

**MUNICIPAL CODE**

**A Code of the General Ordinances  
of the City of Briarcliff, Arkansas**

Date of Incorporation

August 1998

Prepared with  
assistance of the

**ARKANSAS MUNICIPAL LEAGUE**

P. O. Box 38  
2nd and Willow  
North Little Rock, Arkansas 72115  
Telephone: 374-3484

# **BRIARCLIFF MUNICIPAL OFFICIALS**

## **At The Time Of This Code's Preparation**

**Mayor**

Don Weinberg

**Recorder/Treasurer**

Jan Carper

**Councilmen**

Mel Harper

John Auger

Roger Desrosiers

Ron Schmidt

Dave Schumm

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE ADOPTING AND ENACTING A  
NEW MUNICIPAL CODE OF ORDINANCES OF  
THE CITY OF BRIARCLIFF,  
ARKANSAS, ESTABLISHING THE SAME; PROVIDING  
FOR THE REPEAL OF CERTAIN ORDINANCES NOT  
INCLUDED THEREIN, EXCEPT AS HEREIN  
EXPRESSLY PROVIDED; PROVIDING FOR THE  
EFFECTIVE DATE OF SUCH CODE AND A PENALTY  
FOR THE VIOLATION THEREOF; AND PROVIDING FOR THE  
MANNER OF AMENDING SUCH CODE; AND PROVIDING FOR  
THE EFFECTIVE DATE OF THIS ORDINANCE.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIARCLIFF,  
ARKANSAS:**

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "Briarcliff Municipal Code." Such code shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the City Council on or before \_\_\_\_\_, to the extent provided in Section 2 hereof.

Section 2. That all provisions of such code shall be in full force and effect from and after \_\_\_\_\_. All previously enacted ordinances, whether or not included in this code, shall remain in full force and effect until specifically repealed, amended, or otherwise affected by action of the governing body.

Section 3. That the repeal provided for in Section 2 hereof shall not affect any of the following:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such code;
- (2) Any ordinance promising or guaranteeing the payment of money for the town or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;
- (3) Any contract or obligation assumed by the city;

- (4) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the city;
- (5) Any appropriation ordinance;
- (6) Any ordinance which, by its own terms, is effective only for a stated or limited time;
- (7) Any ordinance providing for local improvements and assessing taxes therefore;
- (8) Any ordinance dedicating or accepting any subdivision plat; or
- (9) Any ordinance enacted after \_\_\_\_\_.

Section 4. That whenever in such code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefore, the violation of any such provision of such code shall be punishable as provided by Section 1.32.01 of such code.

Section 5. That any and all additions and amendments to such code, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such code so that reference to the Briarcliff Municipal Code shall be understood and intended to include such additions and amendments.

Section 6. That in case of the amendment of any section of such code for which a penalty is not provided, the general penalty as provided in Section 1.32.01 of such code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 7. That three copies of such code shall be kept on file in the office of the Recorder/Treasurer preserved in looseleaf form or in such other form as the City Council may consider most expedient. It shall be the express duty of the Recorder/Treasurer, or someone authorized by the Recorder/Treasurer, to insert in their designated places all amendments or ordinances which indicate the intention of the City Council to make the same a part of such code when the same have been printed or reprinted in page form, and to extract from such code all provisions which may be from time to time repealed by the City Council. These copies of such code shall be available for all persons desiring to examine the same.

Section 8. That it shall be unlawful for any person to change or amend by additions or deletions any part or portion of such code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the city of Briarcliff to be misinterpreted thereby. Any person violating this section shall be punished as

provided in Section 4 of this ordinance.

Section 9. That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. It is hereby found that many of the ordinances of the city of Briarcliff are not easily accessible to citizens and municipal officials and thereby has rendered it difficult for many persons to determine the actual laws in effect; and that the city has made unusual efforts to have the laws of the city of Briarcliff adopted and published. Therefore, an emergency is hereby declared to exist and this ordinance being necessary 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.

Approved and passed this \_\_\_\_\_.

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Mayor

(SEAL)

ATTEST:

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Clerk/Treasurer/Recorder

## ***P R E F A C E***

The Briarcliff Municipal Code is a codification of the general ordinances of the city of Briarcliff, Arkansas.

The loose-leaf binder and numbering system have been designed to permit the code to be easily and efficiently kept up to date. We hope this will enable the municipal code to be of the greatest assistance to the citizens and municipal officials of the city of Briarcliff.

**ARKANSAS MUNICIPAL LEAGUE  
CODE SERVICE**

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# **TITLE 1**

## **GENERAL PROVISIONS**

### **Chapters:**

- 1.04 How Code Designated and Cited
- 1.08 Rules of Construction
- 1.12 Subheadings of Sections
- 1.16 Effect of Repeal of Ordinances
- 1.20 Severability of Parts of Code
- 1.24 Amendments to Code
- 1.28 Altering Code
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- 1.36 Referendum Petitions

### **CHAPTER 1.04**

#### **HOW CODE DESIGNATED AND CITED**

### **Sections:**

- 1.04.01 How code designated and cited

1.04.01 How code designated and cited. The ordinances embraced in the following chapters and sections shall constitute and be designated "Briarcliff Municipal Code" and may be so cited.

STATE LAW REFERENCE-See A.C.A. 14-55-701; et seq.

### **CHAPTER 1.08**

#### **RULES OF CONSTRUCTION**

### **Sections:**

- 1.08.01 Rules of construction

1.08.01 Rules of construction In the construction of this code and all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council.

STATE LAW REFERENCE: A.C.A. refers to the official Arkansas Code Annotated which are the laws passed by the General Assembly of the State of Arkansas.

**CITY COUNCIL** Whenever the words "**City Council**" or "**Council**" are used they shall be construed to mean the City Council of the city of Briarcliff, Arkansas.

**COUNTY** The words "**the county**" or "**this county**" shall mean the county of Baxter, Arkansas.

**GENDER** A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, and corporations as well as to males.

**MUNICIPALITY** The words "**the municipality**" or "**this municipality**" shall mean the city of Briarcliff, Arkansas.

**NUMBER** Words used in the singular include the plural, and the plural includes the singular number.

**OATH** The word "**oath**" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "**swear**" and "**sworn**" shall be equivalent to the words "**affirm**" and "**affirmed**".

**OR, AND** "**Or**" may be read "**and**", and "**and**" may be read "**or**" if the sense requires.

**OTHER CITY OFFICIALS OR OFFICERS.** Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., "**Mayor**", etc., they shall be deemed to refer to the officials, boards, commissions and departments of the city of Briarcliff, Arkansas.

**PERSON.** The word "**person**" shall extend and be applied to firms, partnerships, associations, organizations and bodies politic and corporate, or any combination thereof, as well as to individuals.

**SIDEWALK.** The word "**sidewalk**" means a strip of land in front of or on the side of a house or lot of land lying between the property line and the street.

**STATE.** The words "**the state**" or "**this state**" shall be construed to mean the state of Arkansas.

**STREET.** The word "**street**" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the city of Briarcliff, Arkansas.

**TENSE.** Words used in the past or present tense include the future as well as the past or present tense.

## **CHAPTER 1.12**

### **SUBHEADINGS OF SECTIONS**

**Sections:**

1.12.01 Subheadings of sections

1.12.01 Subheadings of sections The subheadings of sections of this code, which are underlined, are intended merely to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the subheadings, are amended or reenacted.

## **CHAPTER 1.16**

### **EFFECT OF REPEAL OF ORDINANCES**

**Sections:**

1.16.01 Effect of repeal of ordinances

1.16.01 Effect of repeal of ordinances The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed without a majority vote of the Council.

## **CHAPTER 1.20**

### **SEVERABILITY OF PARTS OF CODE**

#### **Sections:**

##### 1.20.01 Severability of parts of code

1.20.01 Severability of parts of code It is hereby declared to be the intention of the City Council of the city of Briarcliff, Arkansas, that the titles, chapters, sections, paragraphs, sentences, clauses, and phrases of this code are severable, and if any phrase, clause, sentence, paragraph, chapter, title or section of this code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, chapters, titles and sections of this code.

## **CHAPTER 1.24**

### **AMENDMENTS TO CODE**

#### **Sections:**

##### 1.24.02 Amendments to code

1.24.01 Amendments to code All ordinances passed subsequent to this code which amend, repeal or in any way affect this code, may be numbered in accordance with the numbering system of this code and printed for inclusion herein. In the case of repealed titles, chapters, sections or subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages affected thereby.

Amendment to any of the provisions of this code may be made by amending such provisions by specific reference to the section number of this code in the following language: "That section \_\_\_\_\_ of the Briarcliff Municipal Code is hereby amended to read as follows: . . ." The new provisions may then be set out in full.

In the event a new section not heretofore existing in the code is to be added, the following language may be used: "That the Briarcliff Municipal Code is hereby amended by adding a section (or title or chapter) to be numbered \_\_\_\_\_, which said section (or title or chapter) reads as follows: . . ." The new provisions may then be set out in full.

All sections, titles, chapters or provisions desired to be repealed must be specifically repealed by section, title or chapter number, as the case may be.

## **CHAPTER 1.28**

### **ALTERING CODE**

#### **Sections:**

##### 1.28.01 Altering code

1.28.01 Altering code It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever, except by ordinance of the City Council, which shall cause the law of the city of Briarcliff, Arkansas to be misrepresented thereby. Any person violating this section shall be punished as provided by Section 1.32.01 hereof.

## **CHAPTER 1.32**

### **GENERAL PENALTY**

#### **Sections:**

##### 1.32.01 General Penalty

1.32.01 General penalty Whenever in this Municipal Code the doing of any act or the omission to do any act or duty is declared unlawful, and further, whenever the amount of the fine shall not be fixed and no penalty declared, any person convicted for a violation of such provision of this code shall be adjudged to pay a fine of not more than Five Hundred Dollars (\$500.00) and if the act is continuous, not more than Two Hundred and Fifty Dollars (\$250.00) for each day of continuance. Provided, for any offense committed against the code for which there is set forth by state law a similar offense the penalty therefore shall be no less nor greater than that set forth by state law.

STATE LAW REFERENCE-See A.C.A. 14-55-504

## **CHAPTER 1.36**

### **REFERENDUM PETITIONS**

#### **Sections:**

- 1.36.01 Filing date
- 1.36.02 Notice of hearing
- 1.36.03 City Council calls election
- 1.36.04 Upon defeat of ordinance

1.36.01 Filing date All referendum petitions under Amendment No. 7 to the Constitution of the state of Arkansas must be filed with the Recorder/Treasurer within thirty (30) days after passage of such ordinance.

1.36.02 Notice of hearing Whenever any referendum petition is filed the City Council shall give notice by publication for one insertion of a time not less than five (5) days after the publication of such notice at which they will hear all persons who wish to be heard on the question whether such petition is signed by the requisite number of petitioners. At the time named the City Council shall meet and hear all who wish to be heard on the question, and its decision shall be final unless suit is brought in the Chancery Court of Baxter County within thirty (30) days to review its action.

1.36.03 City Council calls election If the City Council of the city of Briarcliff, Arkansas, finds that such petition is signed by the requisite number of petitioners, it may order a special election or place the question on the ballot at the next municipal general election to determine by vote of the qualified electors whether the ordinance shall stand or be revoked. The date for any special election shall be set less than thirty (30) days after the order therefore has been made by the Council, and said special elections shall be had and conducted as general municipal elections held in the city of Briarcliff.

1.36.04 Upon defeat of ordinance If any ordinance referred to the people is defeated at the polls, the City Council of the city of Briarcliff, Arkansas, shall make a note of such fact and shall expunge such ordinance from its files.

STATE LAW REFERENCE - See Const., Amend. No. 7 and A.C.A. 14-55-301

**TITLE 2**  
**CLASSIFICATION, ADMINISTRATION**  
**AND PERSONNEL**

Chapters:

- 2.04 City Classification
- 2.08 City and Ward Boundaries
- 2.12 Social Security Coverage
- 2.16 Unclaimed Property
- 2.20 City Council
- 2.24 Mayor
- 2.28 Clerk/Recorder/Treasurer
- 2.29 Deputy Clerk
- 2.30 Employee's Payroll
- 2.32 City Marshal
- 2.36 City Court
- 2.40 Personnel Policies

**CHAPTER 2.04**

**CITY CLASSIFICATION**

Sections:

- 2.04.01 Operation as a second class city

2.04.01 Operation as a second class city The city of Briarcliff, Arkansas, shall operate as a second class city under the laws of the state of Arkansas. (Ord. No. 2000-1, Sec. 1.)

**CHAPTER 2.08**

**CITY AND WARD BOUNDARIES**

Sections:

- 2.08.01 Wards

2.08.01 Wards As per A.C.A. 14-44-101, the city of Briarcliff being a city of the second class hereby establishes the following Wards this date as set, and subject to change when population warrants as per A.C.A. 14-44-102.

- Ward I shall be:
- Section 5, all
  - Section 6, Lots 65 – 74
  - Section 6, Lots 148 – 231
  - Section 6, Lots 286 – 349
  - Section 6, all acreage
- Ward 2 shall be:
- Section 6, Lots 116 – 147
  - Section 6, Lots 232 – 285
  - Section 6, Lots 350 – 360
  - Section 7, all
  - Section 8, Lots 224 – 283
  - Holiday Hills 1, all
  - Holiday Hills 2, all
  - Holiday Hills 3, Lots 91-117
  - Holiday Hills 3, Lots 159 – 170
  - Section 10 Lots 1-34
- Ward 3 shall be:
- Holiday Hills 3, Lots 118 – 158
  - Holiday Hills 3, Lots 171 – 185
  - Holiday Hills 4, all
  - Section 8, Lots 186 – 223
  - Section 8, Lots 284 – 355
  - Section 10, Lots 35 – 446
  - Sections 9, 11, 12, 14, 15, 16, all
  - All acreages in these sections.
  - (Ord. No. 6-26-2002, Sec. 1.)

## **CHAPTER 2.12**

### **SOCIAL SECURITY COVERAGE**

Sections:

- 2.12.01 Contract
- 2.12.02 Withholding taxes from wages
- 2.12.03 City to match withholding



2.12.01 Contract The Mayor and the Council are hereby authorized and directed to enter into an agreement with the state for the purpose of obtaining insurance coverage for the employees of the city of Briarcliff , Arkansas, under the terms and provisions of the Federal Social Security Act.

2.12.02 Withholding taxes from wages Each employee's insurance contribution shall be deducted from his salary check in accordance with the terms and provisions of the Social Security Act.

2.12.03 City to match withholding There is hereby appropriated from the general fund of the city the sums of money necessary to pay the city's share of the insurance tax in accordance with the terms and provisions of the Social Security Act.

## **CHAPTER 2.16**

### **UNCLAIMED PROPERTY**

#### Sections:

- 2.16.01 Disposal
- 2.16.02 Sale
- 2.16.03 Proceeds of sale to owner
- 2.16.04 Proceeds remaining after six months

2.16.01 Disposal The Mayor, under the direction hereinafter set out, is hereby authorized and directed to dispose of at public auction all unclaimed personal property rightfully coming into the hands of his office and to dispose of other confiscated property confiscated under the orders of the City Court with the exception of confiscated liquor.  
STATE LAW REFERENCE - For procedure relating to liquor, See A.C.A. 3-3-312

2.16.02 Sale All unclaimed personal property coming into the hands of the Mayor will be held by him for a period of six (6) weeks or longer. If property remains unclaimed, he shall periodically advertise such property in some newspaper of general circulation in the city of Briarcliff once each week for three (3) consecutive weeks setting forth in the notice the time for the sale which shall not be earlier than five (5) days after the last publishing of the notice and no later than ten (10) days thereafter, designating an easily accessible place for the sale thereof, and giving a complete list and description of unclaimed articles to be sold. The Mayor shall have the right to refuse any and all bids not satisfactory and will then proceed to advertise these items for sale at a later date. Terms of such sale shall be for cash only. Nothing in this chapter shall prohibit any person who properly identifies any of the property as being their own before the sale from claiming and having property restored to them.

2.16.03 Proceeds of sale to owner The Mayor shall deposit the receipt from the aforesaid sale of unclaimed property in the treasury and the Treasurer is to keep these funds in a special account for a period of six (6) months and any person identifying as his own any of such property within the six (6) month period shall upon the presentation of satisfactory proof be paid by the city out of the special account the amount for which the property was sold less expenses incurred in disposition of said property. The Recorder/Treasurer or some person designated by him shall keep in a well bound book an accurate record and description of each piece of unclaimed property passing through his office and the price for which it was sold and the date, the name and address of those who purchased same, as well as a complete record of those who identified and claimed any of the property before it was sold.

2.16.04 Proceeds remaining after six months All proceeds from the sale remaining in the special fund for a period of six (6) months shall by the Treasurer be transferred to the city's general fund and no further payment shall be made therefrom to anyone who thereafter claims ownership.

## **CHAPTER 2.20**

### **CITY COUNCIL**

Sections:

2.20.01	Council meetings - regular
2.20.02	Council meetings - special
2.20.03	Freedom of information procedure
2.20.04	Order of business
2.20.05	Terms
2.20.06	Salary
2.20.07	Residency

2.20.01 Council meetings - regular All regular meetings of the Council shall be held at the Briarcliff City Hall on the second Tuesday of each month at 3:00 p.m. (Ord. No. 2014-001, Sec. 1.) The following shall be observed during all Council meetings.

- A. No smoking will be allowed during the Council meetings
- B. The Council meeting will be set for a maximum of two (2) hours, unless extended by majority vote of the Council.
- C. Residents of Briarcliff shall be recognized to speak at all regular Council meetings. Said residents shall speak to the issue currently on the floor and shall be limited to (3) three minutes per issue.

- D. A resident wishing to bring an issue to the Briarcliff Council shall contact his Council member and/or notify the Mayor at least forty-eight (48) hours prior to the meeting so as to be scheduled on the agenda.

2.20.02 Council meetings - special Special meetings of the City Council of the city of Briarcliff, Arkansas, may be held upon the call of the Mayor, whenever in his opinion it shall be necessary, or by three (3) members of the Council by giving at least three (3) days' notice of such special meeting, by giving notice in writing which notice shall be served personally or through the mails to all members of the Council, which notice shall state the time of the meeting and purpose thereof.

2.20.03 Freedom of information procedure All meetings of the City Council of the city of Briarcliff, Arkansas, shall be public meetings. Notice of the time, place and date of all special meetings shall be given to representatives of the newspapers and radio stations located in Baxter County, Arkansas, which have requested to be notified at least two (2) hours before the special meeting takes place.

2.20.04 Order of business At all meetings of the Council the following shall be the order of business unless the Council by a majority vote shall order otherwise.

- A. Call to order
- B. Roll call
- C. Reading of minutes of the previous meeting
- D. Reading of the financial statement quarterly
- E. Reports of boards and standing committees
- F. Reports of special committees
- G. Unfinished business
- H. New business
- I. Announcements
- J. Adjournment

2.20.05 Terms The Council members are elected to staggered four (4) year terms by Ward within the city of Briarcliff. (Ord. No. 7-13-2003, Sec. 1.)

2.20.06 Salary The City Council will be paid Forty Dollars (\$40.00) per regular meeting, with an additional pay of Twenty Dollars (\$20.00) for special meetings as long as the Councilmember is in attendance at the meeting(s). (Ord. No. 2014-004, Sec. 1.)

2.20.07 Residency All members of the Briarcliff City Council must reside and live within the Briarcliff city limits. Residency is defined as the place where the person sleeps at night and lives. When residency within the ward they represent cannot be maintained, the seat they represent will be declared vacant. It will then be filled by appointment until an election can be held to fill the vacated seat. (Ord. No. 7-9-2005, Sec. 1.)

**CHAPTER 2.24****MAYOR****Sections:**

2.24.01	Office created
2.24.02	Election
2.24.03	Duties
2.24.04	Appointment of officers
2.24.05	Salary
2.24.06	Enforcement person

2.24.01 Office created The office of Mayor is hereby created for the city of Briarcliff, Arkansas.

2.24.02 Election On the Tuesday following the first Monday in November, 1978 and every four (4) years thereafter, the qualified voters of the city of Briarcliff, Arkansas, shall elect a Mayor for four (4) years.

2.24.03 Duties As chief executive of the city, the Mayor shall preside over all meetings of the City Council of the city of Briarcliff, Arkansas, and shall perform such duties as may be required of him by state statutes or city ordinances.

2.24.04 Appointment of officers The Mayor shall appoint, with the approval of the City Council of the city of Briarcliff, Arkansas, (where such approval or confirmation is required) all officers of the city whose election or appointment is not provided for by state statute or city ordinance.

2.24.05 Salary The rate of pay of the Mayor of the city of Briarcliff shall be determined by ordinance of the City Council of the city of Briarcliff, Arkansas, from time to time in a manner that will comply with the Arkansas Constitution, and shall commence only after state turn back funds are received.

- A. Effective September 1, 2010, the Mayor's pay will be paid \$13,312.00 per year, and paid at the rate of \$1,109.34 per month. Beginning in 2013 and each year thereafter, he will receive a three percent (3%) raise on the anniversary date of employment. Should another Mayor come into office, the Mayor's pay will revert back to the rate of \$4,600.00 per year. (Ord. No. 1-12-2013, Sec. 1.)
- B. The Mayor will receive meeting pay at a rate of Forty Dollars (\$40.00) Ord. No. 10-11-2008, Sec. 1.)

2.24.06 Enforcement person Due to the lack of/or unavailability of law enforcement personnel other than the part-time City Marshal, the Mayor shall act as the law enforcement personnel when called upon. (Ord. No. 8-14-2004, Sec. 1.)

## **CHAPTER 2.28**

### **CLERK/RECORDER/TREASURER**

#### **Sections:**

2.28.01	Offices combined
2.28.02	Compensation
2.28.03	Duties
2.28.04	Collector
2.28.05	Record retention

2.28.01 Offices combined The offices of City Clerk, Treasurer and Recorder are hereby combined into one office to be known as the Clerk/Treasurer/Recorder. For election purposes Recorder/Treasurer.

#### **2.28.02 Compensation**

- A. Starting pay to be \$10.00 per hour to be paid at 32 hours per pay period. Additional hours over 32 per pay period, if approved, shall be paid at the current hourly rate at that time.
- B. After three (3) months, pay will be \$10.50 per hour.
- C. Beginning on the employment anniversary date, and each year thereafter, he/she will receive a three percent (3%) raise of his/her hourly pay.
- D. The Recorder/Treasurer will receive meeting pay of Forty Dollars (\$40.00) per meeting attended.
- E. The Recorder/Treasurer's position is entitled to one (1) week paid vacation after one (1) year of service, and two (2) weeks paid vacation after five (5) years of service.
- F. The Recorder/Treasurer will receive holiday pay if the holiday falls on a regularly scheduled work day. (Ord. No. 1-12-2013).
- G. After one (1) year of employment, the Recorder/Treasurer will be entitled to five (5) sick/personal days a year, which can be taken in increments of half days also. (Ord. No. 10-11-2008).
- H. In the event a Deputy Clerk who has worked for the City for several years obtains this office, by election or appointment, he/she will retain his/her pay rate if higher than the rate otherwise outlined in 2.28.02. (Ord. NO. 2016-07, Sec. 1.)

2.28.03 Duties The duties of the Clerk/Recorder/Treasurer shall be:

- A. To keep an accurate and complete record of the finances of the different departments of the city and of the receipts and disbursements of funds belonging to the different departments of the city, as designated by the City Council.
- B. To retain the various city records and documents for the time periods outlined in 2.28.05.
- C. To perform such other duties as may be required by the ordinances of the city or laws of the state.

2.28.04 Collector The Clerk/Treasurer/Recorder shall be the collector of all occupational and privilege taxes and other taxes for the city. The Clerk/Treasurer/Recorder shall keep records on all occupational and other taxes and monies collected.

2.28.05 Record retention

### Record Retention

	<u>IRS</u>	<u>AR State Law</u>
Accounting ledgers and schedules	7	3
Audit reports	Permanently	*
Bank statements	3	3
Checks (see exception below)	7	3
Checks (important payments – file with the papers of the transaction)	Permanently	3
Contracts, mortgages, notes and leases expired	7	*
still in effect	Permanently	*
Correspondence – routine	2	*
Correspondence – legal, important matters	Permanently	*
Deeds, mortgages and bills of sale	Permanently	*
Employment applications	3	*

Expense analysis	7	3
Financial statements (year-end, others optional)	Permanently	*
Insurance policies (expired)	3	*
Inventories of materials and supplies	7	*
Invoices (to customers, from vendors)	7	3
Journals	Permanently	10
Payroll records and summaries	Permanently	10
Personnel files (terminated)	7	*
Petty cash vouchers	3	3
Property records	Permanently	10
Retirement and pension records	Permanently	*
Tax returns and related documents	Permanently	*
Time books/cards	7	*
Vouchers for payments to vendors/employees	7	3

## **CHAPTER 2.29**

### **DEPUTY CLERK**

#### Sections:

- 2.29.01 Duties
- 2.29.02 Compensation

2.29.01 Duties To assist the Clerk/Recorder/Treasurer in all aspects of the city clerical work as required. (Ord. No. 6-10-2006, Sec. 1.)

#### 2.29.02 Compensation

- A. Starting pay to be \$8.50. (Ord. No. 2016-05, Sec. 1.)
- B. After three (3) months, pay will be \$9.00 per hour. (Ord. No. 2016-05, Sec. 1.)
- C. Beginning on the employment anniversary date, and each year thereafter, he/she will receive a three percent (3%) raise of his/her hourly pay. (Ord. No. 1-12-2013.)
- D. After one (1) year of employment for part-time employees, he/she will be entitled to five (5) sick/personal days a year, which can be taken in increments of half days also.
- E. Holiday pay if holiday falls on a regular work day, see Personnel Policy Handbook. (Ord. No. 3-19-2011, Sec. 1.)

**CHAPTER 2.30**

**EMPLOYEE'S PAYROLL**

Sections:

2.30.01 Compensation for Clint Rhine, Maintenance Supervisor

2.30.01 Compensation for Clint Rhine, Maintenance Supervisor

- A. Beginning on his 2013 employment anniversary date, and each year thereafter, he will receive a three percent (3%) raise of his hourly pay. (Ord. No. 1-12-2013.)
- B. He will receive a monthly payment of \$80.25 to be used towards a medical plan of his own choosing.
- C. He will receive a monthly payment of \$75.00 to use towards a retirement plan of his own choosing.
- D. Vacation time will be accrued under 2.40.02.
- E. Sick/personal days will be set as in 2.40.02.
- F. Holidays and holiday pay will be set according to 2.40.02(B). (Ord. No. 2016-09, Sec. 1.)



**CHAPTER 2.31****ASSISTANT TO THE MAINTENANCE SUPERVISOR**Sections:

- 2.31.01 Duties  
2.31.02 Compensation

2.31.01 Duties To assist the maintenance supervisor in all aspects of the city maintenance work including, but not limited to: facility and equipment maintenance, truck driver, heavy equipment operator and water distribution operations. It is expected that the employee will train under the direction of the maintenance supervisor in order to become proficient in these areas. It is required that the employee obtain a Commercial Driver's License before his/her first anniversary of employment. (Ord. No. 2016-10, Sec. 1.)

2.31.02 Compensation

- A. Starting pay to be \$11.00 per hour.
- B. After three (3) months, pay will be \$11.50 per hour.
- C. Beginning on the employment anniversary date, and each year thereafter, he/she will receive a three percent (3%) raise of his/her hourly pay.
- D. He/she will receive a monthly payment of \$80.25 to be used towards a medical plan of his/her choice.
- E. After one (1) year of service, employee will receive a monthly payment of fifty dollars (\$50.00) to be used towards a savings plan of his/her choice. Each year after the initial two (2) years the savings contribution will be increased by three percent (3%) until the maximum of seventy five dollars (\$75.00) is reached.
- F. Vacation time will be accrued under 2.40.02(A).
- G. Holidays and holiday pay will be set according to 2.40.02(B).
- H. Sick/personal days will be set as in 2.40.02(C).
- I. The employee will be expected to train for and obtain a D-2 Water Distribution Operators License by his/her second anniversary of employment. Upon obtaining the D-2 license, pay will be increased by one dollar (\$1.00) per hour.

(Ord. No. 2016-10, Sec. 2.)

**CHAPTER 2.32****CITY MARSHAL**Sections:

2.32.01	Created
2.32.02	Appointed
2.32.03	Duties
2.32.04	Provisions
2.32.05	Training and certification
2.32.06	Accounting of activities
2.32.07	Interlocal Cooperation Agreement
2.32.08	Compensation

2.32.01 Created Under authority of A.C.A. 14-44-111, the elected office of City Marshal is hereby abolished and the appointed office of City Marshal is hereby created. (Ord. No. 2-16-2010)

2.32.02 Appointed The City Marshal shall be appointed and removed by the Mayor, subject to a two-thirds override vote of the City Council. (Ord. No. 2-16-2010)

2.32.03 Duties The City Marshal shall exercise those powers and duties of his office as prescribed in A.C.A. 14-44-113, as well as any additional duties as may be assigned by the Mayor or by majority vote of the City Council. (Ord. No. 2-16-2010)

2.32.04 Provisions Deputy Marshal, if authorized by the City Council, shall be appointed and removed by the Mayor. (Ord. No. 2-16-2010)

2.32.05 Training and certification The Marshal and any Deputy Marshals of the city of Briarcliff will be required to meet all of the training and certification requirements for full time, part time or auxiliary law enforcement officers, as the case may be, as established by the Arkansas Commission on Law Enforcement Standards and Training (CLEST). (Ord. No. 2-16-2010)

2.32.06 Accounting of activities The Marshal shall provide a written report monthly to the City Council that provides a detailed accounting of the activities of his office for the preceding month. (Ord. No. 2-16-2010)

### 2.32.07 Interlocal Cooperation Agreement

- A. The Mayor, Recorder/Treasurer and the Marshal, acting on behalf of the city of Briarcliff, are hereby authorized and empowered to enter into an Interlocal Cooperation Agreement between the city of Briarcliff and the Baxter County Sheriff's office for the purpose of enhancing law enforcement services to the citizens residing in and around the corporate limits of the city of Briarcliff.
- B. A copy of said Interlocal Cooperation Agreement is attached hereto and incorporated herein by reference in its entirety.
- C. From and after the effective date of this agreement, the Marshal and Deputy Marshals of the city of Briarcliff are authorized and empowered by said agreement to have and exercise law enforcement authority, including powers of detention and arrest, outside the corporate limits when specifically and directly asked or requested by the Sheriff of Baxter County or any of his deputies.
- D. Upon the completion, resolution, or termination of the disturbance, incident or complaint when a request for assistance was made by the Sheriff or his deputies, the extra-territorial authority of the Marshal or Deputy Marshals of the city of Briarcliff shall cease to exist until such time as a subsequent specific and direct request for assistance is made by the Sheriff or his deputies.
- E. Neither the City Council by enactment of this ordinance, nor any part, section, clause, or phrase of the attached Interlocal Cooperation Agreement shall serve to give either express or implied extra-territorial general law enforcement authority or jurisdiction to the Marshal or Deputy Marshal of the city of Briarcliff through their own initiative, until and unless there is a specific and direct request for assistance from the Sheriff or his deputies.
- F. The Marshal shall be responsible for administering the terms and conditions of said agreement on behalf of the city of Briarcliff, based upon the intent of the City Council as outlined hereinabove.
- G. The Interlocal Cooperation Agreement adopted hereby is for no specific period or length of time and shall be subject to cancellation, annulment or revocation in whole or in part by order of the City Council or by order or action of the Sheriff of Baxter County. (Ord. No. 6-14-2010)

2.32.08 Compensation

- A. The Mayor shall have the authority to determine the starting pay for the City Marshal based on experience and current rates. (Ord. No. 2014-005, Sec. 1.)
- B. Beginning on his 2013 employment anniversary date, and each year thereafter, he/she will receive a three percent (3%) raise of his/her hourly pay.
- C. After one (1) year of employment for part-time employees, he/she will be entitled to five (5) sick/personnel days a year, which can be taken in increments of half days also.
- D. Holiday pay if holiday falls on a regular work day, see Personnel Policy Handbook.
- E. The hours will be a maximum of twenty (20) in a two-week pay period. (Ord. No. 3-19-2011)

**CHAPTER 2.36****CITY COURT****Sections:**

2.36.01	Created
2.36.02	Judge and compensation
2.36.03	Jurisdiction
2.36.04	Payment of fines and costs
2.36.05	Court fines
2.36.06	Collection of fines

2.36.01 Created A City Court is hereby created with the power and duties set forth in the statutes of Arkansas and the Mayor is authorized as provided by law to designate a licensed attorney to serve as judge of said court at the will of the Mayor. All fines and penalties assessed by said City Court shall be paid into the city treasury. (Ord. No. 8-12-99)

2.36.02 Judge and compensation The Mayor hereby designates Van A. Gearhart, who serves as District Judge of Mountain Home, Arkansas, to serve as City Judge of Briarcliff, Arkansas, beginning November 1, 1999. The City Judge shall be paid reasonable compensation as contracted services under terms of Act 663 of 2007 which states that the state of Arkansas shall pay the salary and benefits of Pilot State District Court Judges. Act 663 further provides that each county and city or town that has a Pilot State District Court Judgeship shall pay to the state an amount equal to its proportionate share of one-half (½) of the base salary established by law for that county and city or town's Pilot State District Court Judge. The city of Briarcliff's proportionate share of such compensation shall be as determined from time to time by the Baxter County Judge's office, and is currently \$350.00/fiscal year which shall be paid by the city of Briarcliff from the General Fund. (Ord. No. 3-19-2011, Sec. 1.)

2.36.03 Jurisdiction The jurisdiction of the Briarcliff City Court shall be the same as the jurisdiction of the Justices of the Peace for criminal cases, and costs may be adjusted in said court in the same amount as now or may hereafter be provided for in Justices of the Peace Court with the right of the judge of said court to issue all writs, processes, decrees, and judgments as may now or hereafter be authorized by law. (Ord. No. 8-12-99)

2.36.04 Payment of fines and costs City Court fines and court costs may be paid by:

- A. Certified bank check – no charge.

- B. Personal check – no charge.
  - 1. The defendant shall be charged an additional Twenty-Five Dollar (\$25.00) fee if personal check is returned from the bank marked “Insufficient funds,” “Account closed,” etc.
  - 2. These charges will be added to, and become a part of any underlying obligation.
- C. U.S. paper currency – any denomination – no charge.
- D. U.S. minor specie (coins) – loose or rolled - \$1.00 maximum will be accepted.
- E. Credit cards will not be accepted.
- F. Lien on property.
  - 1. When a defendant sentenced to pay a fine defaults in the payment thereof or of any installment, the fine may be collected by any means authorized for the enforcement of money judgments in civil actions.
  - 2. A judgment that the defendant pay a fine shall constitute a lien on the real and personal property of the defendant in the same manner and to the same extent as a money judgment in a civil action.
  - 3. A judgment entered by a District Court shall not become a lien against real property unless a certified copy of the judgment, showing the name of the judgment debtor and the date and amount thereof, shall be filed in the office of the Circuit Clerk of the county in which the land is situated. (Ord. No. 1-3-2002)

2.36.05 Court fines

- A. An installment fee of Ten Dollars (\$10.00) per month shall be assessed on each person who is authorized to pay a fine and/or court fee on an installment basis. (Ord. No. 2013-001, Sec. 1.)
- B. Under authority of Act 209 of 2009, there is hereby levied and shall be collected an additional fine in the amount of Twenty Dollars (\$20.00) from each defendant upon conviction, each plea of guilty or *nolo contendere*, or each bond forfeiture in the District Court of Baxter County, Arkansas – Briarcliff Department in all cases of record applicable to the city of Briarcliff as described in A.C.A. 16-77-707.

All additional fines levied and collected under the provisions of this ordinance shall be deposited into a special fund within the City Treasury, to be used exclusively for defraying the expense of incarcerating city of Briarcliff prisoners in the Baxter County jail. (Ord. No. 2-16-2010, Secs. 1-2.)

2.36.06 Collection of fines The Recorder/Treasurer and the Deputy Clerk/Court Clerk are hereby designated as the officials primarily responsible for the collection of fines assessed in Baxter County District Court – Briarcliff Department. (Ord. No. 2014-003, Sec. 1.)

## **CHAPTER 2.40**

### **PERSONNEL POLICIES**

#### Sections:

- 2.40.01 General information
- 2.40.02 General employee benefits, vacation time, holidays, etc.
- 2.40.03 Matters affecting the status of employees
- 2.40.04 Standards of conduct
- 2.40.05 Miscellaneous information

2.40.01 General information The following personnel policies shall apply to all full time employees of the city of Briarcliff. (Ord. No. 2016-08, Sec. 1.)

- A. Equal opportunity employer The city of Briarcliff, Arkansas, is committed to providing equal employment opportunities without regard to race, color, religion, national origin, sex, age, handicap or veteran status as required by all federal and state laws. Furthermore, the city does not discriminate on the basis of disability. The city's commitment extends to all employment-related decisions, terms and conditions of employment, including job opportunities, promotions, pay and benefits.

B. At-will employer The city of Briarcliff, Arkansas, is an at-will employer. This means that the city of Briarcliff or any city employee may terminate the employment relationship at any time for any reason with the understanding that neither has an obligation to base that decision on anything but his or her intent not to continue the employment relationship. No policies, comments, or writings made herein or during the employment process shall be construed in any way to waive this provision.

C. Job posting and advertising

1. Application for employment will be accepted from anyone who wishes to apply for employment upon forms provided by the city. Application forms are available in the office of the city.
2. In the event of a job opening, the particular position or positions available will be announced and posted in a newspaper of general circulation at least ten (10) days prior to the deadline for receiving applications. Copies of the job announcement form will be distributed to city departments and as appropriate, to public and private employment agencies, local newspapers and other sources which might provide recruitment resources. Recruitment resources will be notified at least ten (10) days prior to the predetermined cut-off date for receiving applications.
3. Applications for full-time city employment will not be accepted from anyone under eighteen (18) years of age. Except as otherwise provided by Arkansas law, the Mayor shall make the final decision with respect to hiring new employees and promoting existing employees.

D. Post offer pre-employment physicals

1. Post offer pre-employment physicals will be required for specific positions as required by department heads for every applicant to be hired for the city in a permanent employment position. Such examinations shall be paid for by the city and shall be used to determine whether the applicant can perform the essential functions of the job with or without reasonable accommodation. The examinations shall be performed by licensed physicians selected by the Mayor. These medical files shall be maintained in the physician's office with a summary report provided to the Mayor whether the employee can or cannot do the job and what, if any, restrictions are necessary to determine any work restructuring or accommodations. Although the physicians make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their determinations are only



recommendations subject to the decision to make reasonable accommodation or not by the Mayor. Only in cases of emergency may an employee begin work prior to the post-employment job offer medical examination, but employment is subject to passing such examination.

2. Reports and records of all physical, psychological and mental exams shall be kept in the offices of the physicians or mental health practitioners with only a summary report provided to the Mayor to be kept in a confidential file apart from the personnel file. Should there be a dispute concerning the exam, or should a supervisor be informed as to the need for reasonable accommodation including job restructuring, the report shall be made available to the necessary legal and supervisory or administrative personnel within the city government.

2.40.02 General employee benefits

A. Vacation accrual rate

- |    |                              |                 |
|----|------------------------------|-----------------|
| 1. | <u>Years of employment</u>   | <u>Vacation</u> |
|    | 0 – 1 year                   | None            |
|    | 1 – 10 years                 | 10 working days |
|    | 11 – 20 years                | 15 working days |
|    | 21 years and more            | 20 working days |
|    | (Ord. No. 2013-002, Sec. 1.) |                 |
2. The amount of personnel off at any one time will be governed by the Supervisor based upon departmental workloads.
  3. Employees should notify their department heads at least one (1) week in advance of being absent for vacation time.
  4. If a holiday occurs during the calendar week in which a vacation period is scheduled for an employee, the employee's vacation should be extended for one (1) additional working day.
  5. Accrued time will be paid if the employee leaves the employment of the city. Vacations are not cumulative and no more than five (5) days may be carried over six (6) months past the anniversary date without written approval of the Mayor.
  6. To the extent it differs from the procedure set forth herein, the uniformed employees of the Police and Fire Departments shall accrue vacation days

in accordance with the provisions set forth in the relevant Arkansas statutes, if any.

B. Holidays and holiday pay

1. The appropriation made by the City Council for salaries shall include additional pay for holidays for all agents, servants and employees of the city, including but not limited to uniformed employees, as provided by the laws of the state of Arkansas and federal laws.

2. Holidays

New Year's Day	January 1 <sup>st</sup>
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November
Christmas Eve	At Mayor's discretion
Christmas Day	December 25 <sup>th</sup>
Personal leave day	At Mayor's discretion

C. Sick leave/personal days

1. The city of Briarcliff recognizes that inability to work because of illness, injury or personal matters may cause hardships. For this reason, the city of Briarcliff provides paid sick leave to full-time employees. After one (1) year of employment, the employee will be entitled to five (5) sick/personal days a year, which can be taken in increments of half days also. (Ord. No. 2013-002, Sec. 1.)

2. Any sick leave days accumulated which are not used in any calendar year will be lost.

3. An employee may be eligible for sick leave days for the following reasons:

- a. Personal illness or physical incapacity;
- b. Quarantine of an employee by a physician or health officer;
- c. Illness in the immediate family which would require the employee to take care of the family member(s); or
- d. Medical, dental and optical visits.

4. An employee who is unable to report for work due to one of the previously listed sick leave reasons shall report the reason for his absence to the employee's supervisor or some other person acting for the employee's supervisor no later than one hour prior to the time the employee is expected to report for work. Sick leave with pay may not be allowed unless such report has been made as aforementioned.
5. Employees who are absent more than three (3) consecutive days due to unconfirmed illness may be required by the supervisor or department head to submit a physician's statement.
6. Absence for part of a day that is chargeable to sick leave in accordance with these provisions shall be deducted from accrued leave in amounts of not less than one-half (1/2) day increments. An employee who uses all of his or her accrued sick leave days shall thereafter be placed on an inactive, without pay status.

D. Funeral or bereavement leave

1. Funeral leave with pay up to a maximum of three (3) calendar days be granted to all city employees in cases of death or in the circumstances of death in the immediate family only.
2. Immediate family shall include mother, father, brother, sister, son, daughter, grandparents, son-in-law, daughter-in-law, spouse, spouse's immediate family or those relatives who live in the employee's household including "step" relatives.
3. Travel time may be granted upon prior approval of the Mayor in addition to the three (3) days where travel time of more than eight (8) hours is necessary.
4. The Mayor may grant funeral leave of not more than one (1) day for an employee to be a pallbearer or attend a funeral of someone not within the immediate family.

E. Maternity leave Employees affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment-related purposes as persons disabled for non-pregnancy-related reasons. Therefore, accrued sick leave and vacation leave, if representative of the employee, will be granted for maternity use after which leave without pay must be used.

F. Military leave

1. In times of war or national emergency, full-time employees are entitled to receive a leave of absence without pay upon joining or being called into military service of the United States of America.
2. Employees who are members of a military service organization or National Guard unit shall be entitled to a military leave of fifteen (15) days with pay plus necessary travel time. (A.C.A. 21-4-102 as amended by Act 673 of 1991; A.C.A. 6-17-306; 21-4-212.)

G. Court duty leave Employees will be granted leave with pay for witness or jury duty. Employees are also permitted to retain the allowance for services from the Court for such service. To qualify for jury or witness duty leave, employees must submit to the Mayor a copy of the summons or other relevant court related paperwork as early as possible upon receipt thereof. In addition, proof of service must be submitted to the employee's supervisor when the employee's period of jury or witness duty is completed.

H. Miscellaneous leave The attendance of employees at seminars and training programs is considered part of their continuing professional development. Attendance at these meetings is to be pre-approved by Mayor. In the event employees are required to attend these meetings at a location requiring an overnight stay or travel time in excess of the employee's normal work day, overtime will not be paid. However, the city will pay all reasonable out-of-pocket expenses for lodging, travel costs, meals etc. pursuant to its regular expense policy.

I. Employee health benefits The city of Briarcliff provides a group health plan for all its full-time employees. Detailed information on the policy and coverage should be given to the employee when the employee is hired. Additional information may be obtained from the Mayor's office.

1. Occupational injuries All employees of the city are covered under the Arkansas State Workers' Compensation Law. Any employee incurring an "on-the-job" injury should immediately notify his supervisor, who will arrange for appropriate medical treatment and prepare the necessary reports required in order for the employee to be compensated. Rules and regulations concerning Workers' Compensation have been posted on the department bulletin boards.
2. Accidental injury If any full-time employee is involved in an accident (not job connected) and the injury sustained in such accident necessitates that

the employee be absent from work, the employee shall be entitled to receive pay at a regular salary for the number of days accumulated sick leave credited to that employee at the time the accident occurred.

2.40.03 Matters affecting the status of employees

A. Attendance Employees shall be in attendance at their work stations in accordance with the rules and regulations established by the Mayor and Council. All departments shall keep daily attendance records of all employees which shall be reported to the Mayor on the form and on the date specified by the Mayor and Council.

B. Work hours

1. Except for police officers and firefighters, work hours for all employees shall be forty (40) hours per week which begin each Friday at 5:00 p.m. Work hours for police and fire employees shall be in accordance with state statutes and departmental regulations.
2. The city reserves the right to adjust and change hours of work, days of work and schedules in order to fulfill its responsibility to the citizens of the city of Briarcliff. In the event of an emergency, previously scheduled hours of work, days of work and work arrangements may be altered at the discretion of the department head. Changes in work schedules will be announced as far in advance as practicable.
3. Whenever possible, employee work schedules shall provide a rest period (break) during each four-hour work shift. Reasonable time off for a meal will be provided.

C. Overtime pay

1. Overtime will be paid for hours worked in excess of forty hours per week. The rate of pay for overtime shall be one and one-half (1½) the employee's normal hourly rate, except on Sunday when the rate of pay for overtime shall be twice the employee's normal hourly rate. When the work necessitates that an employee be called from home during off-hours, the employee shall be compensated a minimum of four (4) hours overtime plus mileage. (Ord. No. 5-14-2011, Sec. 1.)

2. Upon the direction or approval of the Mayor, compensation for overtime may be made in the form of compensatory leave to the employee. The overtime record of the Mayor shall be final with respect to the number of compensatory leave days earned of an employee. Compensatory leave must be taken within the calendar year earned and should be scheduled in the same manner required for vacation days.

3. All overtime must be pre-approved by the Mayor.

D. Vacancies and promotions

1. It is the intent of the city of Briarcliff to hire and promote the most qualified applicant for all vacant positions. To give the employees of the city of Briarcliff an opportunity to apply for job vacancies, announcements of job openings will be posted on employee bulletin boards.
2. In accordance with E.E.O.C. (Equal Employment Opportunity Commission) guidelines and policies, notice of job vacancies will be sent to the appropriate news media and employment agencies throughout the relevant labor market. A job description of each vacant position will be provided upon request.
3. The final decision regarding promotions shall be made by the Mayor upon recommendation of the Supervisor.

- E. Training The city of Briarcliff is committed to continuing and on-going training for all employees. However, in addition to formal training provided by the city for various positions, each employee has the responsibility of ascertaining for himself that he is possessed with sufficient training to enable him to perform his job. In the event that the employee feels that additional training is needed, he should notify his department head. Expenses incurred in on-the-job training should be assumed by the city.

F. Performance evaluations

1. To ensure that employees perform their jobs to the best of their ability, it is important that they be recognized for good performance and that they receive appropriate suggestions for improvement when necessary.
2. Consistent with this goal, an employee's performance will be evaluated by the supervisors on an on-going basis. Final evaluations are normally done annually.
3. All written performance reviews will be based on the employee's overall performance in relation to the employee's job responsibilities and will also take into account the employee's conduct, demeanor and record of attendance along with any tardiness. In addition to regular performance evaluations described above, special written performance evaluations may be conducted by the employee's supervisor at any time to advise the

employee of his current level of performance and where appropriate, the existence of performance or disciplinary problems and solutions.

4. It should be noted that a performance evaluation does not necessarily mean a salary adjustment.

G. Job safety

1. Safety is largely the use of good judgment and the practice of good work habits. It requires good judgment to know the safe way and it requires good work habits to continue the safe way. If an employee is not positive of which way is the safest, he should ask his supervisor or department head for the correct method.
2. Unsafe conduct is misconduct. The following safety rules should always be observed:
  - a. Follow all departmental safety rules;
  - b. Use all mechanical safeguards on or for employee equipment;
  - c. Immediately cease using and report any faulty or potentially faulty equipment to the supervisor or department head;
  - d. Immediately report any unsafe or potentially unsafe working condition or equipment;
  - e. Immediately report any and every accident to the supervisor or department head.

H. Refusal to work. A city employee's commitment is to public service. Any work stoppage, slowdown, strike or other intentional interruption of the operations of the city shall cause the employee to forfeit his or her employment and result in the termination of the employee from the city of Briarcliff.

I. Resignation/termination

1. Employees desiring to terminate their employment relationship with the city of Briarcliff are urged to notify the city at least two (2) weeks in advance of their intended termination. Such notice should preferably be given in writing to the employee's department head or supervisor. Proper notice generally allows the city sufficient time to calculate all final accrued monies due the employee for his or her final paycheck. Without adequate notice however, the employee may have to wait until after the end of the next normal pay period in order to receive such payments.



2. Employees who plan to retire are urged to provide the city with a minimum of two (2) months' notice. This will allow ample time for the processing of appropriate pension forms to ensure that any retirement benefits to which an employee may be entitled to commence in a timely manner.
3. As mentioned elsewhere in this Handbook, all employment relationships with the city of Briarcliff are on an at-will basis. Thus, although the city of Briarcliff hopes that relationships with employees are long term and mutually rewarding, the city reserves the right to terminate the employment relationship of any employee at any time.

#### 2.40.04 Standards of conduct

##### A. Conduct towards the public

1. Employees of the city of Briarcliff shall at all times be civil, orderly and courteous in their conduct and demeanor. In each contact with the public, an employee must be aware that his appearance, actions and statements are in essence those of the city.
2. In dealing with the public, each employee must attempt to make his conduct one which inspires respect for both himself and the city and further, one which generates the cooperation and approval of the public.
3. Not everyone an employee may meet in the course of his or her duties will be courteous. However, an employee should treat the public as he would like to be treated . . . with courtesy, patience, respect and understanding. This attitude or approach to public service cannot be overemphasized.
4. When an employee is uncertain of the correct response to an inquiry from the public, he or she should refer the inquiry to the individual or the department which can provide the most satisfactory response to the inquiry. It is better to admit lack of knowledge than to provide erroneous information.

##### B. Uniforms and personal appearance

1. Uniforms or uniform allowance will be provided to personnel of certain departments as authorized by the Council. Personnel who are provided uniforms or uniform allowance shall wear uniforms at all times while on duty. Uniforms shall be kept as neat and presentable as working conditions permit.

2. Employees not required to wear uniforms should dress in appropriate professional departmental attire. If an employee is not sure what is appropriate attire, then the employee should check with his supervisor or department head.

C. Unlawful harassment

1. The city of Briarcliff expressly prohibits any form of unlawful employee harassment based on race, religion, color, sex, national origin, age, handicap or status as a veteran or special disabled veteran.
2. Harassment is any annoying, persistent act or actions that single out an employee, to that employee's objection or detriment, because of race, sex, religion, national origin, age (over 40) or disability. Harassment may include any of the following:
  - a. Verbal abuse or ridicule;
  - b. Interference with an employee's work;
  - c. Displaying or distributing sexually offensive, racist or other derogatory materials;
  - d. Discriminating against any employee in work assignments or job related training because of one of the above-referenced bases;
  - e. Intimate physical contact;
  - f. Making offensive sexual, racial or other derogatory innuendoes;
  - g. Demanding favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer or any other term or condition of employment.
3. It is every employee's responsibility to insure that his or her conduct does not include or imply harassment in any form. If, however, harassment or suspected harassment has or is taking place, the following will apply:
  - a. An employee should report harassment or suspected harassment to the department head. This complaint should be made in writing;
  - b. Any time an employee has knowledge of harassment he/she shall inform the department head in writing, who will determine whether further investigation is warranted;
  - c. Each complaint shall be fully investigated and a determination of the facts and an appropriate response will be made on a case-by-case basis.

4. The city of Briarcliff will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action will be taken against offenders.

D. Guidelines for appropriate conduct

1. An employee of the city of Briarcliff is expected to accept certain responsibilities, adhere to acceptable principals in matters of personal conduct and exhibit a high degree of personal integrity at all times. This not only involves a sincere respect for the rights and feelings of others, but also demands that both while at work and in their personal life, an employee refrain from behavior that might be harmful to the employee, his co-workers, the citizens and/or the city.
2. Whether an employee is on duty or off duty, his or her conduct reflects on the city. An employee is encouraged to observe the highest standards of professionalism at all times.
3. Types of behavior and conduct that the city considers inappropriate include, but are not limited to the following:
  - a. Falsifying employment or other city records;
  - b. Violating any city non-discrimination and/or harassment policy;
  - c. Soliciting or accepting gratuities from citizens;
  - d. Excessive absenteeism or tardiness;
  - e. Excessive, unnecessary or unauthorized use of city property;
  - f. Reporting to work intoxicated or under the influence of non-prescribed drugs and illegal manufacture, possession, use, sale, distribution or transportation of drugs;
  - g. Buying or using alcoholic beverages while on city property or using alcoholic beverages while engaged in city business on city premises, except where authorized;
  - h. Fighting or using obscene, abusive or threatening language or gestures;
  - i. Theft of property from co-workers, citizens or the city;
  - j. Unauthorized possession of firearms on city premises or while on city business;
  - k. Disregarding safety or security regulations;
  - l. Insubordination;
  - m. Neglect or carelessness resulting in damage to city property or equipment.

4. Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory and in violation of either of the above referenced items or any other city policies, rules or regulations, an employee will be subject to disciplinary action up to and including dismissal.
- E. Absenteeism and tardiness The city of Briarcliff expects all of its employees to be at work on time and on a regular basis. When employees are unnecessarily absent or late, it is expensive, disruptive and places an unnecessary burden on fellow employees, supervisors, city government as a whole and the taxpayers who receive city services. Should an employee be unable to report to work on time because of illness or personal emergency, that employee should give "proper notice" to his or her supervisor. Unexcused absences and tardiness could result in disciplinary action.
- F. Inclement weather
1. In exceptional circumstances beyond the employee's control, such as weather causing hazardous conditions, the employee is required to contact his or her supervisor for instructions regarding job assignments for that particular work day. If an employee's department is open for business, the employee is expected to report for work. However, if, in the employee's opinion, the conditions are too hazardous for him or her to get to work safely, he or she will have the option of taking the time off as a vacation day. Regardless of the situation, an employee is expected to give his or her supervisor "proper notice" if he or she is unable to report for work.
  2. "Proper notice" is defined by the city to be notice in advance of the time an employee should report for work and no later than one (1) hour thereafter if absence notice is impossible.
  3. An absence of an employee from duty, including any absence of one (1) day or part thereof that is not authorized in advance by the department head or the employee's supervisor should be deemed absence without leave. Such absence shall be without pay.
- G. Outside employment or moonlighting If as an employee of the city, an employee participates in additional employment, it must not interfere with the proper and effective performance of his or her job with the city. An employee's outside employment must not be of a nature that adversely affects the image of the city, resulting in embarrassment, legitimate and reasonable criticism or of a type that may be construed by the public to be an official act of the city or in any way

violate these policies. City uniforms shall not be worn during outside employment unless approved in advance by the Mayor.

H. Political activity City employees are encouraged to exercise their legal right to vote and, if necessary, reasonable time will be granted for that purpose.

I. Outside compensation

1. No reward, gift or other form of remuneration in addition to regular compensation shall be received from any source by employees of the city for the performance of their duties as employees of the city. If a reward, gift or other form of remuneration is made available to any employee, it shall be credited to a designated employee fund with approval of the Mayor.

J. Use of narcotics, alcohol and tobacco

1. Employees of the city of Briarcliff shall not use habit-forming drugs, narcotics or controlled substances unless such drugs are properly prescribed by a physician.

2. The consumption of alcohol or other intoxicants is prohibited while an employee is on duty. Employees are not to consume intoxicants while off duty to such a degree that it interferes with or impairs the performance of his or her duties. Employees involved in any unauthorized use, possession, transfer, sale, manufacture, distribution, purchase or presence of drugs, alcohol or drug paraphernalia on city property or being reported to work with detectable levels of illegal drugs or alcohol will be subject to disciplinary action including termination.

3. Each department head or supervisor may establish smoking policies for his or her departmental employees.

K. Drug-free workplace

1. It is the policy of the city of Briarcliff to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988 and its amendments. The use of controlled substances is inconsistent with the behavior expected of employees, subjects all employees and visitors to city facilities to unacceptable safety risks and undermines the city's ability to operate effectively and efficiently. Therefore, the unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance in the workplace or while engaged in city business

for the city of Briarcliff or on the city's premises is strictly prohibited. Such conduct is also prohibited during non-working hours to the extent that, in the opinion of the city, it impairs an employee's ability to perform on the job or threatens the reputation or integrity of the city.

L. Disciplinary action

1. Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory based on violations listed in Guidelines For Appropriate Conduct or any other city policies, rules or regulations, the employee will be subject to disciplinary action up to and including dismissal.
2. Disciplinary action may be any of the several forms listed below:
  - a. Warning or reprimand. A reprimand is action used to alert the employee that his or her performance is not satisfactory or to call attention to the employee's violation of employment rules and/or regulations. City employees may be officially reprimanded orally or in writing and such reprimand will be entered in the employee's personnel file.
  - b. Suspension Suspension involves the removal of an employee from his or her job. An employee may be suspended with or without pay. A suspension must be in writing. The reason for such action, the period of time for the suspension and the date the suspension is to begin and end must be noted also.
  - c. Demotion An employee who has committed an offense or whose work record establishes grounds for demotion will be given written notice of such action. A demotion is an action that places the employee in a position of less responsibility and less pay.
  - d. Termination This type of disciplinary action is a removal of an employee from city employment. An employee who has committed a serious offense or whose work establishes grounds for termination will be given written reasons that can be supported at a pre-termination hearing.
3. An employee shall have the right to redress all types of disciplinary action outlined in the Procedure for Review of Disciplinary Decisions, Section 2.40.04 (M).

M. Procedure for review of disciplinary decisions. Review of all disciplinary matters shall be conducted as follows:

1. A written grievance shall be served upon the employee's immediate supervisor within five (5) working days after the disputed disciplinary action. To the extent possible, the grievance shall be resolved at this level.
2. Should the employee not be satisfied with Step (1), the employee shall submit the grievance in writing to his department head. The department head will investigate the problem and respond in writing within five (5) working days.
3. In the event Step (2) does not satisfy the employee, a written appeal may be made to the Mayor/City Manager/Personnel Director. The Mayor shall make the final management decision within ten (10) working days and respond to all concerned parties in writing.
4. Should the grievance still exist, an employee may submit a written request to appear before the City Council. The employee's grievance would then be placed on the agenda to be considered at a regularly scheduled City Council meeting or a special called meeting agreed to by the employee and the city.

#### 2.40.05 Miscellaneous information

- A. Policy statement These employee policies and procedures outline the rights and benefits afforded all employees by the city. The city of Briarcliff possesses the sole right to operate and manage the affairs of the city.
- B. Severability
  1. Should any of the provisions of these employee policies and procedures be determined to be contrary to federal, state, or local law, the remaining provisions of these employee policies and procedures shall remain in full force and effect.
  2. To the extent that any state law provides additional or different benefits or rights to employees, the provisions of these employee policies and procedures shall be deemed to include those statements of law.
- C. Departmental policies and procedures Each department head is authorized to adopt lawful oral or written policies governing the day-to-day operations of that

department. Departmental policies, if in conflict with these employee policies and procedures, shall be governed by these employee policies and procedures.

- D. Change of address It is important that if an employee changes his or her home address or telephone number to notify his or her department head of this change so that personnel files may be kept up to date. This is important in case the city must mail the employee any information that it feels the employee will need, such as "withholding" statements for the employee's income taxes. Also, if there is any change in the employee's marital status, the employee should report it to his or her department head.



## **TITLE 3**

### **FISCAL AFFAIRS**

**Chapters:**

- 3.04 Purchases
- 3.08 Briarcliff Improvement District
- 3.12 City Bank Accounts
- 3.16 Sales Tax and Single Transaction
- 3.20 Fixed Assets

### **CHAPTER 3.04**

#### **PURCHASES**

**Sections:**

- 3.04.01 \$500.00 or under
- 3.04.02 Over \$500.00, up to \$10,000.00
- 3.04.03 Sale or exchange of supplies, materials or equipment valued at less than \$500.00

3.04.01 \$500.00 or under The Mayor or his duly authorized representative shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials and other things requisite for public purposes for the city of Briarcliff, Arkansas, and to make all necessary contracts for work or labor to be done, or material or other necessary things to be furnished for the benefit of the city where the amount of the expenditure for any purpose or contract does not exceed the sum of Five Hundred Dollars (\$500.00).

3.04.02 Over \$500.00, up to \$10,000 Where the amount of expenditure for any purchase or contract exceeds the sum of Five Hundred Dollars (\$500.00), a majority of the Council must first approve said expenditure. Where the amount exceeds Ten Thousand Dollars (\$10,000.00), the Mayor or his duly authorized representative shall invite competitive bids thereon by legal advertisement in any local newspaper. Bids received pursuant to said advertisement shall be opened and read on the date set for receiving said bids, in the presence of the Mayor, or his duly authorized representative. The contract shall be awarded to the lowest responsible bidder; provided, however, the Mayor, or his duly authorized representative, may reject any and all bids received. (Ord. No. 7-12-2008, Sec. 1.)

3.04.04 Sale or exchange of supplies, materials or equipment valued at less than \$500.00

The Mayor or his duly authorized representative may sell or exchange any municipal supplies, materials or equipment without competitive bidding if such supplies, materials or equipment have a value of less than Five Hundred Dollars (\$500.00). That no supplies, materials or equipment shall be sold without receiving competitive bids therefore if the value thereof exceeds the sum of Five Hundred Dollars (\$500.00); provided, however, if the Mayor shall certify in writing to the governing body that, in his opinion, the fair market value of such item or lot (to be disposed of in one unit) is less than Five Hundred Dollars (\$500.00), the same may be sold by the Mayor without competitive bidding.

**CHAPTER 3.08**

**BRIARCLIFF IMPROVEMENT DISTRICT**

Sections:

- 3.08.01 Lease agreement
- 3.08.02 Accounting

3.08.01 Lease agreement The Mayor in the city of Briarcliff has the power to enter into a lease agreement with the Briarcliff Improvement District to collect monies from the District to be used as needed to benefit all residents and property owners in the city of Briarcliff. (Ord. No. 9-2-2005, Sec. 1.)

3.08.02 Accounting The city will supply to the Briarcliff Improvement District a quarterly accounting of the funds and the manner in which they are used. (Ord. No. 9-2-2005.)

**CHAPTER 3.12**  
**CITY BANK ACCOUNTS**

Sections:

3.12.01 Liberty Bank city accounts

3.12.01 Authorization of trust The Briarcliff City Council has authorized the signatories on all city accounts to be Denise K. Corbin (Recorder/Treasurer), Peggy German (Deputy Clerk, W. Cornell Benkendorfer (Councilman) and Sally Moore (Councilwoman) and all accounts shall require two signatures. (Ord. No. 6-11-2011, Sec. 1.)

## CHAPTER 3.16

### SALES TAX AND SINGLE TRANSACTION

Sections:

- 3.16.01 Levied
- 3.16.02 Definition

3.16.01 Levied Under the authority of the authorizing legislation, there is hereby levied a one percent (1%) tax on the gross receipts from the sale at retail within the city of all items which are subject to the Arkansas Gross Receipts Tax Act of 1941, as amended (A.C.A. 26-52-101, *et seq.*), at a rate of one percent (1%) of the sale price of the property or, in the case of leases or rentals, of the lease or rental price (collectively, the “Sales and Use Tax”). The Sales and Use Tax shall be levied and collected only on the first \$2,500.00 for each single transaction. (Ord. No. 11-28-2007, Sec. 1.)

3.16.02 Definition Single transaction is defined according to the nature of the goods purchased as follows:

- A. When two (2) or more devices in which, upon which or by which any person or property is, or may be, transported or drawn, including, but not limited to, on-road vehicles, or non-motorized vehicles, and mobile homes, or sold to a person by a seller, each individual unit, whether part of a “fleet” sale or not, shall be treated as a single transaction for the purpose of the local sales tax.
- B. The charges for utility services, which are subject to the taxes levied under this ordinance, and which are furnished on a continuous service basis, whether such services are paid daily, weekly, monthly, or annually, for the purposes of the local sales tax, shall be computed in daily increments, and each such daily charge increment shall be considered to be a single transaction for the purposes of the local sales tax.
- C. For sales of building materials and supplies to contractors, builders or other persons, a single transaction, for the purposes of the local sales tax, shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales (or use) tax figure has been reported and remitted to the state.

- D. When two (2) or more items of major household appliances, commercial appliances, major equipment and machinery are sold, each individual unit shall be treated as a single transaction for the purposes of the local sales tax.
- E. For groceries, drug items, dry goods and other tangible personal property and/or services not otherwise expressly covered in this section, a single transaction shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales tax figure has been reported and remitted to the state. (Ord. No. 7-14-2007.)

## **CHAPTER 3.20**

### **FIXED ASSETS**

Sections:

- 3.20.01 Fixed assets
- 3.20.02 Small inventory

3.20.01 Fixed assets The Recorder/Treasurer of the city of Briarcliff is required to develop and maintain the city's fixed asset records. The City Council of the city of Briarcliff, Arkansas, hereby sets the minimum dollar value of items to be inventoried and recorded at One Thousand Dollars (\$1,000.00). (Ord. No. 3-10-2012.)

3.20.02 Small inventory The Recorder/Treasurer of the city of Briarcliff needs to develop and maintain a small inventory list for insurance purposes. The City Council of the city of Briarcliff, Arkansas, hereby sets the maximum dollar value of items to be inventoried and recorded at Nine Hundred Ninety Nine Dollars and Ninety-Nine Cents (\$999.99). (Ord. No. 3-10-2012.)

## **TITLE 4**

### **BUSINESS LICENSES AND REGULATIONS**

#### **Chapters:**

- 4.04 Electric Franchise
- 4.08 Telephone Franchise
- 4.12 Occupational License

#### **CHAPTER 4.04**

#### **ELECTRIC FRANCHISE**

#### **Sections:**

- 4.04.01 Electric franchise granted to North Arkansas Electric Cooperative
- 4.04.02 Rights and responsibilities of grantor and grantee
- 4.04.03 Termination procedure
- 4.04.04 Rates
- 4.04.05 City not liable for negligence of grantee
- 4.04.06 Standards of care for facilities
- 4.04.07 Franchise tax
- 4.04.08 Street lighting
- 4.04.09 Private generation facilities allowed

4.04.01 Electric franchise granted to North Arkansas Electric Cooperative The city of Briarcliff, Arkansas, (hereinafter called Grantor) hereby grants to the North Arkansas Electric Cooperative, its successors and assigns (hereinafter called Grantee), the exclusive right, privilege and authority within the present and all future expansion of the corporate limits of the city of Briarcliff, Arkansas, (1) to sell, furnish, transmit and distribute electric power and energy to Grantor and to all inhabitants and consumers within said limits, and (2) to construct, maintain, operate and extend a system for such purposes and to enter on, under and upon and use any and all of the streets, alleys, avenues, bridges and other public grounds and ways belonging to, or under the control of Grantor, for the purpose of erecting, maintaining, repairing, replacing and operating poles, wires, anchors, stubs, transformers, substations, cables, conduits and other related facilities, appliances and apparatus which are necessary for, or useful in, the furnishing, sale, transmission or distribution of said electric service (hereinafter called facilities).

#### 4.04.02 Rights and responsibilities of Grantor and Grantee

- A. Grantee shall, and does by acceptance hereof, agree to provide to the city and its inhabitants adequate and reasonable electric service as a public utility and the facilities necessary to provide such service. Grantor, in recognition of the large and continuing investment necessary for Grantee to perform its obligations hereunder, and the need and duty to promptly construct its facilities, as defined above, required to serve customers, in all areas and zones of the city, consents to the construction of such facilities as defined in Section 4.04.01 in all such areas and zones, and Grantor agrees to protect by ordinance, regulation and otherwise, to the fullest extent permitted by law, and except as otherwise limited herein, the grants of rights and privileges to Grantee set forth in Section 4.04.01 from interference with, or duplication by, other persons, firms or corporations seeking to engage in the sale or distribution of electric energy.
- B. All facilities of Grantee which may be located on public ways, places and public property, as authorized herein, shall be located so as to not unreasonably obstruct public use and travel. All of Grantee's facilities shall be constructed, operated and maintained in accordance with standards at least equivalent to the standards prescribed by the National Electrical Safety Code. Grantee, its successors and assigns, shall replace and repair, at its own expense, all excavations, holes or other damage caused or done by it to public streets, ways, places and public property in the construction, operation and maintenance of its facilities.
- C. The Grantee, its successors and assigns, is hereby given the right to trim, cut or remove trees, shrubbery or growth on or in public ways, places and public property which interfere or offer hazards to the operation of Grantee's facilities used or useful for the rendition of electric service; further, Grantee is hereby given the right, authority and permission to trim, cut and remove portions of trees, shrubbery or growth growing on private property but overhanging or encroaching on public ways, places and public property which interfere or offer hazards to the construction, operation and maintenance of Grantee's facilities.

4.04.03 Termination procedure The rights, privileges and authority hereby granted shall exist and continue from the date of passage of this ordinance, and thereafter, until termination in accordance with provisions of Section 44 of Act 324 of the 1935 Acts of the State of Arkansas, as presently enacted or hereinafter amended.

4.04.04 Rates The rates which are to be charged by Grantee for electric service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from time to time, be amended by Grantee in accordance with law or by any regulatory authority having jurisdiction thereof.

4.04.05 City not liable for negligence of Grantee In the construction, operation, and maintenance of its facilities, said Grantee shall use reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the said Grantor from damage, injury, loss or expense caused by the negligence of the Grantee or its agents, servants, or employees, in constructing, operating and maintaining said facilities or in repaving or repairing any streets, avenues, alleys, bridges or other public grounds.

4.04.06 Standard of care for facilities The Grantee shall endeavor at all times to keep its facilities in a reasonable state of repair and to conform to such practices and install such appliances and equipment as may be in keeping with the customary usage and practice in cities of similar size in this state during the time this franchise shall remain in force.

4.04.07 Franchise tax During the life of this franchise, the Grantee shall pay to Grantor each year a franchise tax in an amount equal to one percent (1%) of the first One Hundred Dollars (\$100.00) of each bill starting as of July 1, 2008 of the preceding calendar year's gross residential and commercial electric revenues as paid to the Grantee by residential and commercial customers located within the corporate limits of the city of Briarcliff, Arkansas. Payments shall be made by the Grantee to the Grantor in approximately equal quarterly installments. Residential and commercial electric revenues are those revenues so classified pursuant to Grantee's uniform classification standards. Grantor shall have the right to examine and verify, from the records of the Grantee, any data relating to the gross revenues of Grantee from customers on which said franchise tax is due. In the event of a controversy, between the Grantor and Grantee as to the amount of gross revenues received by Grantee in the city of Briarcliff, Arkansas, upon which said tax is due, such controversy shall be referred to the Arkansas Public Service Commission, or such successor regulatory agency which may have jurisdiction over the Grantee, for final determination, and the decision of said Commission shall be binding upon both parties hereto.

It is expressly agreed and understood by the Grantor and Grantee that the aforesaid payment shall constitute and be considered as complete payment and discharge by the Grantee, its successors and assigns, of all licenses, fees, charges, impositions or taxes of any kind (other than automobile license fees, special millage taxes, general ad valorem taxes and other general taxes applicable to all citizens and taxpayers) which are now or might in the future be imposed by the Grantor under authority conferred upon the Grantor by law. (Ord. No. 5-1-2008, Sec. 1.)

4.04.08 Street lighting Electric service furnished the Grantor for street lighting and other purposes shall be paid for by the Grantor in accordance with the applicable rate schedules of the Grantee now on file and/or as they may in the future be filed by the Grantee and approved by the Arkansas Public Service Commission or other regulatory authority having jurisdiction. The Grantee shall have the privilege of crediting any amount due Grantor with any unpaid balances due said Grantee for electric service rendered to said Grantor.



4.04.09 Private generation facilities allowed Nothing herein shall be construed to prohibit any person, firm or corporation from owning and operating facilities for generating, distributing, or furnishing electric energy for his or its own use or for the use of his or its tenants, all of which facilities and use are wholly on the same premises owned by such person, firm or corporation.

## **CHAPTER 4.08**

### **TELEPHONE FRANCHISE**

#### **Sections:**

- 4.08.01 Authority granted for operation of telephone system
- 4.08.02 Tax imposed upon CenturyTel of Mountain Home, Inc. DBA CenturyTel
- 4.08.03 Tax shall be in lieu of other charges
- 4.08.04 Temporary moving of lines
- 4.08.05 Permission to trim trees
- 4.08.06 Ordinance does not require or permit electric light or power wire attachments
- 4.08.07 Exclusive privileges not given

4.08.01 Authority granted for operation of telephone system The CenturyTel of Mountain Home, Inc. DBA CenturyTel, its successors and assigns (hereinafter referred to as "Telephone Company") shall continue to operate its telephone system and all business incidental to or connected with the conducting of a telephone business and system in the city of Briarcliff, Arkansas, (hereinafter referred to as "city"). The plant construction and appurtenances used in or incident to the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said city shall remain as now constructed, subject to such changes as may be considered necessary by the city in the exercise of its inherent powers and by the Telephone Company in the conduct of its business, and said Telephone Company shall continue to exercise its rights to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances as the business and purpose for which it is or may be incorporated may from time to time require, along, across, on, over, through, above and under all the public streets, avenues, alleys, and the public grounds and places within the limits of said city as the same from time to time may be established.

4.08.02 Tax imposed upon CenturyTel of Mountain Home, Inc. DBA CenturyTel Beginning in 1984, the Telephone Company shall pay to the city for the period January 1, 1984 through December 31, 1984, inclusive and thereafter for like periods an amount equal to four percent (4%) of the access line billing within the corporate limits during the preceding year. Payments shall be in equal quarterly installments on or before the last day of March, June, September and December of each year.

4.08.03 Tax shall be in lieu of other charges The annual payment herein required shall be in lieu of all other licenses, charges, fees or impositions (other than the usual general or special ad valorem taxes) which may be imposed by the city under authority conferred by law. The Telephone Company shall have the privilege of crediting such sums with any unpaid balance due said Company for telephone services rendered or facilities furnished to said city.

4.08.04 Temporary moving of lines The Telephone Company on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.

4.08.05 Permission to trim trees Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said city so as to prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Company, all the said trimming to be done under the supervision and direction of any city official to whom said duties have been or may be delegated.

4.08.06 Ordinance does not require or permit electric light or power wire attachments Nothing contained in this chapter shall be construed to require or permit any electric light or power wire attachments by the city or for the city. If light or power attachments are desired by the city or for the city, then a separate non-contingent agreement shall be a prerequisite to such attachments.

4.08.07 Exclusive privileges not given Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges, nor shall it affect any prior or existing right of the Telephone Company to maintain a telephone system within the city.

## **CHAPTER 4.12**

### **BUSINESS LICENSE**

Sections:

- 4.12.01 Terms and definitions
- 4.12.02 Business license required
- 4.12.03 Calendar year

4.12.04	Separate license required
4.12.05	Procedure application
4.12.06	Fees
4.12.07	False statements
4.12.08	Transfer and assignment
4.12.09	Penalty

4.12.01 Terms and definitions The following terms, words and phrases as used in this chapter shall have the following meaning unless the context hereof clearly required otherwise, and the singular shall include the plural and vice-versa and the masculine shall include the feminine and vice-versa.

**Business** The term “business” as used in this chapter shall mean a trade, occupation, vocation, profession, venture, pursuit, livelihood or exchange, career, employment or transaction.

**City** The term “city” as used in this chapter shall mean the city of Briarcliff, Arkansas.

**Person** The term “person” as used in this chapter shall mean a person, firm, partnership, association, corporation or venture. (Ord. No. 1-18-2011, Sec. 1.)

4.12.02 Business license required Each person engaged in a business within the city limit shall be required to procure an annual business license from the city. (Ord. No. 1-18-2011, Sec. 2.)

4.12.03 Calendar year

- A. Any business license required herein shall be for a period of one (1) year, commencing on the effective date hereof and ending on December 31, 2004, and every year thereafter.
- B. Each person shall procure said business license and pay the fees required within thirty (30) days of the date of January 1 (or within thirty (30) days after the effective date) for the calendar year, or in the event of a person entering into a business after the first of each year. Said person shall procure the license and pay the fees required within thirty (30) days from the date that business is commenced, and the fees levied upon such new business shall be computed on a pro-rata basis of months remaining in the calendar year. (Ord. No. 1-18-2011, Sec. 3.)

4.12.04 Separate license required

- A. Any person engaged in two (2) or more businesses for which a license is required shall be required to obtain a license for each separate business.
- B. When a person has more than one place of business, each place of business shall be considered a separate and distinct business. (Ord. No. 1-18-2011, Sec. 4.)

4.12.05 Procedure application

- A. Each person desiring a license required by this chapter shall apply to the City Clerk, for which said City Clerk shall issue and deliver a receipt for payment and license therefore.
- B. Each person with no physical location within the city engaged in business within the corporate limits shall be required to procure a Business License from the city unless such person possesses a valid Business License issued by another city, located in the state of Arkansas, where it maintains a physical location. A copy of said license shall be furnished to the City Clerk of Briarcliff. (Ord. No. 1-18-2011, Sec. 5.)

4.12.06 Fees The fee shall be Twenty-Five Dollars (\$25.00) per year, and shall be prorated at Two Dollars (\$2.00) per month with the remaining One Dollar (\$1.00) as a handling fee for the city. (Ord. No. 1-18-2011, Sec. 6.)

4.12.07 False statements It shall be unlawful for any person to knowingly make a false statement in this application for any license required by this chapter for the purpose of defrauding the city of the just license fees. (Ord. No. 1-18-2011, Sec. 7.)

4.12.08 Transfer and assignment Any person who shall sell, transfer or assign all of his interest in any business to any other person may transfer to such other person by written assignment and license by notifying the City Clerk in writing of said transfer and by endorsing such license on the reverse side thereof. (Ord. No. 1-18-2011, Sec. 8.)

4.12.09 Penalty Any person engaged in business without first having procured a license therefore as provided herein, and paid the requisite fee therefore as provided herein, shall be deemed guilty of a misdemeanor and shall, upon conviction, pay a penalty of twice the amount of such license fee due plus the cost of collection and a fine of not less than One Hundred Twenty-Five Dollars (\$125.00) nor more than Two Hundred Fifty Dollars (\$250.00), and each day of operation of such business without payment and procurement of said license shall constitute a separate and distinct offense. (Ord. No. 1-18-2011, Sec. 9.)

**TITLE 5**

**HEALTH AND SANITATION**

Chapters:

- 5.04 Maintenance of Real Property
- 5.08 Septic Tanks
- 5.12 Littering
- 5.16 Solid Waste Collection
- 5.20 Source Water Protection

**CHAPTER 5.04**

**MAINTENANCE OF REAL PROPERTY**

Sections:

- 5.04.01 Requirements
- 5.04.02 Weeds and grass
- 5.04.03 Unsightly or unsanitary
- 5.04.04 Notification of unknown real property owner
- 5.04.05 Enforcement of lien and collection of costs
- 5.04.06 Inspections
- 5.04.07 Vacant lots
- 5.04.08 Requirement to remove debris after disaster
- 5.04.09 Notification
- 5.04.10 Penalty for Sections 5.04.06 - 5.04.08

5.04.01 Requirements All tenants or owners within the city of Briarcliff, Arkansas, are hereby required to cut weeds and grass twelve (12) inches or higher, remove garbage, rubbish and other unsightly conditions at their property, and to eliminate stagnant pools of water standing seven (7) days or longer, or any other condition which might be harmful to the health of the community. Exception: Nothing in this ordinance shall be interpreted to keep a person from allowing any adjoining lot or lots to remain in their natural state or wooded condition. These lots must be kept free of trash, household waste and vehicles as specified in ordinances 8.12.01 through 8.12.06. (Ord. No. 9-13-2001, Sec. 1.)

5.04.02 Weeds and grass Any owner/tenant whose property contains grass and weeds in excess of twelve (12) inches high shall be in violation of this ordinance.

- A. The owner/tenant will be notified by certified mail or by the Mayor or by the City Marshal that they have ten (10) days to correct the situation. If the situation is not corrected in ten (10) days, the owner/tenant will be issued a citation for violation of this ordinance and scheduled for appearance in the Briarcliff City District Court, and a fine of up to Fifty dollars (\$50.00) shall be imposed.
- B. If the owner/tenant cannot be located in ten (10) days, the city is authorized to enter upon the property and have the weeds or grass cut. The cost plus a Fifty Dollar (\$50.00) processing fee will be charged for each incident. A lien in accordance with 5.04.04 and 5.04.05 shall be placed on said property for the cost incurred by the city. (Ord. No. 6-11-2011, Sec. 1.)

5.04.03 Unsightly or unsanitary Any owner/tenant whose property is not maintained, and is in a unsightly condition or contains unsightly articles, debris, rubbish, stagnant pools of water that have been standing seven (7) days or longer, or any other unsanitary condition that is harmful to the health of the community shall be in violation of this ordinance.

- A. The owner shall be notified by certified mail or by the Mayor or by the City Marshal that they have ten (10) days to remedy the condition. If the condition is not remedied within ten (10) days, the owner/tenant will be issued a citation for violation of this ordinance and scheduled for appearance in the Briarcliff City District Court, and a fine of up to Two Hundred Dollars (\$200.000 shall be imposed. (Ord. No. 2-1-2003, Sec. 1.)
- B. If the owner/tenant cannot be located in ten (10) days, the city is authorized to enter upon the property and correct the offending condition. A lien, in accordance with 5.04.04 and 5.04.05 shall be placed on said property for the cost incurred by the city. (Ord. No. 2-1-2003, Sec. 1.)

5.04.04 Notification of unknown real property owner In case the owner of any lot or other real property is unknown or his whereabouts are not known or he is a nonresident of this state, a copy of the written notice referred to shall be posted upon the premises and before any action to enforce the lien shall be had, the Mayor shall make an affidavit setting out the facts as to unknown address or whereabouts of nonresidents, and service of publication as now provided for by law against nonresident defendant may be had and an attorney ad litem shall be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found.

5.04.05 Enforcement of lien and collection of costs 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 by may be determined at a hearing before the City Council of the city of Briarcliff, Arkansas, 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 Baxter County, Arkansas, 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 Council of the city of Briarcliff, Arkansas, to the Baxter 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 Briarcliff, Arkansas.

STATE LAW REFERENCE - See A.C.A. 14-54-901 - 14-54-904

5.04.06 Inspections The Health Officer is specifically charged with the enforcement of this chapter and he shall make monthly inspection trips and such other trips as may be necessary throughout the confines of the city of Briarcliff, Arkansas, and for any unsightly or unsanitary condition or conditions that he may find he will have the Mayor write to the owner or owners of any lot or other real property, stating the date of his inspection, the condition or conditions that must be corrected and if not corrected within twenty (20) days the Mayor will take steps to remove, abate or eliminate said condition or conditions and the cost will constitute a lien on said lot or other real property.

5.04.07 Vacant lots Property owners are prohibited from permitting the accumulation of unsightly debris upon vacant lots in the city of Briarcliff, Arkansas. It shall be the duty of the property owners to remove all debris or refuse which is unsightly or which may endanger public health if and when notified by the Mayor.

5.04.08 Requirement to remove debris after disaster If any property owner shall suffer the loss, either total or partial, of a house by fire or tornado, it shall be the duty of the Mayor to immediately notify, in writing, the property owner to remove all debris from the lot. It shall be the duty of the property owner within sixty (60) days from receipt of such notice to remove all debris or refuse on said lot.

5.04.09 Notification It shall be the duty of the Mayor to notify in writing all property owners who own lots on which debris or refuse is situated due to the destruction of houses by fire, and on other lots on which has accumulated such unsightly debris and refuse, whether

caused by fire or otherwise, and it shall be the duty of the property owner to remove such debris or refuse within thirty (30) days after receipt of notice from the Mayor.

5.04.10 Penalty for Sections 5.04.07 - 5.04.09 If any property owner shall fail or refuse to remove such debris or refuse as mentioned in Sections 5.04.07 - 5.04.09 within the time fixed by this chapter after receiving such notice from the Mayor, he shall upon conviction be fined in the sum of not less than Twenty-Five Dollars (\$25.00) and each day that such property owner refuses to comply with this chapter after the expiration of the time limit provided, shall be considered a separate offense.

## **CHAPTER 5.08**

### **SEPTIC TANKS**

#### **Sections:**

- 5.08.01 Water Superintendent shall be inspector
- 5.08.02 Overflows unlawful

5.08.01 Water Superintendent shall be inspector The Water Superintendent shall be the inspector, and shall regulate the erection, building and maintenance of all septic tanks or to be put in use in the city and it shall be the duty of any person intending to build or erect a septic tank within the city limits to first make application to the Water Department Superintendent. It shall be the duty of the inspector to see that such septic tank shall be in conformity with the recommendations of the State Board of Health.

5.08.02 Overflows unlawful It shall be unlawful to allow a septic tank to overflow or drain on the surface of the ground or in any street or ditch within the city.

## **CHAPTER 5.12**

### **LITTERING**

#### **Sections:**

- 5.12.01 Littering illegal
- 5.12.02 Illegal dumping



- 5.12.03 Privately owned property  
5.12.04 Reward

5.12.01 Littering illegal It shall be unlawful for any person to place, dispose, or otherwise permit to be located upon, in, on, or about any public street, sidewalk, alley or public thoroughfare or any private or public property adjacent thereto, any litter, refuse or debris, such as, paper cups, beer/soda cans, fast food containers, etc., weighing less than one (1) pound.

A fine of One Hundred Dollars (\$100.00) shall be imposed for first offense. A fine of up to Five Hundred Dollars (\$500.00) may be imposed for second or succeeding offense.

5.12.02 Illegal dumping It shall be unlawful for any person to throw, place, dump or otherwise permit to be located upon, in, on or about any public street, sidewalk, alley or public thoroughfare, or public property adjacent thereto, any litter, refuse, or debris, such as, garbage, trash, papers, auto parts, appliances, furniture, etc. weighing more than one pound or more than one cubic foot in size.

A fine of up to One Thousand Dollars (\$1,000.00) may be imposed for each offense.  
(Ord. No. 12-17-2003)

5.12.03 Private owned property Questions of cleanliness of privately owned property will be considered under city of Briarcliff Ordinance No. 5.04.01.

5.12.04 Reward A reward of One Hundred Dollars (\$100.00) will be awarded to anyone who reports an illegal dumper to the city office which leads to the arrest and conviction of that person. (Ord. No. 5-4-2002)

## **CHAPTER 5.16**

### **SOLID WASTE COLLECTION**

Sections:

- 5.16.01 Essential services  
5.16.02 Contractor  
5.16.03 Billing  
5.16.04 Containers  
5.16.05 City dumpster  
5.16.06 Fine

5.16.01 Essential services Trash and garbage pick-up services shall be declared to be “essential services” in which the city has a proper interest and which must be furnished to the citizens of the city of Briarcliff, Arkansas, in order to protect said citizens health, safety, and welfare. (Ord. No. 11-13-2007, Sec. 1.)

5.16.02 Contractor It shall be and is hereby declared to be unlawful for any person, firm, or corporation owning, possessing, or having control or custody over trash, garbage, or refuse within the city of Briarcliff, to dispose of same other than by contracting for such disposal with either the city of Briarcliff, Arkansas, or with such private contractor or contractors to which the city shall have awarded a garbage, trash and refuse pick-up franchise. The present franchises holder is IESI Home Corp. located at CR 510, Box 10, in Midway, Arkansas 72651 and whose telephone number is 481-8600. The name, address and telephone number of the franchise holder, or holders, and the rates which they may charge shall be filed with the City Clerk of Briarcliff, Arkansas, and such filing shall be due notice of the agency or agencies with which a subscriber must contract. (Ord. No. 11-13-2007, Sec. 2.)

5.16.03 Billing Billing for trash and garbage pick-up will be accomplished on a monthly basis. A late fee of Three Dollars (\$3.00) monthly will be charged if not paid by the 15<sup>th</sup> day of the month. One notice of reminder will be sent out after the 15<sup>th</sup> day of each month with the late fee added. If bill is in arrears for ninety days (90) or more, the account will be subject to a citation. (Ord. No. 11-10-2007)

5.16.04 Containers

- A. Trash containers shall be placed roadside no earlier than one (1) day prior to the day of collection.
- B. Trash containers shall be removed from roadside and placed as close to residence as soon as possible.
- C. The exception to the above conditions will be those residences with permanent cart placement to facilitate ease of trash service. Exception will be handled on a individual basis if requested. (Ord. No. 11-10-2007)

5.16.05 City dumpster Customers of the city of Briarcliff, Arkansas, who have contracted for trash and garbage pick-up will be allowed use of the city dumpster on an infrequent, non-routine basis. Such use will be restricted only to material that the city’s refuse contractor would otherwise pick up during the routine scheduled route. However, discretionary use of the dumpster will help customers with travel plans or disposal of larger items that would

otherwise be picked up curbside during the annual large trash pick-up. Misuse of the dumpster by over filing, filling with restricted materials, placing trash or garbage on city property, or use by individuals who are not current customers will not be allowed and will be subject to a fine. (Ord. No. 12-8-2012)

5.16.06 Fine Anyone found guilty of violating this ordinance shall be issued a citation to appear in court. If found guilty, a fine of up to One Hundred Dollars (\$100.00) plus court costs shall be imposed for the first offense. A fine of up to Two Hundred Dollars (\$200.00) plus court costs shall be imposed for the second and succeeding offense. (Ord. No. 12-8-12)

## **CHAPTER 5.20**

### **SOURCE WATER PROTECTION**

#### Sections:

5.20.01	Statement of purpose
5.20.02	Implementation of Source Water Protection Program
5.20.03	Land to which this ordinance applies
5.20.04	Administration
5.20.05	Conflict

5.20.01 Statement of purpose It is the purpose of this ordinance to:

- A. Promote the public health, safety, and general welfare of the citizens of Briarcliff.
- B. Minimize the financial and other losses which would be incurred by contamination of the public water supply.
- C. Implement a Source Water Protection Program following guidelines of the Arkansas Department of Health that will help insure the provision of potable groundwater to our citizens now and in the future.
- D. Contribute to the general public effort of protecting and conserving the natural resource of our state for future generations. (Ord. No. 10-10-2009, Sec. B.)

5.20.02 Implementation of Source Water Protection Program Implementation of the Source Water Protection Program shall consist of several parts which may be phased in at the discretion of the city and over the time period deemed reasonable and adequate for the city. The parts shall include:

- A. Establishment of a Source Water Protection Area around the deemed source.
- B. Inventory of the potential sources of contamination within the Source Water Protection Area on a periodic basis.
- C. Restriction, prohibitions, or other kinds of controls of these potential sources as well as activities that could cause source water to become contaminated within the Source Water Protection Area.
- D. Periodic monitoring of selected chemical parameters of the water from selected locations within the Source Water Protection Area to provide early warning of contaminated ground or surface water moving towards the water intake.
- E. Establishment of an Emergency Action Plan to be implemented if a contamination event should occur. (Ord. No. 10-10-2009, Sec. C.)

5.20.03 Land to which this ordinance applies This ordinance shall apply to all lands located within Section 5 and 6 as adopted by the City Council, and within the jurisdiction of the city of Briarcliff. (Ord. No. 10-10-2009, Sec. D.)

5.20.04 Administration The policies and procedures for the administration of the Source Water Protection Area established in pursuance of the ordinance, including application, variances, enforcement, and penalties shall be determined by the City Council. (Ord. No. 10-10-2009, Sec. E.)

5.20.05 Conflict In the event that any provision, standard, or requirement of this ordinance is found to be in conflict with any provision of any other ordinance or code of the city, the provision which established the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents shall prevail. (Ord. No. 10-10-2009, Sec. F.)

49.2

**TITLE 6**

**ANIMALS AND FOWL**

**Chapters:**

- 6.04 Dogs and Cats
- 6.06 Unlawful Dog Breeds
- 6.08 Other Animals and Fowl
- 6.12 Vicious Dogs

**CHAPTER 6.04**

**DOGS AND CATS**

**Sections:**

- 6.04.01 Vaccination for dogs and cats
- 6.04.02 Running at large
- 6.04.03 Hydrophobia
- 6.04.04 Barking and public nuisance
- 6.04.05 Registration
- 6.04.06 Waivers

6.04.01 Vaccination for dogs and cats Every person owning or keeping any dog(s) or cat(s) within the city limits of Briarcliff shall have the dog(s) or cat(s) annually vaccinated against rabies by a regularly licensed veterinary surgeon and the certificate presented to the City Clerk's office for registration. It shall be unlawful for any person or persons residing in the same household to own or possess more than two (2) dogs and/or two (2) cats at any time unless a waiver has been approved by the Briarcliff City Council. (Ord. No. 2015-03, Sec. 1.)

- A. The certificate of vaccination or license tag of such surgeon shall be presented to the City Clerk who will register the animal and shall keep a register of the certificate/tag number, date, veterinary name, breed of dog(s) or cat(s), sex, color, and owner's name and address.
- B. If a licensed veterinarian deems any animal not requiring a rabies vaccination, such statement from the veterinarian must be on file in the city office.

- C. If the City Clerk's office is notified of a new dog(s) or cat(s) in Briarcliff and the owner is located, a letter will be sent out by the Clerk's office to the owner informing them of the animal ordinance requiring all dog(s) or cat(s) to be registered in the city office with proof of vaccination and also notifying them that they have thirty (30) days from that date or letter to take care of this matter or they will be subject to a citation and a fine of Fifty Dollars (\$50.00) plus court costs for each animal not vaccinated and registered in the City Clerk's office.
- D. After the resident responds to the City Clerk's office, or have complied with this ordinance and has their dog(s) or cat(s) registered with proof of rabies vaccination in the city office, failure to have dog(s) or cat(s) vaccinated for rabies on an annual basis will result in a citation and a fine of Fifty Dollars (\$50.00) plus court costs for each animal not in compliance. The City Clerk's office will send out one reminder letter that re-registration is due, and needs to be taken care of within thirty (30) days from the date of the letter. If not done, it will result in a citation and a Fifty Dollars (\$50.00) fine plus court costs for each animal not vaccinated and registered in the City Clerk's office.
- E. Failure to comply with time constraints set by court order to provide proper registration will result in the animal being removed by Animal Control. (Ord. No. 1-12-2013)
- F. If a citation is issued for owning or possessing more than two (2) dogs and/or two (2) cats, the fine shall be Twenty-Five Dollars (\$25.00) plus court costs for each animal for the first offense, with a Fifty Dollar (\$50.00) fine plus court costs for each animal for the second offense, and so forth.

#### 6.04.02 Running at large

- A. Any person owning or harboring animals, whether or not vaccinated or licensed, shall confine such animal/s within an adequate fence or enclosure or within a building on the owner's property, or shall otherwise confine such animals by chain or leash affixed to the animal's collar and firmly attached to some substantial stationary object in a humane manner adequate to prevent said animal from running at large. If an animal is confined by rope, chain, or cable, the restraint must be not less than ten (10) feet long and so placed that the animal may not intrude on the property of another person, whether public or private. It shall further be the duty of any owner or keeper of any animal to keep such animal under control so as to prevent said animal from becoming a public nuisance.
- B. Every female dog or cat in heat shall be confined in a building or secure enclosure so as to prevent said female animal from coming in contact with a male of the species except for planned breeding.

- C. Any person riding or walking any animal shall keep the animal on a leash or bridle, or under firm voice control. The said person riding or walking the animal shall also be responsible for the removal of any excreta deposited by such animal on any resident's private property, on any public recreation area, or on any public street. The excreta must be removed on the same day it is deposited. (Ord. No. 2016-06, Sec. 1.)
- D. Any person owning or harboring animals that damage the property of anyone other than its owner, molests or intimidates pedestrians or other passers-by or chases vehicles shall be cited as noted herein.
- E. No animals shall be kept in such a manner so as to interfere with meter readings or service work by utility companies' personnel.
- F. The Mayor or the Briarcliff Marshal, at their discretion, may issue a written complaint to any animal owner who violates this ordinance. (Ord. No. 2014-009, Sec. 1.)
- G. After one written complaint, subsequent violations will result in a citation to appear being issued to the violator, requiring an appearance in the Baxter County District Court – Briarcliff Department. If found guilty, a Fifty Dollar (\$50.00) fine plus court costs will be imposed, with a Seventy-Five Dollar (\$75.00) fine for a second offense, a One Hundred Dollars (\$100.00) fine for a third offense, and so forth. (Ord. No. 2014-009, Sec. 2.)

6.04.03 Hydrophobia In the event of the prevalence of hydrophobia to such an extent as, in the discretion of the city of Briarcliff, Arkansas, makes such action advisable, said city may by proclamation require that all dogs or cats owned, kept or harbored in the city be kept confined upon the premises of the owners, keepers, or harborers of such dogs or cats for such time as may be designated in such proclamation, and such proclamation to take effect upon publication thereof by such city in a newspaper having a general and bona fide circulation in the city of Briarcliff, Arkansas, and any dog or cat not so confined after the effective date of such proclamation shall be taken up by said city and disposed of.

6.04.04 Barking and public nuisance Any dogs, cats, or fowl that unreasonably annoy humans, endanger the life of other animals or persons, or substantially interfere with the right of citizens other than their owners, to enjoyment of life or property shall be declared a "public nuisance." The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:



- A. Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- B. Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or to others in close proximity to the premises where the animal is kept or harbored.
- C. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.
- D. Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained.
- E. All animal complaints will be in writing, and will be submitted to the City Clerk's office or to the Mayor for appropriate action. (Ord. No. 5-14-2006)
- F. A written ten (10) day notice to comply will be sent, after which, a citation to appear will be issued for the violator to appear in the Briarcliff District Court. If he/she is found guilty of a misdemeanor, a Fifty Dollar (\$50.00) fine plus court costs will be assessed, second offense fine will be assessed at Seventy-Five Dollars (\$75.00) plus court costs and an additional Twenty-Five Dollars (\$25.00) to be added for each day that the violation continues. (Ord. No. 3-10-2007)

6.04.05 Registration All animals over the age of six (6) months must be registered in the city office by proof of a rabies vaccination from a qualified veterinarian. (Ord. No. 4-14-2007)

6.04.06 Waivers

- A. Any resident who has proven to be a pet owner in good standing may request a waiver to own or possess a third dog and/or a third cat by submitting an application in writing to the City Clerk's office or to the Mayor for review by the City Council at the next regularly scheduled monthly meeting. The application must include a written and signed consent from any and all residents whose homes are within three hundred (300) feet of the requesting resident's property lines. If the City Council grants approval for the waiver, the resident must abide by all city ordinances which regulate the keeping of similar animals within the city limits of Briarcliff.

- B. Applications for waivers for more than three (3) dogs and/or three (3) cats will not be accepted, nor will such waivers be granted.
- C. Any resident already owning or possessing more than three dogs and/or cats at the time this ordinance is passed will be allowed to retain possession of said animals. When the said dogs and/or cats have died or otherwise are no longer owned or possessed, the resident will not be allowed to have more than two dogs and/or two cats. (Ord. No. 2016-01, Sec. 1.)

**CHAPTER 6.06**

**UNLAWFUL DOG BREEDS**

Sections:

- 6.06.01 Breeds
- 6.06.02 Definition
- 6.06.03 Risk of attack
- 6.06.04 Fine

6.06.01 Breeds It shall be unlawful to own or keep a Pit Bull Terrier, Cane Corso, Bull Mastiff or Wolf-Dog Hybrid breed of dog, or any dog which contains an element of these breeds, within the city limits of Briarcliff. (Ord. No. 2014-010, Sec. 1.)

6.06.02 Definition

**Pit Bull Terrier** – Any American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog or any mixed breed of dog which contains an element of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier. (Ord. No. 2014-010, Sec. 2.)

6.06.03 Risk of attack This ordinance is a necessary control to eliminate the risk of attack by Pit Bull Terriers, Cane Corsos, Bull Mastiffs or Wolf-Dog Hybrids in the city of Briarcliff, Arkansas. Lack of knowledge or lack of intent is not a defense. (Ord. No. 2014-010, Sec. 3.)

6.06.05 Fine Whoever is found guilty of violating this ordinance shall be assessed a fine of One Hundred Dollars (\$100.00) plus court costs for the first offense, Two Hundred and Fifty Dollars (\$250.00) plus court costs for the second offense, and an additional fine of Two Hundred and Fifty Dollars (\$250.00) shall be assessed per day that the violation continues. (Ord. No. 2014-010, Sec. 4.)

**CHAPTER 6.08**

**OTHER ANIMALS AND FOWL**

Sections:

- 6.08.01 Horses and cows
- 6.08.02 Hogs, goats and sheep

6.08.03	Diseased animals
6.08.04	Releasing animals
6.08.05	Rabbits and fowl
6.08.06	Cruelty to animals
6.08.07	Public nuisance
6.08.08	Wild animals
6.08.09	R1-S zone

6.08.01 Horses and cows It shall be unlawful for any person to keep, maintain or permit to run at large within the corporate limits of the city, any cows and/or horses. The violation of this section is hereby declared to be a misdemeanor. It shall be the duty of the proper law enforcement official to enforce the provisions hereof.

Whoever is found violating these ordinances shall be fined not less than Seventy-Five Dollars (\$75.00) plus court costs, nor more than Two Hundred and Fifty Dollars (\$250.00) plus court costs. Two or more offenses may be fined not less than Two Hundred and Fifty Dollars (\$250.00) plus court costs, nor more than Five Hundred Dollars (\$500.00), and an additional fine of Fifty Dollars (\$50.00) shall be assessed for each day that the violation continues. (Ord. No. 3-10-2007)

6.08.02 Hogs, goats and sheep It shall be unlawful for any person to keep any hogs, goats or sheep within the city or to permit any such animals to run at large within the city.

Whoever is found violating these ordinances shall be fined not less than Seventy-Five Dollars (\$75.00) plus court costs, nor more than Two Hundred and Fifty Dollars (\$250.00) plus court costs. Two or more offenses may be fined not less than Two Hundred and Fifty Dollars (\$250.00) plus court costs, nor more than Five Hundred Dollars (\$500.00), and an additional fine of Fifty Dollars (\$50.00) shall be assessed for each day that the violation continues. (Ord. No. 3-10-2007)

6.08.03 Diseased animals No person shall be allowed to transport into this city any animal affected with a contagious disease.

Whoever is found violating these ordinances shall be fined not less than Seventy-Five Dollars (\$75.00) plus court costs, nor more than Two Hundred and Fifty Dollars (\$250.00) plus court costs. Two or more offenses may be fined not less than Two Hundred and Fifty Dollars (\$250.00) plus court costs, nor more than Five Hundred Dollars (\$500.00), and an additional fine of Fifty Dollars (\$50.00) shall be assessed for each day that the violation continues. (Ord. No. 3-10-2007)

6.08.04 Releasing animals

A. It shall be unlawful to abandon any animal within the city limits of Briarcliff

- B. The city of Briarcliff will offer and pay a reward of One Hundred Dollars (\$100.00) to anyone providing information leading to the arrest and conviction of any individuals/s abandoning any animals within the city limits.
- C. Any individual/s found guilty of abandoning any animal within the Briarcliff city limits shall be fined no less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) for each such abandonment. (Ord. No. 5-14-2004)

#### 6.08.05 Rabbits and fowl

- A. It shall be unlawful for any person to keep, maintain or permit to run at large any fowl including chickens, guinea fowl, ducks, geese, etc. within the city limits of Briarcliff unless a waiver has been approved by the Briarcliff City Council. Any resident requesting such a waiver must submit an application in writing to the City Clerk's office or to the Mayor for review by the City Council at the next regularly scheduled monthly meeting. The waiver shall be for no more than six (6) fowl and shall not include roosters. The fowl must be enclosed in pens which must be kept clean and without offensive odors. Any resident requesting a waiver must include a written and signed consent from any and all residents whose house is within a 300 foot of the requesting resident's property lines.
- B. Rabbits may be kept, but must be kept in pens. Pens must be kept clean and without offensive odors.
- C. No more than six (6) adult rabbits may be kept at any residence at any one time. In the event of any babies being born, they must be disposed of within sixty-ninety (60-90) days.
- D. Any person in violation of this ordinance will be sent a written notice or be notified by the Mayor or City Marshal that they must comply within ten (10) days. The first offense for failure to comply with this ordinance will result in a fine of Twenty-Five Dollars (\$25.00) per chicken or rabbit. Each subsequent violation thereafter will result in a Fifty Dollar (\$50.00) fine per chicken or rabbit. (Ord. No. 9-10-2011)

#### 6.08.06 Cruelty to animals

- A. Any person who shall drive, overload, torture, torment, deprive of necessary sustenance or cruelly beat or needlessly mutilate or kill any animal shall be guilty of a misdemeanor.

- B. Any owner or keeper who shall fail to provide his animals with sufficient, wholesome, and nutritious food, potable water in sufficient quantities, proper air and shelter which provides protection from the weather including four sides with a opening, roof, and floor, veterinary care when needed to prevent suffering, and otherwise humane care and treatment shall be guilty of a misdemeanor. No animal may be kept on flooring of wire grid.
- C. Any person found guilty of a misdemeanor will be fined no less than Five Hundred Dollars (\$500.00) plus court costs, nor more than One Thousand Dollars (\$1,000.00) for each offense. (Ord. No. 6-10-2006.)

6.08.07 Public nuisance Any dogs, cats or fowl that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property shall be declared a “public nuisance.” The term “public nuisance animal” shall mean and include, but is not limited to, any animal that:

- A. Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- B. Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or to others in close proximity to the premises where the animal is kept or harbored.
- C. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.
- D. Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained.
- E. All animal complaints will be in writing, and will be submitted to the City Clerk’s office or to the Mayor for appropriate action. (Ord. No. 5-14-2006)
- F. A written ten (10) days’ notice to comply will be sent, after which, a citation to appear will be issued for the violator to appear in the Briarcliff Municipal Court. If he/she is found guilty of a misdemeanor, a Fifty Dollar (\$50.00) fine plus court costs will be assessed, second offense fine will be assessed at Seventy-Five Dollars (\$75.00) plus court costs and an additional Twenty-Five Dollars (\$25.00) to be added for each day that the violation continues. (Ord. No. 3-10-2007)

6.08.08 Wild animals Any living member of the animal kingdom other than cats, dogs, (registered wolves), and domestic farm animals (e.g., mountain lions, lions, tigers, bears, etc.) shall be classified as wild animals including those born or raised in captivity. No wild animals will be kept or maintained within the city limits.

6.08.09 R1-S zone In R1-S no animals, livestock, or poultry of any kind shall be raised bred or kept on any lot except that dogs, cats, and other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. (Ord. No. 4-8-2006)

## **CHAPTER 6.12**

### **VICIOUS DOGS**

#### **Sections:**

6.12.01	Definitions
6.12.02	Warning signs
6.12.03	Enforcement
6.12.04	Seizing and impoundment
6.12.05	Proper facility
6.12.06	Written notice
6.12.07	Trespass
6.12.08	Lethal force
6.12.09	Fine

6.12.01 Definitions The following words and phrases shall for purposes of this ordinance have the following meanings:

**Dogs** – when used herein shall include animals of all ages, both female and male, which are members of the canine or dog family;

**Livestock** – goats, sheep, swine, cattle, horses, mules and domestic fowl;

**Owner** – every person, firm, partnership or corporation owning, keeping or harboring a dog within the city of Briarcliff;

**Serious physical injury** – physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health or loss or protracted impairment of the function of any bodily member or organ.

**Vicious dog** – a dog that has an aggressive disposition to bite humans or any dog which has bitten or attempted to bite any person. This definition shall also include any dog which kills or attempts to catch, injure or kill any livestock or other dogs or cats. It shall be a defense to prosecution under this ordinance if the person the dog has bitten or attempted to bite was teasing the dog prior to the bite or attempted bite. (Ord. No. 2014-011, Sec. 1.)

6.12.02 Warning signs It shall hereafter be unlawful for any person, firm, partnership or corporation to keep within the city of Briarcliff any vicious dog unless warning signs are posted, and the said dog is muzzled and is confined in a pen such that he cannot run at large and thereby constitute a danger to other persons or animals.

In order to assure public safety, the animal owner shall provide a pen with a padlock locked in place consisting of a strong high chain link fence enclosure constructed so that the animal cannot climb, jump over, dig under or escape. If these measures are deemed insufficient, then the animal shall be destroyed. (Ord. No. 2014-011, Sec. 2.)

6.12.03 Enforcement The Mayor, the Briarcliff Marshal and other law enforcement officials authorized by the state are hereby authorized to enforce this ordinance. (Ord. No. 2014-011, Sec. 3.)

6.12.04 Seizing and impoundment Officers authorized to enforce the provisions of this ordinance are also authorized to seize and impound any dog deemed to be a vicious dog within the meaning of this ordinance under the following circumstances:

- A. The dog shall be seized and impounded when the dog has caused serious physical injury or death to a person; or
- B. The dog may be seized and impounded when the dog is running at large and causing public alarm because of its aggressive disposition and the owner cannot be immediately located to take possession and control of the dog; or
- C. The dog may be seized and impounded when the dog has injured or killed livestock, another dog or cat and the owner cannot be immediately located to take possession and control of the dog. (Ord. No. 2014-011, Sec. 4.)



6.12.05 Proper facility Seized and impounded animals shall be kept at some facility designed for the maintenance and care of such animals, and the costs thereof shall be chargeable to the owner of the animal if so ordered by the District Court of Baxter County – Briarcliff Department.

- A. If the vicious dog has been seized and taken to a facility as authorized herein, and if the dog has not caused serious physical injury or death to any person, then the owner of the dog may within fifteen (15) consecutive days reclaim the dog and the dog will be released to the owner upon payment of all daily maintenance fees in the usual amount charged by the facility. The facility having custody and care of the dog shall require government-issued photo identification to be presented by the owner of the dog, and such information shall be appropriately logged and recorded at the facility. The facility shall also require the owner to submit proof of current rabies vaccination for the animal that has been administered by a veterinarian.
1. If the owner fails or refuses to pay said fees, fails or refuses to provide photo identification or proof of current rabies vaccination, or if the owner does not appear to claim the dog within fifteen (15) consecutive days, the the Briarcliff Attorney shall petition the District Court to request a hearing to divest ownership of the dog from the owner and confer ownership to the city of Briarcliff.
  2. If ownership of the dog is transferred to the city by the District Court, the city may then dispose of the dog in the manner prescribed by the policies and procedures of the facility where the dog is being held or as otherwise ordered by the District Court.
- B. If the vicious dog, as defined in 6.12.01, has caused serious physical injury or death to any person, then the dog shall be seized by the appropriate officer or official and taken to a facility as authorized herein for the protection of the public health and safety. Upon proper notification to the Briarcliff Attorney by the officer having seized and impounded the dog, the Briarcliff Attorney shall immediately file a petition with the District Court to request a hearing to divest ownership of the dog from the owner and confer ownership to the city of Briarcliff, with dog then being disposed of in a manner provided for by the policies and procedures of the facility where it is being held or as otherwise ordered by the District Court. (Ord. No. 2014-011, Sec. 5.)

6.12.06 Written notice A vicious dog that has been seized by any authorized officer or official shall be taken to and shall remain at the appropriate place of custody or facility for a period of at least fifteen (15) consecutive days, including weekends and holidays, after written notice is given to and received by the owner. The written notice shall:

- A. Be given to the owner, if known, or shall be left at the last known address of the owner; and
- B. Contain a description of the dog seized, the date seized, the name and contact information of the law enforcement or Animal Control Officer seizing and impounding the dog, the location of the dog, and the reason for the seizure.
- C. If the owner of the dog cannot be determined, a written notice regarding the seizure of the dog shall be conspicuously posted where the animal is seized at the time the seizure occurs if practicable.
- D. After written notice is received by the owner or conspicuously posted under this section, the owner within fifteen (15) business days may claim the dog at the facility where it is being held in the manner prescribed under 6.12.05(A) herein, except if the dog has caused serious physical injury or death to another person, then the owner may not reclaim the dog from the facility, and the Briarcliff Attorney shall proceed in the manner prescribed under 6.12.05(B) herein.
- E. A diseased or injured dog seized under this ordinance may be appropriately treated for injury or disease without a court order, and it is subject to be euthanized without a court order when it is determined by a licensed veterinarian that euthanizing is necessary to prevent the suffering of the animal.
- F. Otherwise, the appropriate place of custody shall not alter or modify a dog in any manner, including without limitation the neutering, spaying or castration of the dog without either
  1. A written court order that is issued after a petition is filed by the Briarcliff Attorney requesting alteration or modification and a hearing involving all interested parties is held; or
  2. The written consent of the owner. (Ord. No. 2014-011, Sec. 6.)

6.12.07 Trespass It shall be a defense to prosecution under this ordinance if the person who has been attacked or bitten by a vicious dog has entered upon the property or premises of the owner of the dog for the purpose of committing any offence or criminal act punishable by law. (Ord. No. 2014-011, Sec. 7.)

6.12.08 Lethal force If, in the discretion of the Mayor, the Briarcliff Marshal or any other law enforcement official authorized by the state, capture of an animal believed to be vicious, uncontrolled and a threat to human safety poses too great a danger to the capturing officer or other human beings, lethal force may be used in order to prevent harm to human beings, livestock or domesticated animals. (Ord. No. 2014-011, Sec. 8.)

6.12.09 Fine Any person violating any portion of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof in the District Court of Baxter County-Briarcliff Department, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor in excess of Five Hundred Dollars (\$500.00) and/or the disposal of the vicious dog in the manner prescribed in this ordinance, provided that the District Court finds the dog to be a danger to other persons, property, livestock or other dogs or cats. (Ord. No. 2014-011, Sec. 9.)

## **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 1<sup>st</sup> 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)

**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
- 8.20 Parking
- 8.24 Non-Operating Vehicles

**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)



## **TITLE 9**

### **STREETS AND SIDEWALKS**

#### **Chapters:**

- 9.04 Streets, Alleys, or Ditches
- 9.08 Excavations and Alterations

#### **CHAPTER 9.04**

### **STREETS, ALLEYS, OR DITCHES**

#### **Sections:**

- 9.04.01 Streets and alleys
- 9.04.02 Ditches
- 9.04.03 Fine

9.04.01 Streets and alleys It shall be the duty of the occupant of any lot or premises in this city along which any street or alleys runs, to keep said street or alley from the middle line thereof to the side next to him, free from all manner and kind of filth, garbage, trash, debris or decaying animal and vegetable substance of every kind.

9.04.02 Ditches No person shall allow any filth or obstruction of any kind to accumulate in the gutter or ditch in front of his premises, and all owners or occupants of property are required to keep the gutter or ditch in front of their premises clean, open and free from trash and weeds, and all obstructions to the easy and rapid flow of water.

9.04.03 Fine After proper notification of violations of above, individuals in violation shall be subject to a fine of Twenty-Five Dollars (\$25.00) a day until such necessary corrections are made.

## **CHAPTER 9.08**

### **EXCAVATIONS AND ALTERATIONS**

#### Sections:

- 9.08.01 Excavations - permit
- 9.08.01 Application for permit - deposit
- 9.08.03 Excavations to be restored

9.08.01 Excavations - permit No person, firm or corporation shall cut into, tunnel under, or in any manner disturb the surface of any street, alley or sidewalk in the city without first applying for and obtaining from the city of Briarcliff, AR a written permit to do so, which shall be dated, and shall give the name and address of the person to whom the permit is granted, and the location of the place where the street, alley or sidewalk is to be cut into, tunneled under, and the purpose for which said permit is granted.

9.08.02 Application for permit - deposit Any person, firm or corporation applying for said permit shall estimate in writing the number of square feet to be cut or tunneled. Before such permit is granted the applicant shall deposit with the Recorder/Treasurer for the purpose of insuring that the street is properly restored the sum of Five Dollars (\$5.00) per square foot for cutting concrete or other bituminous surface and Two Dollars (\$2.00) per square foot for cutting into gravel surface; provided the minimum deposit shall be Five Hundred Dollars (\$500.00) irrespective of the estimate.

9.08.03 Excavations to be restored All excavations made are to be restored to their original condition to the satisfaction of the Mayor or his appointee before the deposit shall be returned.

STATE LAW REFERENCE - See A.C.A. 14-301-101

**TITLE 10****UTILITIES****Chapters:**

- 10.04 Water Rates
- 10.08 Trash Billing
- 10.12 Light Posts

**CHAPTER 10.04****WATER RATES****Sections:**

- 10.04.01 Water rates
- 10.04.02 Fixed rates
- 10.04.03 Private wells

10.04.01 Water rates Beginning with the March 2016 billing cycle, water rates will be modified to the following:

- A. The minimum cost to purchase up to 299 gallons per month will increase from \$9.75 per month to \$10.50 per month, and
- B. The cost to purchase from 300-4,000 gallons per month will increase from \$20.00 per month to \$22.50 per month, and
- C. The cost to purchase additional water in excess of 4,000 gallons per month will increase from \$2.00 per 1,000 gallons to \$2.50 per 1,000 gallons. (Ord. No. 2016-03, Sec. 1.)

Effective March 8, 2016

State tax 6.5%, County tax 1%, City tax 1%

<b>Gals of water</b>	<b>Net</b>	<b>State tax</b>	<b>County tax</b>	<b>City tax</b>	<b>SDA</b>	<b>Total</b>
0-299	\$10.5	0.68	0.11	0.11	0.30	11.69
300-4000	22.5	1.46	0.23	0.23	0.30	24.71
Next 1000 Gallons	+ 2.50	+0.1625	+0.025	+0.025	-	2.71

10.04.02 Fixed Rates The fixed rates will be as follows:

- A. Service fee: \$25.00 maintenance fee due when account is opened
- B. Office fee: \$10.00 clerical fee due when account is opened
- C. Offsite fee: \$9.00 per month for customers outside the city
- D. Past due fee: \$25.00
- E. Reconnect fee: \$25.00
- F. Late fees: \$5.00 per month for water, \$3.00 per month for sanitation
- G. Returned check fees: \$25.00 plus current bank charges
- H. Set water meter fee (3/4"): \$500.00
- I. Set water meter fee (1"): \$650.00. (Ord. No. 2016-02, Sec. 1.)

Deposits: To be used to assist with the final payment, with the remainder refunded to the customer.

- A. Homeowners deposit: \$100.00 which includes a refundable \$100.00 fee upon leaving the system, \$25.00 service fee and a \$10.00 office fee.
- B. Renters deposit: \$150.00 which includes a refundable \$150.00 fee upon leaving the system, \$25.00 service fee and a \$10.00 office fee. After one year of service \$50.00 will be refunded if there have been no late payments and the refundable fee will be reduced to \$100.00.

(Ord. No. 2015-06, Sec. 2.)

10.04.03 Private wells The Briarcliff potable (drinking) water supply will be provided by the Briarcliff Waterworks known as the Briarcliff Water and Recreational Improvement District No. 1. Private wells will not be allowed within the city limits.

Exceptions:

- A. Private wells existing prior to the city establishment will be allowed for water supply for non-potable uses. These wells shall not be connected to the house and/or the potable water system.
- B. New wells will be allowed in Briarcliff for water supply for non-potable use. These wells shall not be connected to the house and/or the potable water system.
- C. Homes annexed by the city can maintain their wells until such time as the potable water supply can be delivered to the property.
- D. Any area where potable water cannot be supplied by the water company shall be addressed by the City Council on a case by case basis, affecting the health, safety and welfare of the population.
- E. Penalties: Violation of this ordinance will result in a fine of One Hundred Dollars (\$100.00). A fine of Two Hundred Fifty Dollars (\$250.00) will be imposed for any second offense. (Ord. No. 8-13-2005)

## **CHAPTER 10.08**

### **WATER AND SANATION BILLING**

**Sections:**

- 10.08.01      Billing
- 10.08.02      Water and Sanitation Billing

10.08.01 Billing Effective July 1, 2007, as per A.C.A. 14-232-101, A.C.A. 14-232-110, and A.C.A. 14-232-602, the city shall bill water and trash in a combined bill and any partial payment shall first go to pay the trash bill. (Ord. No. 7-4-2007, Sec. 1.)

10.08.02 Water and Sanitation Billing

A.      Water and trash bills will be issued on or before the first of each month, and will be due and payable by the 15<sup>th</sup> of each month.

B.      Bills that are not paid by the due date will be considered late, resulting in a Late Bill being issued that will be due by the 25<sup>th</sup> of the month.

C.      Late Bills that are not paid by the due date will be subject to water being turned off and a Reconnect Fee being applied.

D.      The City will consider a customer request to maintain water service when the Late Bill has not been paid by the due date. However, alternative payment arrangements must be accepted and a Past Due Fee will be applied. If the customer does not adhere to the alternative arrangements, the water service will once again be subject to being turned off and a Reconnect Fee being applied.

E.      Any water and/or trash bill in arrears for two or more billing cycles will be sent a letter giving them ten (10) days to contact the City office to make payments arrangements. If arrangements have not been approved within (10) days, the customer will be subject to a citation and a fine of Twenty-Five Dollars (\$25.00) plus court costs for the first offense, with a Fifty Dollar (\$50.00) fine plus court costs for the second offense, and so forth.

## **CHAPTER 10.12**

### **LIGHT POSTS**

**Sections:**

- 10.12.01      Street lighting installed
- 10.12.02      Quarterly billing
- 10.12.03      Fine

10.12.01 Street lighting installed The subdivision known as “The Summit” located in the city limits of Briarcliff will have its own street lighting installed. The city as per A.C.A. 14-54-603 shall assess the owner of each of the seventy lots a pro-rated share of the electric charges for said lighting. (Ord. No. 8-12-2006.)

10.12.02 Quarterly billing The assessment will be billed quarterly as per current rates. A Five Dollars (\$5.00) late fee will be added after the end of each quarter that the bill is not paid. (Ord. No. 8-11-2012.)

10.12.03 Fine In the event the assessment is not paid for two or more quarters, the Mayor or City Marshal shall notify the owner in writing that they have ten (10) days to pay said assessment and accumulated late charges. If the bill is not paid after the ten (10) days, a citation may be issued and the fine will be not less than Twenty-Five Dollars (\$25.00) plus court costs. (Ord. No. 8-11-2012.)

## **TITLE 11**

### **BUILDINGS AND CONSTRUCTION**

Chapters:

- 11.04 Building Permit
- 11.16 Fire Prevention Code
- 11.20 Housing Code
- 11.24 Condemned Structures
- 11.28 Building Code
- 11.30 Energy Code

#### **CHAPTER 11.04**

#### **BUILDING PERMIT**

Sections:

- 11.04.01 Required
- 11.04.02 Application
- 11.04.03 Fees
- 11.04.04 Procedures
- 11.04.05 Issuance
- 11.04.06 Building utilities and exterior
- 11.04.07 Building inspections
- 11.04.08 Fines

11.04.01 Required The owner of any land situated within the incorporated limits of the city shall neither construct nor allow construction or placement on such land of any building or structure of a type set forth in the sub-paragraphs (A) through (D) below, without having obtained a building permit from the city. The aforementioned permit will likewise be required in event of remodeling exterior structure, additions or modifications to existing structures, but only if the cost exceeds Fifteen Hundred Dollars (\$1,500.00) in real value.

- A. Single-family residence.
- B. Multiple-family residence.



- C. Any building in which, or from which, any business, commercial enterprise, or manufacturing process is to be conducted, or which is to be used for related storage or warehousing purposes.
- D. Detached garages.
- E. All structures will be built in accordance with the International Building Code, current edition. (Ord. No. 8-11-2012)

11.04.02 Application The application for any building permit by this chapter will be submitted by the land owner concerned to the City Clerk's office.

11.04.03 Fees

- A. There is no cost for the permit application.
- B. A building permit for new home construction shall be issued at the rate of Ten Cents (\$.10) per square foot of heated living space regardless of type of structure up to 2000 square feet with no additional charge after 2000 square feet.
- C. The cost of a building permit for any other type of improvements, additions, or modifications to existing structures other than new home construction for any exterior work, (examples: porches, garage, permanent sheds, windows, fences, etc.) will be: Ten Dollars (\$10.00) for work between \$1,500 - \$2,500, and Thirty Dollars (\$30.00) permit fee for any work over Twenty-Five Hundred Dollars (\$2,500.00) in real value. (Ord. No. 5-8-2010)

11.04.04 Procedures The following are procedures for an applicant to follow in order to obtain a building permit for new construction, additions, or modifications to existing structures:

- A. Fill out a permit application in the city office. Any work being done above the amount of One Thousand Five Hundred Dollars (\$1,500.00) may be approved by the Planning and Zoning Commission. (Ord. No. 5-8-2010.)
- B. Obtain copies of the applicable building codes from the City Clerk.
- C. After all required paperwork is submitted for final review and is approved at a regularly held meeting of the Planning and Zoning Commission, applicable fees shall be paid and a permit shall be issued.
- D. Variances to codes by request, and with approval of the Planning Commission, shall be submitted for final approval by the City Council at its next regularly scheduled meeting date. (Ord. No. 3-11-2006)

The following items will be required to obtain a building permit:

- A. A current lot survey by a licensed Arkansas surveyor with visible corner staking.
- B. Proof of percolation test and results of test.
- C. Septic field design and approval of the Public Health Officer.
- D. Deed to property.
- E. Site layout on plat survey for Sections 5, 6, 7, and 9.
- F. Items below this line do not apply for single-wide manufactured homes in Sections 5 and 6 and double-wide with required foundation in Sections 7 and 9.
- G. Building plan sets, site layout on plat survey.
- H. Type building to be constructed or repaired (as listed in 11.04.01 of this chapter.
- I. Outside dimensions of the proposed building or addition.
- J. Manner in which the proposed building will be anchored to the foundation.
- K. Height of the first floor level above the ground level, as measured from the highest point of the ground level, after grading and leveling.
- L. Date on which construction is proposed to begin.
- M. Exterior must be completed within six (6) months, final completion within one (1) year.

11.04.05 Issuance

- A. When permit is approved by the Planning and Zoning Commission at a regular or special meeting, the chair of the Planning and Zoning Commission will sign the permit and give it to the applicant for return to the City Clerk to sign, seal, and copy it for file. The original will be given to the applicant with the inspection stages form.

- B. If the permit is denied and the applicant wishes a hearing from the City Council, the Mayor of the city of Briarcliff, Arkansas, will present permit application to the City Council of the city of Briarcliff, Arkansas, for disposition at its next regularly called meeting. No application will be presented for the Council's consideration until it has been reviewed by the City Planning and Zoning Commission and bears their recommendation as to disapproval. Or in case of a variance approved by the Planning and Zoning Commission, the final approval will be from the Briarcliff City Council. In each such case, the permit shall be granted unless found to be in violation of any flood zone ordinance or other ordinance heretofore or hereinafter adopted by the city.
- C. Any building permit issued under the provisions of this chapter will remain valid only for a period of one (1) year from its date of issue, and becomes void if construction has not been completed with that period. (Ord. No. 7-8-2006)

11.04.06 Building utilities and exterior

- A. The septic system must be perked and approved by the Baxter County Sanitarian prior to installation of the water meter.
- B. A valid building permit must first be issued before water line and meter installation is allowed. This requirement also applies to temporary electrical power installation. (Ord. No. 7-8-2006)

11.04.07 Building inspections Building inspections shall be performed at the stages specified in the International Building Code. These are foundation inspection, plumbing, mechanical, gas, and/or electrical inspections before covering or concealment, frame and masonry inspection, and final inspection.

- A. It shall be owner/builder and contractors responsibility to accomplish the inspections when the inspection stages are reached. The owner/builder will sign a release of liability waiver to the city of Briarcliff.
- B. The City Clerk will issue inspection forms outlining the six (6) inspection stages. These forms are to be signed by the builder and/or contractor and owner confirming that the work has been completed as specified in the Building Codes. The original is to be returned to the City Clerk for file and copy to owner and/or builder/contractor.
- C. Failure to do so may require deconstruction to allow for inspection.
- D. No building may be occupied until a certificate of occupancy is issued by the city.

- E. Any contractor performing work within the city of Briarcliff shall be licensed and bonded in accordance with A.C.A. 17-25-404 and proof of license will be required by the city for construction exceeding \$20,000.00.
- F. Any contractor performing remodeling or repair work of any structure shall provide proof of adequate bonding to the City Clerk's office. (Ord. No. 7-8-2006)

11.04.08 Fines Any violations and infractions to these codes in effect shall result in a fine of up to Fifty Dollars (\$50.00) per day per infraction until such infractions are corrected. (Ord. No. 7-8-2006)

## **CHAPTER 11.16**

### **FIRE PREVENTION CODE**

Sections:

- 11.16.01 Adoption of fire prevention code
- 11.16.02 Enforcement
- 11.16.03 Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquified petroleum gases and storage of explosives and blasting agents is to be restricted
- 11.16.04 Modifications
- 11.16.05 Appeals
- 11.16.06 Penalties

11.16.01 Adoption of fire prevention code There is hereby adopted by the city of Briarcliff, Arkansas, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Standard Fire Prevention Code, of which code not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the municipality.

11.16.02 Enforcement The code hereby adopted shall be enforced by the Chief of the Fire Department of the municipality.

11.16.03 Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquified petroleum gases and storage of explosives and blasting agents is to be restricted The limits referred to in Section 73 of the code hereby adopted in which storage of flammable liquids in outside above ground tanks is prohibited, the limits referred to in Section 103 of the code hereby adopted, in which bulk storage of liquified petroleum gas is restricted, and the limits referred to in Section 53 B of the code hereby adopted, in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

- A. The area designated on the "Official Zoning Map" of the municipality as the Central Business District;
- B. Within fifteen hundred (1500) feet of any building structure in any built up area within the corporate limits of the municipality.

With the exception of outside above ground tanks for the storage of flammable liquids or for the bulk storage of liquified petroleum gases having been located in such designated areas prior to the adopting date of this ordinance; provided, however, that the Fire Chief shall inspect such facilities and issue a letter of "Modification" as hereinafter set forth in Section 11.16.04.

11.16.04 Modifications The Chief of the Briarcliff Fire Department shall have the power to modify any of the provisions of the code hereby adopted upon application, in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decisions of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

11.16.05 Appeals Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the governing body of the municipality within thirty (30) days from the date of the decision appealed.

11.16.06 Penalties Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the governing body of the municipality or by a court of competent jurisdiction,

within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment for not less than three (3) days nor more than thirty (30) days or by both such fine and imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violation or defect within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

## **CHAPTER 11.20**

### **HOUSING CODE**

#### **Sections:**

- 11.20.01 Adoption of
- 11.20.02 Housing Official
- 11.20.03 Board of Appeals
- 11.20.04 Duties of Housing Official
- 11.20.05 Right of entry

11.20.01 Adoption of There is hereby adopted by the City Council of the city of Briarcliff, Arkansas, that certain code of health and housing standards known as the Standard Housing Code, of which not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling on all dwellings and premises within the city limits.

#### **11.20.02 Housing Official**

- A. The office of Housing Official is hereby created.
- B. The Housing Official, appointed by the Mayor, shall be responsible for the enforcement of this chapter.

11.20.03 Board of Appeals There is hereby created a Board of Housing Appeals which shall consist of five (5) members appointed by the Mayor and subject to confirmation of the City Council of the city of Briarcliff, Arkansas. The Board shall act by a majority vote of the members present. Said Board shall have the power and be required to hold public hearings in deciding appeals where it is alleged there is an error in law or fact in any order or decision of the Housing Official in the enforcement of this chapter.

11.20.04 Duties of Housing Official It shall be the duty of the Housing Official to enforce all laws and provisions specified in the herein adopted Standard Housing Code.

11.20.05 Right of entry The Housing Official, in the discharge of his official duties, and upon proper identification, may inspect a rental structure after receipt of a written request of complaint filed by the tenant(s) in regards to questionable conditions.

## **CHAPTER 11.24**

### **CONDEMNED STRUCTURES**

#### **Sections:**

11.24.01	Unlawful
11.24.02	Condemnation for abatement
11.24.03	Pre-condemnation notice
11.24.04	Contents of resolution and notice
11.24.05	Post-condemnation notice
11.24.06	Boarding and securing
11.24.07	Abatement of owner
11.24.08	Abatement of city
11.24.09	Sale of materials
11.24.10	Disposition of sale proceeds
11.24.11	Abatement costs and lien on property
11.24.12	Penalty
11.24.13	Judicial declaration and fine
11.24.14	Emergency action
11.24.15	Applicability of technical codes
11.24.16	Performance bond policy

11.24.01 Unlawful That is 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 house, building and/or structure within the corporate limits of the city of Briarcliff, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council. (Ord. No. 8-15-2001)

11.24.02 Condemnation for abatement Any such house, building and/or structure which is found and declared to be a nuisance by resolution of the City Council will be condemned to ensure the repair, rehabilitation, securing, and/or razing and removal thereof as specified in the "Notice to Repair or Remove." (Ord. No. 8-15-2001)

11.24.03 Pre-condemnation notice Prior to the consideration of a resolution by the City Council declaring any house, building and/or structure as a nuisance, the owner of such house, building and/or structure shall be notified in writing of the date, time and place that the City Council will consider said resolution. Said notice shall be delivered by registered letter or personal service, the receipt of which shall be duly acknowledged. Should the owner(s) of any such house, building and/or structure not be known or the owner's whereabouts not be known or such owner(s) is a non-resident of Arkansas, then a copy of the written notice shall be posted upon the premises and the Mayor or his designee shall make an affidavit setting out the facts as to unknown address or whereabouts of non-residents, and thereupon, service of publication as now provided for by law against non-resident defendant may be had and an attorney *ad litem* shall be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found. (Ord. No. 8-15-2001)

11.24.04 Contents of resolution and notice The resolution of the City Council condemning any house, building and/or structure which constitutes a nuisance will include in said resolution and attachments thereto, an adequate description of the house, building and/or structure, the name of owners, if known, this ordinance, and shall set forth the reason or reasons said house, building and/or structure has been condemned as a nuisance. (Ord. No. 8-15-2001)

11.24.05 Post-condemnation notice After a house, building and/or structure has been found and declared to be a nuisance and condemned by resolution as herein provided, a true or certified copy of said resolution together with a Notice to Repair or Remove will be mailed to the owner or owners thereof, if the whereabouts of said owner or owners be known or their last known address be known, and a copy thereof shall be posted in a conspicuous place on said house, building and/or structure. Provided, that if the owner or owners of said house, building and/or structure is unknown or if his or their whereabouts or last-known address is unknown, the posting of the copy of said resolution as hereinabove provided will suffice as notice. (Ord. No. 8-15-2001)

11.24.06 Boarding and securing When necessary for the public health and safety, the owner(s) of any property declared a nuisance by the city shall board and secure the structure or



condition within the time set forth in the notice. The owner(s) shall maintain such boarding or securing at all times until the structure is brought into full compliance with the applicable building or abatement codes or until such time as to the structure is razed and removed. Boarding and securing of the structure or condition does not relieve the owner(s) of the requirement to diligently repair, rehabilitate or demolish and remove the structure or condition. All materials used to board and secure shall be weatherproofed or treated and shall be painted and maintained with a color of paint that blends with the overall structure. (Ord. No. 8-15-2001)

11.24.07 Abatement of owner The owner(s) of any property declared a nuisance by the City Council shall obtain the necessary permits and commence to repair, rehabilitate, secure, raze and remove, or otherwise abate the nuisance with ten (10) days and shall continue such work to satisfactory completion with such time as the Mayor his/her designee determines. (Ord. No. 8-15-2001)

11.24.08 Abatement of city If the owner of the house, building and/or structure constituting a nuisance have not obtained required permits and commenced work to repair, rehabilitate, secure raze and remove, or otherwise abate the nuisance within ten (10) days after posting the true copy of the resolution at a conspicuous place on said house, building and/or structure, said house, building and/or structure constituting the nuisance will be repaired, boarded and secured, or razed and removed as may be necessary to abate the nuisance by the Mayor or his/her designated representative. (Ord. No. 8-15-2001)

11.24.09 Sale of materials The Mayor or any other person or persons designated by him/her to raze and remove any such house, building and/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 have a substantial value, sell said house, building and/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. (Ord. No. 8-15-2001)

11.24.10 Disposition of sale proceeds All the proceeds of the sale of any such house, building and/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 Treasurer. If any such house, building and/or structure, or the saleable materials therefrom 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 Treasurer to the former owner or owners of such house, building and/or structure constituting the nuisance. (Ord. No. 8-15-2001)

11.24.11 Abatement costs and lien on property If the city has any net costs in the securing, repair or razing and removal of any house, building and/or structure, the costs shall be

charged to the owner(s). Should the owner(s) fail to pay said charges within sixty (60) days from the date of the first billing, the city shall have a lien on the property as provided by A.C.A. 14-54-903 and 904. The lien may be enforced 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 Council 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 only after publication of notice of such hearing in a newspaper having a bona fide circulation in the Baxter County wherein the said property is located for one (1) insertion per week for four (4) consecutive weeks, the determination of the City Council being subject to appeal by the property owner in the Chancery Court, and the amount so determined at said hearing, plus ten percent (10%) penalty for collection, shall be by the City Council certified to the tax collector of Baxter 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 city by the Baxter County Tax Collector. (Ord. No. 8-15-2001)

11.24.12 Penalty A fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) is hereby imposed against the owner or owners of any house, building and/or structure found and declared to be a nuisance by resolution of the City Council thirty (30) days after the 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 Two Hundred Fifty Dollars (\$250.00) for each said separate and distinct offense, provided the notice as herein provided in Section 11.24.05 hereof has been given within ten (10) days after said house, building and/or structure has been by resolution found and declared to be a nuisance. (Ord. No. 8-15-2001)

11.24.13 Judicial declaration and fine In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance by a court having jurisdiction of such matters, the City Council 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 and/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 and/or structure has been declared judicially to be a nuisance by a court of competent jurisdiction, a fine of One Hundred Dollars (\$100.00) 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 One Hundred Dollars (\$100.00) for each separate and distinct offense. In the event the owner or owners of any such house, building and/or structure judicially found to be a nuisance fails or refuses to abide by the orders of the court, the Mayor or his/her designee shall take such action as provided in 11.24.08 and 11.24.09 hereof, and 11.24.10 and 11.24.11 of this ordinance will be applicable to such owner or owners. The provisions contained in the immediately preceding sentences apply independently of any action as may be taken by the court judicially declaring the nuisance. (Ord. No. 8-15-2001)

11.24.14 Emergency action Notwithstanding any provision herein to the contrary, in cases of extreme emergency where notice is not practical, the city and its authorized agents may enter upon any real property, houses, building or other structures and take such action or actions as may be immediately necessary for the preservation of the public health, safety and welfare prior to the issuance of notice as provided for herein. Provided, further, that the procedural requirements of this ordinance shall be adhered to following any such emergency action. (Ord. No. 8-15-2001)

11.24.15 Applicability of technical codes The provision of this ordinance shall not be construed to limit the authority of the city, its agents, employees and officers in the administration and enforcement of the various technical codes which have been adopted by ordinance and which shall remain in full force and effect, specifically, the Housing Code, Building Code, Fire Prevention Code, Electrical Code and Plumbing Code. (Ord. No. 8-15-2001)

11.24.16 Performance bond policy Prior to the issuance of a building permit for the renovation or stabilization of a structure(s) condemned and scheduled for demolition pursuant to Title 14, Chapter 1, as amended, the owner thereof shall secure and present to the City Clerk a performance bond. Said performance bond shall be in an amount equal to the estimated total demolition costs then incurred and/or anticipated to be incurred by the city of Briarcliff in razing said structure and shall be payable to the city of Briarcliff in the event the work is not completed as stated in the owner's building renovation permit, provided, however, that this resolution shall not apply to any single family residential structure nor to any structure, regardless of type, whose total demolition costs are not expected to exceed Ten Thousand Dollars (\$10,000.00) (Ord. No. 8-15-2001)

## **CHAPTER 11.28**

### **BUILDING CODE**

#### **Sections:**

11.28.01 Adoption of Building Code

11.28.02	Establishment of office of Building Official
11.28.03	Qualifications of Building Official
11.28.04	Duties of Building Official
11.28.05	Liability
11.28.06	Right of entry
11.28.07	Definition
11.28.08	Fees
11.28.09	Call back fees
11.28.10	Residential buildings
11.28.11	Tents, trailers or outbuildings
11.28.12	Building foundations and footings

11.28.01 Adoption of Building Code There is hereby adopted by the City Council of the city of Briarcliff, Arkansas, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the "Standard Building Code", of which not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the city.

11.28.02 Establishment of office of Building Official

- A. The office of the Building Official is hereby created.
- B. The Building Official shall be appointed by the Mayor. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.
- C. During temporary absence or disability of the Building Official, the Mayor shall designate an acting Building Official.

11.28.03 Qualifications of Building Official He shall be in good health, physically capable of making the necessary examinations and inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or connected with building construction, alteration, removal and demolition.

#### 11.28.04 Duties of Building Official

- A. He shall receive applications required by this code, issue permits and furnish the prescribed certificates. He shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the Building Code. He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the Building Code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate existing facilities in buildings and structures, he shall issue such notices or orders as may be necessary.
- B. Inspections required under the provisions of the Building Code shall be made by the Building Official or his duly appointed assistant. The Building Official may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the Building Code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.
- C. The Building Official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made or reports rendered and of notices or orders issued.
- D. All such records shall be open to the public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Building Official without his written consent.
- E. The Building Official shall make written reports to his immediate superior once each month, or more often if requested, including statements of permits and certificates issued, and orders promulgated.

11.28.05 Liability Any officer or employee of the city of Briarcliff, Arkansas, or member of the Board of Adjustments and Appeals, charged with the enforcement of this code, acting for the city in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this code shall be defended by the City Attorney or legal representative of the city.

11.28.06 Right of entry The Building Official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises prior to occupancy with reasonable advance notice.

11.28.07 Definition Whenever the term "Corporation Counsel" is used in the Building Code, it shall be held to mean the City Attorney or other attorney acting for the city.

11.28.08 Fees

A. Building permit schedule of fees for erecting or repairing a building or structure:

	<u>Cost of Work</u>	<u>Cost of Permit</u>
First	\$ 1,000	\$3.00 per M
Next	\$ 9,000	\$2.50 per M
Next	\$15,000	\$2.00 per M
Next	\$25,000	\$1.50 per M
All Over	\$50,000	\$1.25 per M

Fractions to \$1,000 are considered to be the next \$1,000 in costs.

B. Building permit schedule of fees for moving of building or structure.

For the moving of any building or structure, the fee should be Ten Dollars (\$10.00).

C. Building permit schedule of fees for demolition of buildings or structures.

For the demolition of building or structure, the fee should be Four Dollars (\$4.00).

11.28.09 Call back fees If any building or structure fails for any reason to pass the Building Official's inspection and the Building Official has to re-inspect said building or structure, there will be an additional charge of Five Dollars (\$5.00) for each inspection; and any and all fees shall be paid by the person to whom the permit is issued.

11.28.10 Residential buildings Residential buildings shall be a minimum of 1200 square feet in all sections except section #5, 6 and 15. Section #5 and #6 shall have a 720 minimum square footage and section #15 shall be reserved for non-permanent RV's and trailers with self-contained sewage and waste tanks.

11.28.11 Tents, trailers or outbuildings No tents, trailers or outbuildings that do not meet the minimum square footage requirement for their section shall be used as a dwelling.

Exception: Should a resident of Briarcliff have guests visiting them with a self-contained RV/trailer, they can stay on the owner's residential property for a period not exceeding two (2) weeks. After the two (2) week period, said recreational vehicle cannot be occupied within the city any further until a one (1) month period has elapsed unless a variance is obtained from the city office for special circumstances. (Ord. No. 1-18-11.)

#### 11.28.12 Building foundations and footings

A. Minimum footing requirements The following minimum requirements shall apply to all residential construction:

1. All footings shall be placed in a continuous pour of 3000# concrete with minimum depth from exterior finished grade to bottom of footing no less than eighteen (18) inches deep.
2. Minimum footing width shall be twenty-four (24) inches, except for footings on a one-story building with wood or vinyl siding may be eighteen (18) inches.
3. Minimum thickness of footing to be twelve (12) inches, except a one-story frame dwelling with wood or vinyl siding may be eight (8) inches.
4. Minimum of two (2) number 4 re-bars placed horizontally the full length of the footing, tied in place with support every six (6) feet, and each splice shall be lapped a minimum of 9" and tied.
5. The footings shall be placed on firm undisturbed soil. Where rock is encountered, it shall be removed to a depth of six (6) inches below the bottom of the footing and the rock excavation backfilled with compacted sand. The footing trench shall be free of rock, loose dirt, and debris.

B. Foundation walls

1. Walls shall be one of the following:
  - a. Poured 3000# concrete with a minimum thickness of eight (8) inches.
  - b. Eight (8) inch concrete block with filled core only if retaining soil.
  - c. Filled-core four (4) inch concrete block inner wall with brick veneer exterior.

2. Sill anchors shall be imbedded in foundation walls or intervals prescribed by architectural drawings or as specified in International Code.

C. Interior support columns

1. Center support columns in crawl space shall be of masonry construction, poured concrete, mortared brick, block or cement-filled steel lally columns concrete spread footings, sized and located to support the load.
2. Redwood shims will be accepted. (Ord. No. 2-7-2004)

**CHAPTER 11.30**

**ENERGY CODE**

Sections:

11.30.01 Adoption

11.30.01 Adopted There is hereby adopted by the City Council of Briarcliff, Arkansas, for the purpose of establishing rules and regulations for energy efficient standards for new building construction, this code known as the 2011 Arkansas Energy Code, being particularly the 2011 Arkansas Energy Code edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended, of which not less than three (3) copies of this ordinance, as well as, three (3) copies of the 2011 Arkansas Energy Code, have been and now are filed in the office of the Clerk or Recorder of the city of Briarcliff, Arkansas, and the same ordinance is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the city of Briarcliff, Arkansas. (Ord. No. 1-15-2013.)



## **TITLE 12**

### **PARKS AND RECREATION**

#### **Chapters:**

- 12.04 Parks Commission
- 12.08 Park Property
- 12.12 Fishing Regulations
- 12.16 Briarcliff Water and Recreational District #1 Facilities

#### **CHAPTER 12.04**

#### **PARKS COMMISSION**

#### **Sections:**

- 12.04.01 Established
- 12.04.02 Membership
- 12.04.03 Powers
- 12.04.04 Reports
- 12.04.05 Use of revenues
- 12.04.06 Appropriation of funds
- 12.04.07 Exclusive jurisdiction

**12.04.01 Established** There is hereby established a Parks and Recreation Commission for the city of Briarcliff, Arkansas, to operate, manage and control all recreational facilities in the city.

**12.04.02 Membership** The Commission shall consist of up to five (5) qualified electors of the city, to be appointed by the Mayor and confirmed by a majority of the duly elected and qualified members of the City Council. Each commissioner shall be appointed for a term of five (5) years; a vacancy on the Commission shall be filled for the unexpired term in the same manner hereinabove prescribed. Each commissioner shall file the oath required of public officials by the laws of this state; any such commissioner may be removed upon a two-thirds (2/3) vote of the members of the City Council.

12.04.03 Powers The Commission shall have full and complete authority to build, manage, operate, maintain and repair the grounds and improvements under its jurisdiction; shall have complete charge of its buildings and grounds, including the right to control the use thereof and to permit or refuse to permit the use of such facilities by an individual or group; and shall have the right to employ or remove any of its employees, and to fix and regulate the salary of each such employee.

The Commission shall have the exclusive authority to purchase supplies, apparatus, etc., necessary or desirable, including all construction, repairs, alterations and additions to the property within the jurisdiction of the Commission.

The Commission shall also have the exclusive authority to enter into contracts for the use of park facilities; shall adopt its own rules and regulations for the proper operation and management of all property within its respective jurisdiction; and shall have full authority to repeal or amend its rules and regulations as it sees fit.

12.04.04 Reports The Commission shall submit quarterly reports, beginning three (3) months after they take their oath of office and each three (3) months thereafter, reporting in full on the operations of the Commission, including an accounting of receipts and disbursements and furnishing such other reports, data and information as may be required by the Mayor and City Council. The quarterly report, with respect to receipts and disbursements, shall be certified by the commissioners as correct. They shall further submit an annual audit of the operations of the parks and recreational programs to the Mayor and City Council.

12.04.05 Use of revenues The Commission shall have the exclusive authority to utilize all revenues derived from their respective operations; separate accounts shall be maintained and all monies shall be segregated and used exclusively for the operation of parks and recreation programs. The commissioners shall receive no salary, but shall be reimbursed for actual expenses incurred in the performance of their duties.

12.04.06 Appropriation of funds The City Council may, at any time, appropriate funds from the General Revenue Fund or other available funds to provide the necessary monies for the operation of the Commission's parks and recreation programs.

12.04.07 Exclusive jurisdiction The Parks Commission shall have sole and exclusive jurisdiction, power and control over the recreational facilities and programs as assigned to it by the Mayor and Council, and shall abide by rulings approved by a majority Council vote.

## **CHAPTER 12.08**

### **PARK PROPERTY**

#### **Sections:**

12.08.01	Park property
12.08.02	Vehicles
12.08.03	Fine
12.08.04	Protected preserve

12.08.01 Park property It shall be unlawful for a person or person to destroy park and nature trail property. This shall include signs, fishing docks, picnic tables and the nature trail around fishing pond. (Ord. No. 3-13-2002)

12.08.02 Vehicles This shall include riding motorized vehicles such as motorcycles, trail bikes, and all terrain vehicles on nature trail. This does not include motorized personal assist vehicles, such as wheel chairs, etc. (Ord. No. 3-13-2002)

12.08.03 Fine The fines for destroying park property shall be a minimum of Fifty Dollars (\$50.00) and up to Two Hundred and Fifty Dollars (\$250.00), plus cost of repairs for damages. There shall be an additional Two Hundred and Fifty Dollar (\$250.00) fine plus cost of repairs for damages for each subsequent offense or offenses. (Ord. No. 3-13-2002)

#### 12.08.04 Protected preserve

- A. All city park areas shall constitute a protected preserve for all wildlife/fowl.
- B. The trapping, shooting or otherwise harming of any wildlife/fowl in a protected preserve shall constitute as a misdemeanor and be punishable by a fine of up to Five Hundred Dollars (\$500.00) and not less than Two Hundred Fifty Dollars (\$250.00) per occurrence.
- C. Exceptions: Fishing regulations (Ord. No. 12-20-2000) concerning fishing regulations, or the trapping of or elimination of poisonous snakes or beavers or any other varmint as declared nuisances by the Mayor or Council of the city of Briarcliff.
- D. A reward of One Hundred Dollars (\$100.00) for information leading to the arrest and conviction of anyone committing an infraction of this ordinance will be paid by the city of Briarcliff as it will constitute a destruction of city property. (Ord. No. 4-7-2005)

## **CHAPTER 12.12**

### **FISHING REGULATIONS**

#### **Sections:**

- 12.12.01 Regulations
- 12.12.02 Enforcement
- 12.12.03 Fine

12.12.01 Regulations All state of Arkansas fishing regulations are to be enforced, i.e., daily, length and possession limits, except as stated herein:

- A. Arkansas fishing license required.
- B. No limb-lines, trotlines, or jugs.
- C. 15” minimum length on all bass including all large mouth, small mouth, and Kentucky spotted.
- D. 12” minimum length on catfish.
- E. Daily limit of three (3) bass with a daily combined limit of six (6) fish, with no more than three (3) bass. (Ord. No. 12-20-2000)

12.12.02 Enforcement Enforcement of this ordinance to be carried out by Arkansas Game and Fish Officer, the Briarcliff City Marshal, or by the city of Briarcliff’s Mayor. (Ord. No. 12-2-2000)

12.12.03 Fine Penalty to be imposed is Fifty Dollar (\$50.00) per incident. (Ord. No. 12-2-2000)

## CHAPTER 12.16

### BRIARCLIFF WATER AND RECREATIONAL IMPROVEMENT

#### DISTRICT #1 FACILITIES

Sections:

12.16.01	Purpose
12.16.02	Utilization
12.16.03	Rules
12.16.04	Denial of use
12.16.05	Appeal

12.16.01 Purpose The recreational facilities are available in order to encourage conduct that is conducive to family-oriented activities and to uphold the moral standards of the Briarcliff community. (Ord. No. 2-16-2010)

12.16.02 Utilization The recreational facilities are available to those property owners/residents and their guests who are in good standing in the community. (Ord. No. 2-16-2010)

12.16.03 Rules The rules and regulations of the Briarcliff Water and Recreational Improvement District #1, aka BID, are hereby adopted by reference in their entirety as the rules and regulations for the facilities utilization of the city of Briarcliff, Arkansas. (Ord. No. 2-16-2010)

12.16.04 Denial of use The Mayor may deny or restrict the use of facilities to any individual when in his judgment, or upon the recommendation of the Parks and Recreation Commission, the individual's conduct or actions are contrary to family-oriented activities or to the standards of the Briarcliff community. (Ord. No. 2-16-2010)

12.16.05 Appeal The City Council may override by a two-thirds' vote the denial or restrictions of an individual's use of city facilities. (Ord. No. 2-16-2010)

## **TITLE 13**

### **PLANNING**

#### **Chapters:**

- 13.04 Planning Commission
- 13.08 Master Plan

#### **CHAPTER 13.04**

#### **PLANNING COMMISSION**

#### **Sections:**

- 13.04.01 Commission created
- 13.04.02 Terms of members
- 13.04.03 Election of officers; rules
- 13.04.04 Employment of assistance; expenditures
- 13.04.05 Powers and duties
- 13.04.06 Removal of Commissioners
- 13.04.07 Absences
- 13.04.08 Variances
- 13.04.09 Commission Recorder

**13.04.01 Commission created** There is hereby created a City Planning Commission to consist of up to six (6) members. At least one-half (½) of said Commission shall not hold any other elective or appointive municipal office. The members of the Commission shall be nominated by the Mayor and confirmed by the City Council.

**13.04.02 Terms of members** The original members of said Planning Commission shall be appointed to a term of one (1), two (2), three (3), four (4), five (5), and six (6) years. When the term of any member shall expire, the Mayor shall make a nomination to fill such vacancy for a period of six (6) years. When a vacancy shall otherwise occur, the Mayor shall nominate a person to serve the remainder of the term.

**13.04.03 Election of officers; rules** At a time and place to be designated by the Mayor, the Planning Commission shall meet and organize by electing from its members a chairman, a vice-chairman, and a secretary.

13.04.04 Employment of assistance; expenditures The Planning Commission is authorized to employ such assistance as it deems necessary in carrying out its duties and responsibilities. It cannot expand or encumber city funds without prior appropriation by the City Council.

13.04.05 Powers and duties The Commission is vested with all the powers and duties prescribed and set forth in A.C.A. 14-56-402 through 14-56-409.

13.04.06 Removal of Commissioners By majority vote of the Commissioners of any City Commission, the Commission Chairperson will request by letter that the City Council may vote to remove any City Commission member for causes as stated in said letter of recommendation. (Ord. No. 3-19-2004)

13.04.07 Absences When a Commissioner has two (2) consecutive absences or three (3) absences in a one (1) year period, the Commission may ask the City Council to remove said Commissioner as outlined in 13.04.06. (Ord. No. 8-8-2009)

13.04.08 Variances All variances dealing with building codes must be in writing stating the reason(s) for the variance and why the ordinance cannot be complied with. Any recommendations made and passed by the Planning and Zoning Commission should also be put in writing and signed by same for final approval by the Briarcliff City Council. (Ord. No. 8-8-2009)

STATE LAW REFERENCE – A.C.A. 14-56-402, 404, 405 and 410.

13.04.09 Commission Recorder The Planning Commission Recorder shall perform the duties performed as described below (Ord. No. 11-12-2011):

- A. Notify the Baxter Bulletin and KTLO of all Planning and Zoning.
- B. Have a typed agenda prepared for each scheduled meeting which shall list all items for discussion and review as provided for by the City Clerk's office and/or the Commission chairman.

The agenda shall include:

1. Open the meeting by the chair
2. Roll call
3. Read minutes of previous meeting and have signed
4. Old business if necessary
5. New business
6. Announcements

7. Motion to adjourn
  8. Second to the motion
  9. Vote on the motion
  10. Chair adjourns the meeting
- C. Provide at each meeting the minutes/actions of the previous meeting minutes including:
1. A list of those members present
  2. Actions taken/voted upon with the results
  3. Those actions tabled for the next meeting, or referred to the City Council
- D. Items to be submitted for City Council review or action must be prepared for the regularly scheduled Council meeting.
- E. As required by law, a complete transcription of each meeting by a paper file will be kept on file in the city office of all Planning Commission meetings for verification and to meet the FOIA requests for copies of the above. All recorded disks will be kept in the city office. (Ord. No. 12-16-2008)

## **CHAPTER 13.08**

### **MASTER PLAN**

#### **Sections:**

- |          |                                  |
|----------|----------------------------------|
| 13.08.01 | Plan                             |
| 13.08.02 | Industrial and commercial growth |
| 13.08.03 | Open spaces                      |
| 13.08.04 | Parks                            |
| 13.08.05 | Infrastructure                   |
| 13.08.06 | Police protection                |
| 13.08.07 | Planning Area Map                |

**13.08.01 Plan** The city of Briarcliff is and will be primarily a residential community to the city of Mountain Home. The city will consist of single family/multi-family residences placed on one or more lots. This shall prevent crowding of houses and adequate area for septic systems. Areas shall be provided for single and double-wide manufactured homes. Commercial business shall be allowed in designated areas, and a small in-house business may be allowed providing it does not present parking, noise, or litter problems.



With growth, it is expected that small apartment complexes may be allowed. The expected growth for 10 years is 50 houses. The expected growth for 20 years is 100 houses. (Ord. No. 11-13-2007)

13.08.02 Industrial and commercial growth The city is expected to annex and expand as needed for industrial and commercial growth.

C-1 **Small business** – those commercial entities that do not present a noise or pollution hazard to the community, such as, real estate offices, senior facilities, hair stylists, e-businesses and small malls. These types of business should be encouraged.

C-2 **Light manufacturing** – those businesses which prepare items for assembly and sale. These businesses may present some noise (70db) but no hazardous waste. Areas for these businesses shall be away from residential areas. Businesses for consideration for C-2 would be a cabinet shop, ceramic shop, concrete, or furniture repair. (Ord. No. 11-13-2007)

13.08.03 Open spaces Open space (green areas) shall be provided by the city to provide for space from over-crowding and for trees, recreation, trails, and the quiet enjoyment of the citizens. (Ord. No. 11-13-2007)

13.08.04 Parks As the city grows, small parks should be provided for the citizens. Some park areas should serve the needs of small children, while others should serve the needs of teenagers and senior citizens. (Ord. No. 11-13-2007)

13.08.05 Infrastructure Fire Department: It is expected that as the city grows, it will establish its own Fire Department. However, it may be just as feasible to maintain current relations for fire protection. (Ord. No. 11-13-2007)

13.08.06 Police protection As of now, the most efficient and cost effective means of policing is a contract with another law enforcement unit. However, in the future a full time officer may be required. (Ord. No. 11-13-2007)

13.08.07 Planning Area Map The Planning Area Map depicted on Exhibit One and attached hereto, and incorporated by reference is adopted as the area in which the city intends to exercise its territorial jurisdiction and will hereafter be referred to as the Planning Area Map of the city of Briarcliff, Arkansas.

The Planning Area Map shall be filed in the office of the City Clerk. The City Clerk shall file a copy of the map with the County Recorder, along with such plans, ordinances, and regulations as pertain to the territory beyond the corporate limits. (Ord. No. 12-6-2005)

## **TITLE 14**

### **ZONING**

#### **Chapters:**

- 14.04 Zoning Ordinances
- 14.08 Fencing Code
- 14.12 Driveways
- 14.16 Signs
- 14.20 Annexing and Re-Zoning Property

### **CHAPTER 14.04**

#### **ZONING ORDINANCES**

#### **Sections:**

- 14.04.01 Definitions
- 14.04.02 Residential Building Code R-1
- 14.04.03 R-1S Building Code
- 14.04.04 R-1M Building Code
- 14.04.05 Reserved
- 14.04.06 Commercial Zones
- 14.04.07 Portable storage buildings/sheds
- 14.04.08 Fine

14.04.01 Definitions Words used in the present tense include the future; words in the singular include the plural number, and words in the plural include the singular; the word “shall” is to be taken as mandatory and not directory.

Certain words and phrases shall, for the purpose of this ordinance, have the following definitions:

**Accessory structure** - a subordinate structure located on the same lot with the principal structure. Where an accessory structure is attached to the principal structure in a substantial manner, as by a roof, such accessory structure shall be considered as part of the principal structure.

**Accessory use** - a use which is customarily incidental to the principal use, as a garage for the storage of an automobile by occupant of the residence.

**Area** - the amount of land surface in a lot or parcel of land.

**Area requirements** – the yard, lot area, width of lot, height of structure, and parking requirements as set forth for a specific zone in this ordinance.

**Dwelling** – a unit intended to be occupied as housekeeping unit.

**Family** – one or more persons occupying premises and living as a single, non-profit housekeeping unit.

**Lot** – land occupied or to be occupied by structure or use and its accessory structures and uses, and including such open spaces as are required under this ordinance and having its principal frontage upon a public street or officially approved place.

**Mobile home** – any vehicle or similar portable structure originally having no foundation other than wheels, jacks, or skirting and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

**Modular or panelized home** – a structure, partially prefabricated off-site in a factory setting and assembled on a prepared foundation at the site, conforming to the same building codes and requirements as a site built structure.

**Non-conforming** – any use of property (land or structure) existing at the time of passage of this ordinance that does not conform to the regulations prescribed in this ordinance shall be deemed a non-conforming use.

**Open space** – any unoccupied space on the lot or parcel that is open and unobstructed to the sky and not occupied by any structure or portion of structures whatsoever.

**Parking space** – 250 square feet of useable and accessible space.

**Places of public assembly** – a meeting place for more than thirty –five (35) persons to which the public or membership groups are assembled regularly or occasionally, including but not limited to schools, churches, auditoriums, theaters, funeral homes, stadiums and similar places of assembly.

**Principal use** – the chief or main recognized use of a structure or of land.

**Property line** – the line bounding a lot or parcel as defined herein.

**Sign, advertising** – a sign which directs attention to a business, commodity, or service which is entirely or primarily conducted, sold or offered elsewhere than upon the lot on which the sign is located.

**Sign, business** – an accessory sign which directs attention to a profession, business, commodity, or service conducted, sold, or offered on the lot.

**Sign, identification** – an accessory sign the content of which is limited to the name and/or occupation of the occupant or for announcement purposes, such as is utilized by churches and other public and quasi-public agencies.

**Story** – that portion of structure included between the upper surface of any floor and the upper surface of the floor immediately above; also any portion of a structure used for human occupancy between the top floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the structure exceeds four (4) feet.

**Street** – a public way of more than 20 feet established by and maintained under public authority, a private way open for public use, and a private way plotted or laid out for ultimate public use, whether or not constructed.

**Structure** – Anything constructed or erected with a fixed location on the ground, having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

**Yard** – the horizontal distance from a lot line to a parallel designated line. The distance is measured from the property line to the nearest foundation wall or other vertical wall of the structure, provided the roof or other overhanging projection is less than three (3) feet. Should the overhang be greater than three (3) feet, the yard line shall be measured to the center of the overhang.

#### 14.04.02 Residential Building Code R-1

##### A. Residential Building Code R-1 Revised

1. Effective upon adoption of this ordinance, any new single-family residence erected or installed in areas zoned R-1, presently designated as Section 1 through 4, Section 7 through 12, Section 14, and Section 16, shall have a minimum habitable living space of at least one thousand four hundred square feet (1,400), and shall conform to the International

Building Code of the Southern Building Code Congress International (SBCCI), latest revision. If a conflict exists between the

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aforementioned code and any information stated herein, the more stringent requirement shall apply. (Ord. No. 2016-04, Sec. 1.)

2. No manufactured homes shall be permitted in areas zoned R-1.
3. Any structure intended for human habitation shall be erected on a permanent foundation and anchored to same, with footings of poured concrete installed below frost line on undisturbed soil. Footings shall be of sufficient size to prevent any settlement of supported structure. Foundation walls shall extend at least 6" above finished grade. Footings and foundation walls shall conform to Briarcliff standards for footings and foundations.
4. Roof shall have a minimum pitch of 1 in 4 and an overhang of at least 6" on all side. Roofing shingles shall be tab-type asphalt composition, with a minimum weight of 230 lb/100 square feet.
5. Garages, room additions or carport structures attached to a residence shall conform in appearance to the residence and provided with the same type of foundation.
6. Any permanent detached structure shall have an eave height no higher than a straight horizontal line from the eave height of the adjacent residential dwelling, or in lieu of a horizontal line, shall have an eave height of no greater than 10' above the highest existing surrounding grade. Roof shall have an overhang of least 6" and a minimum pitch equal to or greater than the roof pitch of the adjacent residential dwelling with a minimum of 4 in 12 with preferred tab type shingles of asphalt composition, 230 lb/100 square feet minimum weight, unless variance granted by Planning and Zoning, with final approval by the Briarcliff City Council.
7. Grading around all permanent structures shall be sloped so as to provide drainage away from foundations and building walls.
8. No tent, trailer, motor home shed or other temporary type of shelter shall be used for human habitation unless specifically provided for in the Briarcliff Building and Zoning Regulations with this exception: A self-contained recreational vehicle may be parked and occupied on a resident's

property for a period not exceeding two (2) weeks. After the two (2) week period, said recreational vehicle cannot be occupied within the city any further until a one month period has elapsed unless a variance is obtained from the city office for special circumstances. (Ord. No. 1-15-11.)

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9. Property fencing or other enclosures shall require Planning Commission approval before installation.
10. Building exterior surfaces shall be completed within six (6) months of the date of permit issuance.
11. No building shall be located on any residential lot nearer than twenty-five feet (25) from any street front property line, or nearer than seven and one-half (7 ½) feet to any side lot line. If a side easement exists, such easement will take precedence if greater than seven and one-half (7 ½) feet. No temporary or permanent structure or driveway will be permitted to encroach upon said easement.
12. No pole building or other such structure of a commercial nature, with the exception of a temporary storage building less than 150 square feet in size, shall be constructed in any residentially zoned area.
13. Each new residence (whether a stick built or manufactured home) will have a hard surfaced driveway constructed by owner in accordance with Briarcliff Driveway Code (residential and commercial driveways).

B. Building permits

1. No construction, installation, or erection of any structure, except for a temporary storage building, shall be performed without first obtaining a permit from the City Clerk's office. Temporary structures shall only be allowed as an adjunct to an existing residence.
2. Planning and Zoning Commission shall review all plans for conformance to codes before any permit is issued. An application for permit can be obtained at the office of the City Clerk.
3. Issuance of building permit for a residence shall be dependent on submission of proof of acceptable percolation test and septic system design approved by the Public Health Officer and submission of a survey of subject property by a registered land surveyor licensed in the state of Arkansas. Visible survey stakes shall be installed before any construction is started.

- C. Exceptions to the code The Planning and Zoning Commission will consider exceptions to the code as outlined herein only on a case-by-case basis. As a general rule, the consideration will be to allow for higher-level construction than what is listed in the code. The Planning and Zoning Commission shall submit their recommendations to the City Council for final approval. (Ord. No. 1-15-11 A.8)

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14.04.03 R-1S Building Code

- A. Residential Building Code R-1S Effective upon adoption of this ordinance, any single family residence built in the area zoned R-1S, presently designated as “The Summit”, shall have each lot restricted to the construction of one (1) permanent one family dwelling.
1. Each dwelling unit must have not less than 2,000 square feet of heated living area on the main floor, exclusive of basements, porches, garages and patios and must have a minimum of a two-car garage.
  2. All dwellings are required to have indoor toilet facilities.
  3. All electrical, plumbing, heating and cooling, and other construction of whatever kind and nature shall equal or exceed the requirements of the applicable Building Code and other applicable codes.
  4. No structure shall have an exposed foundation. The façade or covering of the house must be completed to the ground. These areas shall be covered with brick, stone, stucco, or EFIS system, Hardiplank or comparable in cost and qualify upscale façade.
  5. No more than 30% of any dwelling or other permitted structure may be covered with vinyl siding of which the majority of such permitted vinyl siding may not face the street in front of such dwelling or structure.
  6. Upscale log homes or any other non-convention upscale dwelling may only be constructed if approved in advance of construction and in writing by the Planning and Zoning Commission and the City Council.
  7. Bright colors are prohibited. All construction shall be of new materials and shall be completed within one (1) year of construction initiation.
  8. No house trailer, mobile homes, or prefabricated homes shall be permitted on any lot. Separate storage buildings and garages are permitted only if constructed and finished to match exterior of house. Storage building shall set behind front line of the house. Prefabricated storage buildings and carports are not permitted. All driveways are to be concrete.
  9. The developer may at any time designate lots or sections of “The Summit” for condominiums or apartments by providing written notice to a majority of all lot owners, and with approval of the Briarcliff Planning and Zoning and City Council. Lots as may be so designated from time to time shall

have dwellings of no less than 1,200 square feet of heated and cooled living area.

10. In R1-S no animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot except that dogs, cats, and other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose. (Ord. No. 5-8-2006.)

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- B. Building setbacks No building structure shall be located on any lot nearer than thirty (30) feet to the road right-of-way, ten (10) feet to any side lot lines, nor nearer than twenty-five (25) feet to any rear lot line. The owner of two or more contiguous lots may utilize said lots to build any conforming structure so that it occupies said lots without interfering with easements set out on the recorded plat. A single residence may be placed on more than one (1) lot, but said property shall be considered one (1) lot and said lot may not be subdivided at a later date. Swimming pools and hot tubs may only be constructed in rear yard areas and are exempt from the 25 foot setback except they cannot encroach on any easements. All swimming pools must be fenced in. Any above ground swimming pool must be surrounded by a solid fence so as it cannot be seen from the street in front of the residence.
- C. Temporary structures
  1. No used or previously erected house or structure or facility of a temporary character, such as a motor home, modular or prefabricated house, garage, trailer, basement without a house on top, tent, shack, garage, barn or other outbuildings shall be used on any lot at any time as a residence either temporarily or permanently. No houses or portions of houses shall be moved or placed on any lot.
  2. Only during construction of a home, a builder or individual lot owner may use a construction shed or trailer for storage of equipment or materials temporarily. However, the developer, at its discretion, may place and use such facilities at various locations on the property.
- D. Trade or business No trade, business or commercial activity shall be carried on upon any lot.
- E. Building materials No building material of any kind or character shall be placed upon any of the property except in connection with then current construction or as may be placed there by the contractor.



- F. Special restriction on Lots 20, 21 and 22 Lots 20, 21 and 22 are required to so construct any dwelling so that such dwelling shall face or front the street in “The Summit” (currently intended to be named Denmark Circle). Such dwellings shall not be allowed to face or front Arkansas Highway 342. (Ord. No. 4-5-2006)

- G. Propane tanks All propane tanks and similar storage tanks and facilities shall be either buried below ground, or fenced and landscaped around so as to not be visible from any direction. All such items shall be set back a minimum of forty (40) feet from all property lines. (Ord. No. 5-8-2006)
- H. In R-1S no fences shall be erected in front of or in the front side yard of any dwelling. No fences or landscaping shall be located as to obstruct clear sight of all street intersections and signs. Fencing finished on only one side must be constructed with the finished side facing out. Rear yard walls can be decorative brick, stone, wrought iron, cedar, or coated plastic or coated chain link (with coatings of white, black or green). (Ord. No. 5-8-2006)

14.04.04 R-1M Building Code This code covers all lots in Sections 5 and 6.

- A. Residential Building Code R-1M
1. Manufactured homes are restricted to the aforementioned sections only, and all lots in said sections are to be used exclusively for residential purposes and single family occupancy, except for those lots specifically designated otherwise. (Ord. No. 2016-04, Sec. 2.)
  2. Manufactured homes may be situated on all lots, inclusive, in lieu of construction of a site built residence, provided only one manufactured home may be situated on a lot and all manufactured homes must be less than five (5) years old, be approved by the Planning and Zoning Commission and must have minimum living space floor dimensions of twelve feet (12) in width and sixty (60) feet in length, exclusive of tongue. All requests for variances approved by the Planning and Zoning Commission must be submitted to the City Council at its next meeting for final approval. After approval by Planning and Zoning, and the City Council if necessary, a permit must be obtained from the City Clerk’s

office at a cost of Fifty Dollars (\$50.00) prior to the home being brought into the city. (Ord. No. 8-13-2011, Sec. 1.)

3. No camping trailer, motor home, tent, shack, garage, temporary structure, or other accessory structure shall at any time be used for human occupancy, with the following exception: A self-contained recreational vehicle may be parked and occupied on a resident's property for a period not exceeding two (2) weeks.

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4. No offensive trade or activity, which may be or may become a nuisance, shall be performed on said premises at any time.
5. Resident premises shall not be openly used for the storage of materials, machinery or equipment.
6. No signs, advertising, billboards, or advertising structures of any kind shall be erected or maintained upon this property except by consent in writing of the Planning and Zoning Commission and the Briarcliff City Council.
7. All garages, room additions, storage buildings, hobby shops, decks, and patios shall be constructed of materials of equal value to that of the mobile home or site-built residence, and must be constructed in a professional manner.
8. The living area of manufactured homes, exclusive of all breezeway, decks, patios, hobby shops, and storage rooms shall not be less than seven hundred and twenty (720) square feet.
9. Skirting must be approved by Planning and Zoning and constructed of vinyl, metal (painted to match exterior of mobile home) or concrete block and must be completed within six (6) weeks of the time the mobile home is placed on the premises; construction must be in a professional manner.
  - a. If not completed within six (6) weeks, the owner will be notified by certified mail or by the Mayor or by the City Marshal that they have ten (10) days to remedy the condition. If the condition is not remedied within ten (10) days, a citation will be issued for violation of this ordinance and scheduled for appearance in Briarcliff District Court.

b. If offender is cited to appear in Briarcliff District Court, the fine will be Fifty Dollars (\$50.00) plus court costs.

10. Any fencing shall conform to the City Fencing Code, except that setbacks shall conform to those requirements listed herein.
11. No manufactured home shall be placed closer than twenty (20) feet from a street front property line or nearer than seven and one-half (7 ½) feet of a side property line, unless written permission is obtained by way of variance from the Planning and Zoning Commission and receiving final approval at the next meeting of the Briarcliff City Council.

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12. The ground floor area of a site-constructed, panelized, or modular home exclusive of one (1) story porches and garages shall be no less than 720 square feet.
13. Foundations and anchoring for single-wide mobile homes shall be constructed and installed in accordance with HUD specifications 24 CFR part 3280, latest revision.
14. All residences and accessory structures shall comply with the International Building Code of the Southern Building Code Congress International (SBCCI), latest revision, available for review in the office of the City Clerk.
15. Each new residence (whether built or manufactured home) will have a hard surface driveway constructed by the owner in accordance with Briarcliff Driveway Code (residential and commercial).

**B. Building permits**

1. No construction, installation, or erection of any structure, except for a temporary storage building, shall be performed without first obtaining a permit from the City Clerk's office. Temporary structures shall only be allowed as an adjunct to an existing residence.
2. Planning and Zoning Commission shall review all plans for conformance to codes before any permit is issued. An application for permit can be obtained at the office of the City Clerk.
3. Issuance of building permit for a residence shall be dependent on submission of proof of acceptable percolation test and septic system

design approved by the Public Health Officer and submission of a survey of subject property by a registered land surveyor licensed in the state of Arkansas. Visible survey stakes shall be installed before any construction is started. (Ord. No. 1-15-2011 A.3)

14.05.05 Reserved

14.04.06 Commercial Zones Whereas there is a need for business areas within the city of Briarcliff, the following definitions and commercial areas are created:

**Pages 122-123 Reserved**

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A. Definitions

**Business** – commercial practice or policy

**Commercial** – having to do with stores, offices or buildings - operations primarily for profit.

**E-business** – That business accomplished over the internet; will present no noise, parking or pollution problems; will be of no concern to city unless laws create a tax on said businesses are enacted on state/national level.

**Business license** – a license issued by the city allowing an individual or firm to conduct business within the city.

B. Commercial zones

1. R-1-C-1 Combination area where residential and business can co-exist. Business in these areas shall not create noise or pollution problems. Examples: Physician's office, real estate, building material storage. Material storage shall be concealed behind a solid fencing or building.
2. R-1-C-2 Businesses where light manufacturing can be accomplished. Some noise can be tolerated but efforts to limit noise will be made. Example: cabinet building, ceramics, concrete work (storage), family restaurants.
3. C-3 Heavy manufacturing, pollution production possible will not be allowed within the city of Briarcliff.

C. Commercial zones defined

1. R-1-C-1 Section 5 & 6, fronting Sycamore Springs road from west border of the city to the east border.
2. R-1-C-2 Those lots fronting State Highway 5 south from Linwood to Tam O'Shanter; Holiday Hills, Section 1, Lots 1; Section 7, Lots 47 through 68, 249 through 278, 69 through 81, 287 through 291, 295 through 305. Old Shop area, Quarry.
3. None

- D. Other areas Other lots throughout the city can be considered for R-1-C-1 or C-2 consideration. Requests for consideration shall be brought to Planning and Zoning for approval.
- E. Business license A business license will be obtained from the city. (Ord. No. 12-17-2003)

14.04.07 Portable storage buildings/sheds Shipping containers, semi-trailers, railroad cars, mill vans, and any other metal containers of the like kind which can be easily transported to another location are prohibited from being used within the city. (Ord. No. 4-13-2010)

14.04.08 Fine Any violations and infractions to the Planning and Zoning Codes in effect shall result in a fine of up to Fifty Dollars (\$50.00) per day until such infractions are corrected. (Ord. No. 3-15-2001)

## **CHAPTER 14.08**

### **FENCING CODE**

#### Sections:

14.08.01 Fencing code

#### 14.08.01 Fencing code

- A. Open-type fencing shall not exceed a height of four (4) feet and shall be substantial in construction.
- B. Fencing intended for dog runs and/or pens shall be of a substantial open construction not greater than six (6) feet in height.
- C. Privacy fencing shall be no greater than six (6) feet in height and installed no closer to street than principal front face of residence. Privacy fencing shall be installed good side outward when facing street or nearest neighboring residence.

- D. Decorative fencing shall be defined as fencing made of brick, stone, wood split rail, or plastic/plastic-coated materials no greater than four (4) feet high, with post no more than one (1) foot higher than fence in height and not intended for containment or exclusion purposes. Fence must not block the view of any intersecting street.
- E. Installation of barbed wire fencing within city limits is prohibited, except as top guard on security fences where specifically permitted in commercial or industrial zones. Such fencing will require specific approval of Planning and Zoning and justification for its use shall be mandatory.
- F. No electric fences. (Ord. No. 9-08-2012)

## **CHAPTER 14.12**

### **DRIVEWAYS**

#### **Sections:**

#### 14.12.01 Driveways

14.12.01 Driveways Effective upon adoption of this ordinance, any new driveways constructed in any zoning area shall conform to the following specifications:

- A. All driveways shall be installed over a crushed stone compacted road base no less than two (2) inches in thickness.
- B. Driveway top surface shall conform to the International Building code and one of the following:
  - 1. Poured concrete with a minimum thickness of four (4) inches, with control joints struck at nominal two hundred (200) square foot intervals in both directions, re-enforced with 3/8 rebar or wire welded fabric.
  - 2. Bituminous asphalt paving with a minimum thickness of two (2) inches.



3. One double coated chip and seal layer.

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- C. Driveway edges shall be contained so as to prevent washout of subsurface layer.
- D. Culverts shall be installed under driveways where needed at the discretion of the city's Maintenance Supervisor.
- E. Maximum driveway width, excluding entrance radii, shall be twenty-five (25) feet.
- F. Minimum driveway width, excluding entrance radii, shall be ten (10) feet. (Ord. No. 9-8-2012.)

## **CHAPTER 14.16**

### **SIGNS**

#### **Sections:**

- |          |                   |
|----------|-------------------|
| 14.16.01 | Definitions       |
| 14.16.02 | Approval          |
| 14.16.03 | Garage sale signs |
| 14.16.04 | Billboards        |
| 14.16.05 | Fine              |

#### **14.16.01 Definitions**

**Permanent sign** – These signs are used for advertising or directional and are of a fixed construction.

**Semi-permanent sign** – These signs are used for advertising or directional and can be easily moved.

#### **Freestanding**

- A. **Garage sale** – those signs which are used for directions to sale.
- B. **Billboard** – Large permanent outdoor sign of an advertising nature.
- C. **Pylon** – A freestanding sign with visible support structure or with the support structure enclosed with a pole or pylon cover.
- D. **Joint tenant sign** – A sign used to display the names of tenants of a business complex.
- E. **Monument** – A ground sign with low overall height.
- F. **Pole** – A freestanding sign with visible support structure.
- G. **High-rise pole** – A tall freestanding pole sign.
- H. **Directional** – Signs designed to provide direction to pedestrian and vehicular traffic.
- I. **Electronic message center** – A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCSs or a flipper matrix.

#### **Building mounted images**

- A. **Wall or fascia** – A sign that is attached to the exterior wall or fascia of a building. The building fascia is that portion of any elevation of a building extending vertically from the grade to the top parapet wall or eaves, and horizontally across the entire width of the building elevation, including slanted wall surfaces sometimes referred to as a mansard.
- B. **Awning** – A building mounted sign that provides additional functionality as shelter. Awnings are most often found over walkways, doorways or window areas.
- C. **Projecting** – A building mounted sign with the faces of the sign perpendicular to the building fascia.
- D. **Sign band** – A horizontal area above a multi-tenants' building's entrances, architecturally designed to accommodate signage in a signcentric manner.
- E. **Roof sign** – A building mounted sign erected on the roof of a building.
- F. **Parapet** – A sign mounted on top of the parapet of a building.
- G. **Window** – A sign that is displayed in a window, whether it is attached to the window, or it is applied to the window.
- H. **Canopy** – A sign that is displayed on a marquee or canopy.  
(Ord. No. 9-16-2004)

14.16.02 Approval No signs of a permanent or semi-permanent nature will be installed, erected, or placed within the city of Briarcliff without approval of the Planning and Zoning Commission.

- A. No sign shall be larger than twenty (20) feet high or twelve (12) feet in width and shall not extend in the right-of-way.

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- B. Signs shall be constructed in a professional manner and be neat. (Ord. No. 9-16-2004)

14.16.03 Garage sale signs Garage sale signs will be removed within twenty-four (24) hours from completion of the sale. These signs do not require the approval of the Planning and Zoning Commission. (Ord. No. 9-16-2004)

14.16.04 Billboards Billboards will not be allowed within the city of Briarcliff. (Ord. No. 9-16-2004)

14.16.05 Fine A citation will be issued and a fine of Fifty Dollars (\$50.00) a day will be assessed for each offense and each day will be a separate violation. (Ord. No. 9-16-2004)

## **CHAPTER 14.20**

### **ANNEXING AND RE-ZONING PROPERTY**

#### Sections:

- 14.20.01 Annexing
- 14.20.02 Re-zoning

#### 14.20.01 Annexing

- Ord. No. 11-6-2003 NW ¼ of the NE ¼ of Sec. 4 Twp 18 N, Range 12 West
- Ord. No. 1-6-2006 "The Summit" Part of SE ¼ of Sec. 20, Twp 19 N, Range 12 West
- Ord. No. 8-21-2008 Certain contiguous territory to the city of Briarcliff
- Ord. No. 2014-002 E ½ of SE 1/4 of Sec. 32, Twp 19 N, Range 12 West

#### 14.20.02 Re-zoning

Ord. No. 4-7-2005 Section 10, Lots 8-19 to read Municipal Zoning.

## **TITLE 15**

### **SUBDIVISION REGULATIONS**

#### **Chapters:**

15.04 Adopted By Reference

#### **CHAPTER 15.04**

#### **ADOPTED BY REFERENCE**

#### **Sections:**

15.04.01 Adopted by reference

15.04.01 Adopted by reference The city of Briarcliff, Arkansas, hereby approves and adopts by reference Subdivision Regulations and subsequent amendments, after public hearing duly held thereon, following notice of such hearing as required by law, said regulations consisting of the text and other materials, of which regulations not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer and from the date on which the regulations shall take effect the provisions thereof shall be controlling within the limits of said city.