

TITLE 8

VEHICLES AND TRAFFIC

Chapters:

- 8.04 Non-Operating Vehicles
- 8.08 Snow Routes and Barricades
- 8.12 Golf Carts
- 8.16 Off Road, All Terrain, & Utility Terrain Vehicles

CHAPTER 8.04

NON-OPERATING VEHICLES

Sections:

- 8.04.01 Prohibition
- 8.04.02 Exceptions
- 8.04.03 Definitions
- 8.04.04 Violators
- 8.04.05 Enforcement
- 8.04.06 Penalty
- 8.04.07 Abatement or removal by city

8.04.01 Prohibition It is unlawful to own or to have possession or control of a junk or non-operating motor vehicle, in the city of Fairfield Bay, Arkansas. (Ord. No. 94-16, Sec. 1.)

8.04.02 Exceptions Nothing in this ordinance shall be construed so as to apply to:

- A. Any motor vehicle that can be started and moved under its own power on demand.
- B. Motorcycles and motor bikes.
- C. Antique automobiles, provided the vehicle has an antique license as required by law.
- D. Temporarily disabled motor vehicles provided they are restored to running condition within thirty (30) days from date of disablement.
- E. Vehicles stored out of sight in a permanent enclosed building.

- F. Vehicles stored in a city owned or approved storage lot.
(Ord. No. 94-16, Sec. 2.)

8.04.03 Definitions

- A. A junk or non-operating motor vehicle means a motor vehicle with one or more of the following characteristics:
 - 1. The motor is inoperative.
 - 2. The wheels (all or any one of them) are removed.
 - 3. The motor vehicle has flats on two or more tires.
 - 4. Major operating components are missing such as: steering mechanism, suspension, drive train, transmission or gear box, rear end, seats, alternator, generator, hydraulic systems or brakes.
 - 5. Any of the major operating components such as those listed in items above are in such damaged condition, so as to make the motor vehicle useless, or inoperable.
 - 6. The motor vehicle is not registered and does not have a current license from any state.
- B. Motor vehicle means a car, truck, bus, or tractor truck licensed to travel upon the roads of Arkansas, or subject to licensing for travel or intended as a carrier for goods and persons from point to point, which uses motive power derived from a motor or engine, especially an internal combustion engine. (Ord. No. 94-16, Sec. 3.)

8.04.04 Violators A person shall be deemed in violation of this ordinance if:

- A. Such person possesses, has control of, or owns or has registered to him a non-operating motor vehicle that is in the corporate limits of Fairfield Bay, Arkansas.
- B. Such person owns or leases real property upon which junk or non-operating motor vehicles are placed, parked or found resting in the corporate limits of Fairfield Bay, Arkansas. (Ord. No. 94-16, Sec. 4.)

8.04.05 Enforcement The provisions of this ordinance shall be enforced by the Department of Public Safety. They are hereby authorized and empowered to issue citations to any persons violating this ordinance. (Ord. No. 94-16, Sec. 5.)

8.04.06 Penalty A violation of this ordinance 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 motor vehicle in violation of this ordinance is within the city limits of Fairfield Bay shall constitute a separate offense. However, a twenty (20) days period will be granted after the citation is issued to allow the violator to remove the vehicle before counting the days constituting the separate offense. (Ord. No. 94-16, Sec. 6.)

8.04.07 Abatement or removal by city If the violator as described in 8.04.04 above should fail to abate the prohibited condition specified in this ordinance within the twenty (20) day period specified in 8.04.06, the Department of Public Safety will have the vehicle towed away and stored at the violators expense. Failure to pay towing and storage charges will result in sale of said vehicle. (Ord. No. 94-16, Sec. 7.)

CHAPTER 8.08

SNOW ROUTES AND BARRICADES

Sections:

- 8.08.01 Snow routes and risk
- 8.08.02 Barricades
- 8.08.03 Emergency use
- 8.08.04 Barricade locations
- 8.08.05 Review of plan

8.08.01 Snow routes and risk The public and drivers should be advised and informed that the designation of snow routes by the city does not imply or mean that such routes are safe, usable, or passable for motor vehicles in ice and snow conditions. Each driver is urged to use extreme care and to evaluate his own driving skills, vehicle capabilities and equipment when driving in ice and snow conditions and recognize the risk he is assuming. (Ord. No. 98-63, Sec. 1.)

8.08.02 Barricades

- A. The public and drivers should be advised and informed that this formal ordinance of the city designating the limited selected locations for placement of barricades means that the routes blocked have been legally determined to be extremely hazardous and unsafe for travel.

- B. The public and drivers should be advised and informed that the absence of barricades on a street or road does not mean that the street, route or road is safe.
- C. Because of the extremely hilly terrain, the grade, poor surface and drainage most of the many streets, roads and routes in the city that are dangerous in ice and snow conditions that are unpaved or infrequently used, have not been barricaded, and the public and drivers are advised and informed use of such roads, streets and routes is at their own risk. (Ord. No. 98-63, Sec. 2.)

8.08.03 Emergency use The snow routes are intended only for emergency use and to allow access to DPS by the Snow Teams of the Fairfield Bay Volunteer Rescue Service. The personnel of these teams are located in the Snead Drive Area, the Pine Knot Area, the Pine Hill Area and the Dave Creek Area. The attached map shows the detail and location of snow routes and priority, along with barricade locations. (Ord. No. 98-63, Sec. 3.)

8.08.04 Barricade locations Barricade locations are listed as follows:

Number of Barricades	Placement
2	Highway 16 & Main Ent. to Dave Creek
1	Highway 16 & Snead Drive
1	Snead Drive & Davis Special Road
1	Snead Drive & IHCC Entrance
1	Snead Drive & Woodlawn
1	Woodlawn & Pine Knot Drive
1	Woodlawn & Crossover
2	Dave Creek Pkwy & Indian Rock Village
1	Dave Creek Pkwy. & Persimmon
1	Woodlawn & Pine Knot Road
1	Woodlawn & Blasé Line
2	Lost Creek Pkwy & Woodhaven
2	Lost Creek Pkwy & Fairways Drive
2	West Cliff Drive, North of Beaver
3	West Cliff Drive & Beaver Road
2	West Cliff Drive & Highland
2	Highland, top of hill near Meadow View Ln.
2	Beaver & Westwood

(Ord. No. 98-63, Sec. 4.)

8.08.05 Review of plan The Department of Public Safety and the Utility Department shall be responsible for implementing this ordinance and they, with the Public Works Officials, shall review the plan set forth herein at least once each season to determine any needed amendments. The snow routes, designated priority one (1), two (2) and three (3) will be plowed, sanded and salted by the Utility Department in the order of priority designated on the attached map. (Ord. No. 98-63, Sec. 5.)

CHAPTER 8.12

GOLF CARTS

Sections:

8.12.01	Use of golf carts
8.12.02	Authorized users of golf carts
8.12.03	Operation of golf carts
8.12.04	Special equipment required for golf carts
8.12.05	Violations
8.12.06	Enforcement
8.12.07	Penalties

8.12.01 Use of golf carts The use of golf carts on city streets is authorized within the city of Fairfield Bay, pursuant to A.C.A. 14-54-1410 (2007), and as set forth further herein. (Ord. No. 2009-6, Sec. 1.)

8.12.02 Authorized users of golf carts Owners of golf carts may operate their own golf carts upon the city street of the city of Fairfield Bay, as set forth herein. Such operation of golf carts is not authorized on any city street which is also designated as a federal or state highway, or as a county road. A golf cart owner-operator must further be a licensed driver, at least sixteen (16) years of age. The owner-operator of any golf cart operating on any city street shall fulfill all requirements of the Motor Vehicle Liability Insurance Act, A.C.A. 27-22-101, *et seq.* for the owner's golf cart operating on city streets as a motor vehicle (whether the golf cart is powered by gasoline, batteries, or any some other source of power, including gravity). (Ord. No. 2009-6, Sec. 2.)

8.12.03 Operation of golf carts

- A. Golf carts may only be used on city streets posted with a speed limit of 35 miles per hour or lower.
- B. Golf carts may only be driven during daylight hours, which shall be presumed to be one-half of an hour after sunrise, up to and including one-half of an hour before sunset. Sunrise and sunset are determined based upon publication in any

newspaper of state-wide circulation, or as specified for “local conditions” on the Weather Channel or other appropriate, publicly broadcast internet or television station available within the city of Fairfield Bay (where Fairfield Bay, Clinton, Heber Springs or Little Rock, Arkansas is the most appropriate locality).

- C. Golf carts must follow all rules and laws of the road, including driving with the flow of traffic on the far right side of the road as determined by the direction of licensed vehicles. Golf carts should additionally pull over, out of the flow of traffic, off the road, to allow traffic to pass the golf cart if there is a buildup of substantial vehicular traffic behind the golf cart during operation. (Ord. No. 2009-6, Sec. 3.) (Ord. No. 2016-5, Sec. 1)

8.12.04 Special equipment required for golf carts Golf carts operated by their owners on city streets shall have the following equipment installed and in good working order:

- A. Adequate brakes
- B. A rear view mirror.
- C. An orange red warning flag affixed so that the flag is no more than twelve (12) inches in length and no less than six (6) inches wide and is displayed a minimum of six (6) feet above ground level.
- D. Taillights that illuminate when the brakes are applied.
(Ord. No. 2009-6, Sec. 4.)

8.12.05 Violations Any person shall be deemed in violation of this chapter of the Municipal Code if such person operates a golf cart upon city streets without following the foregoing requirements set forth in this chapter. (Ord. No. 2009-6, Sec. 5.)

8.12.06 Enforcement The provisions of this chapter shall be enforced by the Department of Public Safety. They are hereby authorized and empowered to issue citations to any persons violating this chapter of the Municipal Code. (Ord. No. 2009-6, Sec. 6.)

8.12.07 Penalties A violation of this chapter of the Municipal Code is hereby declared to be a misdemeanor and punishable by a fine of not more than Fifty Dollars (\$50.00). Each day a golf cart is operated within the corporate boundaries of the city of Fairfield Bay without complying with the provisions of this chapter, set forth above, shall constitute a separate offense. (Ord. No. 2009-6, Sec. 7.)

CHAPTER 8.16

OFF ROAD, ALL TERRAIN, & UTILITY TERRAIN VEHICLES

Sections:

8.16.01	Definitions
8.16.02	Operation of All-Terrain Vehicles and Utility-Terrain Vehicles
8.16.03	Violations
8.16.04	Enforcement
8.16.05	Penalties

8.16.01 Definitions The following terms, words, phrases, and their derivations have the following meanings for purposes of this Chapter of the Municipal Code:

- a. ACCOMPANIED is subject to continuous verbal direction or control, but not necessarily on the same machine.
- b. ALL-TERRAIN VEHICLE (and ATV) is any commercially designed and manufactured motor driven vehicle that has a weight without fluids of 900 lbs. or less, has a width of 50" or less, is equipped with a seat designed to be straddled by the operator and operates on 3 or more low-pressure or non-pneumatic tires.
- c. CITY is the city of Fairfield Bay, Arkansas.
- d. HIGHWAY AND STREETS are all public ways, thoroughfares, and bridges on the same, designed for travel of motorized vehicles. It includes the entire width between boundary lines of every way open to the use of the public as a matter of right for the purpose of vehicle traffic.
- e. OPERATE is to exercise physical control over the speed or direction of an ATV or UTV or to physically manipulate or activate any of the controls necessary to put it in motion, including on highways, streets, roadways, as well as all off-road use on public lands, trails, and rights of way.
- f. PLACE OF RESIDENCE shall include besides property that the operator owns, leases or resides at, any rental cabin, vacation resort, condominium, hotel, house, apartment, timeshare, or any other location that is commonly used as a place of residence, or in which the person is staying for a specific period of time, or a designated parking area for temporary residents.

- g. ROADWAY is that portion of a street or highway between the regularly established curb line or that portion, which is improved, designed or ordinarily used for vehicle travel, excluding the berms or shoulders.
- h. TRAIL is an established corridor on public or private property designated for use by all-terrain vehicle and utility-terrain vehicle operators by the governmental agency having jurisdiction, excluding roadways and highways.
- i. UTILITY-TERRAIN VEHICLE (and UTV) is any commercially designed and manufactured motor driven vehicle that is not a golf cart, dune buggy, low-speed vehicle, mini truck or tracked vehicle, that is primarily designed for use off of a highway and has a weight without fluids of 2000 lbs. or less, has a width of 65" or less, and operates on 4 or more low-pressure or non- pneumatic tires, and which is not an ATV. (Ord. No. 2018-11, Sec. 3.)

8.16.02 Operation of All-Terrain Vehicles and Utility-Terrain Vehicles

- 2. Municipal Code Subsection 8.16.02(e) is amended as follows:
 - a. Operation of ATV and UTV vehicles is authorized only during daylight hours, which is presumed to be one hour before sunrise, up to and including one hour after sunset. Sunrise and sunset are local times, determined based upon publication in any local or Arkansas-state circulated newspaper, locally-available public weather channel (radio and television), or any publicly broadcast internet or television station available in Fairfield Bay (where Fairfield Bay, Clinton, Heber Springs or Little Rock, Arkansas is the most appropriate location). The time used shall be the appropriate Central Time Zone of the United States, using regular (standard) daylight time for the months currently in force, and using daylight savings time for those months it is currently in force.
 - b. Operating an ATV or UTV vehicle upon a roadway shall be in accordance with all State laws and regulations that apply to licensed vehicles. This includes, but is not limited to, ATV and UTV vehicles shall stay in single file on the far-right hand side of the traffic lane as determined by direction of travel on paved streets; use appropriate signaling lights or gestures for turns, follow all speed limit signs; and obey all other traffic laws. No ATV or UTV vehicle shall be permitted to pass on the right, unless necessary to avoid an accident or as directed by emergency personnel. No ATV or UTV vehicle is permitted to drive on the shoulders or non-improved areas of roadways not commonly used by licensed vehicles, except when aiding the flow of traffic or performing community service. No ATV or UTV is permitted to drive on the sidewalks, except in cases of emergency, or in the performance of specified community service.

- c. No ATV or UTV vehicles shall be driven or operated in an unsafe or careless manner that causes or could cause injury to the operator, passengers, or others. No ATV and UTV vehicles shall be operated with more passengers than the vehicle was designed to carry, or that can ride safely under the prevailing weather conditions, whichever is fewer.
- d. ATV and UTV vehicles will be permitted to go from one trail head to another; and to and from their place of residence, to and from a trail head.
- e. All riders under sixteen (16) years of age must wear a helmet at all times and be accompanied by an adult over the age of eighteen (18) years, if that child is operating the ATV or UTV, as long as unlicensed drivers under sixteen (16) years of age are not operating any ATV or UTV on any city Highway, Roadway, or Street, in accordance with Arkansas Code Annotated Section 27-21-107. (Ord. No. 2021-08, Sec. 2.)
- f. No ATV or UTV vehicles shall be driven or operated inside of the City without an original equipment manufacturer's (OEM) stock muffler, or the equivalent of a stock muffler that provides greater suppression of the sound of the operation of the vehicle than an OEM stock muffler. (Ord. No. 2019-10, Sec. 1.)
- g. It shall be unlawful for any person to operate an ATV, or a UTV, on any City Highway, Roadway, or Street, without turning on the vehicles headlights, if the ATV, or if the UTV, is so equipped. The requirement/or use of headlights applies at all times, day and night, under all circumstances and conditions, on vehicles so equipped. (Ord. No. 2021-08, Sec. 3)
- h. It shall be unlawful for any person to operate an ATV, or a UTV, on any City Highway, Roadway, or Street, when that person is specifically prohibited from operating a motor vehicle in the State of Arkansas by operation of law, as a result of any administrative action, prior violation, prior misdemeanor, prior felony, or other prior offense, in any jurisdiction. Nothing herein shall be construed to allow those persons with a suspended driver's license from operating an ATV or a UTV in the City of Fairfield Bay; such operation is prohibited. Nothing herein shall be construed to allow those persons with a revoked driver's license from operating an ATV or a UTV in the City of Fairfield Bay; such operation is prohibited. Nothing herein shall be construed to allow those persons who have statutorily-imposed restrictions on their driver's license from operating an ATV or a UTV in the City of Fairfield Bay without the statutorily-imposed restrictions (such as the required use of an ignition interlock device); such operation without the statutorily-imposed limitation is prohibited. Specifically-imposed, personal limitations on

driving privileges, imposed as an administrative remedy, or imposed by operation of law in any U.S. State, in any U.S. Territory, in any U.S. federal enclave, in any U.S. protectorate, and in any foreign country with which the United States currently has reciprocal driver's licensing requirements, shall apply to those drivers of ATVs and UTVs in the City of Fairfield Bay; such operation without the specifically-imposed, personal limitation is prohibited.(Ord. No. 2021-08, Sec. 4)

8.16.03 Violations Any person shall be deemed in violation of the Municipal Code if such person operates an ATV or UTV in a manner that violates the requirements set for in this Chapter of the Municipal Code. (Ord. No. 2018-11, Sec. 5.)

8.16.04 Enforcement The provisions of this chapter shall be enforced by the Fairfield Bay Police Department. The Fairfield Bay Police Department, and all of its officers, are hereby authorized and empowered to issue citations to any person violating this Chapter of the Municipal Code. (Ord. No. 2018-11, Sec. 6.)

8.16.05 Penalties A violation of this ordinance is hereby declared to be a misdemeanor and punishable by a fine of not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250.00), plus all court costs, fees, and expenses; or by a jail sentence of a minimum of one (1) day to a maximum of ten (10) days; or both. Each day that an ATV or UTV is operated within the corporate boundaries of the City of Fairfield Bay, Arkansas, in violation of the provisions of this Chapter of the Municipal Code, set forth herein above, shall constitute a separate offense. (Ord. No. 2021-08, Sec. 5.)