storm drainage facilities.

- f) Failure to implement dust control.
- g) Illicit discharges into the city's storm drainage system.
- h) Failure to conform to the Construction Stormwater Permit issued by Arkansas Department of Environmental Quality.
- i) Creating conditions that result in water ponding on adjacent properties or on public rights of ways or the diversion of storm water onto locations not previously receiving stormwater runoff from the area.
- j) Creating conditions that result in the blockage of water in the drainageways or restricting of flows in drainageways.

Section 9 Separability

The provisions and sections of this ordinance shall be deemed to be separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section 10: That this ordinance is necessary for the protection of the public peace, health and safety, and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 10th day of February, 2009.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Ordinance No. O-09-_____

AN ORDINANCE AUTHORIZING THE CITY TO PURCHASE THROUGH COLEMAN'S OFFICE & SCHOOL PRODUCTS FOR THE PURPOSE OF PURCHASING FURNISHING AND PURCHASING FOR THE NEW POLICE FACILITY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City is in need of equipment and furnishings for the new police facility, which is being constructed and furnished through the 2006 Sales and Use Tax Bonds; and

WHEREAS, the City believes that substantial cost savings, time savings, and efficiency on the purchase of said furnishings and equipment can be gained through purchasing equipment through the Coleman's Office Supply vendor sources; and

WHEREAS, the City would also like to outsource the initial set up of all furnishings and has found Coleman's Office Supply comparable and efficient in the cost savings and available set up time;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, THAT:

SECTION 1: The City Council of the City of Conway hereby authorizes the Mayor to enter into Purchase Agreements with Coleman's Office Supply for the purchase of equipment and furnishings for the new police facility.

SECTION 2. The City Council of the City of Conway hereby waives the requirement for competitive bids for the purchase and set up of furniture for the New Police Facility.

SECTION 3: All ordinances in conflict herewith are repealed to the extent to the conflict.

PASSED this 10th day of February, 2009.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Ordinance No. O-09-_____

AN ORDINANCE WAIVING BIDS FOR THE PURCHASE OF TELEPHONE SYSTEMS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Conway has an immediate need to install new or replace aging telephone systems in various departments within the city; and

WHEREAS, the Information Technology Committee of the City of Conway has researched qualifications and viewed demonstrations by several telephone system vendors; and

WHEREAS, the Information Technology Committee of the City of Conway has collectively agreed that Kirby Telephone Service is their vendor of choice;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

SECTION 1. The City of Conway shall waive the requirement of obtaining competitive bids for the execution of purchasing Telephone Systems and shall accept Kirby Telephone Service as sole source vendor.

SECTION 2. This ordinance is necessary for the protection of the public peace, health and safety; an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 10th day of February, 2009.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer