

CRAIGHEAD COUNTY CODE OF ORDINANCES
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Article I. COUNTY POLICIES

Section

300.00 Electronic record keeping system of certain purchases of Ephedrine and combination products.

§ 300.00 ELECTRONIC RECORDKEEPING SYSTEM OF CERTAIN PURCHASES OF EPHEDRINE AND COMBINATION PRODUCTS.

- 1) The Craighead County Sheriff's Department is authorized to establish and implement an electronic record keeping system of transactions involving the distribution of ephedrine, pseudoephedrine, and phenylpropanolamine products by pharmacists and registered pharmacy technicians that must be recorded and maintained pursuant to Act 256 of 2005. Each pharmacy in Craighead County shall provide all transactions when any combination of the listed drug sales is above one hundred (100) transactions per month. Said system shall be in compliance with Act 256 of 2005, Arkansas Department of Health Regulations, and applicable state regulations.
- 2) The Craighead County Sheriff's Department is to seek the input and consultation of the Arkansas Pharmacists Association and the Arkansas Department of Health when developing and implementing the said electronic record keeping system.
- 3) REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.
- 4) SEVERABILITY CLAUSE. The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.
- 5) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.
([Ord. 2007-007](#), passed 04-23-2007)

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Article II. COUNTY JAILS

A.C.A. § 12-41-502. Supervision.

The county sheriff of each county in this state shall have the custody, rule, and charge of the jail within his or her county and all prisoners committed in his or her county, and he or she may appoint a jailer for whose conduct he or she is responsible.

A.C.A § 12-41-503(a)-(b). Management of local jail populations.

- (a) County sheriffs and other keepers or administrators of jails within the State of Arkansas are responsible for managing the populations and operations of their respective facilities in compliance with the laws and the Arkansas Constitution and within the requirements of the United States Constitution.
- (b) Neither a county sheriff nor another keeper or administrator of a jail shall refuse to accept any prisoner lawfully arrested or committed within the jurisdiction of the supporting agency of the jail except as necessary to limit prisoner population in compliance with subsection (a) of this section.

A.C.A. § 12-41-506(a). Municipal prisoners; expenses.

- (a) (1) In the absence of an agreement on jail costs between a county and all municipalities having law enforcement agencies in the county, the quorum court in a county in this state may by ordinance establish a daily fee to be charged municipalities for keeping prisoners of municipalities in the county jail.
- (2) The fee shall be based upon the reasonable expenses which the county incurs in keeping such prisoners in the county jail.

Section

- 320.00 Increased jail fees for housing adult and juvenile inmates in the County jail.
- 320.01 County detention center policy manual.

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§ 320.00 INCREASED JAIL FEES FOR HOUSING ADULT AND JUVENILE INMATES IN THE COUNTY JAIL.

- 1) Jail fees are to be increased from \$30 to \$45 per day for in-county adult male and female inmates and jail fees are to be increased from \$36 to \$51 per day for out of county adult male and female inmates. This increase will be effective January 1, 2007. Additionally, jail fees to house juvenile male and female inmates are to be set at \$65 per day. All jail fees will be reviewed on an annual basis.
- 2) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall be in full force and effect from and after its date of passage and approval. ([Ord. 2006-013](#), passed 11-13-2006)

§ 320.01 COUNTY DETENTION CENTER POLICY MANUAL.

- 1) The Craighead County Detention Center (Adult) Policy Manual is hereby adopted by reference, as the guide for procedures to be used in the further conduct of the County's Detention Center functions.
- 2) Implementation of the Craighead County Detention Center (Adult) Policy Manual and subsequent administration thereof shall be an administrative function of the County Sheriff's Office.
- 3) A copy of the Craighead County Detention Center Policy Manual and initiated changes thereto shall be maintained by the Craighead County Clerk and shall be open for inspection and copying during regular office hours.
- 4) SEVERABILITY CLAUSE. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid; such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or application and to this end, the provisions of the Ordinance are declared severable.
- 5) REPEALER. This manual will supersede all other Craighead County Detention Center (Adult) Policy Manuals.
- 6) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall be in full force and effect from and after its date of passage and approval. ([Ord. 2009-005](#), passed 04-27-2009)

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Article III. COURT COSTS

A.C.A. § 16-10-305(a), (c)-(d). Court costs.

(a) There shall be levied and collected the following court costs from each defendant upon conviction, each plea of guilty or nolo contendere, or each forfeiture of bond:

(1) In circuit court, one hundred fifty dollars (\$150) for a misdemeanor or felony violation of state law, excluding a violation of:

(A) The Omnibus DWI or BWI Act, § 5-65-101 et seq.;

(B) The Underage DUI or BUI Law, § 5-65-301 et seq.;

(C) Section 5-75-101 et seq.;

(D) Section 27-23-114;

(E) Section 15-42-127; or

(F) Section 27-37-701 et seq.;

(2) In district court, one hundred dollars (\$100) for an offense that is a misdemeanor or violation of state law, excluding a violation of:

(A) The Omnibus DWI or BWI Act, § 5-65-101 et seq.;

(B) The Underage DUI or BUI Law, § 5-65-301 et seq.;

(C) Section 5-75-101 et seq.;

(D) Section 27-23-114;

(E) Section 15-42-127; or

(F) Section 27-37-701 et seq.;

(3) In circuit court or district court, seventy-five dollars (\$75.00) for a traffic offense that is a misdemeanor or violation under state law or local ordinance, excluding a violation of:

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- (A) The Omnibus DWI or BWI Act, § 5-65-101 et seq.;
 - (B) The Underage DUI or BUI Law, § 5-65-301 et seq.;
 - (C) Section 5-75-101 et seq.;
 - (D) Section 27-23-114;
 - (E) Section 15-42-127; or
 - (F) Section 27-37-701 et seq.;
- (4) In district court, for a nontraffic offense that is a misdemeanor or violation under local ordinance, twenty-five dollars (\$25.00);
- (5) In circuit court or district court, three hundred dollars (\$300) for violations of:
- (A) The Omnibus DWI or BWI Act, § 5-65-101 et seq.;
 - (B) The Underage DUI or BUI Law, § 5-65-301 et seq.;
 - (C) Section 5-75-101 et seq.;
 - (D) Section 27-23-114;
 - (E) Section 15-42-127; or
- (6)
- (A) In circuit court or district court, twenty-five dollars (\$25.00) for a violation of the mandatory seat belt use law, § 27-37-701 et seq.
 - (B) A defendant is not required to pay the court costs under subdivision (a)(6)(A) of this section if he or she pays the applicable fines under §§ 27-37-706 and 16-17-129 before his or her first appearance and shall not be assessed any additional court costs associated with the violation; and
- (7) In circuit court or district court, twenty-five dollars (\$25.00) for failure to present proof of insurance at the time of a traffic stop, §§ 27-22-103, 27-22-104, and 27-22-111.

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- (b)
- (1) The costs set forth in this section shall be imposed at the conclusion of any criminal case enumerated in subsection (a) of this section that does not end in an acquittal, dismissal, or, with the consent of the prosecution, an order nolle prosequi.
 - (2) The costs shall be imposed at the conclusion of cases involving a suspended or probated sentence even though that sentence may be expunged or otherwise removed from the defendant's record.
- (c) No county, city, or town shall be liable for the payment of the costs taxed under this section in any instance where they are not collected, or in any case in which the defendant pays the costs by serving time in a jail, on a county farm, or at any other official place of detention or work.
- (d) No town, city, or county shall authorize and no district court or circuit court shall assess or collect any other court costs other than those authorized by this act, unless specifically provided by state law.

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Section

340.00 Additional \$20.00 fine to help defray the expense of incarcerating prisoners in the county jail.

§ 340.00 ADDITIONAL \$20.00 FINE TO HELP DEFRAY THE EXPENSE OF INCARCERATING PRISONERS IN THE COUNTY JAIL.

- 1) **AFFIRMATION.** This Court, on July 28, 2003, passed and enacted County Ordinance 2003-018 that levied, under authority of Act 1188 of 2003 (codified as A.C.A. § 16-17-129) an additional five dollar (\$5.00) fine on each case brought before District Court to help defray the expenses of incarcerating county prisoners. This Court recognizes that said code was amended by Act 209 of 2009 to allow the Quorum Court, by Ordinance, to levy an additional fine not to exceed twenty dollars (\$20.00) to help defray the cost of incarcerating county prisoners, including related costs as enumerated by state law. This Court is also cognizant of the fact that the \$5.00 fine levied by Craighead County Ordinance 2003-018 shall be applied to applicable cases through June 30, 2009 and the subsequent \$20.00 fine levied by this Ordinance shall be applicable starting on July 1, 2009.

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- 2) **LEVY.** In addition to all fines now or as may hereafter be provided by law, Craighead County, Arkansas hereby levied an additional twenty dollar (\$20.00) fine in the Craighead County District Court to be collected in both Eastern and Western District from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture in all cases in the first and second class of accounting records as described in A.C.A. § 16-17-707.
- 3) **DISPOSITION.** The fine money levied by this Ordinance and collected by the District Court Clerk's office of Craighead County, Arkansas shall be deposited monthly with the Craighead County Treasurer who shall credit said fine money to Fund 19, Jail Defraying Fund. In accordance with A.C.A. § 16-17-129 the funds generated by the additional fine shall be used exclusively to help defray the cost of:
- a. The construction, maintenance, and operation of the jail;
 - b. The costs of incarcerating Craighead County prisoners in any incarceration facility;
 - c. The transportation of prisoners;
 - d. The purchase and maintenance of equipment for the jail; and
 - e. Training and certificate pay for jail personnel.
- 4) **LEGISLATIVE INTENT.** It is the intent of the Craighead County Quorum Court that the additional \$20.00 fine levied by this Ordinance shall, in fact, be an additional fine and shall not reduce other fines ordered by the District Court Judge.
- 5) **REPEALER.** This Ordinance hereby amends and supersedes any and all ordinances in conflict herewith, and specifically repeals Craighead County Ordinance 2003-018 as of the end of business on June 30, 2009- notwithstanding that any fine imposed under Craighead County Ordinance 2003-018 through June 30, 2009 shall remain collectable while remaining on the accounting records of the Craighead County District Court Clerk.
- 6) **EMERGENCY CLAUSE.** It is found and determined by the Craighead County Quorum Court that the costs of incarcerating or otherwise keeping prisoners continues to increase and creates an economic hardship and that revenues are not sufficient to properly maintain and operate in County Jail system. Therefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect beginning July 1, 2009.
([Ord. 2003-018](#), passed 07-28-2003; Am. [Ord. 2009-006](#), passed 06-22-2009)

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Article IV. COUNTY LAW

Section

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| 360.00 | Pawn shops; regulations. |
| 360.01 | Removal or possession of a county road and traffic control markers; penalty. |
| 360.02 | Regulating unsanitary conditions. |
| 360.03 | Establishing Security and Prohibiting Loitering, Firearm and ATV use on property within Bono Lake Property. |
| 360.04 | Establish Traffic Regulations on County Road 759. |

§ 360.00 PAWN SHOPS; REGULATIONS.

- 1) PURPOSE. That all pawn shops or pawn brokers shall be required to keep records, showing in detail, all property pawned with them and each item sold or leased to any person in order to promote the efficient enforcement of the criminal laws and to aid in criminal investigations. This requirement is in accordance with A.C.A. § 12-12-103.
- 2) REQUIREMENTS. That each and every person, firm or corporation, operating a pawn shop within Craighead County shall make available for inspection, the following items:
 - a) Each and every item on the premises, pawned or purchased, or held for any other reason.
 - b) Records showing in detail all property pawned with them and shall include a detailed description and record of each and every item pawned to any person and shall include the name, address and physical description of the person to whom such property was sold or leased. The Sheriff of Craighead County shall require weekly reports of all transactions for enforcement of this Ordinance to be provided to his office.
- 3) ENFORCEMENT. The Sheriff of Craighead County, or his authorized representative, so far as may be necessary for the performance of their duties, shall, upon presentation of proper credentials, at reasonable times, and for reasonable cause, have the right to enter

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any building, structure, or premises in the County to perform any duty imposed upon them by this Ordinance.

- 4) JURISDICTION. The sheriff shall have the power to enforce this Ordinance in Craighead County, which shall include pawn shops anywhere in the county.
- 5) SEVERABILITY CLAUSE. The provisions hereof are declared to be severable. The invalidity or inapplicability of any provision hereof shall not affect the validity or applicability of the remainder of the provisions hereof.
- 6) FAILURE TO COMPLY. That the failure of any pawn broker, owner(s) or operator of a pawn shop to comply with this ordinance shall be deemed a misdemeanor and upon conviction shall be punished by a fine not more than \$1,000.00.
- 7) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect from and after its date of passage and approval.
([Ord. 1997-018](#), passed 06-23-1997)

§ 360.01 REMOVAL OR POSSESSION OF COUNTY ROAD AND TRAFFIC CONTROL MARKERS; PENALTY.

- 1) That it shall henceforth be illegal to remove or be in unauthorized possession of any informational sign or traffic control device owned by Craighead County, Arkansas.
- 2) Any person found to be in violation of this Ordinance shall be fined an amount not to exceed two hundred fifty dollars (\$250.00) for the first offense and five hundred dollars (\$500.00) maximum for the second offense.
([Ord. 1978-011](#), passed 09-25-1978)

§ 360.02 REGULATING UNSANITARY CONDITIONS.

- 1) DEFINITIONS.
 - a) ***Agriculture property***- Real property used primarily for the raising of agriculture or horticulture commodities, and orchards and woodlands, including but not limited to raising, shearing, feeding, caring for, training, and management of animals; handling, drying, packing, grading, or storing on a farm any agricultural or horticultural commodity in its un-manufactured state; planting, cultivating, caring or cutting of trees, or otherwise preparing of trees for market.

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- b) ***Illegal storage and handling***- The possession of drums, polluted soils, other containment devices and/or the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste into or on any land or water so that such substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including groundwater. All the preceding done without proper permits procured by, issued by the controlling agency, e.g. Environmental Protection Agency and/or the Arkansas Department of Environmental Quality.
 - c) ***Person***- A person means any one or more of the following: an owner, occupant or agent; an assignee or collector of rents; a contract for deed vendee; a mortgagor in possession; a receiver, executor or trustee; a lessee; a mortgagee in possession; other person, firm or corporation exercising apparent control over property.
 - d) ***Waste***- a solid or liquid or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:
 - i. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
 - ii. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
 - e) ***Rubbish***- Refuse or garbage items or materials discarded or rejected as useless or worthless.
- 2) That it should be unlawful for any person(s), firm, or corporation, partnership, association of persons, owners, agent, occupant, or anyone having supervision or control of any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the limits of Craighead County, Arkansas to maintain, use, place, deposit, leave, or permit to be, or remain on any public or private property, any items, conditions or actions, continuous violations of which are declared to be and constitute an unsanitary condition; provided, however this enumeration shall not be deemed or construed to be conclusive, limiting, or restrictive.
- a) Garbage, rubbish, and/or other unsightly, unsanitary articles, of whatever nature.
 - b) Accumulation or storage of old tires in such a manner as to be a breeding area for mosquitos or provide harborage for rats, mice, snakes, or vermin of any kind.

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- c) Any building, or other structure, kept in such an unsanitary condition that it is a menace to the health and safety of people residing in the vicinity thereof, or presents a more than ordinary health hazard.
 - d) The open storage of ice boxes, refrigerators, and/or other appliances or furniture for a period of more than thirty (30) days unless reasonably out of public view. The same shall not be stored for any length of time unless all doors, latches and locks are removed or made inoperative in a manner to ensure the safety of all persons.
 - e) Illegal storage or handling of any solid, liquid, household, automotive, commercial, or demolition water, whether dumped, spilled, burned or abandoned.
 - f) The pollution of any well, cistern, stream, lake, canal or body of water by sewage, dead animals, crematory, industrial wastes or other substances.
- 3) AGRICULTURE PROPERTY. Agricultural property that is being farmed or otherwise used for agricultural purposes is exempt from the provisions of this Ordinance to the extent of implementation of approved agriculture procedures.
- 4) NOTICE OF VIOLATION. Whenever the Illegal Dumps Control Officer, Sheriff or other law enforcement agent, or their authorized agent or representative, determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, they shall give notice of such alleged violation to the personnel responsible. Such notice shall:
- a) Be put in writing.
 - b) Include a statement of the reasons why it is being issued, and a copy of this Ordinance shall be provided to the reasonable person(s).
 - c) Allow a period of thirty (30) days for any performance of any act it requires.
 - d) Further state, that if the alleged violations are not voluntarily corrected within the stated time as set forth in the notice, the Illegal Dumps Control Officer, Sheriff or other law enforcement agent, or their duly authorized agent or representative, shall institute legal proceedings, charging the person(s), firm, corporation or agent with a violation of this Ordinance.

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- e) Illegal Dumps Control Officer, Sheriff, or other law enforcement agent, or their duly authorized agent or representative, shall provide photographs and other documentation deemed appropriate to the Prosecuting Attorney in order to successfully prosecute any case in Court.
- 5) **METHOD OF NOTIFICATION.** The following method shall notify the person(s) responsible for the violation.
- a) By posting upon the property and mailing to the last known address of the property owner by the Illegal Dumps Control Officer, Sheriff, or their duly authorized agent or representative or published in accordance with A.C.A. § 14-14-104 if there is no last known address for the property owner.
- 6) **GRIEVANCE.** Any person notified of a violation of this Ordinance who disagrees with said violation may file a sworn affidavit under penalty of perjury within fifteen (15) days from the citation. The affidavit should be mailed or hand-delivered to the Illegal Dumps Control Officer or Sheriff.
- 7) **PENALTIES.** Any person(s), firm, corporation, partnership, association of persons, owner, occupant, agent or anyone having supervision or control, which shall violate a provision of this Ordinance, or fail to comply therewith, shall be guilty of a misdemeanor. Upon conviction of any such violation, such person(s) shall be punished by a fine of at least one thousand dollars (\$1,000.00) and not to exceed ten thousand dollars (\$10,000.00). Any fines collected pursuant to this Section; Section 7, of this Ordinance, shall be credited to the costs incurred by Craighead County under Section 9 of this Ordinance.
- 8) **VIOLATIONS.** An Illegal Dumps Control Officer, Sheriff, or other law enforcement agent, as required by law, shall prosecute by the issuance of criminal information, or by the issuance of a citation, violations or the provisions of this Ordinance. Prosecutions under this Section are supplemental to any other remedies available under State Law, including the Litter Control Act, A.C.A. §§ 8-6-401—416.
- 9) **ABATEMENT BY THE COUNTY.** In addition to other penalties described herein, upon failure of the person upon whom notice to abate an unsanitary condition was served pursuant to the provisions of this Ordinance to abate the condition, an authorized agent or representative of the County, as designated by the County Judge, may proceed to abate such conditions and prepare a statement of costs incurred in the abatement thereof, and that person shall be responsible for all costs. The County may take necessary corrective actions, ordered by the County, and charge for the costs of actions under (c)(1)(A) of Act 1984 of 2005 in addition to interest at the maximum legal rate. In all successful suits

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brought to enforce the liens granted under this Section, the County shall be reimbursed for its costs, including title search fees and a reasonable attorney's fee.

- 10) SEVERABILITY CLAUSE. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portion of this Ordinance.
- 11) EFFECTIVE DATE. This Ordinance shall take effect on 06-23-2008 after its passage and approval.
([Ord. 2008-012](#), passed 06-23-2008)

§ 360.03 ESTABLISHING SECURITY AND PROHIBITING LOITERING, FIREARM, AND ATV USE ON PROPERTY WITHIN THE BONO LAKE PROPERTY.

- 1) It shall be unlawful for a person to commit loitering. A person commits loitering if he or she purposely remains unlawfully in or upon the premises of the Bono Lake facility.
- 2) It shall be unlawful for a person to ride horses on areas other than established trails.
- 3) It shall be unlawful for a person to engage in hunting or discharging of firearms.
- 4) It shall be unlawful for a person to use an ATV/UTV/Side by Side.
- 5) PENALTY. Any person failing to comply within this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined no less than \$150.00 nor more than \$500.00
- 6) REPEALER. All Ordinances and parts of Ordinances that are in conflict here with are hereby repealed.
([Ord. 2019-009](#), passed 05-28-2019)

§ 360.04 ESTABLISH TRAFFIC REGULATIONS ON COUNTY ROAD 759.

- 1) It is determined by the Quorum Court of Craighead County, in accordance with Ark. Code Annotated Section 27-35-103, the County Judge shall erect signage on County Rode 759 for a distance of 18 miles beginning at the intersection of state Highway 351 and have signs designated NO THRU TRUCKS with a weight limit in excess of ten (10) tons.
- 2) PENALTIES. Any person, business, manufacturer, refiner, retailer, wholesaler, or transporter in the private sector who pleads guilty or nolo contendere to, or is found

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guilty of, violating any provision(s) of this ordinance shall be guilty of a misdemeanor and be fined not less than \$100.00 and \$100.00 court costs for the first violation per day of violation. Each subsequent conviction or plea shall be increased by \$100.00 for each offense.

- 3) **Civil Liability for Damaging Roads.** Any person, business, manufacturer, refiner, retailer, wholesaler, or transporter in the private sector driving any vehicle, object, or contrivance upon any county road, highway, or structure therein shall be civilly liable to the County for all damage which the highway or structure may sustain as a result of any careless, negligent, or illegal operation, driving, or moving of that vehicle, object, or contrivance, or as a result of operation, driving, or moving of any vehicle, object, contrivance of excessive weight as set forth in this Ordinance. The cost criteria shall be based upon the Arkansas Highway Department cost criteria.
- 4) **SEVERABILITY.** If any provision of this ordinance is held invalid, such invalidity shall not affect the remaining provisions of the ordinance which remains effective absent the invalid provision, and to this ordinance which remains effective absent the invalid provision, and to this end, the provisions of this ordinance are declared to be severable.
- 5) **EMERGENCY CLAUSE.** In order to protect Craighead County taxpayers' investment in the County Road system and to provide for necessary administrative and enforcement authority to manage the Craighead County Road System, an emergency exists, and this Ordinance, being for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval.
([Ord. 2019-012](#), passed 05-28-2019)

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