

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Loitering
- 7.16 Trespassing
- 7.20 Prohibited Weapons
- 7.24 Claims against City
- 7.28 Storage and Handling of Volatile Combustibles
- 7.32 Outside Fire Service
- 7.36 Defacing City Property
- 7.40 House Numbering
- 7.44 Smoking
- 7.48 Noise Control
- 7.52 Garage Sales
- 7.56 Outside Burning
- 7.60 Trees

CHAPTER 7.04

STATE CRIMINAL STATUTES AND PENALTIES

Sections:

- 7.04.01 State criminal statutes as adopted
- 7.04.02 State violations adopted
- 7.04.03 Designated court
- 7.04.04 State penalties adopted

7.04.01 State criminal statutes as adopted The Arkansas Code, Title 5 and Title 27, are adopted by reference in their entirety as the Criminal Code for misdemeanors and violations and Traffic Code of the city of Briarcliff, Arkansas, three (3) copies of which are on file as a matter of record in the office of the Recorder/Treasurer for viewing and copying by members of the public. (Ord. No. 2-16-2010, Sec. 1.)

7.04.02 State violations adopted All violations for all sections of the code so adopted, which constitute misdemeanors and violations under laws of the state of Arkansas, shall be

deemed to be violations of the ordinances and municipal code of the city of Briarcliff, Arkansas, with the punishments prescribed therein. (Ord. No. 2-16-2010, Sec. 2.)

7.04.03 Designated court All actions brought by the Mayor, City Marshal, or other officer for violating the ordinances and municipal code of the city of Briarcliff shall be made in the name of the city of Briarcliff and shall be brought in the District Court of Baxter County, Arkansas – Briarcliff Department. (Ord. No. 2-16-2010, Sec. 3.)

7.04.04 State penalties adopted All fines, costs, penalties and fees that may be collected by the city of Briarcliff that arise from violations of its ordinances and municipal code shall be receipted and deposited in the manner prescribed by the Arkansas local courts accounting law, with monthly settlements being made with the Recorder/Treasurer and other appropriate officials. (Ord. No. 2-16-2010, Sec. 4.)

CHAPTER 7.08

CURFEW

Sections:

- 7.08.01 Civil emergencies
- 7.08.02 Congregating during state of emergency
- 7.08.03 Penalty

7.08.01 Civil emergencies The Mayor, any time a condition has arisen or is imminent which in his judgment constitutes a civil disturbance, riot, insurrection or time of local disaster, may declare a state of emergency and impose a curfew for such time and for such areas as he deems necessary to meet such emergency. Provided, however, such curfew shall not extend for over a period of forty-eight (48) hours unless extended by a majority vote of the members of the governing body.

7.08.02 Congregating during state of emergency No person shall congregate, operate any business or be upon the streets or other public ways, unless on official business for the city or state, in any area or areas designated by the Mayor as curfew areas in the city during the time of any declared emergency.

7.08.03 Penalty Any person violating any of the provisions of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and may be punished by a fine not to exceed Five Hundred (\$500.00) Dollars or confinement in jail for not more than one (1) year, or both.

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 A(1) 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 Any person(s) found guilty of violating any of the provisions of this chapter shall upon conviction, be fined no less than Fifty Dollars (\$50.00) plus court costs for the first offense, and a fine of Seventy-Five Dollars (\$75.00) plus court costs for the second or any subsequent convictions. (Ord. No. 3-10-2007.)

CHAPTER 7.16

TRESPASSING

Sections:

- | | |
|---------|------------------|
| 7.16.01 | Unlawful |
| 7.16.02 | Fine |
| 7.16.03 | Removal of signs |

7.16.01 Unlawful It shall be unlawful for any person or persons to trespass onto city property where posted, or city controlled property in violation of posted signs and/or notices. (Ord. No. 4-14-2007)

7.16.02 Fine Any person or persons convicted of trespassing shall be fined not less than Fifty Dollars (\$50.00) plus court cost and restitution for any and all damages, and not more than Two Hundred and Fifty Dollars (\$250.00) plus court costs for the first offense plus restitution for any damages. A second offense and any subsequent offenses shall be no less than One Hundred Dollars (\$100.00) plus court costs and restitution for any and all damages. (Ord. No. 4-14-2007)

7.16.03 Removal of signs Removal of any posted signs will result in a fine of up to Five Hundred Dollars (\$500.00) plus court costs, and restitution. (Ord. No. 4-14-2007)

CHAPTER 7.20

PROHIBITED WEAPONS

Sections:

- | | |
|---------|-------------------|
| 7.20.01 | Unlawful to carry |
| 7.20.02 | No hunting |
| 7.20.03 | Fine |

7.20.01 Unlawful to carry It shall be unlawful for any person to carry any concealed weapons, unless authorized by proper authorities.

7.20.02 No hunting It shall be illegal to discharge firearms within the city limits, with the exception of residents eliminating varmints on their own property.

7.20.03 Fine The fine for first violation of this ordinance shall be Fifty Dollars (\$50.00) and second and subsequent violations shall carry a fine of up to One Hundred Fifty Dollars (\$150.00). (Ord. No. 3-10-3007)

CHAPTER 7.24

CLAIMS AGAINST CITY

Sections:

- | | |
|---------|----------------------|
| 7.24.01 | Liability coverage |
| 7.24.02 | Settlement of claims |

7.24.01 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

7.24.02 Settlement of claims All persons having claims against the city may file them with the Mayor. 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 7.28

STORAGE AND HANDLING

OF VOLATILE COMBUSTIBLES

Sections:

- 7.28.01 Restriction on keeping
- 7.28.02 Volatiles never to be allowed to pass into drainage system
- 7.28.03 Penalty

7.28.01 Restriction on keeping Gasoline, naphtha, benzine, and other like volatile combustibles or their compounds in excess of a total of fifteen (15) 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 fifteen (15) gallons or less shall be kept only in no less than three containers 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.

7.28.02 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.

7.28.03 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 7.32

OUTSIDE FIRE SERVICE

Sections:

7.32.01	Authority to dispatch
7.32.02	Restrictions
7.32.03	Cost of aid without mutual aid agreement
7.32.04	Mutual aid agreement
7.32.05	Payment of money collected

7.32.01 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.

7.32.02 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 city), 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 city 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 city, 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 city, 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

7.32.03 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 Three Dollars (\$3.00) per hour 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 Three Dollars (\$3.00) per hour or part thereof, from the time he reports until the time his services end. The payments herein stipulated shall be made to the _____ within fifteen (15) days after demand.

7.32.04 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.

7.32.05 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 7.36

DEFACING CITY PROPERTY

Sections:

7.36.01 Fine

7.36.01 Fine For the destruction or defacing of city property there will be levied a fine of up to Two Hundred Fifty Dollars (\$250.00), plus the cost of replacement or repair shall be imposed.

CHAPTER 7.40

HOUSE NUMBERING

Sections:

7.40.01 House numbers
7.40.02 First sign provided
7.40.03 Replacement number
7.40.04 Theft or willful damage
7.40.05 Fine
7.40.06 Accidental damage

7.40.01 House numbers All house numbers are required to be posted in the front yard of the house at the end of the driveway for visibility of 911 personnel or any other emergency service vehicle approaching residence in either direction. The height of numbers should be three (3) inches or over and reflective for night vision.

7.40.02 First sign provided The Briarcliff Emergency Service Team of Briarcliff will provide all residences in Briarcliff with a house number as of the final reading of this ordinance.

7.40.03 Replacement number In the event the original number sign is lost, stolen, or damaged for any reason, it will be the responsibility of the resident to replace this number sign at a cost of Ten Dollars (\$10.00) per sign within eight (8) working days of the city office. Failure to do so will result in a citation and a fine of Twenty-Five Dollars (\$25.00) plus court costs.

7.40.04 Theft of willful damage In the event of theft or willful damage to numbers sign, a reward of Fifty Dollars (\$50.00) will be given for any help in leading to the conviction of this offense.

7.40.05 Fine A fine of not less than One Hundred Dollars (\$100.00) plus court cost will be assessed for conviction of the above offense and is to be divided as follows:

\$10.00 to reimburse property owner/renter for their costs.

\$50.00 to pay reward and the remaining money if applicable to the city general fund.

7.40.06 Accidental damage The person causing accidental damage to numbers sign will be responsible to the owner/renter for payment of damage. In the case of minors (children) damage will be paid by parents or legal guardians. (Ord. No. 12-9-2006)

CHAPTER 7.44

SMOKING

Sections:

- | | |
|---------|----------|
| 7.44.01 | Unlawful |
| 7.44.02 | Fine |

7.44.01 Unlawful It shall be unlawful for any person to use tobacco inside those offices or areas of any building that is owned, being occupied, rented or leased by the city of Briarcliff.

7.44.02 Fine First offense – warning
Second offense - \$20.00
Thereafter, minimum of \$35.00 up to \$100.00 for each offense.
(Ord. No. 8-13-2011)

CHAPTER 7.48

NOISE CONTROL

Sections:

7.48.01	Definitions
7.48.02	Maximum permitted sound levels
7.48.03	Noises prohibited
7.48.04	Exceptions
7.48.05	Fine

7.48.01 Definitions all terminology used in this article not defined below shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

A-weighted sound level The sound pressure level in decibels as measured on a sound level meter using the A-Weighting network. The level so read is designated dB(A).

Decibel (dB) A unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (30) micronewtons per square meter.

Emergency work Any work performed for the purposes of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

Investigative authority Person or persons authorized by the city of Briarcliff to perform sound level measurements pursuant to enforcement of this ordinance. These shall be law enforcement officers, officials of the city government, or others acting under authority of the city government and trained in the use of equipment.

Outdoor amplified sound Any sound using amplifying equipment whose sound is outside or whose source is inside and the sound propagates to the outside through open doors or windows or other openings in the building.

Sound amplifying equipment Any device for the amplification of the human voice, music or any other sound, including juke boxes, stereos and radios.

Sound pressure level Twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micronewtons per square meter.

Sound level meter An instrument which includes a microphone, amplifier, output meter, and weighting network used to measure sound pressure levels.

Sound level The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved version thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

Standards Standards, instrumentation, personnel, measurement procedures and reporting procedures to be used in the measurement of sound as provided for in this section shall be those as specified herein:

- A. Sound level measurement shall be made with a sound level meter using the “A” weighting scale, set on “slow” response.
- B. Sound level meters shall have a range of 60 dB to 120 dB in both “A” and “C” ranges with an accuracy of plus or minus 2dB at 114dB. The instrument shall be serviced, calibrated and operated as recommended by the manufacturer. Persons using the sound level meters shall be trained in sound level measurement and the operation of sound level meter.
- C. The City Council shall issue a general order adopting standards and procedures for sound level measurements and enforcement consistent with this article.

7.48.02 Maximum permitted sound levels

- A. The use of sound amplifying equipment is limited to the conditions specified in this section.
- B. No person or group of persons shall operate or cause to be operated any source of sound in such a manner as to create a sound level which at its peaks exceeds the limits set forth herein below when measured beyond the property line from which the sound originates.
- C. A live musical group or individual using sound amplifying equipment may operate out of doors only if a permit has been granted. This permit may be secured after it is signed by an authorized agent of the musical group and by a representative of the individual organization or group retaining the services of the musical group and on whose premises the amplifying equipment is to be used.

D. The following are established as maximum sound levels:

1. Nighttime sound levels (after 11:00 p.m. until 8:00 a.m.) may not exceed fifty (50) dB(A) except as noted in (C) below.
2. Daytime/evening sound levels (between 8:00 a.m. and 11:00 p.m.) may not exceed sixty (60) dB(A) except as noted in (C) below.
3. Daytime/evening sound levels in excess of sixty (60) dB(A) will be permitted upon issuance of a permit and allow sound levels exceeding those set above as follows:

Friday evening, (5:00 p.m. – midnight Friday) ...70 dB(A)
Saturday (10:00 a.m. –midnight Saturday).....70 dB(A)

4. Except as otherwise allowed by 7.48.04 (N), a permit to exceed sound levels may only be issued during the days and times listed in this section to a maximum level of seventy (70) dB(A). No outside amplified sound will be allowed unless a permit has been issued, subject to the exemptions set out in this section.

7.48.03 Noises prohibited

A. It shall be unlawful to create, cause or allow the continuance of any unreasonably loud, disturbing, unusual, frightening or unnecessary noise, particularly during nighttime, which interferes seriously with neighboring residents' reasonable use of their properties. Such noise may include, but is not limited to the following:

1. Yelling, shouting, whistling, or singing on the public streets or private property at nighttime.
2. Congregating because of, or participating in any party or gathering of people, during nighttime.
3. Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage cans, or other similar objects during nighttime.
4. The repair, rebuilding or testing of any motor vehicle during nighttime.
5. The playing of any radio, phonograph, musical instrument, television, or any such device, particularly during nighttime.

- B. The following acts are prohibited and shall be considered nuisance acts:
1. The intentional sounding of any horn or signaling device of a motor vehicle on any street or public place continuously or intermittently, except as a danger or emergency warning.
 2. Operating or permitting the operation of any motor vehicle or motorcycle not equipped with a muffler or other device in good working order so as to effectively prevent loud or explosive noises therefrom.
 3. Operating or permitting the operation of any mechanical device or loudspeaker, without a permit to do so, in a fixed or movable position exterior to any building, or mounted on any aircraft or motor vehicle in such a manner that the sound therefrom is in excess of the maximum decibel level as described in 7.48.02.
 4. Operating or permitting the operation of any power saw, chainsaw, sander, drill, grinder, leaf blower, lawn mower, or other garden equipment, or tools of a similar nature, outdoors during nighttime.
 5. The use or firing of explosives, firearms, fireworks or similar devices which create impulsive sound.

7.48.04 Exceptions The following are exempt from the provisions of this article.

- A. Construction operation from 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends for which building permits have been issued or construction operations not requiring permits due to ownership of the project by an agency of government; providing all equipment is operated in accord with manufacturer's specifications and with all standard equipment manufacturer's mufflers and noise-reducing equipment in use and in properly operating condition.
- B. Noises of safety signals, warning devices, emergency pressure relief valves, and all church bells.
- C. Noises resulting from any authorized emergency vehicle when responding to any emergency call or acting in time of emergency.
- D. Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the city in accordance with the above. Regulations of noises emanating from operations

under permit shall be according to the conditions and limits stated on the permit and contained above.

- E. Unamplified and amplified sound at outdoor social functions conducted by or for the city of Briarcliff.
- F. All noises coming from the normal operations of properly equipped aircraft (not including scale model aircraft).
- G. All noises coming from normal operation of motor vehicles properly equipped with the manufacturer's standard mufflers and noise-reducing equipment.
- H. Noise from lawful fireworks and noisemakers on holidays and at religious ceremonies.
- I. Lawn mowers, agricultural equipment, and landscape maintenance equipment used between the hours of 7:00 a.m. and 9:00 p.m. when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and properly operating condition.
- J. Musical accompaniment or firearm discharge related to military ceremonies.
- K. Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, or to restore public utilities, or to protect persons or property from an imminent danger.
- L. Noises resulting from the provision of government services.
- M. Noises resulting from the provision of sanitation services.
- N. Permit to exceed limits:
 - 1. Who may apply A person or group of persons may produce or cause to be produced sound in excess of sixty (60) dB(A) only during the hours specified in 7.48.02, and only if a permit to exceed the limit for the time and place of the activity has been obtained.
 - 2. Application or permit Any person or group of persons desiring a permit shall apply as provided herein, and shall provide all information required.
 - 3. Action by Mayor The Mayor or his designee will act upon all requests for a permit to exceed the limits specified during the hours specified.

7.48.05 Fine

- A. Any person who violates any portion of this article shall receive an oral order to cease or abate the noise immediately, or within a reasonable time period. During nighttime, or if a second violation occurs within sixty (60) days, an oral order to cease or abate need not be issued prior to issuing a citation for violation of any portion of this article.
- B. If the order to cease or abate the noise is not complied with, the person or persons responsible for the violation may be charged with a violation of this article and subject to a fine of Fifty Dollars (\$50.00) up to Five Hundred Dollars (\$500.00). (Ord. No. 10-23-2002)

CHAPTER 7.52

GARAGE SALES

Sections:

7.52.01	Permit
7.52.02	Requirements
7.52.03	Fee
7.52.04	Fine

7.52.01 Permit It shall be unlawful for any person within the city of Briarcliff to engage in or carry on any garage sales, porch sales, yard sales, or any other type of sale unless that person first obtains from the City Clerk or her agent, a permit to do so. No permit shall be issued for a period in excess of three (3) consecutive calendar days.

7.52.02 Requirements

- A. No more than four (4) sales per year shall be allowed or held by that person or persons at that property.
- B. All signs used to advertise sale or directing customers to the sale will be removed in accordance with the city of Briarcliff, Ord. No. 14.16.03.
- C. Unsold merchandise will be removed from public view within 24 hours of closing of sale.

7.52.03 Fee

- A. Applicant shall be issued the required permit subject to the above conditions. Sales one (1) through three (3) shall be without charge. A Five Dollar (\$5.00) fee will be required for the fourth (4) sale of the year.
- B. January 1st will be the start of each calendar year.

7.52.04 Fine

- A. The first violation may carry a fine of up to Twenty-Five Dollars (\$25.00).
- B. A second violation, if within two (2) years of the first violation shall result in a fine of not less than Fifty Dollars (\$50.00).
- C. A third violation and each subsequent violation thereafter which occurs within two (2) years of the first violation shall be a minimum of One Hundred Dollars (\$100.00) which shall be imposed for each violation. (Ord. No. 4-7-2004)

CHAPTER 7.56**OUTSIDE BURNING**Sections:

7.56.01	Definitions
7.56.02	Burning in streets, ditches, alleys or easements prohibited
7.56.03	Persistent offense, fire or safety hazards prohibited
7.56.04	Residential safety standards
7.56.05	Permit required – land clearing
7.56.06	Safety standards for land clearing burning
7.56.07	Penalty for violation

7.56.01 Definitions

Open Burning shall mean the incineration or combustion of yard waste materials as a method of disposal without any means to control the fuel/air ratio.

Yard Waste shall mean grass clippings, leaves, and shrubbery clippings collected from residential property.

Household Waste shall mean all waste, products and materials, other than grass clippings, leaves and shrubbery clippings. (Ord. No. 2017-01, Sec. 1.)

7.56.02 Burning in streets, ditches, alleys or easements prohibited No person, firm or corporation shall kindle or maintain any open burning in any public street, alley, ditch or easement. (Ord. No. 2017-01, Sec. 2.)

7.56.03 Persistent offense, fire or safety hazards prohibited

- A. No person, firm or corporation shall kindle or maintain any open burning that is a persistent offense to neighbors, a fire hazard to surrounding property, or a health or safety hazard.
- B. It shall be unlawful for any resident to make a false report against another resident regarding the burning of outside yard waste.
- C. It shall be unlawful for any resident to import onto their property and burn yard waste from any other location. (Ord. No. 2017-01, Sec. 3.)

7.56.04 Residential safety standards No person, firm or corporation shall burn yard waste, unless the following safety standards are followed:

- A. Burning shall be on a day with five (5) mile per hour winds or less.
- B. All burning shall be constantly supervised by a competent person of not less than (16) sixteen years of age.
- C. All burning shall be more than twenty-five (25) feet from any structure.
- D. All burning shall be accomplished during daylight hours only.
- E. Burning shall be controlled and maintained in a safe manner at all times, and means to extinguish the fire shall be at the burn site readily available and fully operational.
- F. Controlled burning on property occupied by a structure must have a charged hose available to the site of the controlled burn. If the structure is vacant at the time, arrangements must be made to ensure that the water is turned on prior to the time of the burning.
- G. No open burning will be allowed when the Fire Officials or the Mayor ban outside burning due to weather conditions which make outside burning hazardous to the community.
- H. No person, firm or corporation shall burn household waste outside at any time (Ord. No. 2017-01, Sec. 4.)

7.56.05 Permit Required – Land Clearing Any person, firm or corporation clearing land shall secure a permit from the City Of Briarcliff before any burning shall commence on the property. A Twenty-Five Dollar (\$25.00) fee shall be charged for the permit. (Ord. No. 2017-01, Sec. 5.)

7.56.06 Safety standards for land clearing burning

- A. An inspection of the burn site by a Fire Official or the Mayor shall precede the open burning.
- B. Open burning shall be during daylight hours only, unless approved by the Fire Official.

- C. A method of fire extinguishers, approved by the Fire Official, shall be on site at all times and readily available during burning.
- D. Open burning shall be more than one hundred (100) ft. from any structure.
- E. No burning of wood material over six (6) inches in diameter and no greater than twelve (12) inches in length.
- F. Stumps of any size shall not be burned.
- G. Open burning shall be supervised by a competent person of at least sixteen (16) years of age.
- H. The fire must be properly extinguished and the ashes sifted or raked before the area is left unattended.
- I. No open burning will be allowed when burning has been banned by Fire Officials or the Mayor due to weather conditions, which would make burning hazardous.

(Ord. No. 2017-01, Sec. 6.)

7.56.07 Penalty for violation Any person, firm or corporation who shall violate the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined the sum of not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00). (Ord. No. 2017-01, Sec. 7.)

CHAPTER 7.60

TREES

Sections:

- 7.60.01 Tree removal
- 7.60.02 Clear cutting

7.60.01 Tree removal

- A. The Mayor shall at his discretion enter into agreements with individuals for removal of trees both live and dead. Such trees should present a danger to roads or growing in the right-of-way, 20 feet from centerline of the road, 25 feet on Scenic Drive or dead trees on state/city property that present a danger of falling on the roadways.
- B. The Mayor shall issue a permit stating what and where trees are to be cut.

- C. Grantees shall carry issued permit with them when working.
- D. Trees shall only be cut in areas specified on the permit.
- E. Tree top and limbs shall be cut up and burned in accordance with 7.56, removed from the city, or cut and made into brush piles for wild bird/animal habitat. Said brush piles shall be off from the road at least 25 feet from edge of the right-of-way.
- F. The road shall be cleared and left free of branches and other debris.
- G. Failure to obtain permission, permits or comply with this ordinance may result in a ticket being issued.
- H. Fine of One Hundred Dollars (\$100.00) or Three Hundred Dollars (\$300.00) may be applied. (Ord. No. 2-1-2003)

7.60.02 Clear cutting

- A. Clear cutting shall be defined as removal of all trees from a property.
- B. Clear cutting of properties shall not be allowed in the city of Briarcliff with the exception of the following:
 - 1. Clearing a property or properties for constructions or improvement.
 - 2. Clearing of right-of-ways by utilities.
 - 3. Fine – Five Hundred Dollars (\$500.00).
(Ord. No. 2-1-2003)