

TITLE 2
CLASSIFICATION, ADMINISTRATION
AND PERSONNEL

Chapters:

- 2.04 City Classification
- 2.08 City and Ward Boundaries
- 2.12 Social Security Coverage
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CHAPTER 2.04
CITY CLASSIFICATION

Sections:

- 2.04.01 Operation as first class city
- 2.04.02 Ordinances

2.04.01 Operation as first class city The city of Pea Ridge, Arkansas, shall operate as a city of the first class under the laws of the state of Arkansas.

2.04.02 Ordinances

- A. All ordinances and regulations passed while classified as a city of the second class are and shall continue to be effective irrespective of the fact that the city is now deemed to be a city of the first class.
- B. The city code is hereby amended by replacing all second class city references with first class city references.
- C. The Mayor shall promptly notify appropriate authorities regarding the city of Pea Ridge's action regarding acceptance and perfection of first class city status. (Ord. No. 543, Sec. 1.)

CHAPTER 2.08

CITY AND WARD BOUNDARIES

Sections:

- | | |
|---------|---------------------|
| 2.08.01 | Division into wards |
| 2.08.02 | Description |

2.08.01 Division into wards The City of Pea Ridge shall have three (3) wards. (Ord. No. 766, Sec. 1)

The ward plan shown on the attached map is hereby approved for 2022 filing and election purposes, and effective January 1, 2023 and henceforth shall be the official ward map for the City of Pea Ridge for all purposes. (Ord. No. 766, Sec. 2)

2.08.02 Description All previous ward maps and boundary descriptions in effect prior to the adoption of this ordinance are repealed effective December 31, 2022. (Ord. No. 766, Sec. 3)

CHAPTER 2.12

SOCIAL SECURITY COVERAGE

Sections:

- | | |
|---------|------------------------------|
| 2.12.01 | Contract |
| 2.12.02 | Withholding taxes from wages |
| 2.12.03 | City to match withholding |

2.12.01 Contract The Mayor and City Clerk/Recorder of the city of Pea Ridge, Arkansas, are hereby authorized and directed to enter into an agreement with the state for the purpose of obtaining insurance coverage for the employees of the city of Pea Ridge, Arkansas, under the terms and provisions of the Federal Social Security Act. (Ord. No. 45, Sec. 1.)

2.12.02 Withholding taxes from wages Commencing Jan. 1, 1967, each employee's insurance contribution shall be deducted from his salary check in accordance with the terms and provisions of the said Social Security Act. (Ord. No. 45, Sec. 2.)

2.12.03 City to match withholding. That commencing Jan. 1, 1967, there is hereby appropriated from the General Fund of the city of Pea Ridge, Arkansas, the sums of money necessary to pay the city's share of the insurance tax in accordance with the terms and provisions of the said Social Security Act. (Ord. No. 45, Sec. 3.)

CHAPTER 2.16

UNCLAIMED PROPERTY

Sections:

2.16.01	Disposal
2.16.02	Sale
2.16.03	Proceeds of sale to owner
2.16.04	Proceeds remaining after six months

2.16.01 Disposal. The Mayor, under the direction hereinafter set out, is hereby authorized and directed to dispose of at public auction all unclaimed personal property rightfully coming into the hands of his office and to dispose of other confiscated property confiscated under the orders of the City Court with the exception of confiscated liquor.

STATE LAW REFERENCE - For procedure relating to liquor, See A.C.A. 3-3-312

2.16.02 Sale. All unclaimed personal property coming into the hands of the Mayor will be held by him for a period of six (6) weeks or longer. If property remains unclaimed, he shall periodically advertise such property in some newspaper of general circulation in the city of Pea Ridge once each week for three (3) consecutive weeks setting forth in the notice the time for the sale which shall not be earlier than five (5) days after the last publishing of the notice and no later than ten (10) days thereafter, designating an easily accessible place for the sale thereof, and giving a complete list and description of unclaimed articles to be sold. The Mayor shall have the right to refuse any and all bids not satisfactory and will then proceed to advertise these items for sale at a later date. Terms of such sale shall be for cash only. Nothing in this chapter shall prohibit any person who properly identifies any of the property as being their own before the sale from claiming and having property restored to them.

2.16.03 Proceeds of sale to owner. The Mayor shall deposit the receipt from the aforesaid sale of unclaimed property in the treasury and the Treasurer is to keep these funds in a special account for a period of six (6) months and any person identifying as his own any of such property within the six (6) month period shall upon the presentation of satisfactory proof be paid by the city out of the special account the amount for which the property was sold. The Mayor or some person designated by him shall keep in a well bound book an accurate record and description of each piece of unclaimed property passing through his office and the price for

which it was sold and the date, the name and address of those who purchased same, as well as a complete record of those who identified and claimed any of the property before it was sold.

2.16.04 Proceeds remaining after six months. All proceeds from the sale remaining in the special fund for a period of six (6) months shall by the Treasurer be transferred to the city's general fund and no further payment shall be made therefrom to anyone who thereafter claims ownership.

CHAPTER 2.20

CITY COUNCIL

Sections:

2.20.01	Council meetings - regular
2.20.02	Council meetings - special
2.20.03	Freedom of information procedure
2.20.04	Order of business
2.20.05	Designation of council seats
2.20.06	<u>Administrative Policy Manual</u>
2.20.07	Amendments
2.20.08	Purpose
2.20.09	Compensation of members

2.20.01 Council meetings - regular. All regular meetings of the Council shall be held at the municipal building on the 3rd Tuesday of each month.

2.20.02 Council meetings - special. Special meetings of the City Council of the city of Pea Ridge, Arkansas, may be held upon the call of the Mayor, whenever in his opinion it shall be necessary, or by three (3) members of the Council by giving at least three (3) days' notice of such special meeting, by giving notice in writing which notice shall be served personally or through the mails to all members of the Council, which notice shall state the time of the meeting and purpose thereof.

2.20.03 Freedom of information procedure. All meetings of the City Council of the city of Pea Ridge, Arkansas, shall be public meetings. Notice of the time, place and date of all special meetings shall be given to representatives of the newspapers and radio stations located in Benton County, Arkansas, which have requested to be notified at least two (2) hours before the special meeting takes place.

2.20.04 Order of business. At all meetings of the Council the following shall be the order of business unless the Council by a majority vote shall order otherwise.

1. Call to order
2. Roll call
3. Reading of minutes of the previous meeting
4. Reports of boards and standing committees
5. Reports of special committees
6. Unfinished business
7. New business
8. Announcements
9. Adjournment

2.20.05 Designation of council seats The official offices now held and occupied by the current members of the Pea Ridge City Council, with reference to the present incumbent, are hereby designated and shall hereby be referred to in perpetuity as follows:

Joe Lasater - Ward I - Seat 1

Wilson Webb - Ward I - Seat 2

Dow McDaniel - Ward II - Seat 1

Edgar Messer - Ward II - Seat 2
(Ord. No. 46, Sec. 1.)

2.20.06 Administrative Policy Manual The city of Pea Ridge, Arkansas, Administrative Policy Manual presented in final form on this date be and the same is hereby adopted as the official administrative policies for the city of Pea Ridge, Arkansas. (Ord. No. 147, Sec. 1.)

2.20.07 Amendments The City Council is empowered to amend the procedures, rules and regulations contained in the Administrative Policy Manual from time to time as deemed appropriate by it upon ordinance duly adopted. (Ord. No. 147, Sec. 2.)

2.20.08 Purpose The adoption of the Administrative Policy Manual is intended to compile and formalize administrative policies, procedures, rules and regulations of the city of Pea Ridge and by its adoption is not intended to repeal or terminate any pre-existing policies, procedures, rules or regulations. Any conflict in interpretation between provisions of the Administrative Policy Manual and any pre-existing policies, procedures, rules or regulations shall be resolved in favor of the provisions contained in the Administrative Policy Manual. (Ord. No. 147, Sec. 3.)

2.20.09 Compensation of members The members of the Pea Ridge City Council shall receive as compensation the sum of Two Hundred U.S. Dollars (\$200.00) for attendance at each City Council meeting. For purposes of this ordinance, a City Council meeting is defined to include all regular and special meetings, subcommittee meetings, and Committee of the Whole meetings. Said compensation is to be paid annually. (Ord. No. 741).

CHAPTER 2.24

MAYOR

Sections:

2.24.01	Time obligation
2.24.02	Duties
2.24.03	Compensation
2.24.04	Compensation adjustments
2.24.05	Re-fixing compensation
2.24.06	Benefits
2.24.07	Application of code

2.24.01 Time obligation The office of Mayor shall be full-time. (Ord. No. 356, Sec. 1.)

2.24.02 Duties The Mayor shall act as the chief executive officer of the city and, as such, shall:

- A. Conserve the peace;
- B. Enforce the ordinances and regulations of the city;
- C. Supervise the conduct of all the officers of the city;
- D. Promote economic growth;
- E. Encourage and coordinate responsible land use and planning;
- F. Promote the general health, welfare and safety of the citizens of the city of Pea Ridge; and
- G. Perform such other duties compatible with the nature of the office and as imposed, from time-to-time, by the City Council. (Ord. No. 356, Sec. 2.)

2.24.03 Compensation. Compensation for the office of Mayor, beginning the 1st day of January, 2023, and continuing through the expiration of the term of office (December 31, 2026), is hereby fixed at the sum of \$75,000.00 per year, payable in periodic installments in accordance with the City's employee salary payment policy in effect, from time to time. (Ord. No. 771, Sec. 1)

2.24.04 Compensation adjustments

- A. In accordance with state law, the compensation herein fixed may be increased, but not decreased except upon request of the Mayor, during the term for which the Mayor has been elected or appointed.

- B. Any adjustment in the compensation of the office of Mayor during the term for which the Mayor has been elected or appointed, shall be made by amendment of Section 3 of this ordinance, or the corresponding section of the Pea Ridge Municipal Code. (Ord. No. 356, Sec. 4.)

2.24.05 Re-fixing compensation The City Council shall, on or before its first regularly scheduled meeting in June in the year in which the term of the office of Mayor expires, re-fix the compensation for the office of Mayor for the succeeding term of the office. (Ord. No. 513, Sec. 1.)

2.24.06 Benefits The Mayor shall enjoy the same benefits and is subject to the same restrictions pertaining to such benefits as all non-uniformed employees of the city as set forth in the city's "At Will" Employee Handbook and personnel policies not inconsistent with this ordinance, the Pea Ridge Municipal Code or state law. (Ord. No. 356, Sec. 6.)

2.24.07 Application of code It is the intent of the City Council that this ordinance, upon its passage and publication, be made a part of the Pea Ridge Municipal Code. (Ord. No. 356, Sec. 7.)

CHAPTER 2.28

CLERK/TREASURER

Sections:

- | | |
|---------|------------------|
| 2.28.01 | Offices combined |
| 2.28.02 | Compensation |
| 2.28.03 | Duties |
| 2.28.04 | Collector |

2.28.01 Offices combined The offices of City Clerk and City Treasurer are hereby combined and shall be designated City Clerk/Treasurer. (Ord. No. 534, Sec. 1.)

2.28.02 Compensation The salary of the City Clerk Treasurer shall be \$200.00 per regular and special meeting attended. (Ord. No. 622, Sec. 1.)

STATE LAW REFERENCE - Constitutional Amendment No. 56

2.28.03 Duties The duties of the City Clerk/Treasurer shall consist of the following:

- A. Attend all City Council meetings, both regular and special.
- B. Attend all Council Committee of the whole meetings.
- C. Take minutes of all Council meetings and Committee of the whole meetings and prepare a typed transcript of the proceedings for each such meeting for presentation to the City Council at the next following regular Council meeting.
- D. Submit monthly a report and detailed statement of the financial condition of the city to the City Council during the regular City Council meeting next following the end of a calendar month.
- E. Execute in an official capacity all formal documents of the city including, but not limited to, ordinances, resolutions, contracts, deeds, easements bonds, orders, notices, etc.
- F. Perform all other duties as are prescribed by law.
(Ord. No. 534, Sec. 3.)

2.28.04 Collector The City Clerk/Treasurer shall be the collector of all occupational and privilege taxes and other taxes for the city. The City Clerk/Treasurer shall keep records on all occupational and other taxes and monies collected. (Ord. No. 534, Sec. 4.)

CHAPTER 2.32

CITY ATTORNEY

Sections:

- 2.32.01 Appointment
- 2.32.02 Duties

2.32.01 Appointment The office of City Attorney shall be appointed, rather than elected, as allowed by law. (Ord. No. 279, Sec. 1.)

2.32.02 Duties It shall be the duty of the City Attorney to prosecute all cases in the District Court for violation of the city's ordinances, and to prosecute and defend, as the case may require, for the city, all cases in which the city may be interested, whether civil or criminal, in all the courts, state and federal.

CHAPTER 2.34

CITY PROSECUTOR

Sections:

- 2.34.01 Office of City Prosecutor
- 2.34.02 Duties
- 2.34.03 Appointment and salary

2.34.01 Office of City Prosecutor The office of City Prosecutor for the city of Pea Ridge, Arkansas, is hereby created. (Ord. No. 535, Sec. 1.)

2.34.02 Duties The duties of the office of City Prosecutor shall consist of the following:

- A. File information for the violation of any ordinance of the city or of the laws of the state or Arkansas which are violated within the limits of the city.
- B. Prosecute in District Court all charges involving a violation of any ordinance of the city or any of the laws of the state of Arkansas occurring within the limits of the city.
- C. Handle appeals to Circuit Court of any cases tried in District Court.
- D. Assist when requested by the Police Department in the preparation of affidavits in support of search warrants and other legal process. (Ord. No. 535, Sec. 2.)

2.34.03 Appointment and salary The City Council shall adopt in December, annually, a resolution appointing a duly licensed attorney-at-law to fill the position of City Prosecutor and fixing the pay for said position for the following calendar year. (Ord. No. 535, Sec. 3.)

CHAPTER 2.36

FIRE DEPARTMENT

Sections:

- 2.36.01 Creation of Fire Department
- 2.36.02 Composition
- 2.36.03 Control and management
- 2.36.04 Selection, suspension and removal of Fire Chief
- 2.36.05 Appointment to positions other than chief
- 2.36.06 Duties of Fire Chief
- 2.36.07 Establishment of Fire Department Fund
- 2.36.08 Fire Protection Service Fee
- 2.36.09 Use of fire department equipment and personnel beyond corporate limits
- 2.36.10 Fees to be charged beyond corporate limits
- 2.36.11 Fire Department Fund membership
- 2.36.12 Compensation of firemen
- 2.36.13 Compensation of Fire Chief and Assistant Fire Chiefs
- 2.36.14 Rate and fee change authority
- 2.36.15 Prior service unaffected
- 2.36.16 Ambulance service
- 2.36.17 Service Fees for Repeated Fire Dept Calls to False Alarms
- 2.36.18 Adoption of Standard Operating Procedures
- 2.36.19 Fees for Lift Assist Services

2.36.01 Creation of Fire Department There is hereby created and established a Fire Department for the city of Pea Ridge, Arkansas. (Ord. No. 101, Sec. 1.)

2.36.02 Composition The Fire Department shall consist of not less than eighteen (18) volunteer firemen who shall be classified as follows:

- A. Fire Chief
- B. Designated officers
- C. Firemen

The minimum number of volunteer firemen herein established may be increased or decreased by action of the City Council. (Ord. No. 499, Sec. 1.)

2.36.03 Control and Management The Fire Department shall be under the control and management of the Fire Chief, who shall be directly responsible to the Mayor and the City Council of the city of Pea Ridge. In the absence of the Fire Chief, the officer(s) designated by the Fire Chief shall serve as joint acting chief. In the absence of the Fire Chief and the designated officer(s), the Mayor or such person as the Mayor may appoint shall exercise the control and management of the Fire Department. (Ord. No. 499, Sec. 2.)

2.36.04 Selection, suspension and removal of Fire Chief The Fire Chief shall be appointed by the Mayor subject to confirmation by the City Council. The Mayor shall have the right to suspend for inefficiency, misconduct, or neglect of duty the Fire Chief until the next regular, or adjourned, or special meeting of the City Council; at which meeting the Mayor shall lay the matter before the City Council; unless the Mayor's action be approved and the Fire Chief be removed from office at such meeting within five (5) days thereafter by a vote of a majority of the elected council members, the suspension shall cease; provided, no Fire Chief shall be twice suspended for the same cause. (Ord. No. 101, Sec. 4.)

2.36.05 Appointment to positions other than chief All appointments to positions in the Fire Department other than that of Fire Chief shall be made by the Fire Chief. The Fire Chief shall report such appointments to the Mayor and City Council at the Council's next regular meeting after said appointments are made and shall deliver a verified copy of such appointments to the City Treasurer. (Ord. No. 101, Sec. 5.)

2.36.06 Duties of Fire Chief Fire Chief shall have the duty to operate and manage the Fire Department in such a manner to extinguish fires and preserve the property of the city and the inhabitants thereof from loss and destruction caused by fire; and in carrying out said duties shall be responsible for the direction and performance of all Fire Department personnel, for all engines, vehicles, hose and other equipment and paraphernalia belonging to the Fire Department. It shall be the further duty to see that all Fire Department personnel are properly trained and equipped to operate the equipment and vehicles of the department and that all of such equipment and vehicles are in good workable order and ready for use at all times.

The Fire Chief is hereby authorized and directed to formulate and prepare such rules, regulations, and guidelines as deemed necessary for the efficient management and operation of the Pea Ridge Fire Department. There shall be included in such rules, regulations, and guidelines regulations regarding Fire Department personnel covering, among other things, qualifications to serve, training requirements, discharge, responsibilities, etc. (Ord. No. 101, Sec. 6.)

2.36.07 Establishment of Fire Department Fund There is hereby created and established a Pea Ridge Fire Department Fund. The City Treasurer is directed to maintain upon the accounts of the city a special fund to be known as the Fire Department Fund, and all monies collected as herein provided shall be deposited and credited to said fund. Fire protection service fees deposited to said fund shall be used to support and provide the fire protection services to be rendered. All other monies deposited to said fund shall be used for the maintenance, upkeep, and operation of the Pea Ridge Fire Department. (Ord. No. 101, Sec. 7; Ord. No. 689, Sec. 1)

2.36.08 Fire protection service fee he fee schedule outlined below is hereby established for fire protection service. Said fee shall be added to each city water customer's monthly water bill and shall be collected in monthly installments along with the monthly water charges. Fire protection service subscribers, who pay fees pursuant to 2.36.08, become members of the Fire Department Fund. If the fire protection service subscriber is within the city limits but not on city water, the fee shall be collected by the City Clerk-Treasurer. Fees paid on an annual basis are due January 1. All fire protection service fees, as collected, shall be deposited in the Fire Department Fund.

Residential	\$48/year, \$4 monthly installments
Residential with Home Occupation	\$48/year, \$4 monthly installments
Open Land	\$48/year, \$4 monthly installments
Small Business with No Hazard	\$108/year, \$9 monthly installments
Small Business with High Hazard	\$180/year, \$15 monthly installments
Large Business with No Hazard	\$180/year, \$15 monthly installments
Large Business with High Hazard	\$240/year, \$20 monthly installments

Ord. No. 481, Sec. 1 Ord. 689, Sec. 2)

2.36.09 Use of fire department equipment and personnel beyond corporate limits

The Fire Department is hereby authorized to use and employ the Fire Department's fire fighting machinery and equipment with the necessary firemen to operate same beyond the corporate limits of the city of Pea Ridge, Arkansas, for the purpose of combating fires. The Fire Department shall answer all fire calls originating within a radius of five (5) miles of the city limits of the city of Pea Ridge, and is hereby further authorized and empowered to answer fire calls beyond a radius of five (5) miles of the city of Pea Ridge where in the opinion of the Fire Chief or other authorized personnel the particular circumstances justifies. (Ord. No. 101, Sec. 9.)

2.36.10 Fees to be charged beyond corporate limits Persons, firms, or corporations

residing who receive fire protection service by the Pea Ridge Fire Department and who are not subscribers of the water service of the city of Pea Ridge, Arkansas, shall be charged for said service a fee based upon a formula recommended by the Fire Chief, which shall be reviewed and approved by the City Council, a copy of which shall be maintained at the Fire Department and a copy on file with the City Clerk's Office. It shall be the duty of the Fire Chief to apply the formula to the variable factors of each call. Those factors include the length of the call, the distance of the call from the corporate limits of Pea Ridge, the number of vehicles required to respond to said call, the number of Fire Department personnel required to operate said equipment, and other considerations.

Any person, firm, or corporation who is a member of the Fire Department Fund as provided in 2.36.11 receiving fire protection service shall be exempt from the charges and fees herein imposed. (Ord. No. 486, Sec. 1.)

2.36.11 Fire Department Fund membership All city water subscribers are members of the Fire Department Fund. Any person, firm, or corporation within the Pea Ridge Fire Department service area, who is not a subscriber of city water, may, for the same, annual, fire protection service fees set forth in 2.36.08, become a member of the Fire Department Fund with Fire Chief approval. All persons, firms, or corporations, who become members of the Fire Department Fund, pursuant to 2.36.08 and 2.36.11 of this chapter, shall be exempt from the charges imposed by 2.36.10. All fire protection service fees shall be collected by the City Clerk-Treasurer and deposited in the Fire Department Fund.
(Ord. No 481, Sec. 3; Ord. No. 689, Sec. 3)

2.36.12 Compensation of firemen Members of the Pea Ridge Fire Department shall receive compensation as follows:

- | | | |
|----|---|-------------------|
| A. | For each fire call response | \$15.00 |
| B. | For each EMS call response | \$10.00 |
| C. | For each called meeting attended | \$7.00 |
| D. | For each scheduled training exercise attended | \$7.00 |
| E. | For each special project (as designated by the Fire Chief) attended | \$50.00 per shift |

The compensation rates set forth herein shall be effective November 1, 2018. The City Council is authorized to adjust the rates of compensation set forth herein. (Ord. No. 624, Sec. 1.)

2.36.13 Compensation of Fire Chief and designated officers The Fire Chief and designated officers shall receive compensation as follows:

- | | | |
|----|---|-------------------|
| A. | A salary of | \$25.00 per month |
| B. | For each fire call response | \$15.00 |
| C. | For each EMS call response | \$10.00 |
| D. | For each called meeting attended | \$7.00 |
| E. | For each scheduled training exercise attended | \$7.00 |
| F. | For each special project (as designated by the Fire Chief) attended | \$50.00 per shift |

The compensation rates set forth herein shall be effective November 1, 2018. The City Council is authorized to adjust the rates of compensation set forth herein. (Ord. No. 624, Sec. 1.)

2.36.14 Rate and fee change authority The City Council by majority vote of the members present, upon recommendation of the Fire Chief, shall be resolution properly adopted change any or all fees, dues, rates, or compensation provided in Ordinance No. 101. (Ord. No. 109, Sec. 2.)

2.36.15 Prior service unaffected Accumulated service time as it applies to and affects promotions, rank, retirement, pensions, and other related benefits of current members of the Pea Ridge Voluntary Fire Department shall in no way be affected by the passage of this Ordinance. All such rights, privileges, and rank shall continue in full force and effect.(Ord. No. 101, Sec. 15.)

2.36.16 Ambulance service

- A. The city of Pea Ridge ambulance service shall be vested in the Fire Department under the supervision of the Fire Chief and operated as a division of the Fire Department.
 - 1. The Fire Chief is authorized to formulate and prepare such rules, regulations and standards as deemed necessary for the efficient management and operation of the ambulance service and to amend, modify and revoke such rules, regulations and standards as from time to time is deemed necessary and appropriate. Such rules, regulations and standards shall include such matters as, but not limited to, personnel, qualifications, training, duties and responsibilities. All such rules, regulations and standards shall be equal to or greater than the minimum rules, regulations and standards established by state law.
 - 2. Rates and charges for services to be provided by the ambulance service shall be set and authorized by action of the City Council upon advice and recommendation of the Fire Chief. Such rates and charges shall at all times be sufficient to provide for the proper administration of the ambulance service.
 - 3. The Fire Department shall establish and maintain books and accounts for the division of ambulance service.
 - 4. Compensation to be paid to personnel in the division of ambulance service shall be set and authorized by action of the City Council upon advice and recommendation of the Fire Chief.
- B. The Pea Ridge ambulance service is hereby transferred to the Pea Ridge Fire Department. Responsibility for operation and management of the ambulance service shall be vested in the Fire Department. All equipment, apparatus, paraphernalia, accounts, funds, receivables, books, licenses, records and other assets belonging to the Department of Ambulance Services are hereby transferred and vested in the Fire Department. (Ord. No. 498, Secs. 1-2.)

2.36.17 Service Fees for Repeated Fire Dept Calls to False Alarms

1. Definitions –

False Alarm means the activation of a fire alarm system through mechanical failure, malfunction, improper installation, improper maintenance, or the negligence of the owners or lessee of the fire alarm system or of his employees or agents. This does not include alarms caused by unauthorized tampering with a fire alarm system by anyone other than the Fire Alarm User or his agent.

Fire Alarm System means any assembly of equipment, mechanical or electrical, installed by a fire alarm business, arranged to signal the occurrence of a fire, smoke, water flow or other condition to which the fire department may be expected to respond.

Fire Alarm User means a person or organization of any kind that is in control of any building, structure, or facility where a fire alarm system is present.

Year means a 12-month period beginning with January 1 and ending on December 31 of each year.

2. Procedure and user fee-

Whenever fire department personnel respond to an activated Fire Alarm System, the fire official in charge of the incident shall determine if the response was caused by a False Alarm and shall indicate that fact upon the incident report.

The fire department shall regularly review incident reports to monitor the accumulation of False Alarms at any one location. When two False Alarms have occurred at the same location within one Year, and the location is within the incorporated area of the city, the fire department shall notify the Fire Alarm User by written notification, electronic or otherwise, citing the location and date of each False Alarm. The notification shall recommend that appropriate action be taken on the part of the Fire Alarm User to alleviate the causes of False Alarms and shall include a statement that an accumulation of more than three False Alarms within a Year shall result in a charge for services. Another similar notice shall be sent when three False Alarms have occurred at the same location within the Year.

When four False Alarms have occurred at one location within a Year, a user fee of \$100.00 for service for a False Alarm response shall be billed to the property owner. Each additional False Alarm within the Year shall require the billing of an additional \$100.00 fee. However, no Fire Alarm User shall be charged with accumulating more than one False Alarm in any 24-hour period; The fee hereby established affords only partial recovery of the expenses incurred in responding to the False Alarm. In the event payment of the fee, in full, has not been received within thirty (30) days of billing, the fee shall increase to \$300.00.

3. Evidence of repair accepted in lieu of fee-

A Fire Alarm User may submit evidence that a malfunctioning Fire Alarm System has been repaired in lieu of paying a user fee within ten (10) days of the date of notification of the fee. Evidence such as a receipt from a state-licensed alarm business with a statement of repairs made to the system is acceptable. For a repeated problem with a Fire Alarm System after a repair is alleged to have been made, the user fee will still apply. (Ord. No. 658)

2.36.18 Adoption of Standard Operating Procedures

1: That the "Pea Ridge Fire Department Standard Operating Procedures", presented in final form on this date, be and the same is hereby adopted as the official Standard Operating Procedures for the City of Pea Ridge Fire Department. (Ord. No. 688, Sec. 1)

2: That the City Council is empowered to amend the procedures, rule and regulations contained in the Fire Department Standard Operating Procedures from time to time, as deemed appropriate by it, upon resolution duly adopted. (Ord. No. 688, Sec. 2)

3: The adoption of the Pea Ridge Fire Department Standard Operating Procedures is intended to compile and formalize policies, procedures, rules and regulations of the City of Pea Ridge Fire Department, and by its adoption, is not intended to repeal or terminate any pre-existing policies, procedures, rules or regulations. Any conflict in interpretation between provisions of the Fire Department Standard Operating Procedures and any pre-existing policies, procedures, rules or regulations shall be resolved in favor of the provisions contained in the Fire Department Standard Operating Procedures. (Ord. No. 688, Sec. 3)

2.36.19 Fees for Lift Assist Services

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

Lift Assist refers to a situation in which Pea Ridge Fire Department ("PRFD") assistance is requested due to an individual's inability to rise, e.g., from a fall to the floor, and upon PRFD first responder arrival, is subsequently determined to be uninjured, and is not transported for further medical evaluation or treatment.

Health Care Facility refers to any location where healthcare is provided or licensed healthcare professionals are on staff, including, but not limited to, small clinics, doctor's offices, nursing homes, skilled nursing facilities, assisted living sites, urgent care centers, and large hospitals. (Ord. No. 703, Sec. 1)

2. Fees That, for all Lift Assist calls to a Health Care Facility, the rate for the services to be charged by the PRFD shall be \$300 per PRFD call. (Ord. No. 703, Sec. 2)

That, for all other Lift Assist calls not defined by Section 2, supra, the rate for the services to be charged by the PRFD shall be \$100 per PRFD call. (Ord. No. 703, Sec. 3)

CHAPTER 2.40

POLICE DEPARTMENT

Sections:

2.40.01	Established
2.40.02	Police Chief
2.40.03	Duties of Police Department
2.40.04	Repealing Ordinance No. 65
2.40.05	Pea Ridge Police Department Policy Manual
2.40.06	Establishment of Undercover Operations Fund
2.40.07	Funding
2.40.08	Fund Ceiling
2.40.09	Contributions to fund
2.40.10	Purpose of fund
2.40.11	Use of funds
2.40.12	Operating guidelines
2.40.13	Criminal code
2.40.14	Criminal laws adopted
2.40.15	Punishment

2.40.01 Established That the city of Pea Ridge Police Department is hereby established.
(Ord. No. 161, Sec. 1.)

2.40.02 Police Chief

- A. The Police Department shall be under the control and operation of a Police Chief.
- B. The Police Chief shall be appointed by the Mayor with the approval of a majority of the City Council. (Ord. No. 161, Sec. 2 - 3.)

2.40.03 Duties of Police Department The duties of the Police Department shall be those as prescribed by the laws of the State of Arkansas and the ordinances of the city of Pea Ridge, Arkansas. (Ord. No. 161, Sec. 4.)

2.40.04 Repealing Ordinance No. 65 Ordinance No. 65 of the city of Pea Ridge, Arkansas, is hereby repealed. (Ord. No. 161, Sec. 5.)

2.40.05 Pea Ridge Police Department Policy Manual

- A. The Pea Ridge Police Department Policy Manual, presented in final form on this date, be and the same is hereby adopted as the official Policy Manual for the city of Pea Ridge Police Department.
- B. The City Council is empowered to amend the procedures, rules and regulations contained in the Police Department Policy Manual from time to time, as deemed appropriate by it, upon resolution duly adopted.
- C. The adoption of the Pea Ridge Police Department Policy Manual is intended to compile and formalize policies, procedures, rules and regulations of the city of Pea Ridge Police Department, and by its adoption, is not intended to repeal or terminate any pre-existing policies, procedures, rules or regulations. Any conflict in interpretation between provisions of the Police Department Policy Manual and any pre-existing policies, procedures, rules or regulations shall be resolved in favor of the provisions contained in the Police Department Policy Manual. (Ord. No. 216, Secs 1-3.)

2.40.06 Establishment of Undercover Operations Fund There is hereby established a special fund to be known as the Undercover Operations Fund. (Ord. No. 165, Sec. 1.)

2.40.07 Funding There is hereby appropriated from the city's General Revenue Fund the sum of \$500.00 for the initial funding of the Undercover Operations Fund. (Ord. No. 165, Sec. 2.)

2.40.08 Fund ceiling The Undercover Operations Fund shall have a maximum ceiling of \$10,000.00. All sums in excess of said amount deposited into the Undercover Operations Fund from the sources set out in the section below, shall immediately be paid over to the General Revenue Fund of the city. (Ord. No. 195, Sec. 1.)

2.40.09 Contributions to fund Contributions to the Undercover Operations Fund may come from any source not prohibited by city ordinance or state or federal law, including, but not limited to, the following: donations from private individuals and/or organizations; court-ordered restitution in criminal cases; court-ordered forfeitures in criminal cases; court-ordered defendant contributions to the Fund in criminal cases; and any federal or state funds available for such operations not inconsistent with the purposes of the Undercover Operations Fund. (Ord. No. 165, Sec. 4.)

2.40.10 Purpose of fund The Undercover Operations Fund will be used for the purpose of conducting undercover law enforcement activities, including primarily, but not limited to, the investigation of illegal drug trafficking and the investigation of theft schemes and crimes. (Ord. No. 165, Sec. 5.)

2.40.11 Use of funds The money in the Undercover Operations Fund, when used for the purposes set out in the section above, may be spent on the following types of items and any other similar and necessary items, to-wit:

- A. Purchases of food, lodging and travel expenses of law enforcement personnel, informants and any other person necessary for implementation of the undercover operation.
- B. Flash money
- C. Purchases of controlled substances, stolen property, contraband or information related to any criminal activity.
- D. Purchases of equipment being necessary for carrying out the purposes set out in the section above. (Ord. No. 195, Sec. 2.)

2.40.12 Operating guidelines The following shall constitute the general operating guidelines of the Undercover Operations Fund:

- A. Responsibility for the Fund's integrity shall rest with the Police Chief of the Pea Ridge Police Department
- B. The Police Chief shall submit to the City Council at its regular monthly meeting a report showing the Fund balance, a total of all contributions made to the Fund since the last report, and the total amount expended from the Fund since the last monthly report.
- C. The Police Department will implement and follow accounting guidelines promulgated by the Legislative Audit Committee for the State of Arkansas.

- D. At the conclusion of a criminal case in which monies from the Undercover Operations Fund is used, a line item expenditure report shall be made available for inspection by the City Council. The decision as to when a criminal case is concluded will be made by the City Prosecutor or, in appropriate instances, the Prosecuting Attorney for Benton County, after consulting with the Police Chief.
- E. The Undercover Operations Fund will be administered by the Police Department on a cash-only basis.

2.40.13 Criminal code Each and every act, matter or thing which the laws of the state of Arkansas make a misdemeanor or violation is hereby prohibited within the corporate limits of the city of Pea Ridge, Arkansas, and are hereby made unlawful as a violation of this ordinance. (Ord. No. 81, Sec. 1.)

2.40.14 Criminal laws adopted The criminal laws of the State of Arkansas, as now existing and as hereafter may be provided, in so far as same may make any act, matter or thing a misdemeanor or violation, are hereby adopted and incorporated into the criminal code of the ordinances of the city of Pea Ridge, Arkansas. (Ord. No. 81, Sec. 2.)

2.40.15 Punishment Each and every person who shall, within the corporate limits of the city of Pea Ridge, Arkansas, violate any of the provisions of the laws into this ordinance incorporated and adopted, shall on conviction thereof, be punished by fine or imprisonment, or both, as the case may be, together with the costs of the proceeding, of not less than the minimum nor more than the maximum penalty as prescribed by the corresponding state law in such cases made and provided; which penalty shall be enforced in manner now prescribed by law for the enforcement and collection of fines, forfeitures and penalties imposed by city courts of cities of the second class. All fines, when imposed, to be charged to the Police Chief and when collected, paid into the City Treasury. (Ord. No. 81, Sec. 3.)

CHAPTER 2.44

CITY COURT

Sections:

- 2.44.01 Warrant service fees
- 2.44.02 Municipal League Defense Fund Program

2.44.01 Warrant service fees For each warrant of the City Court of Pea Ridge, Arkansas, served on a defendant appearing before said court, there shall be collected from each such defendant upon each plea of guilty, nolo contendere, forfeiture of bond or determination of guilt for misdemeanors of traffic violations in the City Court, the sum of \$50.00. (Ord. No. 208, Sec. 1.)

2.44.02 Municipal League Defense Fund Program There is hereby appropriated the sum of Two Thousand Dollars (\$2,000.00) from the general funds of the city of Pea Ridge, Arkansas, to be used as a cost deposit for the Municipal League Defense Fund Program as require by the terms of said program. (Ord. No. 104, Sec. 1.)

2.44.03 Fine collection designation The Pea Ridge District Court Clerk is hereby designated as the person primarily responsible for the collection of fines assessed in District Court for the City of Pea Ridge, Arkansas. (Ord. No. 565, Sec. 1.)

CHAPTER 2.48

PERSONNEL POLICIES

Sections:

- | | |
|---------|--|
| 2.48.01 | Employee Handbook and Personnel Policies |
| 2.48.02 | “At-Will” Employee Handbook and Personnel Policies |
| 2.48.03 | Copy to be given to employee |
| 2.48.04 | Future Amendments |
| 2.48.05 | Amendments |

2.48.01 Employee Handbook and Personnel Policies The city of Pea Ridge, Arkansas, Employee Handbook and Personnel Policies presented in final form on this date be and the same is hereby adopted as the official Employee Handbook and Personnel Policies of the city of Pea Ridge, Arkansas, for permanent employees. (Ord. No. 145, Sec. 1.)

2.48.02 “At-Will” Employee Handbook and Personnel Policies The city of Pea Ridge, Arkansas, “At-Will” Employee Handbook and Personnel Policies presented in final form on this date be and the same is hereby adopted as the official Employee Handbook and Personnel Policies of the city of Pea Ridge, Arkansas, for at-will employees. (Ord. No. 145, Sec. 2.)

2.48.03 Copy to be given to employee Each employee as defined in the respective handbooks described in Section 1 and 2 above shall be given a copy of the appropriate handbook at the time of his or her employment by the city and each such employee shall be required to sign a statement verifying receipt of a copy of the appropriate employee handbook, which statement shall become a part of said employee’s personnel file. (Ord. No. 145, Sec. 3.)

2.48.04 Future Amendments The City Council is empowered to amend the policies and procedures contained in the respective employee handbooks from time to time as deemed appropriate by the City Council upon resolution duly adopted and any such amendments shall apply to all employees then employed by the city, it being the expressed intent of the City Council that any and all rights, privileges and benefits conferred by the respective employee handbooks may be limited, restricted or eliminated at any time by action of the City Council

when said action is deemed necessary and in the best interest of the city of Pea Ridge, Arkansas.
(Ord. No. 145, Sec. 4.)

2.48.05 Amendments

- Ordinance No. 647 Safety Sensitive Positions Under The Arkansas Medical Marijuana Amendment Of 2016
- The Pea Ridge Employee Handbook and Personnel Policies, Chapter 1.3 DEFINITIONS, is hereby amended to include the following defined term:

“**ESSENTIAL PERSONNEL** – Employees who are required to provide mandatory services, and who must be on the job regardless of weather conditions. (Ord. No. 748, Sec. 1).”

- The Pea Ridge Employee Handbook and Personnel Policies, Chapter 4.1 – ATTENDANCE, is hereby amended to include the following section:

“4.1.1 FIRE DEPARTMENT

Pea Ridge Fire Department (“PRFD”) Employee attendance is governed by PRFD SOP 137. Regular and punctual attendance is an essential job duty for every employee with the department.

The Fire Chief will ensure that those employees designated as Essential Personnel in the department are aware of this designation and understand that they are required to report to and remain at work. Essential Personnel required to work under emergency situations shall receive their normal rate of pay plus overtime, if applicable. (Ord. No. 748, Sec. 2)”

- The Pea Ridge Employee Handbook and Personnel Policies, Chapter 4.2 – WORK HOURS, is hereby amended to include the following section:

“4.2.1 FIRE DEPARTMENT WORK SCHEDULE AND FAIR LABOR STANDARDS ACT (FLSA)

The standard work week consist of fifty-three (53) hours. The work schedule will consist of forty-eight (48) hours on duty followed by ninety-six (96) hours off. Each forty-eight (48) hour shift will be comprised of two (2), twenty-four (24) hours shifts. The standard work week is Saturday at 08:00a.m. through the following Saturday at 08:00 a.m.

The Fire Chief, in his sole discretion, reserves the right to adjust and change hours of work, days of work and schedules in order for the department to fulfill its

responsibilities to the citizens of Pea Ridge. Changes in work schedules will be announced as far in advance as practical but can be changed without notice. (Ord. No. 748, Sec. 3)."

- The Pea Ridge Employee Handbook and Personnel Policies, Chapter 4.3 – UNAUTHORIZED WORK TIME, is hereby amended to include the following section:

"4.3.1 FIRE DEPARTMENT

Fire Department personnel actively responding to an emergency incident that overlaps with the end of their shift do not require prior authorization for overtime hours and shall not be subject to discipline in the event overtime is incurred responding to an emergency. (Ord. No. 748, Sec. 4)."

- The Pea Ridge Employee Handbook and Personnel Policies, Chapter 4.4.2 – PAYROLL RECORDS, is hereby amended to include the following section:

"4.4.2.1 FIRE DEPARTMENT

The PRFD administrative assistant shall keep and maintain a record of work attendance, vacation, and sick leave earned, used, and accrued, along with any other leave, whether with or without pay. (Ord. No. 748, Sec. 5)."

- The Pea Ridge Employee Handbook and Personnel Policies, Chapter 5.1.3 – VACATION ACCRUAL RATE, is hereby amended to include the following section:

"5.1.3.1 FIRE DEPARTMENT

Employees of PRFD shall accrue vacation time at the following rates:

- First Year to five (5) years of Service: 7.38 hours per pay period (Eight (8) working days per calendar year)
- Five (5) to ten (10) years of service: 9.23 hours per pay period (Ten (10) working days per calendar year)
- Ten (10) plus years of service: 11.07 hours per pay period (Twelve (12) working days per calendar year)
- Increase in accrual rates will begin in January following the employee's anniversary date.
- Accrued vacation time will be paid if the employee leaves the employment of the city. No more than eight (8) vacation days may be carried over per calendar year. Accrued vacation days not taken within this time period will be deemed used. (Ord. No. 748, Sec. 6)."

- The Pea Ridge Employee Handbook and Personnel Policies, Chapter 5.1.4 – SCHEDULING VACATIONS, is hereby amended to include the following section:

“5.1.4.1 FIRE DEPARTMENT

PRFD employees shall notify their shift officer, at least ten (10) days in advance of being absent for vacation time. (Ord. No. 748, Sec. 7).”

- The Pea Ridge Employee Handbook and Personnel Policies, Chapter 5.4.2 – SICK LEAVE, is hereby amended to include the following section:

“5.4.2 FIRE DEPARTMENT

In accordance with municipal ordinance and Ark. Code Ann. § 14-53-108, all firefighters shall accumulate sick leave in accordance with a municipal ordinance at the rate of fifteen (15) 24-hour working days per year beginning with the date of employment and decreasing to twelve (12) 24-hour working days beginning four (4) years after employment.”

If unused, sick leave shall accumulate to a maximum of 1,440 hours.

Unused accumulated sick leave shall not be used for the purpose of computing years of service for retirement purposes.

Time off may be charged against accumulated sick leave only for the days that a firefighter is scheduled to work. No sick leave as provided in this section shall be charged against any firefighter during any period of sickness, illness, or injury for any days that the firefighter is not scheduled to work.

If at the end of his or her term of service, upon retirement or death, whichever occurs first, any firefighter having unused accumulated sick leave, he or she shall be paid for this sick leave at the regular rate of pay in effect at the time of retirement or death.

Payment for unused sick leave in the case of a firefighter, upon retirement or death, shall not exceed three (3) months' salary.

Eligible employees accrue sick leave at the rate of 13.84 hours per pay period or 1.25 working days per month for years one (1) through four (4). Beginning year five (5), sick leave shall accrue at a rate of twelve (12) hours per month. A working day is defined for purposes of this section as twenty-four (24) hours, regardless of the length of a shift typically worked by the employee. Any sick leave days which are not used in any calendar year may be carried over as accumulated sick leave days for the succeeding calendar year up to a maximum of 1440 hours, or sixty (60) working days.

Non-uniformed, PRFD employees will not be paid for accrued sick days upon termination of employment with the City. (Ord. No. 748, Sec. 8).”

CHAPTER 2.52

RETIREMENT SAVINGS PLAN

Sections:

2.52.01	Voluntary plan
2.52.02	City contribution
2.52.03	Full time employees
2.52.04	Contribution schedule
2.52.05	Back service time
2.52.06	Authorized

2.52.01 Voluntary plan The city hereby designates the Penn Mutual Life Insurance Individual Veritable and Fixed Annuity Plan as the voluntary contributory retirement savings plan to which the city will make contributions, as hereinafter set forth, on behalf of eligible participating employees. (Ord. No. 263, Sec. 1.)

2.52.02 City contribution This is the sole plan to which the city will contribute on behalf of eligible participating employees. (Ord. No. 263, Sec. 2.)

2.52.03 Full time employees Eligible employees are defined as full time employees who are not "Policemen" or "Firemen," as those terms are defined by Act 364 of 1981. (Ord. No. 263, Sec. 3.)

2.52.04 Contribution schedule A contribution schedule for eligible participating employees and the city is hereby established as follows:

Years of Service	Employee Contribution	City Cont.
After 2 years	2%	4%
After 6 years	2%	6%
After 10 years	2%	8%
After 14 years	2%	10%

2.52.05 Back service time A one time employer contribution for back service time earned for currently enrolled employees in the amount of Seven Thousand Four Hundred Seventy-Eight Dollars and Sixty-Five Cents (\$7,478.65) is hereby authorized. (Ord. No. 263, Sec. 4.)

2.52.06 Authorized City contributions on behalf of eligible participating employees, as set forth in Section 3 hereof, are hereby authorized. (Ord. No. 263, Secs.6.)

CHAPTER 2.56

COUNCILMEMBERS

Sections:

2.56.01 Terms

2.56.01 Terms Council members shall be entitled to serve the balance of the term to which they were elected. (Ord. No. 766, Sec. 4)

Staggered 4-year terms for council members shall remain in effect; provided (1) the initial election for Ward 3, Position 1 shall be a 2-year term expiring in 2024, and shall thereafter be a 4-year term; (2) terms for Position 1 Ward 1 and Position 1 Ward 2, with 2024 expiration dates, shall be unaffected; and (3) all three Position 2 seats shall be for 4-year terms. (Ord. No. 766, Sec. 5)

CHAPTER 2.60

MUNICIPAL CODE ENFORCEMENT

Sections:

2.60.01 Municipal Code Enforcement Officer 2.60.02 Appointment 2.60.03 Duties 2.60.04 Restrictions 2.60.05 Severability

2.60.01 Municipal Code Enforcement Officer There is hereby created and established the position of Municipal Code Enforcement Officer. (Ord. No. 445, Sec. 1.)

2.60.02 Appointment The Municipal Code Enforcement Officer shall be appointed by the Mayor with approval of a majority of the City Council. (Ord. No. 445, Sec. 2.)

2.60.03 Duties Pursuant to A.C.A. 14-55-601, each Municipal Code Enforcement Officer shall have the power to issue citations to parties responsible for violations of the city of Pea Ridge Municipal Code accept as limited by 2.60.04. (Ord. No. 445, Sec. 3.)

2.60.04 Restrictions The Municipal Code Enforcement Officer shall not be a certified law enforcement officer and shall not be responsible for, nor have the power to perform law enforcement duties delegated to the Pea Ridge Police Department. (Ord. No. 445, Sec. 4.)

2.60.05 Severability It is hereby declared to be the interest of the City Council that the following provisions of these regulations be severable:

- A. If any court or competent jurisdiction shall adjudge any provision of these regulations to be invalid, such judgment shall not affect any other provision of these regulations that is not specifically included in such judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular development, such judgment shall not affect the application of such provisions to any other development that is not specifically included in such judgment. (Ord. No. 445, Sec. 5.)

CHAPTER 2.64

RETIRED MUNICIPAL EMPLOYEES

Sections:

2.64.01	Eligibility
2.64.02	Criteria
2.64.03	Purpose
2.64.04	Effective Date

2.64.01 Eligibility A retired employee or official age fifty-five (55) or over who has completed twenty (20) years of service to the city and their families are eligible for retiree coverage under the city's health plan if they are otherwise qualified under Act 1279 and (s)he meets the criteria set forth in Section 2,infra. (Ord. No. 772, Sec. 1)

2.64.02 Criteria Pursuant to Act 1279 of 2009, (ACA 24-12-132) the Pea Ridge city council hereby declares that a retired employee or official age fifty-five (55) or over who has completed twenty (20) years of service to the municipality may participate in the municipal health care plan if he or she meets all the following criteria:

1. Is eligible to receive retirement benefits from the Arkansas Local Police and Fire Retirement System, Arkansas Public Employees Retirement System, or a local pension fund;
2. The retired employee pays the entire cost of participating in the health insurance plan (this includes the portion of the premium for the retired employee and the portion of the premium, if any, for any additional family members of the retired employee);
3. Does not qualify to participate in another health care plan through an employer or the employer of a spouse;
4. Is not covered at any time during retirement by another health care plan; and,
5. Notifies the city within thirty 30 days after the official date of retirement of his or her intent to participate in the city's health care plan. (Ord. No. 772, Sec. 2)

2.64.03 Purpose For purposes of this ordinance, the 401 and 457 plans approved by Pea Ridge Resolution 411 on May 15, 2018, and the statutory retirement benefits authorized by Arkansas Code Annotated § 24-12-123, are defined as "local pension funds." (Ord. No. 772, Sec. 3)

2.64.04 Effective Date This ordinance shall become effective January 1, 2023. (Ord. No. 772, Sec. 4)