

TITLE 8

VEHICLES AND TRAFFIC

Chapters:

- 8.04 Adoption of State Laws
- 8.08 Master Street Plan
- 8.12 Unsafe Driving
- 8.16 Inoperable Boats and Vehicles
- 8.20 Motor Vehicle Policy for City Departments
- 8.24 Dedicating and Vacating 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 Mayor, 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

MASTER STREET PLAN

Sections:

8.08.01 Adopted

8.08.01 Adopted The Master Street Plan document and map as prepared and recommended by the Ward Planning Commission be hereby adopted by this ordinance. (Ord. No. 93-11, Sec. 1.)

CHAPTER 8.12

UNSAFE DRIVING

Sections:

8.12.01 Definition
8.12.02 Risk
8.12.03 Reckless driving
8.12.04 Fine
8.12.05 Excessive noise

8.12.01 Definition A person commits the offense of unsafe driving if he or she operates or is in actual physical control of any vehicle on, over or along the public highways or streets or in any areas open to the general public for parking purposes, in the city of Ward, Arkansas, in such a manner that his or her operation or actual physical control of said vehicle creates a substantial and justifiable risk that attendant circumstances exist for or will result in any of the following:

- A. Injury to himself/herself or any person;
- B. Property damage;
- C. Spinning of tires, such as breaking traction, or for an excessive period of time may also be considered as evidence of unsafe driving.
(Ord. No.-2- 90, Sec. 2.)

8.12.02 Risk The risk must be of such a nature that the actor's failure to perceive it, considering the nature of his/her conduct and/or the circumstances, involves a gross deviation from the standard of care that a reasonable person would observe in the actor's situation. (Ord. No. C-2-90, Sec. 3.)

8.12.03 Reckless driving The offense of unsafe driving shall be considered a lesser included offense of reckless driving. Any person charged with reckless driving may be convicted of the lesser included offense of unsafe driving. (Ord. No. C-2-90, Sec. 4.)

8.12.04 Fine Unsafe driving is a violation punishable by a fine of not less than Seventy-Five Dollars and not more than One Hundred Dollars (\$100.00). (Ord. No. C-2-90, Sec. 5.)

8.12.05 Excessive noise

- A. It shall be unlawful for any driver of a motor vehicle to operate, or permit the operation of, any radio, audio tape player, or other sound amplification system of the vehicle so it can be heard outside from fifty (50) feet or more then the motor vehicle is being operated on the public streets and highways of the city of Ward, Arkansas.
- B. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction there, shall be fined not more than Twenty-Five Dollars (\$25.00) for any one specified offense, or double that sum for each repetition of such offense.
- C. The prohibitions of this ordinance shall not apply to:
 - 1. Situations where the sound system is being used to request assistance or to warn of a hazardous condition;
 - 2. Emergency vehicles or vehicles operated by gas, electric, communication, or water utilities; or
 - 3. Vehicles with sound systems used for advertising, or used in parades, political rallies, or special events. (Ord. No. 0-2001-04, Secs. 1-3.)

CHAPTER 8.16

INOPERABLE BOATS AND VEHICLES

Sections:

- 8.16.01 Definitions
- 8.16.02 Abandonment
- 8.16.03 Parking and storage
- 8.16.04 Exceptions
- 8.16.05 Notice of compliance
- 8.16.06 Hearing
- 8.16.07 Board of Adjustment determination
- 8.16.08 Removal of abandoned and inoperable motor vehicles
- 8.16.09 Adoption of state law

8.16.01 Definitions

Abandoned motor vehicle – any motor vehicle left on public or private property as defined herein for a period in excess of the time periods of twenty-four (24) hours, seventy-two (72) hours, or fifteen (15) days, regardless of whether wrecked, inoperable, or if said vehicle bears current registration or inspection stickers.

Boat – any vessel initially designed for carrying cargo or passengers upon water, whether currently seaworthy or not, and regardless of size or design. Said definition shall include, but not be limited to, barges, canoes, motorboats, rafts, rowboats, and sailboats.

Inoperable motor vehicle – any motor vehicle for which its condition is dismantled, partially dismantled, wrecked, or from which the wheels, engine, transmission, or any substantial part thereof has been removed.

Motor vehicle – any self-propelled land vehicle designed to travel along the ground without the use of rails. Said definition shall include, but not be limited to, automobiles, buses, campers, go-carts, golf carts, lawn tractors, mopeds, motorcycles, motor homes, tractors, trailers, and trucks.

Private property – any real property within the city which is privately owned.

Public property – any real property within the city which is owned by a governmental body, to include, but not be limited to, buildings, easements, parking lots, parks rights-of-way, sidewalks, streets, and other similarly situated property.

Trailer – any free-wheeling object designed or intended to be pulled or towed behind a motor vehicle, to include, but not be limited to, boat trailers, camper trailers, cargo trailers, farm implement trailers, golf cart trailers, horse trailers, and utility trailers.

For purposes of this ordinance, motor vehicle shall also be a comprehensive term including boats, motor vehicles, and trailers as defined herein when used in this chapter. (Ord. No. 0-694, Sec. 1.)

8.16.02 Abandonment No person shall abandon or leave any motor vehicle, attended or not, upon any public right-of-way (or within three (3) feet) within the city for a period in excess of twenty-four (24) hours. The presence of such a motor vehicle or parts thereof in a public right-of-way is hereby declared to be a public nuisance, and said nuisance shall be abated in compliance with the terms of this ordinance and/or A.C.A. 27-50-1201, et. seq.

No person shall abandon or leave any motor vehicle, attended or not, within six (6) feet of a public right-of-way within the city for a period in excess of seventy-two (72) hours. The presence of such a motor vehicle or parts thereof within six (6) feet of a public right-of-way is hereby declared to be a public nuisance, and said nuisance shall be abated in compliance with the terms of this ordinance and/or A.C.A. 27-50-1201, et. seq. (Ord. No. 0-694, Sec. 2.)

8.16.03 Parking and storage No person shall leave, park, store, or permit the leaving, parking, or storing of any inoperable motor vehicle or parts thereof upon any private property within the city for a period in excess of fifteen (15) days. The presence of such a motor vehicle or parts thereof in excess of said period is hereby declared to be a public nuisance, and said nuisance shall be abated in compliance with the terms of this ordinance. (Ord. No. 0-694, Sec. 3.)

8.16.04 Exceptions The provisions of 8.16.02 and 8.16.03 shall not apply to:

- A. Any motor vehicle parked or stored within a building, carport, or other such shelter on private property; and
- B. Any motor vehicle held in connection with a business enterprise lawfully licensed by the city for repair, sales, and/or servicing of motor vehicles or parts thereof which is properly operated in an appropriate business zone pursuant to the city's zoning ordinances. (Ord. No. 0-694, Sec. 4.)

8.16.05 Notice of compliance When brought to the attention of the Code Enforcement Officer and/or the Police Department that a nuisance as defined above appears to exist on private and/or public property, a written notice of compliance shall be affixed to the motor vehicle involved. Said notice shall declare the existence of a nuisance and order anyone with an interest in said motor vehicle to comply with the provisions of this ordinance and Arkansas law by removing the motor vehicle within the appropriate time frame, whether said time frame be

twenty-four (24) hours, seventy-two (72) hours, or fifteen (15) days. In addition, should the nuisance exist on private property, a copy of said notice shall be delivered to the owner or occupant of said property. If a copy of the notice cannot be delivered to the owner or occupant, a copy of the notice shall be left at said property, with a duplicate copy sent to the owner or occupant of the property by certified mail, return receipt requested.

Said notice of compliance shall further contain a request for removal within the appropriate time period as specified above. The notice shall advise that, upon the failure to comply with the notice of compliance, the Code Enforcement Office and/or the Police Department shall direct and order such removal, with the cost of removal to be levied against the owner of said motor vehicle.

Should the violation exist on private property, the notice of compliance shall also advise any interested party of the right to contest the determination of the Code Enforcement Office that a violation exists under this ordinance and of his/her right to request a hearing before the Ward Board of Adjustment in writing in compliance with the terms of this ordinance. (Ord. No. 0-694, Sec. 5.)

8.16.06 Hearing Upon receipt of a written request to the Ward Board of Adjustment, delivered to the City Clerk' office within ten (10) days of issuance of a Notice of Compliance on a particular motor vehicle, the City Clerk shall place the request on the agenda for the next regularly scheduled meeting of the Board of Adjustment. Further, the City Clerk shall notify in writing the interested party and the Code Enforcement Office and/or Ward Police Department of the date and time of said meeting. A properly filed request for hearing shall stay and all enforcement proceedings until an order of the Board of Adjustment is entered. (Ord. No. 0-694, Sec. 6.)

8.16.07 Board of adjustment determination The Board of Adjustment shall conduct a hearing and review for determination of whether a nuisance as defined herein exists. After making said determination, the Board of Adjustment shall issue a written order stating its findings of facts and conclusion, providing a copy of such to the City Clerk, Code Enforcement Office and/or the Ward Police Department and the interested party who filed the request for hearing.

In the event the Board of Adjustment determines a motor vehicle constitutes a nuisance as defined herein, it shall order the removal and/or repair of the nuisance to be completed within seventy-two (72) hours from the date of issuance of the order. If the owner or interested party fails to comply with the Board of Adjustment's order, said motor vehicle shall be removed in accordance with the terms of this ordinance and A.C.A. 27-50-1201 et seq. (Ord. No. 0-694, Sec. 7.)

8.16.08 Removal of abandoned and inoperable motor vehicles In the event an abandoned and/or inoperable motor vehicle shall be required to be removed from private or public property, the Ward Police Department shall obtain the most recent registration on said

vehicle, determine if said vehicle is stolen or not, and shall then contact a towing or wrecker service in accordance with department policy. The Police Department shall provide whatever assistance necessary to allow the towing or wrecker service to remove said motor vehicle and eliminate the nuisance, and shall provide the towing or wrecker service with information on the last registered owner of said motor vehicle in accordance with and to the extent of Arkansas law.

Any towing or wrecker service utilized in the enforcement of this ordinance shall comply with all requirements of this ordinance and A.C.A. 27-50-1101 et seq. in removal and disposition of said motor vehicle, and shall provide proof of notification to appropriate owners/interested parties of vehicles involved to said owners/interested parties and city officials at no charge upon request. (Ord. No. 0-694, Sec. 8.)

8.16.09 Adoption of state law The terms and conditions provided by Arkansas state law regarding the removal and disposition of abandoned/inoperable motor vehicles are herein incorporated by reference into this ordinance. Should the Ward Police Department, Code Enforcement Office, and/or any towing or wrecker service involved in the enforcement of this ordinance utilize Arkansas law in the removal of abandoned/inoperable motor vehicles, said agency or service is directed to comply fully with all provisions contained therein. (Ord. No. 0-694, Sec. 9.)

CHAPTER 8.20

MOTOR VEHICLE POLICY FOR CITY DEPARTMENTS

Sections:

8.20.01 Adoption

8.20.01 Adoption

- A. The City Council of the city of Ward, Arkansas, does hereby adopt a Motor Vehicle Policy for all Departments.
- B. The motor vehicle policies adopted by the city of Ward, Arkansas, are herein contained in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.
- C. Nothing in the Motor Vehicle Policy hereto attached and marked Exhibit "A: and made a part of this ordinance for all purposes shall be construed as being in conflict with any law of the state of Arkansas. In the case of conflict of said manual and any law of the state of Arkansas, state law shall prevail.
(Ord. No. 2006-7, Art. I.)

CHAPTER 8.24**DEDICATING AND VACATING STREETS****Sections:**

8.24.01	Dedication
8.24.02	Vacating

8.24.01 Dedication

Res. No. WSR-2-88	Griffin Street
Res. No. WSR-3-88	Stephens Street (Phase I)
Res. No. WSR-4-88	Stephens Street (Phase II)
Ord. No. C-2-89	Hilburn Street
Ord. No. C-3-89	Griffin Street
Ord. No. 8-5-92	Langford Street

8.24.02 Vacating

Ord. No. 68-1	Street between Blocks 22 & 23 intersecting Hickory Street
Ord. No. 83-10	Street between Blocks 9 & 10 between Third St. and Elm St.
Ord. No. C-3-85	Part of North Street crossing through Northeast 27, Twp 5 N, Range 9 W
Ord. No. WS 1-91	Part of Center Street crossing Lot #8 in Shady Acres Subdivision
Ord. No. WS 2-91	Maple Street north and south between Owen Ave. and Willow St.
Ord. No. CS 7-92	Part of Wilson St. between Walker St. and Price St.
Ord. No. 0-695	Price Street running east and west between Spring St. and Scott St.
Ord. No. 99-2	Spring St., Oakland St. and Chenquepin in Oakland Grove
Ord. No. 0-2007-02	Erwin St. in Oakland Grove
Ord. No. 2016-07	Spencer Street between Campbell Street and Milam Street