ORDINANCE 84-16

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A STREET SAFETY COMMITTEE FOR THE CITY OF ATKINS, ARKANSAS, PROVIDING FOR RULES CONCERNING THE PROPER OPERATION, STOPPING, AND PARKING OF VEHICLES IN THE CITY OF ATKINS; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATKINS, ARKANSAS:

SECTION 1. Obedience to police. No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer.

SECTION 2. Public employees to obey traffic regulations. The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this state, county or city and it shall be unlawful for any said driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statutes.

SECTION 3. Street Safety Committee.

(a) Composition; authority. The mayor, police chief and street department chairman shall constitute the Street Safety Committee and are hereby authorized to place and maintain such traffic-control signs, signals, markings, and devices upon the highways and streets of the city as they may deem necessary:

(1) To regulate, warn, or guide traffic;

(2) To regulate the speed of vehicles;

(3) To restrict the use of any highway or street as to size and load of vehicles, as provided in Arkansas Statutes Annotated, 75-801 through 75-812;

(4) To regulate the standing or parking of vehicles; and

(5) To establish crosswalks and safety zones.

(b) Devices must be posted prior to violation. No violation of this section shall occur until the signs, signals, markings and other devices are posted or placed upon, or at the

entrances to, the highways and streets or part thereof affected, as may be most appropriate.

(c) Existing devices ratified. All traffic-control signs, signals, markings and other devices in place as of the date of this section are hereby approved and authorized by the city council, subject to being modified or removed by the Street Safety Committee.

(d) Authority of city council unimpaired. Nothing in this section shall impair in any way the authority of the city council to provide by resolution for the placement and maintenance or removal of such traffic-control signs, signals, markings or other devices as they may from time to time decide upon, by resolution passed at a special or regular meeting of the city council. Any such resolution passed by the city council shall be binding upon the Street Safety Committee and such traffic-control signs, signals, markings or other devices may not be replaced, modified or removed by the Street Safety Committee without the express consent of the city council, by resolution passed at a special or regular session thereof.

SECTION 4. Safety precautions. Drivers of motor vehicles before starting, turning or stopping, backing or changing their course shall make sure that such movement can be made with safety, and shall give definite visible signals of such intention.

SECTION 5. Vehicles to keep to right; exceptions. Vehicles shall keep to the right of the street except when necessary to turn to the left when crossing or in overtaking another vehicle.

SECTION 6. Right-of-way at intersections. When vehicles approach an intersection of two or more public streets or highways, the vehicle approaching from the right of the driver shall have the right-of-way.

SECTION 7. Right turns. Any vehicle turning to the right into another street shall turn the corner as near the right-hand curb as is practicable.

SECTION 8. Left turns. Any vehicle turning to the left into another street shall pass to the right of and beyond the street intersection before turning, and in congested districts, where traffic signals are stationed, vehicles turning to the left shall pass said traffic signal before turning. In congested districts where traffic policemen are stationed at street intersections, an approaching automobile or vehicle shall signal the officer and shall not pass such officer until receiving proper signal from said officer.

SECTION 9. "U" turns prohibited. The driver of a vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in the city.

SECTION 10. Passing other vehicles. When one vehicle overtakes another, it shall pass to the left of the overtaken vehicle and not pull in front until twenty (20) feet ahead of the overtaken vehicle.

SECTION 11. Speed restrictions. No person shall drive a motor vehicle upon the public streets and highways of this city at a speed that is greater than is reasonable and proper, having regard to the traffic and the use of the way. If the rate of speed of any motor vehicle or motorcycle operated upon any of the public streets or highways of this city exceeds twenty-five (25) miles per hour through the business section of the city and thirty (30) miles per hour through the residential section of the city, it shall be deemed that the person operating the vehicle is running at a rate of speed greater than is reasonable and proper having regard for the traffic and the use of the way.

If the rate of speed of the motor vehicle or a motorcycle, operated upon the streets of the city, in going around a corner or a curve in the street where the operator's view of the traffic

is obstructed exceeds fifteen (15) miles per hour, it shall be deemed that the person operating the vehicle is running at a rate of speed greater than is reasonable and proper, having regard for the traffic and the use of the way.

SECTION 12. Motor running on unattended vehicles prohibited. No automobile unoccupied by the driver shall be left standing on the streets with the motor running.

SECTION 13. Fire trucks to have right-of-way; duty of vehicle operators; following fire trucks; parking at scene of fire. Fire trucks, engines and pumps and other fire fighting equipment shall have the right-of-way in any street and through any procession when in the regular course of their duties. When a fire alarm is sounded all vehicles shall at once be drawn to the right hand curb, parallel thereto and stopped and remain standing until said fire apparatus has passed. When fire fighting equipment has passed no vehicle shall follow said fire truck or other fire fighting equipment to within two (2) city blocks of the fire. No vehicle shall go closer to a fire than within two (2) city blocks and when cars are stopped at the fire they shall be parked in an orderly manner.

SECTION 14. Ambulances to have right-of-way. All ambulances shall at all times have the right-of-way.

SECTION 15. Driving through funeral procession. No vehicle shall be driven through a funeral procession unless that vehicle is part of the procession.

SECTION 16. Driving vehicles abreast prohibited; exceptions. Vehicles shall not be driven along or upon the streets abreast, but one must follow the other except when passing, and except where streets have four marked lanes of traffic.

SECTION 17. Slow and stop and yield signs. The word "slow" on traffic signals means that all vehicles shall slow down in passing and signals, the word "stop" on traffic signals means

that all vehicles shall stop at said signs, and the word "yield" on traffic signals means that all vehicles shall yield at said signs.

SECTION 18. Obedience to parking rules. The operators of every vehicle, operated upon the streets or avenues within the city shall conform to and observe parking rules and regulations enumerated in this chapter.

SECTION 19. Parking spaces, manner of parking. In any area where parking spaces have been marked off, any person desiring to park a vehicle in said area shall park the vehicle entirely within one of the designated spaces.

SECTION 20. Parking in residential sections to be parallel. In the residential sections of the city, and on streets where parking spaces are not marked, all vehicles shall be parked parallel to the curb or side of the road.

SECTION 21. Parking in alleys prohibited; exceptions. There shall be no parking in alleys, except for loading and unloading, and no vehicle shall remain in any of the alleys for any unusual length of time.

SECTION 22. Curb parking. No vehicle shall stop anywhere in the city with its left side to the curb.

SECTION 23. Parking near fire hydrant. No vehicles shall be parked at any time within ten (10) feet of any fire hydrant.

SECTION 24. Stopping on crosswalks or intersections prohibited. A vehicle shall not stop on a crosswalk nor within the intersection of two or more streets or roadways.

SECTION 25. Loading zones; limited parking. No vehicle, except a vehicle loading or unloading, may remain parked in a loading zone for longer than three (3) minutes.

SECTION 26. Removal of vehicles from streets--Causes enumerated; authority of police department. The police department of the City of Atkins, Arkansas, is hereby authorized to remove a vehicle from a street or highway in the City of

Atkins, Arkansas, to the nearest garage or other place of safety, or to a garage designated by the City of Atkins Police Department under the circumstances hereinafter enumerated:

(a) When any vehicle is left unattended upon any bridge, street or highway in the City of Atkins where such vehicle constitutes an obstruction to traffic.

(b) When a vehicle upon a street or highway is so disabled as to
constitute an obstruction to traffic and the person or persons in charge of said vehicle are by reason of physical injury or other incapability incapable to such an extent as to be able to provide for its custody or removal.

(c) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal flow of traffic, or when any vehicle is left continuously and unattended upon any street for a period of more than twenty-four hours.

(d) When any vehicle is parked in a prohibited area that is so designated by signs or other official markings, or, when said vehicle is illegally parked on any street within the City of Atkins, Arkansas. Any violation of the overtime parking regulations of the City of Atkins shall be interpreted to mean illegal parking in this ordinance.

SECTION 27. Same--Notice to owner required. When the police department removes a vehicle from a street under this ordinance the department shall immediately give or cause to be given notice in writing to the owner of the fact of such removal and the reasons therefor and of the place to which said vehicle has been removed.

SECTION 28. Same--Alternative report to state agency. Whenever the police department removes a vehicle from a street under this ordinance and does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in

the event the vehicle is not returned to the owner within a period of three days, the police department shall give a written report of such removal to the state department whose duty it is to register motor vehicles. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reason for such removal, and the name of the garage or place where the vehicle is stored.

SECTION 29. Same--Return of vehicles. When any vehicle is removed from the streets under the authority granted in this ordinance before said vehicle shall be returned to the owner or agent, said owner or agent or person having control of the said vehicle shall pay to the City of Atkins Police Department the cost of the impoundment of said vehicle, and should there be any law violation or charge against the operator, said operator shall post a bond for his appearance in the city court of the City of Atkins, Arkansas. After complying with these provisions, the City of Atkins Police Department shall return said vehicle to the control and possession of the owner or the person having charge of such vehicle.

SECTION 30. Reserved handicapped parking spaces; eligibility and procedure for use; penalty for violation.

(a) All persons who may wish to avail themselves of the provisions of Arkansas Statutory Annotations sections 75-266.19 through 75-266.26, in regard to public parking areas or to avail themselves of the provisions of this section, shall apply for an obtain, from the State of Arkansas, the identifying decal known as the international symbol of access, which shall be displayed on the lower left corner of the license plate of the vehicle registered to the handicapped person. Only those persons who are disabled within the definition of Arkansas Statutory Annotations section 75-266.22 and have properly obtained an identifying decal, which is properly displayed on the vehicle, or an individual who is found to be disabled by the Veterans

Administration and who legally displays the "Disabled Veteran" license plate, shall be permitted to park in parking spaces which shall be designated for handicapped persons, on either public or private parking areas.

(b) Any person who shall park a vehicle in a parking space which has been set aside and designated for handicapped persons only and who is not a disabled person within the definition set forth herein and does not have either the proper identifying decal displayed on his or her license plate or who does not display a "Disabled Veteran" license plate shall be guilty of a misdemeanor; and upon conviction shall be fined the sum of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00).

SECTION 31. Penalty for conviction. Any person convicted for any violation of this ordinance other than Section 31 shall be deemed guilty of a class "C" misdemeanor and shall be fined in an amount not exceeding one hundred dollars ($100.00) or imprisoned in the county jail for a period not exceeding thirty (30) days, or both.

SECTION 32. Emergency. This ordinance being necessary for the preservation of the health and safety of the residents of Atkins, an emergency is hereby declared to exist and this ordinance shall be effective immediately upon and after its passage and approval, this _____ day of June, 1984.

Dallas L. Swain
DALLAS L. SWAIN, MAYOR

ATTESTED:

Syble Marple
SYBLE MARPLE, CITY CLERK