

AN ORDINANCE ESTABLISHING A UNIFORM CODE OF MISDEMEANOR
OFFENSES, AND ESTABLISHING MINIMUM AND MAXIMUM FINES
AND OTHER RELATED MATTERS.

BE IT ORDAINED BY THE CITY OF

SECTION I. SPEED RESTRICTIONS:

No person shall drive a vehicle within the city limits at a speed greater than is reasonable and prudent under the conditions and in any event no person shall drive a vehicle at a speed greater than the posted speed limit. Any person found guilty of violating the speed restriction shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$25.00 and not more than \$100.00.

SECTION II. DRIVER'S LICENSE REQUIRED:

No person, except those exempted by state law shall drive any motor vehicle within the city limits unless such person has a valid motor vehicle operator's license on his person. A person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$10.00 and not more than \$25.00.

SECTION III. DRIVING WHILE DRIVER'S LICENSE SUSPENDED OR REVOKED:

Any person found operating a motor vehicle within the city limits without driver's license because said license was suspended or revoked shall, upon conviction be guilty of a misdemeanor and subject to a fine of not less than \$50.00 and not more than \$100.00.

SECTION IV. EMPLOYING UNLICENSED CHAUFFEUR:

No person shall employ as a chauffeur of a motor vehicle any person not licensed as provided for by Arkansas state law. Any person found guilty of violating this provision shall be subject to a fine of not less than \$25.00 and not more than \$50.00.

SECTION V. PERMITTING UNAUTHORIZED PERSON OR MINOR TO DRIVE

No person shall cause or knowingly permit his child or ward under the age of 18 years of age to drive a motor vehicle within

the city limits, when such minor is not authorized under Arkansas Law to operate a motor vehicle. No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven within the city limits by any person who is not authorized under Arkansas Law to operate a motor vehicle. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$25.00 and not more than \$50.00.

SECTION VI. LOUD MUFFLERS PROHIBITED:

Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke and no person shall use a muffler cutout or bypass or similar device upon a motor vehicle within the city limits. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$10.00 and not more than \$25.00.

SECTION VII. STOPPING, STANDING OR PARKING ON STREETS:

No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part of a highway or street within the city limits. This section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner or in such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$10.00 and not more than \$50.00.

SECTION VIII. MOTOR VEHICLE MUST DISPLAY REGISTRATION TAG:

No person shall operate, nor shall an owner knowingly permit to be operated, any vehicle within the city limits, unless such vehicle has attached thereto and displayed thereon a valid registration license plate. Provided such vehicle has been owned by

misdemeanor and subject to a fine of not less than \$10.00 and not more than \$25.00.

SECTION IX. FICTITIOUS OR ALTERED LICENSE PLATES:

It shall be unlawful for any motor vehicle to be operated within the city limits when such motor vehicle has displayed thereon a license plate, the number of which shall belong to any other vehicle or where the number belonging to said vehicle has been altered in any respect. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$25.00 and not more than \$100.00.

SECTION X. MOTOR VEHICLE INSPECTION STICKERS:

It shall be unlawful for any person to operate a motor vehicle within the city limits unless such motor vehicle has displayed thereon a current motor vehicle inspection sticker as prescribed by state law. For purposes of this section a counterfeit or fictitious sticker shall not be considered a proper motor vehicle inspection sticker. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$25.00 and not more than \$100.00.

SECTION XI. OBEDIENCE TO POLICE OFFICERS.

No person, within the city limits, shall willfully fail or refuse to comply to any lawful order or direction of any police officer. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$50.00 and not more than \$250.00.

SECTION XII. RECKLESS DRIVING:

Any person who drives any vehicle in such a manner as to indicate a wanton disregard for the safety of persons or property, is guilty of reckless driving. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$100.00 and not more than \$500.00.

• SECTION XIII. THROWING Destructive OR INJURIOUS MATERIALS

ON THE OBJECTS PROHIBITED:

No person shall throw or deposit upon any street any glass bottle, glass, nails, tacks, wires, can or any other substance likely to injury any person, animal or vehicle upon such street. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$10.00 and not more than \$100.00.

SECTION XIV. DEFECTIVE VEHICLE:

No person shall operate a vehicle within the city limits unless such vehicle is in a safe operating condition. Any person operating a vehicle with defective brakes, defective horn, defective signal lamps, defective tail lights or defective head lights, or unsafe tires or any other defective part which renders said vehicle unsafe, including no rear view mirror or flag on projecting load shall be guilty of this provision. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$10.00 and not more than \$100.00.

SECTION XV. FAILURE TO YIELD RIGHT OF WAY:

Any person operating a vehicle within the city limits shall yield the right of way to all other traffic, as required by State Law, including stop signs, intersections, during turns, into or out of public or private property, on all streets, and to all pedestrians where crosswalks are present. Any person violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$25.00 and not more than \$50.00.

SECTION XVI. FOLLOWING TOO CLOSE:

The driver of any motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the street within the city limits. Any person

found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$25.00 and not more than \$100.00.

SECTION XVII. LEAVING THE SCENE OF AN ACCIDENT:

The driver of any vehicle involved in an accident within the city limits, resulting in injury or damages to a person or vehicle shall immediately stop said vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to and remain at the scene of the accident and shall render to any person injured in such accident reasonable assistance, including the arrangements for transporting of said person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary and shall leave with such person his name and address and the registration number of his vehicle, if such vehicle is attended and if not to securely place his name, address, vehicle license number and driver's license number upon said vehicle before leaving the scene of such accident. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$100.00 and not more than \$5,000.00.

SECTION XVIII. FAILURE TO YIELD TO EMERGENCY VEHICLES:

Upon the approach of an authorized emergency vehicle, when the driver of said vehicle is giving a audible signal, by siren or otherwise, or by the exhibiting of emergency lights in operation the driver of every other vehicle shall yield the right of way and shall immediately drive to a position as close to the right hand edge or curb of any street as possible, and stay clear of any intersection and shall stop and shall remain in such position until the authorized emergency vehicle has passed except where otherwise directed by a police officer. A person found guilty of violating this provision shall be guilty of a misdemeanor and

subject to a fine of not less than \$50.00 and not more than \$250.00.

SECTION XIX. DRIVING LEFT OF CENTER LINE:

All vehicles operating within the city limits shall be driven on the right half of the roadway, except when passing another vehicle as allowed by law, or except when the right half of the roadway is closed, or except when the roadway is designated and posted for one-way traffic. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$25.00 and not more than \$100.00.

SECTION XX. PASSING STOPPED SCHOOL BUS:

When any school bus, designated as such according to state law, stops, every operator of a motor vehicle approaching the same from any direction shall bring such motor vehicle to a full stop before proceeding in any direction; and in the event such school bus is receiving or discharging passengers, the said operator of such motor vehicle shall not start up or attempt to pass in any direction until such school bus has finished receiving or discharging its passengers. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$50.00 and not more than \$250.00.

SECTION XXI. OWNER PERMITTING HAZARDOUS OPERATION OF A MOTOR VEHICLE:

It is unlawful for the owner of any vehicle to require or to knowingly to permit the operation of such vehicle within the city limits in any manner contrary to law. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$50.00 and not more than \$250.00.

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SECTION XXII. IMPROPER PASSING:

No vehicle shall be driven to the left side of the center of the roadway or street in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction, or any vehicle overtaken. In any event no vehicle shall pass or attempt to pass where official signs including center line markings are present and prohibit passing. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$25.00 and not more than \$100.00.

SECTION XXIII. HITCH-HIKING:

No person shall stand in or near a roadway for the purpose of soliciting a ride from the driver of any private vehicle. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$10.00 and not more than \$25.00.

SECTION XXIV. FAILURE TO STOP AT STOP SIGN:

All vehicles shall come to a complete stop at all intersections or entrances to any street where stop signs are present. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$25.00 and not more than \$100.00.

SECTION XXV. VEHICLES CARRYING UNSECURE LOAD:

No vehicle shall be driven or moved in the city limits unless such vehicle is so loaded as to prevent any of the load from dropping, sifting, leaking or otherwise escaping therefrom, except as sand may be dropped for the purpose of securing traction or water or other substances may be sprinkled on the roadway in cleaning or maintaining such roadway. Any person found guilty of violating this provision shall be guilty of a misdemeanor and

subject to a fine of not less than \$25.00 and not more than \$100.00.

SECTION XXVI. VEHICLES TOWED IN A DANGEROUS MANNER:

When one vehicle is towed by another the draw bar or other connection shall be of sufficient strength and safety to pull all weight towed and shall not exceed 15 feet between the vehicle towed and the towing vehicle. In addition when one vehicle is towing another, there shall be an additional connection between said vehicles sufficient to hold the vehicle being towed in the event the draw bar or other regular connections should break or become disconnected. In any event the connection between the vehicles shall be such that it is safe and prevents the towed vehicle from swerving from side to side in a dangerous or unreasonable manner. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$25.00 and not more than \$100.00.

SECTION XXVII. DRIVING WHILE INTOXICATED:

It shall be unlawful for any person to operate any vehicle or to permit any other person to operate a vehicle when such operator is under the influence of alcohol or drugs. For purposes of determining the degree of intoxication necessary to be in violation of this provision, the laws of the state of Arkansas shall apply. Any person in violation of this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$250.00 and not more than \$500.00 for the first offense within any three year period. Any person found guilty of having violated this provision after having been convicted of driving while intoxicated within a three year period prior to the arrest shall be subject to a fine of not less than \$500.00 and not more than \$1,000.00. Any person found guilty of violating this pro-

vision after having been convicted of driving while intoxicated on two occasions within the last three years prior to arrest shall be subject to a fine of not less than \$1,000.00 and not more than \$2,000.00. The Court in addition to taxing other cost allowed by law shall tax any person convicted hereunder the sum of \$5.00 for a breathalyzer test when administered to said person, and the sum of \$25.00 cost as provided for by state law for purposes of establishing schools for the prevention of driving while intoxicated.

SECTION XXVIII. PUBLIC DRUNK:

No persons shall be in any public place or place open to the public within the city limits while in an intoxicated condition. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$50.00 and not more than \$250.00.

SECTION XXIX. MINOR IN POSSESSION OF INTOXICANTS:

It shall be unlawful for any person under the age of 21 years to possess or purchase any intoxicating liquor, wine or beer. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$50.00 and not more than \$250.00.

SECTION XXX. SALE OF INTOXICANTS OR PURCHASE OF INTOXICANTS FOR A MINOR:

It shall be unlawful for any person knowingly to sell, give, procure or otherwise furnish any alcoholic beverage to any person under the age of 21 years of age. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$100.00 and not more than \$500.00.

SECTION XXXI. OVER-POSSESSION OF INTOXICANTS IN MOTOR VEHICLE:

It shall be unlawful for a motor vehicle in the city limits to carry at any one time intoxicating liquors in excess of one gallon of spiritous vinous or malt liquor or wine, or three gallon of beer or one case of beer. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$100.00 and not more than \$500.00.

SECTION XXXII. POSSESSION OF UNTAXED BEER, WINE, OR LIQUOR:

It shall be unlawful for any person to possess in the city limits any beer, wine or liquor, unless the container thereof, clearly displays an Arkansas Tax Stamp showing that taxes on said beer, wine or liquor have been paid as required by the state of Arkansas. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$25.00 and not more than \$250.00.

SECTION XXXIII. CONTRIBUTING TO THE DELINQUENCY OF A MINOR:

Any person who shall by any act, cause, or incourage or contribute to the delinquency of any person under the age of 18 years, as these terms with reference to persons under the age of 18 are defined by the laws of the state of Arkansas pertaining to juvenile delinquents, or who shall, for any cause, be responsible therefore, shall be guilty of this provision. Any person found guilty of violating this provision shall be guilty of a misdemeanor and subject to a fine of not less than \$50.00 and not more than \$500.00.

SECTION XXXIV. SECOND AND SUBSEQUENT OFFENSES:

The maximum penalty provided for herein as relating to any particular provision shall be doubled on the second and each subsequent violation thereof within any twelve month calendar

year.

SECTION XXXV. VIOLATION WITHIN THE CITY LIMITS:

All provisions of this ordinance apply only to violations of this ordinance within the city limits.

SECTION XXXVI. INCORPORATION OF STATE LAW BY REFERENCE;

All terms and words used herein are intended to be used as defined by the laws of the state of Arkansas. Any reference to a person in the male gender is intended to refer to the female gender.

SECTION XXXVII. COURT COST

Only those costs authorized by law shall be assessed against any person violating any provision of this ordinance. In relation thereto the city attorney shall hereafter receive a salary for his attendance and prosecution of violations of this ordinance and other duties as such city attorney, which salary is hereby established at \$ _____ effective the first day of _____ 1976. Which salary may be adjusted upward or downward at any time by approval of the council without regard whether city attorney was appointed or elected.

SECTION XXXVIII: SEVERANCE CLAUSE:

In the event any provision or portion of this ordinance is found to be unconstitutional then such provision shall be deemed severable and shall not effect the remainder of said ordinance.

SECTION XXXIX. REPEALING CLAUSE:

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION XL: EMERGENCY CLAUSE:

It being found by the city council that an immediate need exists for a uniform violations within the city and therefore an emergency is hereby declared and this ordinance shall be deemed in full force and effect after its passage and publication.

Offenses of this ordinance shall be referred to as the Uniform Code with the appropriate serial number, to be abbreviated as follows; U.C. 12 or U.C. 22 as the section may be.

Passed and approved by a majority of the city council this

8th day of July, 1976.

Eddie A. Dodge
MAYOR

Norma Sanford
CITY RECORDER