

ORDINANCE NO. 1196

AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE  
TO REZONE CERTAIN PROPERTY IN THE CITY OF  
HOPE FROM "C-4" TO "C-2" ON THE ZONING MAP OF  
THE CITY OF HOPE, ARKANSAS, AND FOR OTHER  
PURPOSES"

WHEREAS, on the 18th day of December, 1991, Travis C. Mitchell, by his attorney, James H. Pilkinton, Jr., filed with the City Clerk for consideration by the Board of Directors of the City of Hope, Arkansas, a Petition praying that those lands hereinafter described be rezoned from "C-4" to "C-2"; and

WHEREAS, said Petition was referred to the City Planning Commission, who caused a hearing to be held after due notice as required by law; and

WHEREAS, the City Planning Commission has recommended that the lands be rezoned, as petitioned.

NOW THEREFORE, BE IT ORDAINED BY THE CITY BOARD OF DIRECTORS OF THE CITY OF HOPE, ARKANSAS:

SECTION I: That the following described property in the City of Hope, County of Hempstead, State of Arkansas, to-wit:

Part of Block 65 to the City of Hope, Arkansas, described as: Part of the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section Thirty-three (33), Township Twelve (12) South, Range Twenty-four (24) West, in the City of Hope, Arkansas, more particularly described as follows, to-wit:

Commence at a stake on the West line of Main Street in said City at the Southeast corner of lot conveyed to E. G. Porterfield by W. A. Rhodes and wife on September 16, 1885, and run thence Northerly along the West line of said street 110 feet TO THE POINT OF BEGINNING; run thence Westerly and at right -angles to said street 150 feet; run thence Northerly and parallel with said street 163 feet; run thence Easterly and at right angles to said street 150 feet to the West line of said street; run thence Southerly along the West line of said Street 163 feet BACK TO THE POINT OF BEGINNING.

is hereby rezoned from "C-4" to "C-2".

SECTION II: The zoning map of the City of Hope,

SECTION III: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION IV: It is ascertained and determined that the property involved should be reclassified immediately for the orderly growth and development of the City of Hope; therefore, for this Ordinance being necessary for the peace, safety and welfare of the inhabitants of said City, this Ordinance shall take effect and be in full force from and after the passage and approval hereof.

PASSED AND APPROVED THIS 7<sup>TH</sup> DAY OF JANUARY, 1992.

CITY OF HOPE, ARKANSAS

BY: \_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

ORDINANCE NUMBER 1197

AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE TO CLOSE A STREET LOCATED IN THE CITY OF HOPE, ARKANSAS AND VEST TITLE TO SUCH PROPERTY IN THE SURROUNDING LANDOWNERS

WHEREAS, on the 18th day of December, 1991, Arch Wylie, by and through his attorneys, Wright & Bird, caused to be filed with the City Clerk for consideration by the Board of Directors of the City of Hope, Arkansas, a Petition praying that the street located on those lands hereinafter described be closed; and

WHEREAS, the said Petition was referred to the City Board of Directors, who caused a hearing to be held after due notice as required by law:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY BOARD OF DIRECTORS OF THE CITY OF HOPE, ARKANSAS:

SECTION I: That the following described street in the City of Hope, County of Hempstead, State of Arkansas, to-wit:

Beginning at the Northeast corner of Lot Seventeen (17) in Block Three (3) of McDowell's Subdivision and run South 24~ 00' 00" East for 350.00 feet, thence North 660 00' 00" East for 40.00 feet, thence North 24~ 00' 00" West for 350.00 feet, thence South 660 00' 00" West for 40.00 feet back to the POINT OF BEGINNING,

is hereby closed.

SECTION II: That title to the Northeast half of the former street being 350.00 feet long and 20.00 feet wide be vested in the adjoining property owners, Perry Campbell, James Vess and Gary Chambless, as tenants in common.

SECTION III: That title to the Southwest half of the former street being 350.00 feet long and 20.00 feet wide be vested in the adjoining property owner, Arch Wylie.

SECTION IV: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

THEREFORE, this Ordinance being necessary for the peace, safety and welfare of the inhabitants of said City, this Ordinance shall take effect and be in full force from and after the passage and approval hereof.

PASSED AND APPROVED this 4th day of February, 1992. CITY OF HOPE, ARKANSAS

BY:

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MAYOR

ATTEST:

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CITY CLERK

ORDINANCE NO.1198

AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE TO  
WAIVE COMPETITIVE BIDDING AS REQUIRED BY ARKANSAS  
CODE ANNOTATED SECTION 14-58-303".

WHEREAS, The City Board of Directors has determined that an exceptional situation exist in the purchase of Teac communications recorders, in that it is not feasible or practical to seek competitive bids for this item because of the urgent need by the city to purchase this item and place same in use.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF HOPE, ARKANSAS:

SECTION I: The Board of Directors of the City of Hope, Arkansas, hereby determines that the requirement for competitive bidding for the purchase of Teac communications recorders, is deemed not feasible or practical and is thereby waived.

SECTION II: This action being necessary to the preservation of the public peace, health, and safety, an emergency is hereby declared to exist, and this ordinance shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED on this 18<sup>th</sup> day of February 1992.

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MAYOR

ATTEST:

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CITY CLERK

ORDINANCE NO. 1199

AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE TO  
WAIVE COMPETITIVE BIDDING AS REQUIRED BY ARKANSAS  
CODE ANNOTATED SECTION 14-58-303".

WHEREAS, The City Board of Directors has determined that an exceptional situation exist in the purchase of computer equipment from Computer Support Group, in that it is not feasible or practical to seek competitive bids for this item because of the urgent need by the city to purchase this item and place same in use.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF HOPE, ARKANSAS:

SECTION I: The Board of Directors of the City of Hope, Arkansas, hereby determines that the requirement for competitive bidding for the purchase of computer equipment from Computer Support Group, is deemed not feasible or practical and is thereby waived.

SECTION II: This action being necessary to the preservation of the public peace, health, and safety, an emergency is hereby declared to exist, and this ordinance shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED on this 18<sup>th</sup> day of February 1992.

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MAYOR

ATTEST:

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CITY CLERK

**ORDINANCE 1200**

**WHEREAS**, a Petition was duly filed with the City Board of Directors of Hope, Arkansas on the 17th day of March, 1992, asking the City Board of Directors to vacate and abandon all that portion of the street or alley designated on the plat of Block Twenty-three (23) in the City of Hope now appearing of record in plat book Six (6) page twenty (20) in the office of the recorder of Hempstead County.

**WHEREAS**, after due notice as required by law, the board has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the street or alley or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a street or alley herein described; has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the street or alley to be vacated have filed with the board their written consent adversely affected by the abandonment of the street or alley.

**NOW THEREFORE**, be it ordained by the City Board of Directors of the City of Hope, Arkansas:

**SECTION 1.** The City of Hope, Arkansas, releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the alley designated as follows:

An alley designated on the plat of Block Twenty-three (23) in the City of Hope, Arkansas, running Northerly and Southerly through said Block Twenty-three (23) in the City of Hope, Arkansas, more particularly described as follows:

Commence at the Southwest Corner of Lot Three (3) in Block Twenty-three (23) in the City of Hope, Arkansas, and run thence Westerly along the South line of said Lot 3, 142 feet to THE POINT OF BEGINNING: Continue thence Westerly 16 feet; run thence Northerly 50 feet; run thence Easterly 16 feet; run thence Southerly 50 feet back to THE POINT OF BEGINNING.

**SECTION 2.** A copy of the ordinance duly certified by the city clerk shall be filed in the office of the recorder of the county and recorded in the deed records of the county.

**SECTION 3.** All ordinances and parts of ordinances in conflict herewith are hereby repealed; and this action being necessary for the preservation of the public health, peace, prosperity, safety, order, comfort and convenience of the City of Hope, Arkansas, and the inhabitants therefor, an emergency is declared to exist and this ordinance shall take effect and be in force from and after its passage.

**DATED** this 31 day of March, 1992.

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ROBERT ARNOLD, MAYOR

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Leneta Hare  
City Clerk

ORDINANCE NO. 1201

AN ORDINANCE TO ADOPT THE 1991 EDITION OF THE SOUTHERN BUILDING CODE  
RELATING TO INSPECTION ACTIVITIES OF THE CITY OF HOPE, HEMPSTEAD  
COUNTY, ARKANSAS AND ENFORCEMENT OF BUILDING PROVISIONS AS PROVIDED  
IN SAID CODE.

**SECTION 1: WHEREAS,** it is the desire of the City of Hope to adopt, in all respects, the Standard Code relating to building construction; and

**WHEREAS,** the adoption of this code is done to facilitate proper inspection activities by the City of Hope, Hempstead County, Arkansas relating to construction and to maintenance of buildings within the said City of Hope, Hempstead County, Arkansas and relating to public safety, health and general welfare:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HOPE THAT THE FOLLOWING CODE HEREBY ADOPTED BY REFERENCE AS THOUGH IT WERE COPIED HEREIN FULLY:**

Standard Building Code - 1991 Edition

**SECTION 2:** BE IT FURTHER ORDAINED BY the City of Hope that any matters in said Code which are contrary to existing Ordinances of the City of Hope, Hempstead County, Arkansas, shall prevail and that Ordinance No. 1027A, entitled ORDINANCE ADOPTING THE 1980-81 AMENDMENTS TO THE 1979 EDITION OF THE SOUTHERN BUILDING CODE WITHIN THE CITY OF HOPE are hereby repealed and, to that extent any existing Ordinances to the contrary are hereby repealed in that respect only.

**SECTION 3:** BE IT FURTHER ORDAINED that within said Code, when reference is made to the duties of a certain official named therein, that designated official of the City of Hope, Hempstead County, Arkansas who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned.

**SECTION 4:** BE IT FURTHER ORDAINED that this Ordinance shall take effect and be in force from and after its passage, the public welfare requiring it.

**PASSED AND APPROVED** BY the Board of Directors of the City of Hope on the 16th day of June, 1992.

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ROBERT ARNOLD, MAYOR

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Leneta Hare  
City Clerk

ORDINANCE NO. 1202

AN ORDINANCE REQUIRING PREMISES TO BE KEPT FREE FROM WEEDS, RANK GRASS, GARBAGE, RUBBISH, MOTOR VEHICLES, AND OTHER UNSIGHTLY AND UNSANITARY ARTICLES; REQUIRING PROPERTY OWNERS TO ELIMINATE, FILL UP OR REMOVE STAGNANT POOLS OF WATER OR ANY OTHER UNSANITARY THING, PLACE OR CONDITION WHICH MIGHT BECOME A BREEDING PLACE FOR MOSQUITOES, FLIES AND GERMS HARMFUL TO THE HEALTH OF THE COMMUNITY; PRESCRIBING A PROCEDURE TO BE FOLLOWED IN SUCH CASES; DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY BOARD OF DIRECTORS OF THE CITY OF HOPE, ARKANSAS:

**SECTION 1:** All property owners within the City of Hope, Arkansas, are hereby required to cut weeds, grass, remove garbage, rubbish and other unsanitary and unsightly articles and things from their property, and to eliminate, fill up, or remove stagnant pools of water or any other unsanitary things, place or condition which might become a breeding place for mosquitoes, flies and germs harmful to the health of the community. All property owners within the City of Hope, Arkansas will maintain their property free from weeds or plant growth in excess of ten (10) inches in height and all noxious weeds shall be prohibited regardless of height. For purposes of this ordinance, weeds shall be defined as all grasses, annual plants and vegetation other than, trees, shrubs or cultivated flowers and gardens.

**SECTION 2:** Except as provided by other ordinances or regulations, not more than one (1) currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any property within the City of Hope, Arkansas. Further, no vehicle of any type is permitted to be in a state of major disassembly, disrepair or in the process of being stripped or dismantled except a vehicle of any type is permitted to undergo major overhaul, including body work, provided such work is performed inside a structure or enclosed area designed and approved for such purposes.

**SECTION 3:**

(a) If the owner or owners of any lot or other real property within the City of Hope, after the giving of seven (7) days notice in writing by the Code Enforcement Officer, shall refuse or neglect to perform the duties in connection with his or their property as specified in Section 1 or Section 2 hereof, the Code Enforcement Officer is hereby authorized to enter upon the property and have said weeds, rank grass or other vegetation cut and removed, or eliminate any unsanitary and unsightly condition, and the cost thereof shall be charged against said premises and shall constitute a lien thereon.

(b) Any person owning real property within the City who shall permit said property to become overgrown with weeds, tall grass, or who shall dump or store garbage, rubbish or any other unsightly or unsanitary article or thing upon such property, or who shall permit the unsightly accumulation of rubbish to remain on said property, or who shall permit pools of stagnant water or other unsanitary things, places or conditions, which may become breeding places for mosquitoes, flies or germs harmful to the health of the city, to exist or remain upon said property, or who shall violate Section 2 of this ordinance, shall be deemed guilty of a misdemeanor, provided that where the Code Enforcement Officer shall find, in his opinion, such condition to exist, he shall issue notice to the person guilty of said offense, stating the nature of the offense and allowing seven (7) days for said person to correct the condition.

(c) Any person who shall violate the provisions of this section shall be guilty of a misdemeanor, and in addition to the imposition of a fine, the Court in its discretion may order restitution to the city for any costs incurred in the clearing

of such property.

(d) Each day after the seven (7) day notice period the landowner permits the violation to continue shall be considered a separate misdemeanor violation which shall carry a maximum fine of \$50.00 per offense.

**SECTION 4:** In case the owner of any lot or other real property is unknown or his whereabouts is not known or is a nonresident of this State, then a copy of the written notice hereinabove referred to shall be posted upon the premises and before any action to enforce such lien shall be had, the City Clerk shall make an affidavit setting out the facts as to unknown address or whereabouts of nonresidents, and thereupon service of publication as now provided for by law against nonresident defendants may be had and an attorney ad litem shall be appointed to notify the defendant by certified letter addressed to his last known place of residence if same can be found.

**SECTION 5:** The lien herein provided for may be enforced and collected in either one of the following manners:

(a) The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Chancery Court; or

(b) The amount of the lien herein provided may be determined at a hearing before the City Board of Directors held after thirty (30) days written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then after publication of notice of such hearing in a newspaper having a bona fide circulation in Hempstead County for one (1) insertion per week for four (4) consecutive weeks; and the amount so determined at said hearing, plus ten percent (10%) penalty for collection, shall be certified by the City Board of Directors to the Hempstead County Tax Collector, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent (3%) thereof, when so collected shall be paid to the City of Hope.

**SECTION 6:** Any code enforcement official, officer, or employee of the City of Hope, Arkansas who acts in good faith in the discharge of the duties of enforcement of this ordinance, shall be held harmless and indemnified by the City of Hope, Arkansas for all personal liability for any damages or costs incurred as a result of enforcement acts or any failures to act.

**SECTION 7:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 8:** It has been determined that this ordinance is necessary and is vital to the health, welfare and safety of the public, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

**APPROVED:** July 7, 1992

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ROBERT ARNOLD, MAYOR

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Leneta Hare  
City Clerk

ORDINANCE NO. 1203

AN ORDINANCE PROVIDING FOR THE CONDEMNATION  
AND REMOVAL OF HOUSES, BUILDINGS OR STRUCTURES  
CONSTITUTING A NUISANCE WITHIN THE CORPORATE  
LIMITS; PROVIDING FOR A LIEN ON THE PROPERTY;  
PROVIDING A PENALTY THEREFOR, AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY BOARD OF DIRECTORS OF  
THE CITY OF HOPE, ARKANSAS:

**SECTION 1:** That it shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association, to own, keep or maintain any land, house, building or structure within the corporate limits of the City of Hope, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by Resolution of the City Board.

**SECTION 2:** For purposes of this ordinance, a nuisance or public nuisance, is defined, as follows:

(a) The physical condition, use, or occupancy of any premises regarded as a public nuisance at common law;

(b) Any physical condition, use, or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, or other structures;

(c) Any premises which has unsanitary sewerage or plumbing facilities;

(d) Any premises which is considered a fire hazard or so unsafe or unsecure as to be considered a danger to persons or property;

(e) Any premises from which the plumbing, heating or facilities required by ordinance or other regulations or codes have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;  
or

(f) Any structure or building that is in a state of dilapidation, deterioration or decay; of faulty construction; open, vacant or abandoned; damaged by fire to the extent so as not to be capable of providing shelter; or is in danger of collapse or structural failure and is dangerous to anyone on or near the premises.

**SECTION 3:** That any such house, building or structure which is found and declared to be a nuisance by Resolution of the City Board will be condemned to insure the removal thereof as herein provided.

**SECTION 4:** That the Resolution of the City Board condemning any house, building or structure which constitutes a nuisance will include in said Resolution an adequate description of the house, building or structure; the name or names, if known, of the owner or owners thereof; and shall set forth the reason or reasons said house, building or structure is or has been condemned as a nuisance.

**SECTION 5:** After a house, building or structure has been found and declared to be a nuisance and condemned by Resolution as herein provided, a true and certified copy of said Resolution will be mailed to the owner or owners at their last known address, if the whereabouts of said owner or owners is known, and a copy thereof shall be posted at a conspicuous place on said house, building or structure. Provided, that if the owner or owners of said house, building or structure is unknown or if their whereabouts or last known address is unknown, the posting of the copy of said Resolution as hereinabove provided will suffice as notice.

**SECTION 6:** The owner or owners shall have ninety (90) days from the time removal work is begun to complete the removal of the nuisance structure.

**SECTION 7:** Once the nuisance structure has been removed, including the removal of steps and foundation, all utility hook-ups shall be capped or covered with concrete, and the excavation site shall be left in a manner that will allow continued maintenance of the property.

**SECTION 8:** If the house, building or structure constituting a nuisance has not been torn down and removed, or said nuisance otherwise abated, within thirty (30) days after posting the true copy of the Resolution at a conspicuous place on said house, building or structure constituting the nuisance, the house, building or structure will be torn down or removed by the Code Enforcement Officer or his duly designated representative.

**SECTION 9:** The Code Enforcement Officer or any person or persons designated by him to tear down and remove any such house, building or structure constituting a nuisance, will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same has a substantial value, sell said house, building or structure, or any saleable material thereof by public sale to the highest bidder for cash, ten (10) days' notice thereof being first given by one publication in some newspaper having a general circulation in the City, to insure its removal and the abatement of the nuisance.

**SECTION 10:** All the proceeds of the sale of any such house, building, or structure, or the proceeds of the sale of saleable materials therefrom and all fines collected from the provisions of this ordinance shall be paid by the person or persons collecting the same to the City Finance Director. If any such house, building or structure, or the saleable materials thereof be sold for an amount which exceeds all costs incidental to the abatement of the nuisance (including the cleaning up of the premises) by the City, plus any fine or fines imposed, the balance thereof will be returned by the City Finance Director to the owner or owners of such house, building or structure which constituted the nuisance.

**SECTION 11:** If the City has any net costs in removal of any house, building or structure, the City shall have a lien on the property as provided by Section 1 of Act 8 of 1983, as amended. The lien may be enforced in either one of the following ways:

(a) The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in Chancery Court; or

(b) The amount of the lien herein provided may be determined at a hearing before the governing body of the municipality held after thirty (30) days' written notice by certified mail to the owner or owners of the property if the name and whereabouts of the owner or owners is known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in the county wherein the said property is located for one (1) insertion per week for four (4) consecutive weeks; the determination of said governing body being subject to appeal by the property owner to Chancery Court; and the amount so determined at said hearing, plus ten percent (10%) penalty for collection, shall be by the governing body of the municipality certified to the tax collector of the county wherein said municipality is located, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent (3%) thereof, when so collected shall be paid to the municipality by the county tax collector.

**SECTION 12:** A fine of Fifty Dollars (\$50.00) is hereby imposed against the owner or owners of any house, building or structure found and declared to be a nuisance by Resolution of the City Board of Directors thirty (30) days after same has been so found and declared to be a nuisance and for each day thereafter said

nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty Dollars C\$50.00) for each said separate and distinct offense; provided the notice as herein provided in Section 4 hereof has been given within ten (10) days after said house, building or structure has been by Resolution found and declared to be a nuisance.

**SECTION 13:** In the event it is deemed advisable by the City Board of Directors that a particular house, building or structure be judicially declared to be a nuisance by a Court having jurisdiction of such matters the City Board of Directors is hereby authorized to employ an attorney to bring such an action for said purpose in the name of the city, and the only notice to be given to the owner or owners of any such house, building or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a Court of equity or Chancery Court. When any such house, building or structure has been declared judicially to be a nuisance by a Court of competent jurisdiction a fine of Fifty Dollars C\$50.00) is hereby imposed against the owner or owners thereof from the date said finding is made by the Court and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty Dollars C\$50.00) for each separate and distinct offense. In the event the owner or owners of any such house, building or structure judicially found to be a nuisance fails or refuses to abide by the orders of the Court, the Code Enforcement Officer or his duly designated representative will take such action as is necessary and as provided for in this ordinance. The provisions contained in the immediate preceding sentence apply independently of any action as may be taken by the Court judicially declaring the nuisance.

**SECTION 14:** Any code enforcement official, officer or employee of the City of Hope, Arkansas who acts in good faith in the discharge of the duties of enforcement of this ordinance, shall be held harmless and indemnified by the City of Hope, Arkansas for all personal liability for any damages or costs incurred as a result of enforcement acts or any failures to act.

**SECTION 15:** If, for any reason, any portion of this ordinance be held to be invalid, such invalidity shall in no way affect the remaining portions thereof which are valid, but such valid portions shall be and remain in full force and effect.

**SECTION 16:** All ordinances or parts of ordinances in conflict herewith are repealed.

**SECTION 17:** It is determined that this ordinance is necessary and is vital to the health, welfare, and safety of the public, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

**APPROVED:** July 7, 1992

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ROBERT ARNOLD, MAYOR

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Leneta Hare  
City Clerk

ORDINANCE NO. 1204

AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE TO  
VACATE AND ABANDON THAT CERTAIN PUBLIC ALLEY BEING  
SITUATED BETWEEN LOTS 1, 2, 3, 4, 5 AND 6 AND LOTS  
7, 8, 9, 10, 11 AND 12, BLOCK 7, ORIGINAL TOWN OF  
HOPE, ARKANSAS.

WHEREAS, a Petition was duly filed with the City Clerk for consideration by the Board of Directors of the City of Hope, Arkansas, on the 21<sup>st</sup> day of July, 1992 asking the Board of Directors to vacate and abandon all that portion of the alley designated on the plat of the original Town of Hope, Arkansas, now appearing of record in Misc. Record Book 7, Page 316, in the Office of the Recorder of Hempstead County, Arkansas, alley being situated between Lots 1, 2, 3, 4, 5 and 6 and Lots 7, 8, 9, 10, 11 and 12, Block 7 of the original Town of Hope, Arkansas.

WHEREAS, after due notice as required by law, the Board of Directors has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the alley or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as an alley herein described; has not been actually used by the public generally for a period of at least five years subsequent to the filing of the plat; that all owners of the property abutting upon the portion of the alley to be vacated have filed with the Board of Directors their written consent to such abandonment; and that the public interest and welfare will not be adversely affected by the abandonment of such alley.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF HOPE, ARKANSAS:

SECTION I: The City of Hope, Arkansas hereby releases, vacates, and abandons all its right, together with the rights of the public generally, in and to the alley designated as follows:

All that certain alley which runs Easterly and Westerly through the entire Block Seven in the original Town of Hope, Arkansas. It is bounded on the North by Lots 1,2,3,4,5 and 6, and on the South by Lots 7,8,9, 10, 11 and 12, described by metes and bounds as follows:

Begin at the Southeast Corner of Lot 1 in said Block 7, run thence Southwesterly along the South line of Lots 1-6, inclusive, in said Block to the East line of North Pine Street at the Southwest Corner of said Lot 6; run thence Southerly along the East line of North Pine Street 16 feet to the Northwest Corner of said Lot 7; run thence Northeasterly along the North line of Lots 7-12, inclusive, in said Block 7 to the West line of Louisiana Street at the Northeast Corner of said Lot 12; run thence Northerly along the West line of Louisiana Street 16 feet back to THE POINT OF BEGINNING.

SECTION II: A COPY OF ORDINANCE DULY CERTIFIED BY THE CITY LCERK SHALL BE FILED IN THE OFFICE OF THE RECORDER OF HEMPSTEAD COUNTY, ARKANSAS, AND RECORDED IN THE DEED RECORDS OF SAID COUNTY.

SECTION III: THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE.

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ROBERT ARNOLD, MAYOR

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Leneta Hare  
City Clerk

ORDINANCE NO. 1204A

AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE TO REZONE  
CERTAIN PROPERTY IN THE CITY OF HOPE FROM "R-2" TO "R-5"  
ON THE ZONING MAP OF THE CITY OF HOPE, ARKANSAS, AND  
FOR OTHER THINGS.

WHEREAS, on the 28th day of June , 1992, Jesse M. Duckett filed with the City Clerk for consideration by the Board of Directors of the City of Hope, Arkansas, a petition praying that those lands hereinafter described be rezoned from "R-2" to "R-5"; and

WHEREAS, said Petition was referred to the City Planning Commission, who caused a hearing to be held after due notice as required by law; and

WHEREAS, the City Planning Commission has recommended that the Petition be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY BOARD OF DIRECTORS OF THE CITY OF HOPE, ARKANSAS:

SECTION I: That the following described property in the City of Hope, County of Hempstead, State of Arkansas, to-wit:

Lots 1, 2, 3, 4, 6, 8 thru Lot 14 Block 4; Lots 1 thru 12 Block 5  
Fairview Subdivision to the City of Hope, Arkansas

is hereby rezoned from "R-2" to "R-5".

SECTION II: The zoning map of the City of HopE, Arkansas, previously adopted is hereby amended to reflect said changes.

SECTION III: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION IV: It is ascertained and determined that the property involved should be reclassified immediately for the orderly growth and development of the City of Hope; therefore, for this Ordinance being necessary for the peace, safety and welfare of the inhabitants of said City, this Ordinance shall take effect and be in full force from and after the passage and approval hereof.

PASSED AND APPROVED this 4th day of August, 1992.

CITY OF HOPE, ARKANSAS

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ROBERT ARNOLD, MAYOR

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Leneta Hare  
City Clerk

ORDINANCE NO. 1205

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF A PUBLIC  
DEFENDER INVESTIGATOR AND PUBLIC DEFENDER EXPENSE FUND

NOW, THEREFORE BE IT ORDAINED BY THE CITY BOARD OF DIRECTORS OF  
THE CITY OF HOPE, ARKANSAS,

**SECTION 1:** That in accordance with Arkansas Code Annotated. Section 16-87-111 that in addition to all other costs as are now or may hereafter be provided by law, there should be taxed and collected from each defendant the sum of \$4.00 as costs upon each judgment of conviction, bond forfeiture, and upon each plea of guilty in felony and misdemeanor cases in the Circuit, Chancery, and Probate Court of Hempstead County, and in the Hempstead County Municipal Court; and all Sheriffs, Constables, Municipal Court Clerks, Circuit Clerks or other officers who are now or may hereafter be charged by law with the collection of other costs in any such cases are hereby required under the same penalties of the law to collect the costs herein taxed and assessed, and no officer of any Court may make a separate remission of the additional costs taxed by this ordinance. The foregoing costs, so taxed and assessed, shall be collected at the time and in the manner as are other costs in such cases.

**SECTION 2:** Emergency Clause. It is ascertained and declared that the present Ordinance authorizing the payment of a Public Defender Investigator and expenses of the Public Defender's office for the indigent persons is inadequate, and the present Indigent Defense Fund of Hempstead County does not have sufficient funds available in it, and the only means by which the fund can be increased is to increase costs by the passage of this ordinance.

**IT IS, THEREFORE, DECLARED THAT AN EMERGENCY EXISTS AND THIS ORDINANCE, BEING NECESSARY FOR THE PRESERVATION OF THE PUBLIC PEACE AND SAFETY, SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE.**

**PASSED** this 6<sup>TH</sup> day of October 1992.

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ROBERT ARNOLD, MAYOR

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Leneta Hare  
City Clerk

ORDINANCE NO. 1206

AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE TO  
LEVY A TAX ON TAXABLE PROPERTY IN THE CITY OF  
HOPE, ARKANSAS, FOR THE YEAR 1993, AND FOR  
OTHER PURPOSES"

BE IT ORDAINED BY THE CITY BOARD OF DIRECTORS OF THE CITY OF  
HOPE, ARKANSAS:

**SECTION 1:** That a tax of two point two mills (2.2) be, and the same is hereby levied upon all taxable real property, and four point three mills (4.3) be, and the same is hereby levied upon all personal property within the City of Hope, Arkansas, for the year 1992 to be collected in 1993, and that all moneys collected and raised by said tax shall constitute a general fund to defray the general and ordinary expenses of the said City of Hope, Arkansas; and that said levy be certified to the Clerk of Hempstead County, to be placed upon the books and collected at the same time and in the same manner as State and County taxes are collected.

**SECTION 2:** That all ordinances and/or parts of ordinances in conflict herewith are hereby repealed and this ordinance being necessary for the public health, safety and general welfare of the inhabitants of the City of Hope, an emergency is hereby declared, and this ordinance shall be in full force and effect from and after its passage and publication.

**PASSED AND APPROVED** this 5<sup>th</sup> day of November 1992.

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ROBERT ARNOLD, MAYOR

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Leneta Hare  
City Clerk

ORDINANCE NO. 1207

AN ORDINANCE TO BE ENTITLED "AN ORDINANCE TO LEVY A TAX OF ONE-HALF MILL UPON THE ASSESSED VALUE OF THE REAL AND PERSONAL PROPERTY IN THE CITY OF HOPE, ARKANSAS FOR THE YEAR 1993, FOR THE PURPOSE OF PAYING PENSIONS TO RETIRED FIREMEN AND PENSIONS TO THE WIDOWS AND MINOR CHILDREN OF DECEASED AND RETIRED FIREMEN; AND FOR OTHER PURPOSES"

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF HOPE, ARKANSAS:

**SECTION 1:** That a tax of one-half mill be, and the same is hereby levied upon all taxable property, both real and personal, within the City of Hope, Arkansas for year 1992 to be collected in 1993.

**SECTION 2:** All moneys collected and raised by said tax shall be used only for the purpose of helping to pay pensions to retired firemen, pensions to widows and minor children of deceased firemen, and widows and minor children of deceased retired firemen, as now provided by law.

**SECTION 3:** The Clerk of the City of Hope, Arkansas, shall certify this levy to the County Clerk of Hempstead County, Arkansas, to be placed upon the books and collected at the same time, and in the same manner, as State and County Taxes are collected.

**SECTION 4:** All ordinances or parts of ordinances in conflict herewith are hereby repealed, and this ordinance being necessary for the public health, safety and general welfare of the inhabitants of the City of Hope, Arkansas, an emergency is hereby declared, and this ordinance shall be in full force and effect from and after its passage and publication.

PASSED AND APPROVED THIS 5<sup>th</sup> DAY OF NOVEMBER, 1992.

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ROBERT ARNOLD, MAYOR

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Leneta Hare  
City Clerk

ORDINANCE NO. 1208

AN ORDINANCE TO BE ENTITLED; "AN ORDINANCE TO WAIVE  
THE REQUIREMENT OF COMPETITIVE BIDDING AS REQUIRED BY  
ARKANSAS CODE ANNOTATED SECTION 14-58-303."

WHEREAS, the City Board of Directors has determined that an exceptional situation exists in the repair of the pumps in that it is not feasible or practical to seek competitive bids for these repairs because of the urgent need by the City to repair these pumps and place same in use.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF HOPE, ARKANSAS:

**SECTION I:** The Board of Directors of the City of Hope, Arkansas hereby determines that the requirement for competitive bidding for the repair of the pumps is deemed not feasible or practical and is thereby waived.

**SECTION II:** This action being necessary to the preservation of the public peace, health, and safety, an emergency is hereby declared to exist, and this ordinance shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED on this 17th day of November, 1992.

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MAYOR

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CITY CLERK

ORDINANCE NO. 1209

AN ORDINANCE TO BE ENTITLED; "AN ORDINANCE TO ESTABLISH A POLICY TO BE USED IN THE PURCHASE OF ALL SUPPLIES, MATERIALS, EQUIPMENT OR OTHER SERVICES FOR THE CITY OF HOPE, ARKANSAS."

BE IT ORDAINED BY THE CITY BOARD OF DIRECTORS OF THE CITY OF HOPE, ARKANSAS:

**SECTION 1:** It is the objective of the City of Hope, Arkansas to purchase supplies, materials, equipment and services required to run the City in the most economical, efficient, and timely manner possible with the goal being to purchase high quality goods and services at the best price available.

**SECTION 2:** In the normal course of City operations, most purchases of goods and services will be made on the basis of price however, other factors, besides price, may be relevant to a decision to purchase goods and services, these factors include, but are not limited to: quality of the goods or services; delivery time of the goods or services; past vendor performance; and, availability of service and technical support. Any decision to purchase an item which is based on factors other than the best available price, must be justified and documented.

**SECTION 3:** Purchases of goods or services not exceeding \$20.00 in cost will be made from petty cash if possible.

**SECTION 4:** Purchases of goods and services costing over \$20.00 but not exceeding \$200.00 must be approved by the department head and all invoices for the goods or services will be signed by the department head.

**SECTION 5:** Purchases of goods and services costing over \$200.00 but not exceeding \$2,500.00 will be made only upon receiving a written purchase order, approved by the City Manager, and issued only after obtaining and documenting three (3) telephone bids from potential vendors.

**SECTION 6:** Purchases of goods and services costing over \$2,500.00 but not exceeding \$5,000.00 will be made only upon receiving a written purchase order, approved by the City Manager, and issued only after obtaining three (3) written bids from potential vendors.

**SECTION 7:** Purchase of goods and services costing over \$5,000.00 will be made only after the completion of formal competitive bidding by potential vendors, unless competitive bidding is waived by the Board of Directors as authorized by Arkansas law. All purchases of goods and services costing over \$5,000.00 must be approved by the Board of directors of the City.

**SECTION 8:** In carrying out the City's purchasing policy, each department of the City will be responsible for performing the following tasks:

- (a) Planning purchases to avoid emergency situations.
- (b) Insuring that funds are available prior to making a purchase.
- (c) Preparing specifications.
- (d) Selecting vendors, obtaining price quotations, and searching for new sources of goods and services.
- (e) Evaluating bids when formal bidding is required.
- (f) Preparing purchase orders.

**SECTION 9:** As a general rule, the City's purchasing policy concerning the receipt of price quotations or bids as established by this ordinance will be followed in all cases except those specific cases where it is not feasible to obtain price quotations or bids; or, in an emergency situation where it is not practical to obtain price quotations or bids. Examples of such specific cases include, but are not limited to, the following:

(a) Purchases made under a previously authorized contractual arrangement, including payment of periodic construction estimates, or in cases where a product has been previously bid in a unit quantity.

(b) Purchases where the goods or services are available from only one vendor, or instances where time is of the essence due to an emergency situation and the immediate need by the City for the goods or services.

(c) Memberships and subscriptions.

(d) In purchases involving highly specialized equipment or professional services, it may not be practical to publicly advertise for requests for bids. In these cases, proposals may be requested from selected firms specializing in providing or furnishing the specialized goods and services.

**SECTION 10:** Only those persons designated by the City Manager are authorized to purchase goods and services on behalf of the City of Hope, Arkansas.

**SECTION 11:** All ordinances or parts of ordinances in conflict herewith are hereby repealed, and this ordinance being necessary for the orderly administration of purchases of goods and services by the City of Hope, Arkansas and being in the best interests of the citizens of said City, an emergency is hereby declared, and this ordinance shall be in full force and effect from and after its passage and publication.

**PASSED AND APPROVED** this 1st day of December, 1992.

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ROBERT ARNOLD, MAYOR

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Leneta Hare  
City Clerk

ORDINANCE NO. 1210

AN ORDINANCE TO BE ENTITLED; "AN ORDINANCE TO WAIVE  
THE REQUIREMENT OF COMPETITIVE BIDDING AS REQUIRED BY  
ARKANSAS CODE ANNOTATED SECTION 14-58-303."

WHEREAS, the City Board of Directors has determined that an exceptional situation exists in the repair of the City's track loader in that it is not feasible or practical to seek competitive bids for these repairs because of the urgent need by the City to repair this loader and place same in use.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF HOPE, ARKANSAS:

**Section I:** The Board of Directors of the City of Hope, Arkansas hereby determines that the requirement for competitive bidding for the repair of the track loader is not deemed not feasible or practical and is thereby waived.

**Section II:** This action being necessary to the preservation of the public peace, health, and safety, an emergency is hereby declared to exist, and this ordinance shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED on this 1st day of December, 1992.

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Mayor

ATTEST:

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CITY CLERK