

TITLE 8

VEHICLES AND TRAFFIC

Chapters:

- 8.04 Adoption of State Laws
- 8.08 Truck Routes
- 8.12 Emergency Vehicles
- 8.16 Non-Operating Vehicles
- 8.20 Hazardous Driving
- 8.24 Speed Limits
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CHAPTER 8.04

ADOPTION OF STATE LAWS

Sections:

- 8.04.01 Adoption of state laws

8.04.01 Adoption of state laws The "Uniform Act Regulating Traffic on Highways of Arkansas", as contained in Title 75 of the Arkansas Statutes, three (3) copies of which are on file in the office of the Recorder/Treasurer, are hereby adopted as traffic rules and regulations within and for the city. Any person convicted of a violation of said statutes shall be deemed guilty of the violation of the ordinances of the city and shall be fined or imprisoned or both in the manner set out under the state statutes.

CHAPTER 8.08

TRUCK ROUTES

Sections:

- 8.08.01 Truck routes
- 8.08.02 Penalty for violation

8.08.01 Truck routes All truck tractors, tractor-trailer rigs and buses, operated for monetary gain, shall be operated and driven only on Highway 64, Interstate 40, Highway 247 and Highway 331, within the city limits of the city of Pottsville, Arkansas. Provided, however, that any such vehicle, pickup or delivering goods, merchandise, people or other tangible objects may drive upon such other streets in the city of Pottsville, Arkansas, as necessary to reach the point of destination of such vehicle. Such vehicle may remain on such streets only for the time necessary to pick up or deliver such goods, merchandise, people or other tangible objects.

8.08.02 Penalty for violation Violation of this ordinance constitutes a misdemeanor. A conviction, plea of guilty, or forfeiture of bond, for a first offense, shall be punishable by a fine not to exceed Twenty-Five Dollars (\$25.00), for a second offense, by a fine not to exceed One Hundred Dollars (\$100.00) and for a third offense, by a fine not to exceed Five Hundred Dollars (\$500.00).

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 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; members of the Police Department, the Auxiliary Police Department, the Fire Department, the Volunteer Fire Department and all other duly qualified and acting law enforcement officials shall have full and complete authority to make arrests and/or issue summons to violators, and such arrests and/or summons for any such violation shall be valid and enforceable by court order as in other cases.

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.

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

NON-OPERATING VEHICLES

Sections:

- 8.16.01 Definitions
- 8.16.02 Prohibiting non-operating vehicles
- 8.16.03 Exceptions
- 8.16.04 Penalty for violation
- 8.16.05 Violators

8.16.01 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 vehicle has flats on two or more times
- 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 item A (4) 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

Prima facie case: It shall be a prima facie case that a motor vehicle is a non-operating motor vehicle if it does not have a current Arkansas motor vehicle inspection sticker demonstrating the motor vehicle has passed a safety inspection as by law required.

Motor vehicle means a car, automobile, truck, bus, omnibus, tractor truck, or other vehicle 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, or rotary engine and a wankle.

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

8.16.03 Exceptions Nothing in this chapter 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 by law required.
- D. Temporarily disabled motor vehicles provided they are restored to running condition within thirty (30) days from date of disablement.

8.16.04 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.

8.16.05 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.
- 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 owners 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.

CHAPTER 8.20

HAZARDOUS DRIVING

Sections:

- 8.20.01 Offense
- 8.20.02 Penalty

8.20.01 Offense Any person who drives any vehicle in such a manner as to indicate a disregard for the safety of persons or property is guilty of hazardous or unsafe driving. (Ord. No. 83-1, Sec. 1.)

8.20.02 Penalty Every person convicted of hazardous or unsafe driving shall be punished upon a first conviction by imprisonment for a period of not less than five (5), nor more than thirty (30) days, or by a fine of not less than Fifteen Dollars (\$15.00), nor more than One Hundred Dollars (\$100.00) or by both fine and imprisonment. Upon conviction of a subsequent offense, such person shall be punished by imprisonment for not less than ten (10) days nor more than sixty (60) days or by fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment. (Ord. No. 83-1, Sec. 2.)

CHAPTER 8.24

SPEED LIMITS

Section:

- 8.24.01 Offense
- 8.24.02 Work zones

8.24.01 Offense No person shall drive a motor vehicle upon the public streets and highways within the city limits of Pottsville at a speed greater than is reasonable and proper, having regard to the traffic and the use of the way. The posted speed limit on any portion of the streets and highways of this city is hereby deemed to be the reasonable and proper rate of speed for that portion of the street or highway.

8.24.02 Work zones

- A. In areas clearly designated as work zones within the city limits of the city of Pottsville, where shall exist a speed limit of 25 miles per hour.
- B. Anyone found guilty of exceeding the posted 25 miles per hour speed limits in the work zone shall be fined double the amount normally required in such speeding violations.
- C. The area in question shall be adequately designated as a work zone for oncoming traffic in both directions. Either the city of Pottsville employees or contractors or others working on the areas shall provide large, visible signs stating that the area has been designated as a work zone and that the speed limit in that designated area is now 25 miles per hour. These signs shall be posted for oncoming traffic in both direction.
- D. Law enforcement shall advise the alleged offender of his/her violation of speeding in a work zone on the face of the ticket to advise of the enhanced fine. (Ord. No. 2008-5, Secs. 1-4.)

CHAPTER 7.28

VACATING STREETS

Sections:

7.28.01 Street and crossing closure

7.28.01 Street and crossing closure The closing of the street/railroad crossing formed by the intersection of Pine Ridge Road with the Union Pacific Railroad (Department of Transportation No. 434-320A, Mile Post 411.60, Van Buren Subdivision) should be and hereby is ratified, and the portion of the street which is on the railroad right-of-way is permanently vacated and abandoned as it is no longer required for corporate purposes and the street/railroad crossings shall be permanently closed. (Ord. No. 2008-2, Sec. 1.)