

TITLE 8

VEHICLES AND TRAFFIC

Chapters:

- 8.04 Adoption of State Laws
- 8.08 Vehicle Regulations
- 8.12 Emergency Vehicles
- 8.16 Speed Limits
- 8.18 Hazardous Driving
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CHAPTER 8.04

ADOPTION OF STATE LAWS

Sections:

8.04.01 Adoption of state laws

8.04.01 Adoption of state laws

- A. The “Uniform Act Regulating Traffic on Highways of Arkansas,” as contained in Title 27 of the Arkansas Statutes, three (3) copies of which are on file in the office of the Recorder/Treasurer, is hereby adopted as traffic rules and regulations within and for the city. Any person convicted of violation of said statutes shall be deemed guilty of the violation of the ordinances of the town, and shall be fined or imprisoned or both in the manner set out under the state statutes.
- B. It shall be unlawful to operate any unlicensed motor vehicle on the city streets of Briarcliff except as provided for in 8.08.02. (Ord. No. 2015-001, Sec. 1.)

CHAPTER 8.08

VEHICLE REGULATIONS

Sections:

8.08.01	Unlicensed vehicle
8.08.02	Golf carts
8.08.03	Parked, stored, abandoned or advertised vehicles
8.08.04	Moving violations
8.08.05	Non-moving violations
8.08.06	Assessment
8.08.07	Definition

8.08.01 Unlicensed vehicle It shall be unlawful to operate an unlicensed motor vehicle within the Briarcliff corporate limits, except where specifically permitted, and posted for such use. This regulation shall exclude vehicles used by emergency services, utility companies, and the Fire Department in performance of their duties. Also, homeowner's maintenance equipment, or people and equipment that the homeowner may hire to work on his/her own property. (Ord. No. 7-9-2005, Sec. 1.)

8.08.02 Golf carts It shall be lawful to operate golf carts and all-terrain vehicles (ATVs) on city streets under the following conditions:

- A. The operator of the vehicle must be an owner of property within the city or be a city resident, and must have a valid state driver's license.
- B. The vehicle owner must register the vehicle with the City Clerk's office prior to January 31 of the current year, and provide proof of liability insurance in the minimum amount of Ten Thousand Dollars (\$10,000.00) to operate the vehicle on public streets, and sign a statement releasing the city from all liability in case of an accident. The current registration must be displayed on the vehicle per instructions. The vehicle owner will be charged a one-time fee not to exceed Twenty-Five Dollars (\$25.00) for the cost of the original sign and an annual fee of Five Dollars (\$5.00) at time of registration.
- C. The vehicle can only be operated during daylight hours, from sunrise to sunset.
- D. The vehicle must not be an impediment to the normal flow of other vehicular traffic, and must use hand signals for turning and stopping.

- E. The vehicle must not have been modified from factory specifications.
- F. The vehicle must have a slow moving fluorescent sign mounted on the rear of the vehicle.
- G. Any person violating the provisions of this chapter can receive a citation and be subject to a fine of Twenty-Five Dollars (\$25.00) plus court costs for the first offense, and Fifty Dollars (\$50.00) plus court costs for subsequent offenses. (Ord. No. 2015-002, Secs. 1-7.)

8.08.03 Parked, stored, abandoned or advertised vehicles No vehicles or other rolling stock will be parked, stored, abandoned or advertised for sale on any Briarcliff public street or right-of-way, and such right-of-way being defined as twenty (20) feet either side of roadway centerline. Temporarily disabled vehicles shall be removed within twenty-four (24) hours of their disablement. (Ord. No. 5-14-2011)

8.08.04 Moving violations Moving violations as listed herein shall carry a fine of not less than Fifty Dollars (\$50.00) for the first offense and a fine of not less than One Hundred Dollars (\$100.00) for subsequent offenses. (Ord. No. 7-9-2005, Sec. 3.)

8.08.05 Non-moving violations Non-moving violations listed herein, except for abandoned vehicles, shall carry a fine of not less than Twenty-Five Dollars (\$25.00). Refer to 8.24 for fines on abandoned vehicles. (Ord. No. 5-14-2011.)

8.08.06 Assessment All vehicles within the Briarcliff city limits must be assessed with the Baxter County Assessor's office within thirty (30) days of acquisition. Storage or lack of use are not valid reasons to avoid assessment. (Ord. No. 5-14-2011.)

8.08.07 Definition

Vehicle shall include all rolling stock used for conveyance or transportation such as: automobiles, trucks, recreational vehicles, motorcycles, boats, trailers, ATV's and golf carts. (Ord. No. 5-14-2011.)

CHAPTER 8.12

EMERGENCY VEHICLES

Sections:

- 8.12.01 Right-of-way
- 8.12.02 Following prohibited
- 8.12.03 Restriction of vehicular traffic
- 8.12.04 Strict enforcement
- 8.12.05 Exempt personnel
- 8.12.06 Penalty

8.12.01 Right-of-way When any emergency vehicle is on an emergency run, a siren and/or flashing red light shall be operated at all times while said vehicle is in motion. Any such moving emergency vehicle shall be entitled to and shall receive the right-of-way over all pedestrian and vehicle traffic. When the operator of any non-emergency vehicle is approached from any direction by such emergency vehicle, he shall immediately move his vehicle to the extreme right side of the street, and shall come to a full stop, remaining at such full stop until all such emergency vehicle movements have passed.

8.12.02 Following prohibited No person except as herein authorized shall follow any emergency vehicle which is operating its emergency signals.

8.12.03 Restriction of vehicular traffic No vehicular traffic (other than that of authorized personnel specified herein) shall be permitted within a three (3) block radius of any emergency, unless such vehicular movement is permitted by order of the fire, police or medical personnel in charge at the scene of such emergency. Fire, police or other authorized personnel shall have the specific authority to order all pedestrians and spectators outside said emergency area at any time.

8.12.04 Strict enforcement The provisions hereof shall be strictly enforced by members of law enforcement agencies.

8.12.05 Exempt personnel The following personnel when acting in the line of duty are specifically exempt from the provisions of this chapter;

- A. All regular and volunteer Fire Department personnel.
- B. All regular and auxiliary police personnel.
- C. News reporting and photography personnel for public communications media.
- D. Medical, nursing and ambulance personnel.
- E. Law enforcement officers; and other persons specifically authorized by the Mayor, Police Chief or Fire Chief.
- F. Public utility personnel.
- G. Mayor

8.12.06 Penalty Any person violating any of the provisions hereinabove shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

CHAPTER 8.16

SPEED LIMITS

Sections:

8.16.01 Speed limits

8.16.01 Speed limits All speed limits shall be 25 mph on all roads and streets in the city of Briarcliff unless otherwise posted with the exception of Sections 5 and 6 where the speed limits shall be 15 mph.. (Ord. No. 2014-006, Sec. 1.)

CHAPTER 8.18

HAZADOUS DRIVING

Sections:

- 8.18.01 Definitions
- 8.18.02 Prohibited
- 8.18.03 Fine

8.18.02 Definitions For the purpose of this chapter:

- A. Hazardous driving shall be defined as follows:
 - 1. Cutting onto and across private property to avoid established traffic patterns, intersections and stop signs;
 - 2. Driving around corners and curves at such a speed and in such a manner as to cause skidding of tires or sliding of the vehicle;
 - 3. Driving in wet or inclement weather at such a speed and/or in such a manner that normal or proper control of the vehicle cannot be maintained; and/or
 - 4. Driving any vehicle in such a manner as to indicate a reckless disregard for the safety of persons or property.
- B. **Vehicle** shall mean any device in, upon or by which any person or property is or may be transported upon a street or highway. (Ord. No. 2014-008, Sec. 1.)

8.18.02 Prohibited It shall be unlawful for any person to drive any vehicle in a hazardous manner in the city of Briarcliff, Arkansas. (Ord. No. 2014-008, Sec. 2.)

8.18.03 Fine Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be guilty of a misdemeanor and for a first conviction shall be punished by a fine not to exceed Fifty Dollars (\$50.00), and on a second or subsequent conviction within three (3) years shall be punished by a fine of not less than One Hundred Dollars (\$100.00). (Ord. No. 2014-008, Sec. 3.)

CHAPTER 8.20

PARKING

Sections:

- 8.20.01 Off-street parking
- 8.20.02 Recreational vehicles

8.20.01 Off-street parking In R1-S each dwelling shall provide off-street parking for at least four (4) vehicles. (Ord. No. 5-8-2006)

8.20.02 Recreational vehicles In R1-S recreational vehicles, boats and trailers are permitted only if stored in a garage or behind the front of the residence and more than fifty (50) feet from any property line or the street. (Ord. No. 5-8-2006)

CHAPTER 8.24

NON-OPERATING VEHICLES

Sections:

- 8.24.01 Definitions
- 8.24.02 Prohibiting non-operating vehicles
- 8.24.03 Exceptions
- 8.24.04 Penalty for violation
- 8.24.05 Violators
- 8.24.06 Non-operative vehicles
- 8.24.07 Notice of abandonment
- 8.24.08 Auction
- 8.24.09 Tow

8.24.01 Definitions Non-operating motor vehicles as used in this chapter means a motor vehicle with one or more of the following characteristics:

- A. The engine or motor is inoperative;
- B. The wheels, all or any one of them, are removed;

- C. The motor vehicles has flats on two or more tires;
- D. Major operating components are missing, such as: windshield glass, door glass, fenders, gauges, steering wheel, tie rods, springs, drive train, gear box, rear end, or any parts connected with the steering geometry of the motor vehicle, the seats are removed;
- E. Any of the major operating components such as those listed in section (D) above are in such damaged condition so as to make the motor vehicle useless;
- F. The motor vehicle does not have a current Arkansas registration.

8.24.02 Prohibiting non-operating vehicles It is unlawful to have a non-operating motor vehicle.

8.24.03 Exceptions Nothing in this chapter shall be construed so as to apply to:

- A. Antique automobiles, provided the vehicle has an antique license as by law required; and
- B. Temporarily disabled motor vehicles provided they are restored to running condition within sixty (60) days from date of disablement.
- C. For purposes of restoration, long-term over sixty (60) days, such vehicle must be covered or enclosed when not being worked on, and not more than one vehicle under restoration at a residence at any one time.

8.24.04 Penalty for violation A violation of this chapter is hereby declared to be a misdemeanor and punishable by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) or by a jail sentence of one (1) to ten (10) days. Each day a non-operating motor vehicle is upon the premises of a person shall constitute a separate offense.

8.24.05 Violators A person shall be deemed in violation of this chapter if:

- A. Such person owns or has registered to him a non-operating motor vehicle that is in a prohibited area within the terms of this chapter; or
- B. Such person owns property that non-operating motor vehicles are placed, parked or found resting on in a prohibited area within the terms of this chapter;
- C. It shall be a prima facie case that the record owner is the owner of property in question;

D. It shall be a prima facie case that the registered owner of a motor vehicle is the owner of the motor vehicle.

8.24.06 Non-operative vehicles No motor vehicles of any type in non-operative conditions are to be parked, jacked up, blocked up, worked on, or are to remain in a non-operative condition on any lot or on the street in front of a residence for a period of more than twenty-four (24) hours at any one time or as a repeated matter of practice. (Ord. No. 5-8-2006)

8.24.07 Notice of abandonment Vehicles found abandoned along right-of-ways or on open land shall have a notice of abandonment placed on them for a period of forty-eight (48) hours, after which time such vehicles shall be removed to an approved impound yard where they shall be stored at a rate of Twenty Dollars (\$20.00) a day as well as a Fifty Dollars (\$50.00) general tow and impound fee. (Ord. No. 8-24-2001)

8.24.08 Auction After a 60-day impound period and attempt of notification of owner, any vehicles may be auctioned off or sold and the proceeds placed in the city's general fund. (Ord. No. 8-24-2001)

8.24.09 Tow At the discretion of the metro patrol officer, the vehicle/utility trailer/camping trailer/boat trailer can be towed by a commercial towing company to its impound facility and disposed of as state law requires. (Ord. No. 8-24-2001)