

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 Driving
- 8.24 Outdoor Shielded Lighting
- 8.28 Vacating of Streets

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 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 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 Trucks on city streets
- 8.08.02 Fine

8.08.01 Trucks on city streets

- A. Commercial Truck defined. For the purposes of this ordinance, the word “commercial truck” or “truck” shall mean any vehicle with a gross weight in excess of 27,000 pounds or any vehicle that requires an operator thereof to have a commercial driver's license under state law. (Ord. No. 2016-13, Sec. 1)
- B. Trucks restricted. It is unlawful for a person to drive a commercial truck on the streets of the City of Pocahontas, except on state numbered highways, Thomasville Avenue, and other designed trucking routes, as identified by the City of Pocahontas. It shall be a defense to prosecution under this Ordinance if the driver was making a local pickup or delivery within the city limits of Pocahontas. Ord. No. 2016-13, Sec. 2)
- C. The provisions of this ordinance shall not apply to:
- (1) Emergency vehicles operating in response to an emergency call;
 - (2) An owner or operator of a commercial truck driving to and from his or her residence;
 - (3) Commercial trucks owned or operated by or on behalf of a governmental entity, a public utility, or any contractor or materialman, while engaged in the repair, maintenance, construction of roads, streets or highways, or road street or highway improvements or utilities within the City;
 - (4) Commercial trucks owned or operated by or on behalf of a governmental entity while engaging in or performing official, authorized government-related business;
 - (5) Commercial trucks operating upon a City or state officially designated detour; and
 - (6) A commercial truck traveling to or from areas within the City for the purpose of providing repair or maintenance service or loading or unloading goods, wares, or merchandise to the extent necessary to complete a delivery. (Ord. No. 2016-13, Sec. 3)
- D. Signs: The City shall post signs on all through streets upon which commercial truck traffic is prohibited. (Ord. No. 2016-13, Sec. 4)

E. Repealer: All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict. This ordinance specifically repeals Ordinance 2009-03. (Ord. No. 2016-13, Sec. 6)

8.08.01 Fines: Penalty: Any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof may be fined not more than five-hundred dollars (\$500.00) plus court costs for each offense.(Ord. No. 2016-13, Sec. 5)

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 the Police Department.

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.

- A. Non-operating motor vehicles as used in this chapter means a motor vehicle with one or more of the following characteristics:
 - 1. the engine or 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: 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;
 5. 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;
 6. The motor vehicle does not have a current Arkansas registration; or
- B. 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 power derived from a motor or engine especially an internal combustion engine, or rotary engine and a wankel.

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; and
- 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; 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.

CHAPTER 8.20

DRIVING

Sections:

- 8.20.01 Operating motor vehicle
- 8.20.02 Inattentive driving
- 8.20.03 Fine
- 8.20.04 Parking
- 8.20.05 Speed on Highland Street
- 8.20.06 Speed in city park
- 8.20.07 Signs
- 8.20.08 Driving on Pyburn or Park Street

8.20.01 Operating motor vehicle It shall be unlawful for any person to operate a motor vehicle in a careless or inattentive manner or in disregard of the safety of persons or property within the city limits of the city of Pocahontas, Arkansas. (Ord. No. 385, Sec. 1.)

8.20.02 Inattentive driving Careless and inattentive driving shall be considered a lesser offense than reckless driving and shall be applicable in those circumstances where the conduct of the operator has been careless or inattentive or imprudent, in light of the circumstances then

existing, rather than heedless or wanton or in those cases where the danger to persons or property by the motor vehicle operator's conduct is slight. (Ord. No. 385, Sec. 2.)

8.20.03 Fine Any person convicted of a violation of this ordinance shall be guilty of a misdemeanor and shall be fined in any sum not exceeding Five Hundred Dollars (\$500.00). (Ord. No. 385, Sec. 3.)

8.20.04 Parking It shall be unlawful for any person to park a truck for the purpose of loading or unloading with thirty (30) feet of an intersection or to park a truck, van or trailer truck so as to obstruct the view at any intersection within the city. (Ord. No. 288, Sec. 1.)

8.20.05 Speed on Highland Street It shall be unlawful for any person to operate a motor vehicle on Highland Street between Park Street and Thomasville Street at a speed in excess of twenty (20) miles per hour. (Ord. No. 288, Sec. 2.)

8.20.06 Speed in city park

- A. It shall be unlawful for any person to operate a motor vehicle of any type at a speed in excess of five (5) miles per hour in any city park in the city of Pocahontas, Arkansas.
- B. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than Twenty-Five Dollars (\$25.00). (Ord. No. 288, Sec. 3.)

8.20.07 Signs The Superintendent of the City Street Department is directed to place appropriate signs to aid in enforcement of this ordinance. (Ord. No. 288, Sec. 4.)

8.20.08 Driving on Pyburn or Park Street

- A. It shall be unlawful for any person, firm or corporation to operate a motor vehicle on any portion of Pyburn Street or Park Street within the city limits of the city of Pocahontas, Arkansas, with a gross weight in excess of 27,000 pounds.
- B. A violation of Section 1 of this ordinance is hereby declared to be a misdemeanor and any person found guilty of violating the ordinance may be fined in any amount not to exceed One Hundred Dollars (\$100.00) for each violation. (Ord. No. 357, Secs. 1-2.)

CHAPTER 8.24

OUTDOOR SHIELDED LIGHTING

Sections:

8.24.01	Cost
8.24.02	Prohibitive
8.24.03	Exemption

8.24.01 Cost The City Council finds that the city currently has approximately 832 non-shielded lights. The average additional cost per month appears to be \$4.50 per light more for a shielded light than a non-shielded light. The potential additional cost to the city could be approximately \$3,744.00 more per month once all of the existing lights are replaced and more as additional lights are added throughout the city. (Ord. No. 2006-4, Sec. 1.)

8.24.02 Prohibitive The City Council hereby determines that the cost of acquiring shielded outdoor lighting fixtures will be prohibitive. (Ord. No. 2006-4, Sec. 2.)

8.24.03 Exemption The city of Pocahontas hereby expressly intends to avail itself of the exemption from the requirements of the Act pertaining to the purchase of shielded outdoor lighting fixtures. (Ord. No. 2006-4, Sec. 3.)

CHAPTER 8.28

VACATING OF STREETS

Sections:

8.28.01	Vacating streets
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8.28.01 Vacating streets

Ord. No. 2001-3	Street between Lots 4 & 5, Windwood Addition
Ord. No. 2001-9	Part of Spinnenweber St. abutting Lot 4
Ord. No. 2002-5	Part of Dunn St., Lots 1,2,4,7 & 8
Ord. No. 2002-6	Part of Wiley Street, Blocks 10 & 11
Ord. No. 2003-10	Street between Pauline St. and Black St.

Ord. No. 2004-7	Skinner St. abutting lots 16, 17, 18, & 10 of Waddle and Hughes
Ord. No. 2005-9	Wann Street in Frenken Addition
Ord. No. 2009-6	Cain Street in the Kline Addition
Ord. No. 2010-4	Part of Creek St. north of Pine St.
Ord. No. 2010-8	Hughes Ave.between Blocks 3, 4, 5, 9, 10 & 11 in Waddle & Hughes Add
Ord. No. 2012-6	Cedar Street renamed Compton Street
Ord. No. 2012-9	30' access & utility easement in Lots 2-8 of East Pointe Center
Ord. No. 2012-10	Creek Street in Hamil and Witt Subdivision
Ord. No. 2014-3	Part of Sleep Dr. in North Hills Subdivision