

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Loitering
- 7.16 Prohibited Weapons
- 7.20 Claims against City
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CHAPTER 7.04

STATE CRIMINAL STATUTES AND PENALTIES

Sections:

- 7.04.01 State criminal statutes adopted
- 7.04.02 State penalties adopted

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

7.04.02 State penalties adopted The same minimum and maximum penalties for the violation of misdemeanors and violations as are provided in the state statutes are hereby adopted as the minimum and maximum fines for the violation of the same offenses which are prohibited by the ordinances of this city. STATE LAW REFERENCE - A.C.A. 14-55-502

CHAPTER 7.08

CURFEW

Sections:

- 7.08.01 Congregating after hours
- 7.08.02 Fine

7.08.01 Congregating after hours Henceforth, it shall be unlawful for any person under the age of eighteen (**18**) years of age to congregate, loiter, meet, associate, stand, visit or be **in** an automobile in a public place between the hours of 11:30 o'clock p.m. and the next 6:00 o'clock a.m., within the city limits of the city of Mayflower, unless they are accompanied by a parent or legal guardian. (Ord. No. 96-15, Sec. 1.)

7.08.02 Fine Any person found guilty of violating this ordinance shall be fined not more than Fifty Dollars (\$50.00).

CHAPTER 7.12

LOITERING

Sections:

- 7.12.01 Illegal
- 7.12.02 Definitions
- 7.12.03 Penalty

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

7.12.02 Definitions.

- A. A person commits the offense of loitering if he:
 - 1. lingers, remains or prowls in a public place or on the premises of another without apparent reason and under circumstances that warrant alarm or concern for the safety of persons or property in the vicinity; and upon inquiry by a law enforcement officer, refuses to identify himself and give a reasonably credible account of his presence and purpose; or
 - 2. lingers, remains, or prowls in or near a school building, not having any reason or relationship involving custody of or responsibility for a student,

and not having written permission from anyone authorized to grant the same; or

3. lingers or remains in a public place or on the premises of another for the purpose of begging; or
4. lingers or remains in a public place for the purpose of unlawfully gambling; or
5. lingers or remains in a public place for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual activity; or
6. lingers or remains in a public place for the purpose of unlawfully buying, distributing, or using a controlled substance; or
7. lingers or remains on or about the premises of another for the purpose of spying upon or invading the privacy of another.

B. Among the circumstances that may be considered in determining whether a person is loitering are that the person:

1. takes flight upon the appearance of a law enforcement officer; or
2. refuses to identify himself; or
3. manifestly endeavors to conceal himself or any object.

C. Unless flight by the actor or other circumstances make it impracticable, a law enforcement officer shall, prior to an arrest for an offense under subsection A (1) of this section, afford the actor an opportunity to dispel any alarm that would otherwise be warranted by requesting him to identify himself and explain his presence and conduct.

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

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

CHAPTER 7.16

PROHIBITED WEAPONS

Sections:

7.16.01	Unlawful to operate
7.16.02	Within the city limits
7.16.03	Fine
7.16.04	Discharging firearms
7.16.05	Target practice
7.16.06	Fine

7.16.01 Unlawful to operate To insure the health, safety, and welfare of the citizens of the city of Mayflower, Arkansas, the operation of any gas, air, or spring type rifle, "BB" gun, pellet gun or pistol within the limits of the city shall be declared illegal and punishable as a misdemeanor. (Ord. No. 79-2, Sec. 1.)

7.16.02 Within the city limits

- A. No person or persons shall carry, use, or discharge any or all types of such pellet gun, "BB" gun, air rifle, pistol, or any other such weapon which is gas, air, or spring operated within the confines of this city; further, that if any minor child or children discharge such firearms so described herein, their parent, parents, or those having actual custody and care of such respective minors shall be held liable for such acts of said child or children and shall be subject to the penalty provision of this ordinance cited in Section 3 herein. (Ord. No. 79-2, Sec. 2.)
- B. Hunting with a compound bow, crossbow, recurved bow, long bow, or other bow instrument capable of discharging an arrow wherein the weight or pull of the bow is forty (40) pounds or more is prohibited within the city limits. (Ord. No. 2002-8, Sec. 1.)

7.16.03 Fine Any person, persons, parent and/or legal guardian and/or person having control and custody of a minor child or children found to be in violation of the provisions of this ordinance shall, upon conviction thereof, be fined not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00) for each and every offense. (Ord. No. 79-2, Sec. 3.)

7.16.04 Discharging firearms It shall be unlawful for any person to discharge, shoot, or cause to explode any item of firearms within the city limits of the city of Mayflower, Arkansas. (Ord. No. 79-3, Sec. 1.)

7.16.05 Target practice Target practice in areas approved by the city shall be exempted from the terms of this ordinance. (Ord. No. 79-3, Sec. 2.)

7.16.06 Fine Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Twenty-Five Dollars (\$25.00) for each and every offense. (Ord. No. 2002-8, Sec. 1.)

CHAPTER 7.20

CLAIMS AGAINST CITY

Sections:

- 7.20.01 Liability coverage
- 7.20.02 Settlement of claims

7.20.01 Liability coverage. The city shall carry liability coverage on all its motor vehicles in the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act. STATE LAW REFERENCE - See A.C.A. 21-9-303

7.20.02 Settlement of claims. All persons having claims against the city may file them with the Recorder. The Mayor shall present them to the Council. The Council may grant a hearing for the claimant and may authorize a settlement. STATE LAW REFERENCE - See A.C.A. 21-9-302

CHAPTER 7.24

STORAGE AND HANDLING

OF VOLATILE COMBUSTIBLES

Sections:

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

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

or maintained under a street, public sidewalk or in a sidewalk area.

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

7.24.03 Penalty. Any person who shall violate or fail to comply with any of the provisions of this chapter, or who shall violate or fail to comply with any order or regulation, shall upon conviction, be punished by a fine not exceeding One Hundred Dollars (\$100.00). The imposition of one (1) penalty for violation of this chapter shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and each day that any prohibited condition is maintained shall constitute a separate offense. The application of said penalty shall not be held to prevent the enforced removal of any prohibited condition as provided by this chapter.

CHAPTER 7.28

OUTSIDE FIRE SERVICE

Sections:

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

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

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

- A. A request from a city or incorporated town for assistance must come only from the Mayor, Fire Chief or such other person as may be designated by mutual agreement;

- B. Calls may be responded to only by such apparatus which, in the judgment of the Mayor or Fire Chief or such other person as they may designate, can be safely sent without unduly impairing the fire protection within the city, and when highways and weather conditions are favorable;
- C. The city, incorporated town, public institution, corporation, or individual requesting assistance must pay the charge for apparatus and service hereinafter provided unless there exists a mutual aid agreement;
- D. The city, incorporated town, public institution, corporation or individual must compensate the city for any loss or damage to such apparatus while answering such call, and be responsible to the members of the Fire Department of the city for any injuries suffered or incurred by them while responding to such calls and while working at such fire, unless otherwise covered by insurance.
STATE LAW REFERENCE - See A.C.A. 14-53-102

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

Pumper - \$50.00 within 2 miles of station; \$5.00 additional for each mile or fraction thereof.

Each person, city, firm or corporation receiving services of the Fire Department, unless there exists a mutual aid agreement, shall pay to the city for each fire driver a sum representing Five Dollars (\$5.00) per call or part thereof from the time the apparatus leaves the fire house until it returns thereto, and as to each fireman helping at the fire, a sum representing Five Dollars (\$5.00) per call or part thereof, from the time he reports until the time his services end. The payments herein stipulated shall be made to the city within fifteen (15) days after demand.

7.28.04 Mutual aid agreement The Mayor and Chief of the Fire Department are hereby authorized to enter into mutual aid agreements with other municipalities, firms, corporations or individuals for the rendering of fire services, subject to the following conditions:

- A. That the parties with whom such mutual aid agreements are entered into shall agree to indemnify the city against any or all loss, cost and damage which it may suffer or sustain by reason of damage to any apparatus arising from any cause whatsoever while such apparatus is going to or from the scene of the fire or while at the scene of the fire. The duty to indemnify shall be performed within fifteen (15) days after demand.
- B. As to each fire driver injured while driving to or from the fire, or while at the scene of the fire, and as to each fireman helping at the fire, injured between the time he reports to the foreman of his company and the time his services end, the person entering

into such mutual aid agreements shall pay within fifteen (15) days after demand to the city a sum sufficient to cover the medical and hospital expenses by such injured driver or fireman.

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

CHAPTER 7.32

OPEN BURNING

Sections:

7.32.01	Unlawful to burn
7.32.02	Exceptions
7.32.03	Monitoring
7.32.04	Penalties
7.32.05	Definitions
7.32.06	Enforcement
7.32.07	Saving clause
7.32.08	Severability clause
7.32.09	Effective date

7.32.01 Unlawful to burn It shall be unlawful for any person to burn, or cause to be burned, trash, refuse, food waste, animal substance or parts thereof, tires, shingles, manufactured materials, combustibles, any chemical substance which is a hazardous chemical or hazardous substance that would create a hazardous or offensive condition in any residential area within the city limits of the city of Mayflower, Arkansas, or in any public right-of-way.

During periods of time in which Faulkner County institutes a burn ban for the entire county, the city of Mayflower prohibits any burning for the duration of the burn ban. It shall be unlawful for any person within the city limits, in any way, to intentionally, knowingly or carelessly burn or cause to be burned any combustibles which causes noxious smoke, or toxic smoke. Such release of smoke is hereby declared a nuisance and is hereby prohibited.

The burning of leaves, yard trimmings, and other natural yard refuse is allowed, unless there is a burn ban in effect. The burning of yard waste in city storm water runoff ditches is prohibited. The following time frames applicable to the subject burning:

October 1 -April 30, seven (7) days a week.

May 1- September 30, three (3) days a week on Tuesday, Thursday, and Saturday.
(Ord. No. 2003-4, Sec. 1.)

7.32.02 Exceptions The burning of leaves, yard trimmings, and other natural yard refuse is allowed, unless there is a burn ban in effect. Persons desiring and needing to burn yard refuse, leaves, and grass clippings within the city limits of the city of Mayflower should first contact the police/fire dispatcher by phone, or in person, and so notify the city that such burning is going to take place.

Such notification will specify who will be doing the burning, where the burning is going to take place, and on what date and time. This information is necessary for the public purpose to avoid having the Mayflower Volunteer Fire Department being alarmed and assembled to fight an unknown fire. In addition, should the burning get out of control the Fire Department will know in advance that a burn was planned and who is responsible.

Commercial brush burning may be allowed after consulting with the Mayor's office. To ensure the safety of property, burning should take place no closer than twenty (20) feet from the nearest building. Burning may be conducted for the purposes of outdoor cooking in a device designated and constructed for such purpose in compliance with the burning requirements of this ordinance. (Ord. No. 2003-4, Sec. 2.)

7.32.03 Monitoring All persons causing lawful fires to be started as heretofore provided shall be responsible for monitoring the same and at all times shall have materials sufficiently capable of extinguishing the same to prevent the fire's escape. (Ord. No. 2003-4, Sec. 3.)

7.32.04 Penalties Any person who violates a provision of this ordinance is guilty of a misdemeanor, which is punishable by a fine not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately. (Ord. No. 2003-4, Sec. 4.)

7.32.05 Definitions

Noxious smoke means any smoke that is harmful to health.

Person means any individual, firm, association, partnership, joint venture, or corporation.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public, including but not limited to a government entity.

Residential area means any real property which contains a structure or building in which one or more persons reside, provided that the structure or buildings is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the city of Mayflower's zoning ordinance.

Toxic smoke means any harmful, destructive, or deadly fumes.

Yard waste means leaves, yard trimmings, and other natural yard refuse.
(Ord. No. 2003-4, Sec. 5.)

7.32.06 Enforcement

- A. The following individuals shall enforce this ordinance: The city of Mayflower Police Chief will have primary responsibility for the enforcement of the regulations contained herein. Nothing in this ordinance shall prevent the city of Mayflower Chief of Police from obtaining voluntary compliance by way of warning, notice or education.
- B. If a person's conduct would otherwise violate this ordinance, the person must be ordered to, and have the opportunity to, cease, eliminate, or otherwise remedy the violation prior to arrest or a citation being issued. (Ord. No. 2003-4, Sec. 6.)

7.32.07 Severability clause A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part of this ordinance shall not affect the validity of the remaining parts of this ordinance. (Ord. No. 2003-4, Sec. 7.)

7.32.08 Saving clause A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance, shall be tried and determined exactly as if the ordinance has not been repealed. (Ord. No. 2003-4, Sec. 8.)

7.32.09 Effective date This ordinance is effective on September 24, 2003.

CHAPTER 7.36

USE OF TOBACCO IN MUNICIPAL BUILDINGS

Sections:

- | | |
|---------|----------|
| 7.36.01 | Unlawful |
| 7.36.02 | Fine |

7.36.01 Unlawful It shall be unlawful for any person to practice the use of tobacco in any of its forms within the confines of the Municipal Buildings. (Ord. No. 93-3, Sec. 1.)

7.36.02 Fine Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00). (Ord. No. 93-3, Sec. 2.)

CHAPTER 7.40

BILLBOARDS

Sections:

- | | |
|---------|---|
| 7.40.01 | Definitions |
| 7.40.02 | Regulated Off-Premise Sign Requirements |
| 7.40.03 | Applications and Registrations |
| 7.40.04 | Fees and Maintenance |
| 7.40.05 | Enforcement |

7.40.01 Definitions

Billboard. A billboard is a free-standing sign over thirty-two (32) square feet, having no more than two (2) sign faces, which meets any one or more of the following criteria:

- A. A permanent structure sign which is used for display of offsite commercial messages;
- B. A permanent structure sign which constitutes a principal, separate or secondary use, as opposed to an accessory or ancillary use, of the parcel on which it is located;
- C. An outdoor sign used as advertising for hire, i.e., on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel as the sign) in exchange for a rent, fee, or other consideration; or

- D. An offsite outdoor advertising sign on which space is leased or rented.

Billboards do not include on-premises commercial or non-commercial signs as defined by the City of Mayflower Planning and Zoning Ordinance, as amended, and their accompanying regulations.

Free standing sign. A permanently installed sign supported upon the ground by poles or braces not attached to a building.

Maintenance. The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic design, structure, or location.

Owner. A person identified and recorded as such on official records. For the purpose of this chapter, the owner of the property on which a sign is located is presumed to be the owner of the sign, unless official records required by this chapter indicate otherwise.

Permanent sign. To set, fix, or secure in or on a support. Thereby allowing such sign to become a fixed object to be used for the purpose of, or to identify the purpose of a person, entity, establishment, produce, good, service, or event or to communicate information of any kind to the public.

Sign. Any device, structure, fixture, or placard using graphics, symbols, color and/or written copy to advertise, to announce the purpose of, or to identify the purpose of a person, entity, establishment, product, good, service, or event or to communicate information of any kind to the public.

Sign facing. The directional view of a sign visible from the approaching traveled hwy. (Ord. No. 2017-02, Sec. 1)

7.40.02 Regulated Off-Premise Sign Requirements

- A. Within one hundred twenty (120) days after the effective date of this chapter, the city shall compile an inventory of existing billboards within the city. Until the inventory is completed, no billboard shall be erected, modified, or relocated, nor shall the City of Mayflower issue any permits. Following completion of the inventory, the city shall grant a billboard permit for each existing reflecting the location, size, height, zoning, and the degree of conformity with the requirements of this chapter.
- B. The regulated billboard requirements of this chapter are to ensure there are no unplanned construction of billboards, and that there are no pedestrian, vehicular traffic safety, hazardous situations, or obstructions to utility service access and setback requirements within the city limits of Mayflower because of poor visibility, congestion, and obstructions on the roads and highways, and that the welfare of the

city is protected by preventing visible clutter and blight and by promoting a positive aesthetic impact.

- C. All inventoried billboards or those billboards under contract prior to the adoption of this chapter are grandfathered within the city limits of Mayflower.
- D. Billboard requirements:
1. There will be no new billboards allowed within the city limits of Mayflower, Arkansas, except where allowed along Interstate 40 according to Arkansas Highway Department and federal highway regulations and rules, but they will be spaced no closer than one thousand (1,000) feet in any direction to another billboard.
 2. Billboards on Arkansas Highway 365, Highway 89, and Interstate 40, within the Overlay District must comply with the requirements of the Overlay Districts.
 3. Billboards shall not be altered with regard to size, shape, orientation, height, or locations without the prior issuance of a billboard alteration or relocation permit. All such permits shall require full compliance with the provisions of this chapter. Ordinary and necessary repairs which do not change the size, shape, orientation, height, or location of an inventoried billboard shall not require alteration permits.
 4. Billboards will meet the City of Mayflower, Arkansas Highway Department, and federal highway regulations. An application/registration request must be submitted to the Mayflower Planning Commission for review and approval.
 5. Except as stated in subparagraph 13 below, the number of commercial signs per billboard shall comply with the standards provided for in Regulations for Control of Outdoor Advertising on Arkansas Highways as provided for by the Arkansas Highway Department.
 6. All non-grandfathered billboards will have a maximum size of fourteen (14) feet by forty-eight (48) feet and no more than two (2) faces per pole will be spaced no closer than one thousand (1,000) feet from another billboard.
 7. No billboard shall be located in such a position that it obstructs or obscures the view of vehicular or pedestrian traffic in such a manner as to endanger the safe movement thereof.

8. No billboard shall be permitted whenever property zoned residential would be between the sign and the roadway toward which it is oriented.
9. No part or foundation or support of any billboard shall be placed on, in, or over any public property, including public rights-of-way, or any utility or drainage easement, or upon telephone or utility poles, prominent or significant natural features that add to the aesthetic character of the City, except for the following:
 - a. Signs, displays, and devices which locate, identify, mark, or warn of the presence of pipelines, utility lines, or rail lines and appurtenances thereto, including, but not limited to, markers used in maintenance, operation, observation, and safety.
 - b. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct and regulate pedestrian or vehicular traffic.
10. No wood pole billboard may be upgraded to a monopole.
11. New, replacement, upgraded, or relocated billboards will be single faced and no more than two sides.
12. After the effective date of this chapter, it shall be unlawful for any person to erect, expand, move, or place any billboard which does not conform to the requirements set forth herein.
13. *All billboards other than those allowed herein are prohibited within the city limits:*

(Ord. No. 2017-02, Sec. 2)

7.40.03 Applications and Registrations

- A. Applications for billboards to be located within the city limits will have a plan sheet showing, but not limited to, the following: location, materials list, methods of construction, anchoring and supporting, landscape plan, and certification of compliance to all federal, state, and/or city codes.
- B. Applications will be turned into the planning commission office before the deadline for the regularly scheduled monthly meeting.
- C. All existing billboards or those under contract prior to the adoption of this chapter, which are *located within the city limits* are not subject to application or

building fees. However, all billboard owners, unless otherwise exempted in this chapter will be required with the City of Mayflower Permit Office for purposes of obtaining a valid permit and establishing the annual billboard permit fee.

- D. The planning commission shall take appropriate action of applications for permits under this chapter and issue a decision within thirty (30) days thereafter. Should a decision not be reached within thirty (30) days, the application shall be deemed to be denied.
- E. Should an application be denied, the applicant may appeal the decision to the planning commission within thirty (30) days of the denial. The planning commission shall hold a public hearing at the next regularly scheduled meeting. After the public hearing is closed, the planning commission shall make a decision based upon the regulations of this chapter and by evidence supported in the record.
- F. While any appeal is pending, status quo of billboards or proposed billboards shall be maintained, unless by virtue of its physical condition the sign presents immediate and significant threat to public safety.
- G. Substitution of any non-commercial message, in whole or in part, on any existing, legal sign, may be made without any permitting approval.

(Ord. No. 2017-02, Sec. 3)

7.40.04 Fees and Maintenance

- A. Purpose.
 - 1. The purpose of the annual permit fee is to offset the cost to the City of Mayflower of *enforcement of this chapter and should not be construed as a charge for the privilege of*
- B. General administrative.
 - 1. Billboard building permit, one-time fee, is seventy-five dollars (\$75.00)
 - 2. Annual billboard permit fees will be for the period January 1 through December 31 (*annually*).
 - 3. Billboard owners will be required to apply and pay annual permit fees to the City of Mayflower Permit Office not later than January 1 of each year. If fees are not paid by January 30 of each year, the section providing for enforcement, will apply as stated below.

- C. Annual permit fees for billboards within the Mayflower City limits will be one hundred twenty-five dollars (\$125.00) annually per panel for billboards larger than four feet by eight feet. Any billboard four feet by eight feet or smaller will incur an annual permit fee of twenty-five dollars (\$25.00).
- D. The owner shall maintain all free-standing billboards and the premises surrounding the sign in a clean, sanitary, and inoffensive condition, free of all obnoxious substances, rubbish, and weeds.
- E. All billboards shall be properly maintained at all times. Exposed surfaces shall be clean and painted (if paint is required). Defective parts shall be replaced.
- F. Construction and placement of all billboards must conform to the applicable traffic codes of the city and in no way restrict the safe view and/or efficient movement of traffic.

(Ord. No. 2017-02, Sec. 4)

7.40.05 Enforcement

- A. Code enforcement shall send a certified letter notifying the billboard owner of non-payment of fees, damage, safety violation, hazard, non-maintenance, or non-compliance with this chapter. From the day of receipt of this certified letter, the owner will have twenty (20) days (included Saturdays and Sundays) to show the violation(s) have been resolved or repair(s) have been arranged or completed.
- B. If the notice is for non-payment of fees, the billboard owner will have thirty (30) days to remit and for code enforcement to receive fees owing before and twenty-five (25) percent additional late fee penalty is assessed. All other notifications by code enforcement shall be remedied within twenty (20) days. If the notified violation is not remedied within twenty (20) days, then code enforcement may then issue the billboard owner a citation with potential fines up to five hundred dollars (\$500.00) per violation. Each day after the twentieth (20th) day after the receipt of the initial certified letter shall constitute a separate violation for purposes of enforcement.
- C. If the violation(s) is not addressed within sixty (60) days of receipt of the initial certified letter, the city will withdraw the permit and have the billboard removed at the owner's expense.
- D. These time periods and limitations shall commence to run upon the receipt of the first letter receive by the billboard owner from the City of Mayflower for each individual violation. The time shall not be affected, re-initialized, or excluded in any manner, even by the receipt of subsequent letter(s) by the billboard owner for the same offense.

(Ord. No. 2017-02, Sec. 5)

CHAPTER 7.42**NOISE****Sections:**

7.42.01	Purpose
7.42.02	Findings
7.42.03	Scope
7.42.04	Definitions
7.42.05	General prohibition
7.42.06	Noises prohibited
7.42.07	Exemptions
7.42.08	Penalties
7.42.09	Severability
7.42.10	Saving clause
7.42.11	Emergency clause

7.42.01 Purpose This ordinance is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quite of the citizens of the city of Mayflower through the reduction, control, and prevention of loud and raucous noise, or any noise which unreasonably disturbs, injuries, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity. (Ord. No. 2003-3, Sec. 1.)

7.42.02 Findings

- A. Loud and raucous noise degrades the environment of the city of Mayflower to a degree that:
1. It is harmful to the health, welfare, and safety of its inhabitants and visitors;
 2. Interferes with the comfortable enjoyment of life and property;
 3. Interferes with the well-bring, tranquility, and privacy of the home; and
 4. Both causes and aggravates health problems.

- B. Both the effective control and the elimination of loud and raucous noise are essential to the health and welfare of the city of Mayflower's inhabitants and visitors, and to the conduct of the normal pursuits of life, including recreation, work, and communication.
- C. The use of sound amplification equipment creates loud and raucous noise that may, in a particular manner and at a particular time and place, substantially and unreasonably invade the privacy, peace, and freedom of inhabitants of, and visitors to, the city of Mayflower.
- D. Certain short-term easing of noise restrictions is essential to allow the construction and maintenance of structures, infrastructure, and other elements necessary to the physical and commercial vitality of the city of Mayflower. (Ord. No. 2003-3, Sec. 2.)

7.42.03. Scope This ordinance applies to the control of all sound originating within the jurisdictional limits of the city of Mayflower. (Ord. No. 2003-3, Sec. 3.)

7.42.04. Definitions

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

Emergency work means any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility service.

Local government manager means the Mayor of the city of Mayflower or the Mayor's designee.

Noise sensitive area includes, but is not limited to, a posted area where a school, hospital, nursing home, church, court, public library, or similar institution is located.

Person means any individual, firm, association, partnership, joint venture, or corporation.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public, including but not limited to a government entity.

Public space means any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

Residential area means any real property which contains a structure or building in which one or more persons reside, provided that the structures or building is properly zoned, or is legally non-conforming, for residential use in accordance with the terms and maps of the city of Mayflower's zoning ordinance. (Ord. No. 2003-3, Sec. 4.)

7.42.05 General prohibition

- A. No person shall make, continue, or cause to be made or continued:
1. Any unreasonably loud or raucous noise; or
 2. Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the city of Mayflower; or
 3. Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guest, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.
- B. Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:
1. The proximity of the sound to sleeping facilities, whether residential or commercial;
 2. The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
 3. The time of day or night the sound occurs;
 4. The duration of the sound; and
 5. Whether the sound is recurrent, intermittent, or constant.
(Ord. No. 2003-3, Sec. 5.)

7.42.06 Noises prohibited The following acts are declared to be per se violations of this ordinance. This enumeration does not constitute an exclusive list:

- A. Unreasonable noises The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotions or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent places of business are exempt from the provision.
- B. Vehicle horns, signaling devices, and similar devices The sounding of any horn, signaling device, or other similar device, on an automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the city of Mayflower, for more than ten (10) consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning device is exempt from this prohibition.
- C. Non-emergency signaling devices Sounding or permitting sounding of any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place for more than ten (10) consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors or by the city of Mayflower for traffic control purposes are exempt from this provision.
- D. Emergency signaling devices This intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in Subsection (1) and (2) below.
1. Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. Any testing shall use only the minimum cycle test time. In no case shall such test exceed five (5) minutes. Testing of an emergency signaling system shall not occur more than once in each calendar month.
 2. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate within fifteen (15) minutes of activation unless an emergency exists. If a false or accidental activation of an alarm occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of this ordinance.

- E. Radios, televisions, boomboxes, phonographs, stereos, musical instruments and similar devices The use of operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and one of those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors and passers-by or is plainly audible at a distance of fifty (50) feet from any person in a commercial, industrial area, or public place. The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and one those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors in residential or noise sensitive areas, including multi-family or single-family dwellings.
- F. Loudspeakers, amplifiers, public address systems, and similar devices The unreasonable loud and raucous use or operation of a loudspeaker, amplifier, public address system, or other such device for producing or reproducing sound between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays in the following areas:
1. Within or adjacent to residential or noise-sensitive areas;
 2. Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates, and is unreasonably loud and raucous.
- This shall not apply to any public performance, gathering, or parade for which a permit has been obtained from the city of Mayflower.
- G. Yelling, shouting and similar activities Yelling, shouting hooting, whistling, or singing in residential or noise-sensitive areas or in public places between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities.
- H. Animals and birds Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird. Sounds made by animals or birds in animal shelters, kennels, veterinary hospital, pet shops or pet kennels licensed under and in compliance with licensing and permission provisions set forth in this code are exempt from this section.

- I. Loading or unloading merchandise, material, equipment The creation of unreasonably loud, raucous, and excessive noise in connection with the loading or unloading of any vehicle at a place of business or residence.
- J. Construction or repair of buildings, excavation of streets and highways The construction, demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of 7:00 a.m. and 7:00 p.m. on weekdays is prohibited. In case of emergency, construction or repair noises are exempt from this provision. In non-emergency situations, a Building Inspector for the city of Mayflower may issue a permit, upon application if the Building Inspector of the city of Mayflower determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings or excavation of streets and highways between the hours of 7:00 a.m. and 7:00 pm. will not be impaired, and if the Building Inspector of the city of Mayflower further determines that loss or inconvenience would result to a party in interest. The permit shall grant permission in non-emergency cases for a period of not more than three (3) days. The permit may be renewed once for period of three (3) days or less.
- K. Noise sensitive areas - schools, courts, churches, hospitals, and similar institutions The creation of any unreasonably loud and raucous noise adjacent to any noise sensitive area while it is in use, which unreasonably interferes with the workings of the institution or which disturbs the persons in these institutions, provided that conspicuous signs delineating the boundaries of the noise sensitive area are displayed in the streets surrounding the noise sensitive areas.
- L. Blowers and similar devices In residential or noise sensitive areas between the hours of 7:00 p.m. and 7:00 a.m. the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, provided that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates.
- M. Commercial establishments adjacent to residential property Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment between the hours of 10:00 p.m. and 7:00 a.m. which is plainly audible at a distance of five (5) feet from any residential property. (Ord. No. 2003-3, Sec. 6.)

7.42.07 Exemptions Sounds caused by the following are exempt from the prohibitions set out in 11.00.06 and are in addition to the exemptions specifically set forth in 11.00.06.

- A. Motor vehicles on traffic ways of the city of Mayflower provided that the prohibition of 11.00.06(B) continues to apply.
- B. Repairs of utility structures which pose a clear and immediate danger to life, health, or significant loss of property.
- C. Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger, provided that the prohibition contained in 11.00.06(D) continues to apply.
- D. The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
- E. Repairs or excavations of bridges, streets or highways by or on behalf of the city of Mayflower, the state, or the federal government, between the hours of 7:00 p.m. and 7:00 a.m. when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 7:00 p.m.
- F. Outdoor school and playground activities Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic and school entertainment events.
- G. Other outdoor events Outdoor gatherings, public dances, shows and sporting events, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting agency. (Ord. No. 2003-3, Sec. 7.)

7.42.08 Enforcement

- A. The following individuals shall enforce this ordinance: The city of Mayflower Police Chief will have primary responsibility for the enforcement of the noise regulations contained herein. Nothing in this ordinance shall prevent the city of Mayflower Chief of Police from obtaining voluntary compliance by way of warning, notice or education.
- B. If a person's conduct would otherwise violate this ordinance and consist of speech or communication; of a gathering with others to hear or observe speech or communication; or a gathering with others to picket or otherwise express in a non-violent manner a position on social, economic, political or religious questions; the person must be ordered to, and have the opportunity to, move, disperse, or otherwise remedy the violation prior to arrest or a citation being issued. (Ord. No. 2003-3, Sec. 8.)

7.42.09 Penalties

- A. A person who violates a provision of this ordinance is guilty of a misdemeanor which is punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or imprisonment not to exceed sixty (60) days or both.
- B. Each occurrence of a violation or in the case of continuous violations, each day a violation occurs or continues, constitutes s separate offense and may be punished separately. (Ord. No. 2003-3, Sec. 9.)

7.42.10 Severability clause A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part of this ordinance shall not affect the validity of the remaining parts of this ordinance. (Ord. No. 2003-3, Sec. 10.)

7.32.08 Saving clause A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date ofthis ordinance arising from a violation of an ordinance repealed by this ordinance, shall be tried and determined exactly as if the ordinance has not been repealed. (Ord. No. 2003-3, Sec. 11.)

CHAPTER 7.44

FIREWORKS

Sections:

7.44.01	Definitions
7.44.02	Penalty
7.44.03	Discharge, sale restricted
7.44.04	Discharge permitted

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

Fireworks means any device for producing a striking display of light, noise or smoke by the combustion of explosive or flammable compositions, including but not limited to firecrackers, torpedoes, Roman candles, bottle rockets, sparklers and similar devices. (Ord. No. 2010-1, Sec. 1.)

7.44.02 Penalty Any violator of this article shall be guilty of a misdemeanor and upon conviction, the violator will be punished by a fine of not more than One Hundred Dollars (\$100.00) plus court costs. (Ord. No. 2010-1, Sec. 2.)

7.44.03 Discharge, sale restricted Pursuant to the authority of its police powers for the health, safety and welfare of its citizens, the city prohibits the discharge and/or sale of fireworks within the city. Except as authorized by law, it shall be unlawful for any person to discharge or to sell any fireworks within the city. (Ord. No. 2010-1, Sec. 3.)

7.44.04 Discharge permitted Except from the provisions of this article is the discharge of any fireworks at a public fireworks show or event open to the general public, which show or event was approved in writing by the Chief of the Fire Department and the Chief of the Police Department prior to the show or event. Also excepted from the provisions of this article is the discharge of any fireworks between the hours of 10:30 a.m. and 10:30 p.m. on July 4^o of each year provided that any fireworks discharges under this exception shall not be discharged by any person in or around any group of twenty (20) or more people or when a burn ban is in effect. (Ord. No. 2010-1, Sec. 4.)

CHAPTER 7.48

SEXUALLY ORIENTED BUSINESSES

Sections:

7.48.01	Rationale
7.48.02	Effects
7.48.03	Definitions
7.48.04	Classifications
7.48.05	License required
7.48.06	Issuance of license
7.48.07	Fees
7.48.08	Inspection
7.48.09	Expiration of license
7.48.10	Suspension
7.48.11	Revocation
7.48.12	Transfer of license
7.48.13	Hours of operation
7.48.14	Regulations pertaining to exhibition of sexually explicit films on premises
7.48.15	Loitering and exterior lighting and monitoring requirements
7.48.16	Penalties and enforcement
7.48.17	Applicability of ordinance to existing businesses
7.48.18	Scienter required to prove violation or business licensee liability
7.48.19	Failure of city of Mayflower, Arkansas to meet time frame not to risk applicant/licensee rights
7.48.20	Location of sexually oriented businesses

7.48.01 Rationale It is the purpose of this ordinance to regulate sexually oriented businesses to promote the health, safety and general welfare of the citizens of the city of Mayflower, Arkansas, and to establish reasonable and uniform regulation to prevent the harmful secondary effects of sexually oriented businesses within the city of Mayflower, Arkansas. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material. (Ord. No. 2011-1, Sec. 1.)

Adult motel means a motel, hotel, or similar commercial establishment which:

- A. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, other photographic reproductions, or live performances which are characterized by the display of "specified sexual activities" or "specified anatomical areas"; and which advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any on or off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
- B. offers a sleeping room for rent for a period of time that is less than 10 hours; or
- C. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult motion picture theater means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown to more than five persons for any form of consideration.

Characterized by means describing the essential character or quality of an item. As applied in this ordinance, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-18 or R by the Motion Picture Association of America.

Employ, employee and employment describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full time or part time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Enforcement Officer means the city of Mayflower, Arkansas' Police Chief or his designee.

Establish or establishment shall mean and include any of the following:

- A. The opening or commencement of any sexually oriented business as a new business;
- B. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or

7.48.02 Effects

- A. Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.
- B. Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented business, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
- C. Each of the foregoing negative secondary effects constitutes a harm which the city of Mayflower, Arkansas, has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the city of Mayflower, Arkansas's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the city of Mayflower, Arkansas's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the city of Mayflower, Arkansas. (Ord. No. 2011-1, Sec. 2.)

7.48.03 Definitions For the purposes of this ordinance, the words and phrases defined in the sections hereunder shall have the meanings herein respectively ascribed to them unless a different meaning is clearly indicated by the context.

Adult bookstore or adult video store means a commercial establishment which as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: books magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities or specified anatomical areas."

Adult cabaret means a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear semi-nude.

- C. The addition of any sexually oriented business to any other existing sexually oriented business.

Influential interest means any of the following

- A. the actual power to operate the sexually oriented business or control the operation, management or policies of the sexually oriented business or legal entity which operates the sexually oriented business,
- B. ownership of a financial interest of thirty percent (30%) or more of a business or of any class of voting securities of a business, or
- C. holding an office (e.g., president, vice-president, secretary, treasurer, managing member, managing director, etc.) in a legal entity which operates the sexually oriented business.

Licensee shall mean a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually oriented business license. In case of an "employee," it shall mean the person in whose name the sexually oriented business employee license has been issued.

Municipality body means the City Council of the city of Mayflower, Arkansas.

Municipality type means city of Mayflower, Arkansas.

Nudity or a state of nudity means the showing of the human male or female genitals, public area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

Operate or cause to operate shall mean to cause to function or to put or keep in a state of doing business. "Operator" means any person on the premises of a sexually oriented business who causes that business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part-owner, or licensee of the business.

Person shall mean individual, proprietorship, partnership, corporation, association, or other legal entity.

Premises means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a business license pursuant to this ordinance.

Regularly means and refers to the consistent and repeated doing of the act so described.

Semi-nude model studio means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a modeling class operated:

- A. By a college, junior college, or university supported entirely or partly by taxation;
- B. By a private college or university which maintains and operates educational programs in which credits are transferable to college, junior college, or university supported entirely or partly by taxation; or
- C. In a structure:
 1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
 2. Where, in order to participate in a class a student must enroll at least three days in advance of the class.

Semi-nude or state of semi-nudity means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at the point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

Sexual device means any three (3) dimensional object designed and marketed for stimulation of the male or female human genital organ or anus or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Sexual device shop means a commercial establishment that regularly features sexual devices. Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or service, nor shall this definition be construed to include commercial establishments which do not restrict access to any portion of their premises by reason of age.

Sexual encounter center shall mean a business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex when one or more of the persons is semi-nude.

Sexually oriented business means an "adult bookstore or adult video store," and "adult cabaret," an "adult motel," an "adult motion picture theater," a "semi-nude model studio," "sexual device shop," or a "sexual encounter center."

Specified anatomical areas means and includes:

- A. Less than completely and opaquely covered; human genitals, public region, buttock; and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified criminal activity means:

- A. any of the following specified crimes for which less than five years elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:
 - 1. Sex crimes as defined in A.C.A. 5-14-101, *et seq.*
 - 2. Prostitution crimes as defined in A.C.A. 5-70-101, *et seq.*
 - 3. Obscenity crimes as defined in A.C.A. 5-68-101, *et seq.*
 - 4. Drug crimes as defined in A.C.A. 5-64-101, *et seq.*
 - 5. Racketeering as defined in A.C.A. 5-74-101, *et seq.*
- B. any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
- C. any offense in another jurisdiction that, had the predicate act(s) been committed in Arkansas, would have constituted any of the foregoing offenses.

Specified sexual activity means any of the following:

- A. intercourse, oral copulation, masturbation or sodomy; or
- B. excretory functions as a part of or in connection with any of the activities described in (A) above.

Substantial means at least thirty-five percent (35%) of the item(s) so modified.

Transfer of ownership or control of a sexually oriented business shall mean any of the following:

- A. the sale, lease, or sub-lease of the business;
- B. The transfer of securities which constitute an influential interest in the business, whether by sale, exchange, or similar means, or
- C. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Viewing room shall mean the room, booth, or area where a patrol of sexually oriented business would ordinarily be positioned while watching a film, video cassette, or other video reproduction. (Ord. No. 2011-1, Sec. 3.)

7.48.04 Classification The classifications for sexually oriented businesses shall be as follows:

- A. Adult bookstores or adult video stores;
 - B. Adult cabarets;
 - C. Adult motel;
 - D. Adult motion picture theater;
 - E. Semi-nude model studio;
 - F. Sexual device shop;
 - G. Sexual encounter center.
 - H. Live viewing or dance booth.
- (Ord. No. 2011-1, Sec. 4.)

7.48.05 License required

- A. It shall be unlawful for any person to operate a sexually oriented business in the city of Mayflower without a valid sexually oriented business license.

- B. It shall be unlawful for any person to be an "employee" as defined in this ordinance, of a sexually oriented business in the city of Mayflower without a valid sexually oriented business employee license.
- C. An applicant for a sexually oriented business license or sexually oriented business employee license shall be filed in person at the office of the City Clerk/Treasurer. Application will be made on a form provided by the City Clerk/Treasurer. The application shall be signed as required by subsection (3) herein and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the information and/or items required.
1. The applicant's full true name and any other names used by the applicants in the preceding five (5) years.
 2. Current business address or another mailing address of the applicant.
 3. Written proof of age, in the form of a driver's license or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.
 4. If the application is for a sexually oriented business license, the business name, location, legal description, mailing address and phone number of the sexually oriented business.
 5. If the application is for a sexually oriented business license, the name and business address of the statutory agent or other agent authorized to receive service of process.
 6. A statement of whether an applicant has been convicted of or has pled guilty or *nolo contendere* to a specified criminal activity as defined in this ordinance, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.
 7. A statement of whether any sexually oriented business in which applicant has had an influential interest, has, in the previous five (5) years (and at the time during which the applicant had the influential interest):
 - a. been declared by a court of law to be a nuisance; or
 - b. been subject to a court order of closure or padlocking.
 8. Federal and state criminal background check.

The information provided pursuant to this ordinance shall be supplemented in writing by certified mail, return receipt requested, to the City Clerk/Treasurer within ten (10) working days of change of circumstances which would render the information originally submitted false or incomplete.

- D. An application for a sexually oriented business license shall be accompanied by a legal description of the property where the business is located and a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches. Applicants who are required to comply shall submit a diagram indicating that the interior configuration meets the requirements of those sections.
- E. If a person who wishes to operate a sexually oriented business is an individual, he shall sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each person with an influential interest in the business shall sign the application for a license as applicant. Each applicant must be qualified under and each applicant shall be considered a licensee if a license is granted.
- F. The information provided by an applicant in connection with an application for a license under this ordinance shall be maintained by the office of the City Clerk/Treasurer on a confidential basis, and such information may be disclosed only as may be required, and only to the extent required, by court order. (Ord. No. 2011-1, Sec. 5.)

7.48.06 Issuance of license

- A. Upon the filing of a completed application, the City Clerk/Treasurer shall immediately issue a temporary license to the applicant, which temporary license shall expire upon the final decision of the city of Mayflower, Arkansas, to deny or grant an annual license. Within twenty (20) days of the filing date of a completed sexually oriented business license application, the City Clerk/Treasurer shall issue a license to the applicant or issue to the applicant a letter of intent to deny the application. The City Clerk/Treasurer shall issue a license unless:
 - 1. An applicant is less than eighteen (18) years of age.
 - 2. An applicant has been convicted of a felony.

3. An applicant has failed to provide information as required for issuance of a license or has falsely answered a question or request for information on the application form.
 4. The license application fee required by this ordinance has not been paid.
 5. The sexually oriented business, as defined herein, is not in compliance with the interior configuration requirements of this ordinance or is not in compliance with locational requirements of this ordinance or the locational requirements of any other part of the city of Mayflower code.
 6. Any sexually oriented business in which the applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):
 - a. been declared by a court of law to be a nuisance; or
 - b. been subject to an order of closure or padlocking.
 7. An applicant has been convicted of or pled guilty or *nolo contendere* to a specified criminal activity, as defined in this ordinance.
- B. Upon the filing of a completed application for a sexually oriented business employee license, the City Clerk/Treasurer shall immediately issue a temporary license to the applicant, which temporary license shall expire upon the final decision of the city of Mayflower, Arkansas, to deny or grant an annual license. Within twenty (20) days of the filing date of a completed sexually oriented business employee license application, the City Clerk/Treasurer shall either issue a license or issue a written notice of intent to deny a license to the applicant. The City Clerk/Treasurer shall approve the issuance of a license unless:
1. The applicant is less than eighteen (**18**) years of age.
 2. The applicant has been convicted of a felony;
 3. The applicant has a negative criminal background check;
 4. The applicant has failed to provide information as required for issuance of a license or has falsely answered a question or request for information of the application form.
 5. The license application fee required has not been paid.

6. Any sexually oriented business in which the applicant has had an influential interest, has, in the previous five (5) years and at a time during which the applicant had the influential interest.
 - a. been declared by a court of law to be a nuisance; or
 - b. been subject to an order of closure or padlocking.
 7. The applicant has been convicted of or pled guilty or *nolo contendere* to a specified criminal activity, as defined in this ordinance.
- C. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, if the license is for sexually oriented business, the address of the sexually oriented business. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be read at any time. A sexually oriented business employee shall keep the employee's license on his or her person or on the premises where the licensee is then working or performing. (Ord. No. 2011-1, Sec. 6.)

7.48.07 Fees The initial license and annual renewal fees for sexually oriented business licenses and sexually oriented business employee licenses shall be as follows: current annual rate for the initial fee for a sexually oriented business license and current annual rate for annual renewal; current annual rate for the initially sexually oriented business employee license and current annual rate for the annual renewal. All fees to be paid on or before June 1 of each year. (Ord. No. 2011-1, Sec. 7.)

7.48.08 Inspection

- A. Sexually oriented businesses and sexually oriented business employees shall permit the Enforcement Officer to inspect, from time to time on an occasional basis, the portions of the sexually oriented business premises where patrons are permitted for the purpose of ensuring compliance with the specific regulations during those times when the sexually oriented business is occupied by patrons or is open to the public. This section shall be narrowly construed by the city of Mayflower, Arkansas, to authorize reasonable inspections of the licensed premises pursuant to this ordinance, but not to authorize a harassing or excessive pattern of inspections.
- B. The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation. (Ord. No. 2011-1, Sec. 78)

7.48.09 Expiration of license

- A. Each license shall remain valid for one calendar year unless otherwise suspended or revoked. Such license may be renewed only by making application and payment of a fee as provided in this ordinance.
- B. Application for renewal should be made pursuant to the procedures set forth in at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected. (Ord. No. 2011-1, Sec. 9.)

7.48.10 Suspension

- A. The city of Mayflower, Arkansas, shall issue a written letter of intent to suspend a sexually oriented business license for a period not to exceed thirty (30) days if the sexually oriented business license has knowingly violated this ordinance or has knowingly allowed an employee to violate this ordinance.
- B. The city of Mayflower, Arkansas, shall issue a written letter of intent to suspend a sexually oriented business employee license if the employee has knowingly violated this ordinance. (Ord. No. 2011-1, Sec. 10.)

7.48.11 Revocation

- A. The city of Mayflower, Arkansas, shall issue a letter of intent to revoke a sexually oriented business license or a sexually oriented business employee license, as applicable, if the licensee knowingly violated this ordinance or has knowingly allowed an employee to violate this ordinance and the licensee's license has been suspended within the previous twelve-month (12) period.
- B. The city of Mayflower, Arkansas, shall issue written intent to revoke a sexually oriented business license or a sexually oriented business employee license as applicable, if:
 1. The licensee has knowingly given false information in the application for the sexually oriented business license.
 2. The licensee has knowingly or recklessly engaged in or allowed possession, use, or sale of controlled substances on the premises.
 3. The licensee has knowingly or recklessly engaged in or allowed prostitution on the premises.

4. The licensee has knowingly or recklessly operated the sexually oriented business during a period of time when the license was finally suspended or revoked; or
5. The licensee has knowingly or recklessly engaged in or allowed any specified sexual activity to occur in or on the licensed premises.
(Ord. No. 2011-1, Sec. 11.)

7.48.12 Transfer of license A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the sexually oriented business license application. (Ord. No. 2011-1, Sec. 12.)

7.48.13 Hours of operation No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day. (Ord. No. 2011-1, Sec. 13.)

7.48.14 Regulations pertaining to exhibition of sexually explicit films or videos

- A. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 6 x 6 square feet of floor space, a film, video cassette, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.
 1. Each application for a sexually oriented business license shall contain a diagram of the premises showing the location of all operator's stations, viewing rooms, overhead lighting fixtures, video cameras and monitors and restrooms, installed for monitoring purposes, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain video reproduction equipment. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior or the premises to an accuracy of plus or minus six (6) inches. The Enforcement Officer may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

2. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to this ordinance.
3. The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5) foot candles as measured at the floor level. It shall be the duty of the operator, and of any employees present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.
4. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no sexual activity occurs in or on the licensed premises.
5. It shall be the duty of the operator to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
 - a. That the occupancy of viewing rooms is limited to one person
 - b. That sexual activity on the premises is prohibited.
 - c. That the making of openings between viewing rooms is prohibited.
 - d. That violators will be required to leave the premises.
6. It shall be the duty of the operator to enforce the regulations.
7. The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed thirty-two (32) square feet of floor area. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains

unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty. (Ord. No.2011-1, Sec. 14.)

7.48.15 Loitering, exterior lighting, visibility, and monitoring requirements

- A. It shall be the duty of the operator of a sexually oriented business;
 - 1. to post conspicuous signs stating that no loitering is permitted on such property;
 - 2. to designate one or more employees to monitor the activities of persons on such property by visually inspecting such property at least once every ninety (90) minutes or inspecting such property by use of video cameras and monitors; and
 - 3. to provide lighting of the exterior premises to provide for visual inspection or video monitoring to prohibit loitering. If used, video cameras and monitors shall operate continuously at all times that the premises are open for business. The monitors shall be installed within an operator's station.
- B. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.
- C. No sexually oriented business shall erect a fence, wall, or other barrier that prevents any portion of the parking lot(s) for the establishment from being visible from a public right-of-way. (Ord. No. 2011-1, Sec. 15.)

7.48.16 Penalties and enforcement

- A. A person who knowingly violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this ordinance shall be guilty of a Class A misdemeanor, and, upon conviction, shall be punishable by 0 days to 1 years in jail and/or Oto \$1,000.00 fine. Each day a violation is committed, or permitted to continue, shall constitute a separate offense and shall be fined as such.

- B. The city of Mayflower, Arkansas' legal counsel is hereby authorized to institute civil proceedings necessary for the enforcement of this ordinance to prosecute, restrain, or correct violations hereof. Such proceedings, including injunction, shall be brought in the name of the city of Mayflower, Arkansas, provided, however, that nothing in this section and no action taken hereunder, shall be held to exclude such criminal or administrative proceedings as may be authorized by other provisions of this ordinance, or any of the laws or ordinances in force in the city of Mayflower, Arkansas, or to exempt anyone violating this code or any part of the said laws from any penalty which may be incurred. (Ord. No. 2011-1, Sec. 16.)

7.48.17 Applicability of ordinance to existing businesses It is unlawful for a sexually oriented business to knowingly violate the following regulations or to knowingly allow an employee or any other person to violate the following regulations.

- A. It shall be a violation of this ordinance for a patron, employee, or any other person to knowingly or intentionally, in a sexually oriented business, appear in a state of nudity, regardless of whether such public nudity is expressive in nature.
- B. It shall be a violation of this ordinance for a person to knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the person is an employee who, while semi-nude, remains at least six (6) feet from any patron or customer and on a stage at least eighteen (18) inches from the floor in a room of at least one thousand (1,000) square feet.
- C. It shall be a violation of this ordinance for any employee who regularly appears semi-nude in a sexually oriented business to knowingly or intentionally touch a customer or the clothing of a customer on the premises of a sexually oriented business.
- D. It shall be a violation of this ordinance for any person to sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.
- E. A sign in a form to be prescribed by the Enforcement Officer, and summarizing the provisions of paragraphs (A), (B), (C) and (D) of this section, shall be posted near the entrance of the sexually oriented business in such a manner as to be clearly visible to patrons upon entry. (Ord. No. 2011-1, Sec. 17.)

7.48.18 Scinter required to prove violation or business licensee liability This ordinance does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of this ordinance. Notwithstanding anything to the contrary, for the purposes of this ordinance,

an act by an employee that constitutes grounds for suspension or revocation of that employee's license shall be imputed to the sexually oriented business licensee for the purposes of finding a violation of this ordinance, or for purposes of license denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act. (Ord. No. 2011-1, Sec. 18.)

7.48.18 Failure of the city of Mayflower, Arkansas, to meet deadline not to risk applicant/licensee rights In the event that a city of Mayflower, Arkansas, official is required to take an act or do a thing pursuant to this ordinance within a prescribed time, and fails to take such act or do such thing within the time prescribed, said failure shall not prevent the exercise of constitutional rights of an applicant or licensee. If the act required of the city of Mayflower, Arkansas, official under this ordinance, and not completed in the time prescribed, includes approval of condition(s) necessary for approval by the city of Mayflower, Arkansas, of an applicant or licensee's application for sexually oriented business license or a sexually oriented business employee's license (including a renewal), the license shall be deemed granted and the business or employee allowed to commence operations or employment the day after the deadline for the city of Mayflower, Arkansas' action has passed. (Ord. No. 2011-1, Sec. 19.)

7.48.19 Location of sexually oriented businesses

- A. Sexually oriented businesses shall not be required to obtain a conditional use permit. Sexually oriented businesses shall be permitted in industrial districts subject to the following limitations:
- B. It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city of Mayflower, unless said sexually oriented business is at least:
 - 1. Two thousand (2,000) feet from any parcel occupied by another sexually oriented business or by a business licensed by the state of Arkansas to sell alcohol at the premises; and
 - 2. Two thousand (2,000) feet from any parcel occupied by a house of worship, licensed day-care center, public or private elementary or secondary school, public bar, or any residence.
- C. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use above.

- D. Notwithstanding anything to the contrary in the city of Mayflower's Code, a non-conforming sexually oriented business, lawfully existing in all respects under law prior to the effective date of this ordinance may continue to operate for three (3) years following that date in order to make a reasonable recoupment of its investment in its current location. At the conclusion of said three (3) years, the use will no longer be recognized as a lawful non-conforming use, provided that a non-conforming sexually oriented business may apply for one or more six (6) month extensions of the original three (3) year period upon a showing financial hardship. An application for an initial extension based upon financial hardship exception shall be made at least sixty (60) days before the conclusion of the aforementioned three year period. If a hardship extension is granted, subsequent applications or hardship extensions shall be made at least sixty (60) days before the conclusion of the non-conforming sexually oriented business's current extension period.
- E. An application for a hardship extension shall be filed in writing with the Enforcement Officer, and shall include evidence of purchase and improvement costs, income earned and lost, depreciation, and costs of relocation. Within ten (10) days after receiving the application, the Enforcement Officer shall schedule a public hearing on the application before the Mayflower Planning and Zoning Commission, which public hearing shall be conducted within thirty (30) days after the Enforcement Officer's receipt of the application. Notice of the time and place of such public hearing shall be published at least ten (10) days before the hearing in a newspaper of general circulation published within the city of Mayflower, Arkansas, and shall contain the particular location for which the hardship extension is requested. The Mayflower Planning and Zoning Commission shall issue a written decision within ten (10) days after the public hearing on the application for a hardship extension. The hardship extension shall be granted upon a showing that the non-conforming sexually oriented business is unable to recoup its investments, made prior to the effective date of this ordinance, in its current location unless the hardship extension is granted.
- F. Exterior portions of sexually oriented businesses.
1. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment
 2. It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this ordinance.

3. It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:
 - a. The establishment is a part of a commercial multi-unit center; and
 - b. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.
4. Nothing in this article shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.

G. Signage

1. Notwithstanding any other city ordinance, code, or regulation to the contrary, it shall be unlawful for the operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one (1) primary sign and one (1) secondary sign, as provided herein.
2. Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:
 - a. not contain any flashing lights;
 - b. be a flat plane, rectangular in shape;
 - c. not exceed thirty-two (32) square feet in area; and
 - d. not exceed four (4) feet in height or eight (8) feet in length.
3. Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.
4. Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.
5. Secondary signs shall have only one (1) display surface. Such display surface shall:

- a. be a flat plane, rectangular in shape;
 - b. not exceed twenty (20) square feet in area;
 - c. not exceed five (5) feet in height and four (4) feet in width; and
 - d. be affixed or attached to any wall or door of the enterprise.
6. The provisions of item (A) of subsection (2) and subsection (3) and (4) shall also apply to secondary signs. (Ord. No. 2011-1, Sec. 20.)