

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 Parking and Traffic Regulations - Generally
- 8.24 Prohibiting Careless Driving

CHAPTER 8.04

ADOPTION OF STATE LAWS

Sections:

- 8.40.01 Adoption of state laws

8.40.01 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, 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 Truck routes - designated

8.08.01 Truck routes - designated Truck routes for all motor vehicles having a capacity of one ton and over, and proceeding through the city, are hereby established and designated as follows:

All such vehicles are hereby prohibited from using any other street, alley or road while proceeding through the city

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
 7. The motor vehicle does not have a current Arkansas motor vehicle inspection sticker demonstrating the vehicle has passed a safety inspection as by law required.
- B. 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.
- C. 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 traveler 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

PARKING AND TRAFFIC REGULATIONS - GENERALLY

Sections:

- 8.20.01 Vehicles approaching Court Square
- 8.20.02 Parking restrictions
- 8.20.03 Parking - Main Street
- 8.20.04 Parking parallel - courtyard
- 8.20.05 No parking - west side of Griggs Street
- 8.20.06 Must use parking lanes where provided
- 8.20.07 Speed limits
- 8.20.08 No parking - fire lanes
- 8.20.09 Penalty 8.20.01 - 8.20.07
- 8.20.10 No parking - fire plugs
- 8.20.11 Contract - purchase of parking meters
- 8.20.12 Definitions
- 8.20.13 Parking meter zones
- 8.20.14 Designation of parking spaces
- 8.20.15 Installation of parking meters
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- 8.20.39 Street department and police department may place signs in zones R3, C1, C2 or I
- 8.20.40 Penalty - 8.20.36 through 8.20.38

8.20.01 Vehicles approaching Court Square All drivers of vehicles in the City of Clinton, Arkansas when approaching the Court Square are hereby required to keep to the right and are allowed to drive around the square in one direction only. Signs shall be placed in the court yard directing traffic around the square and all drivers are required to drive in accordance with same. (Ord. No. 19, Sec. 1.)

8.20.02 Parking restrictions There shall be no parking of vehicles of any kind on the South side of Main Street from Court street to U.S. Highway No. 65. Vehicles are allowed to be parked on the North Side of Main Street from Court Street to said highway parallel with the curb and facing West only. (Ord. No. 19, Sec. 2.)

8.20.03 Parking - Main Street Vehicles shall be allowed to be parked on either side of Main Street directly North of Court House between Court Street and Griggs Street in parking lanes only. Said Parking lanes shall be painted with black paint. (Ord. No. 19, Sec. 3.)

8.20.04 Parking parallel - courtyard Vehicles shall be allowed to be parked paralleled with the curb only on the East, South and West sides of the Court Yard, but shall not be allowed to park on either corner of said Court Yard. (Ord. No. 19, Sec. 4.)

8.20.05 No parking - west side of Griggs Street There shall be no parking of any vehicles on the West Side of Griggs Street from Elm Street South to U.S. Highway No. 65, vehicles may be parked on the East side of Griggs Street from Elm Street to U.S. Highway No. 65 parallel

with the curb only and must be parked facing North. (Ord. No. 19, Sec. 5.) Griggs Street from the intersection of Main Street and Griggs Street to the intersection of Griggs Street and Court Street shall be a one-way street with vehicles traveling only in a northerly direction on said street. (Ord. No. 00-281, Sec. 1.)

8.20.06 Must use parking lanes where provided Where parking lanes are provided in said city of Clinton, Arkansas, drivers of all vehicles are hereby required to park same in said lane. (Ord. No. 19, Sec. 6.)

8.20.07 Speed limits It shall be unlawful for any person to operate a motor vehicle within the city limits of Clinton, Arkansas, at a speed greater than 25 miles per hour, unless otherwise posted. (Ord. No. 156, Sec. 1.)

8.20.08 No parking - fire lanes No driver of any vehicle is allowed to park the same at any place in the city of Clinton, Arkansas where the curb is painted red; and there shall be no double parking at any place in said City. (Ord. No. 19, Sec. 8.)

8.20.09 Penalty 8.20.01 - 8.20.07 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 less than \$1.00 nor more than \$5.00. (Ord. No. 19, Sec. 9.)

8.20.10 No parking - fire plugs It shall be unlawful to park any motor vehicle within ten feet of any fire plug within the city limits of the town of Clinton, Arkansas (Ord. No. 59, 1954.)

8.20.11 Contract - purchase of parking meters The Mayor is authorized to enter into a contract for the purchase of parking meters to be installed upon the streets and thoroughfares of the city of Clinton, Arkansas, as shall be hereafter directed by the Mayor and Chief of Police. (Ord. No. 64, Sec. 1.)

8.20.12 Definitions For the purpose of this ordinance:

- A. The word "vehicle" shall mean any device in, upon or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.
- B. The word "street" shall mean any public street, avenue, road, alley, highway, lane, path, or other public place located in the city of Clinton, Arkansas, and established for the use of vehicles.
- C. The word "operator" shall mean and include any individual who shall operate a vehicle as the owner thereof, or the agent, employee or permittee of the owner, or is in actual physical control of a vehicle.
- D. The word "person" shall mean and include any individual, firm, co-partnership, association or corporation.

- E. The word “park” or “parking” shall mean the standing of a vehicle, whether occupied or not, upon a street otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passenger, loading or unloading merchandise or obedience to traffic regulations, signs or signals or an involuntary stopping of the vehicle by reason of causes beyond control of the operator of the vehicle,
- F. The words "parking meter" shall mean and include any mechanical device or meter not inconsistent with this ordinance placed or erected for the regulation of parking by authority of this ordinance. Each parking meter installed shall indicate by proper legend the legal parking time established by the city and when operated shall at all times indicate the balance of legal parking time, at the expiration of such period shall indicate illegal or overtime parking.
- G. The words "parking meter space" shall mean any space within a parking meter zone, adjacent to a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters. (Ord. No. 80, Sec. 1.)

8.20.13 Parking meter zones Parking meter zones shall mean streets or portions of streets; avenues, roadways, drives, lanes, alleys or any other parking areas lying within the corporate limits of the city of Clinton, Arkansas, as may be deemed necessary for proper and convenient parking of vehicles by the Mayor and Chief of Police. (Ord. No. 80, Sec. 2.)

8.20.14 Designation of Parking Spaces. The Chief of Police is hereby directed and authorized to mark of individual parking spaces in the parking zones designed and described in Section 2 of the ordinance and in such other zones as may hereafter be established, said parking spaces to be designated by lines painted or durably marked on the curbing or surface of the street. At each space so marked off it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the limits of the space so designated.(Ord. No. 80, Sec. 3.)

8.20.15 Installation of Parking Meters. In said parking meter zones the Mayor shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking spaces provided in Section 3 of this ordinance. Each device shall be so set as to display a signal showing legal parking upon deposit of the appropriate coin or coins in lawful money of the United States of America, for the period of time prescribed by this ordinance. Each device shall be so arranged that upon the expiration of the lawful time limit it will indicate by a proper visible signal that the lawful parking period has expired and in such cases the right of such vehicle to occupy such space shall cease and the operator, owner, possessor or manager thereof shall be subject to the penalties hereinafter provided. (Ord. No. 80, Sec. 4.)

8.20.16 Operation of Parking Meters. Except in a period of emergency determined by an officer of the Fire or Police Department, or in compliance with the direction of a police officer or traffic control sign or signal, when any vehicle shall be parked in any parking space alongside

or next to which a parking meter is located, the operator of such vehicle shall, upon entering the said parking meter space, immediately deposit or cause to be deposited in said meter such proper coin of the United States as is required for such parking meter and as is designated by proper direction on the meter, and when required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin or coins, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon, and failure to deposit such proper coin, and to set the timing mechanism in operation when so required, shall constitute a violation of this ordinance. Upon deposit of such coin (and the setting of the time mechanism in operation when so required) the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the street in which said parking space is located, provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin so long as his occupancy of said space does not exceed the indicated unused parking time. If said vehicle shall remain parked in any such parking space beyond the parking time limit set for such parking space, and if the meter shall indicate such illegal parking, then and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of this ordinance. (Ord. No. 80, Sec. 5.)

8.20.17 Parking Time Limits:

- A. Parking or standing vehicles in a designated space in a parking meter zone shall be lawful as set out below:

In twelve (12) minute parking zone, the meter charge shall be one (1) cent for twelve (12) minutes.

In one (1) hour parking zones the meter charge shall be five (5) cents an hour or one (1) cent for twelve (12) minutes.

In two (2) hour parking zones the meter charge shall be five (5) cents for each hour and one (1) cent for each twelve (12) minutes.

- B. Said parking meters shall be operated in said parking meter zones; week days between the hours of eight (8) o'clock a.m. and five (5) o'clock p.m.; except holidays designated by the City Council.(Ord. No. 80, Sec. 6.)

8.20.18 Metered Parking. On those sections of the streets where parking meters are installed, parking is permitted as set out in paragraph (B) Section 6 of this ordinance for intervals of time as indicated on the face of the meters, except where parking is otherwise prohibited by signs installed in conjunction with said meters; and it shall be unlawful for a vehicle to be parked in a metered space when the violation flag of the meter for that space in the "violation" position, except on Sundays; and it shall be unlawful for a vehicle to be parked in a metered space where parking is otherwise prohibited and signs are installed upon the parking meter posts to indicate such other-wise prohibited parking. (Ord. No. 80, Sec. 7.)

8.20.19 Advertising Prohibited. No person, firm or corporation shall be permitted to use a parking meter as a medium of advertising in any manner except by express permission of the City Council. (Ord. No. 80, Sec. 8.)

8.20.20 Violations. It shall be unlawful and a violation of the provisions of this ordinance of any person:

- A. To cause, allow, permit or suffer any vehicle registered in the name of, or operated by such person to be parked overtime, or beyond the period of legal parking time established for any parking meter zone as herein described.
- B. To permit any vehicle to remain or be placed in any parking meter space while said meter is displaying a signal indicating the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space.
- C. To park any vehicle across any line or marking of a parking meter space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.
- D. To deface, injure, tamper with, open or wilfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this ordinance.
- E. To deposit or cause to be deposited in any parking meter any slugs, device, or metal substance, or other substitute for lawful coins. (Ord. No. 80, Sec. 9.)

8.20.21 Penalty - overtime parking There is hereby provided a penalty of fifty (50) cents for violation of overtime parking in the city of Clinton, Arkansas in parking meter areas. That a combination ticket and envelope shall be provided for the issuance of a violation for the convenience of the motorists who shall place same in the penalty boxes attached to the parking meters for the payment of such violations. That the penalty charge for overtime parking in the metered areas of fifty (50) cents shall be paid by placing said sum in the penalty envelope and depositing same in the penalty box or by paying at the Clinton, Arkansas City Hall. Provided, however, that should the penalty not be placed in the penalty box or paid to the Clinton, Arkansas City Hall within twenty-four (24) hours of the violation; or by mailing, bearing a postmark the same date as the violation, the penalty shall be one (1) dollar. Provided, however, that should the one (1) dollar penalty not be paid within five(5)days, a warrant will be issued and a penalty of five (5) dollars will be assessed.(Ord. No. 80, Sec. 10.)

8.20.22 Penalty - 8.20.20 Any person who shall violate or fail to comply with any of the provisions of Section 9, Paragraph (D) and/or (E) of this ordinance, or who shall counsel, aid or abet any such violation or failure to comply, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not to exceed fifty dollars (\$50.00) or by imprisonment not to exceed thirty (30) days, or both fine and imprisonment. (Ord. No. 80, Sec. 11.)

8.20.23 Gross revenues derived For the purpose of this ordinance, the gross revenues derived by the City from the use of parking meters shall be considered to include the gross funds collected direct from monies deposited in the parking meters. The gross revenues derived by the City of Clinton, Arkansas from the use of parking meters to be installed and maintained pursuant to the provisions of this ordinance shall be applied as follows:

- A. One-half of the gross revenues derived from the use of such parking meters shall be paid to the Parking Meter Company according to the Agreement entered into by the city of Clinton , Arkansas with the Parking Meter Company until the full stated price for the parking meters has been paid.
- B. All the remaining revenues derived by the city from the use of parking meters shall be first applied to the payment of expenses incurred by the City in the procurement, installation, maintenance and operation of such parking meters, and in the preparation and publication of this ordinance. If and when any part of said gross revenues derived from the use of parking meters shall be remaining, such excess shall be available and appropriated and used by the city of Clinton, Arkansas. (Ord. No. 80, Sec. 12.)

8.20.24 All monies taken directly from parking meters All monies taken directly from the parking meters, together with all fines assessed and paid on account of violations of the provisions of this ordinance, shall be promptly paid and delivered when and as collected to the City Collector of the city of Clinton, Arkansas, and shall be promptly deposited in a separate fund to be maintained in a bank authorized to receive deposits of the funds of the city of Clinton, Arkansas, under the title of "Parking Meter Fund of the city of Clinton, Arkansas" or a synonymous appellation. Withdrawal of monies from said special fund may be made only for the purposes authorized by the provisions of this ordinance, in the manner provided by other ordinances governing the disbursement of funds of the city, and shall at all times be maintained a separate and complete account of monies deposited in and withdrawals from said such special parking meter fund of the city of Clinton, Arkansas. (Ord. No. 80, Sec. 13.)

8.20.25 Mayor authorized to employ maintenance, collection personnel The Mayor is hereby authorized, subject to the approval of the City Council, to employ a person whose duties shall relate primarily, but not limited to, (1) the duty to maintain in good operating condition all parking meters which have been installed and are in use in the city of Clinton, Arkansas; (2) to collect at such times and in such manner as man be directed, all monies deposited in parking meters; (3) promptly upon such collections thereof, to pay and deliver such monies to the City Collector.

The salary of such employee shall be determined by the City Council payable semi-monthly, and shall be deemed a part of the costs of maintaining and operating parking meters in the city of Clinton, Arkansas, and shall be paid out of revenues derived by such City from the use of parking meters, subject to the prior provision of this ordinance. (Ord. No. 80, Sec. 14.)

8.20.26 Mayor authorized to enter into lease agreement for meters The Mayor be and the same is hereby authorized to enter into a twelve-month trial-lease agreement for parking meters to be installed upon the streets and thoroughfares of the city of Clinton, Arkansas, as shall be hereafter directed by the Mayor, Chief of Police or officer appointed or authorized by the said City Council of Clinton, Arkansas. (Ord. No. 81, Sec. 1.)

8.20.27 Supplement to Ordinance 80 Ordinance No. 80 of the city of Clinton, Arkansas having been passed on December 7, 1967 is now found to need to be supplemented. This ordinance is intended to supplement ordinance No. 80 of the city of Clinton, but not in any way to repeal said ordinance. (Ord. No. 104, Sec. 1.)

8.20.28 Chief of Police authorized to designate “no parking” zones The Chief of Police for the city of Clinton is instructed to denominate appropriate areas as “no parking” zones. These zones shall be created where needed to prevent congestion of traffic and where needed as space for use of police and other emergency vehicles. They shall be clearly denominated by use of either red paint or conspicuous signs. It shall be unlawful for any person to park in any zone denominated a “no parking” zone. Those areas denominated for use as police and emergency vehicles may be used for these purposes only. There is hereby imposed a penalty of fifty (50) cents for violation of this section of this ordinance. An additional penalty may be imposed pursuant to the provisions of Section 6 of this ordinance. (Ord. No. 104, Sec. 2.)

8.20.29 Unlawful to park upon sidewalks It shall be unlawful for any person to park upon the sidewalks of the city of Clinton. It shall also be unlawful for any person to block any roadway, driveway or alley in the city of Clinton. A penalty of fifty (50) cents is imposed for violation of this section. An additional penalty may be imposed pursuant to the provisions of Section 6. (Ord. No. 104, Sec. 3.)

8.20.30 Exclusions from meter fines Parking violation fines for improper metered parking shall not be imposed against vehicles owned by Van Buren County, Arkansas, the city of Clinton, Arkansas, or the State of Arkansas. Such fines shall not be levied against Circuit and Chancery Judges, and their reporters, when court is in session in Van Buren County, Arkansas. Such fines shall not be imposed against utility vehicles while the employee who is operating such vehicle is engaged in installment or repair work for the utility company upon premises which are within one hundred (100) feet of the location where the utility vehicle is parked. (Ord. No. 104, Sec. 4.)

8.20.31 City may define one-way streets The City Council of the city of Clinton shall have authority to denominate any street a one-way street where it determines any street should be so denominated for improved traffic flow. Each street so designated shall be marked by appropriate signs or markings. It shall be unlawful for any person to operate a vehicle in the wrong direction upon a street denominated a one-way street. A fine of One Dollar (\$1.00) shall be imposed for violation of this section of this ordinance. (Ord. No. 104, Sec. 5.)

8.20.32 Any vehicle in red zone or blocking others - removal Any vehicle which is parked in a red zone or blocking any roadway, driveway or alley is subject to being removed. When such an improperly parked vehicle is removed on order of the Police Chief or his subordinate, a fine of Five Dollars (\$5.00) shall be imposed. Additionally, the owner or operator of such vehicle shall be required to pay all tow charges before said vehicle is released to the owner or operator. (Ord. No. 104, Sec. 6.)

8.20.33 Speed limit - except as otherwise posted It shall be unlawful for any person to operate a motor vehicle within the city limits of Clinton, Arkansas, at a speed greater than 25 miles per hour, unless otherwise posted. (Ord. No. 97-246, Sec. 1.)

8.20.34 Negligent and careless driving prohibited - defined It shall be unlawful for any person to operate a motor vehicle within the city limits of Clinton, Arkansas, in a negligent and careless manner, thereby disturbing the peace of the city, and endangering the personal and property interest of the citizens of said city. Such negligent and careless operation of motor vehicles includes, but is not limited to, squealing tires on street pavement; making excessive noise due to defective mufflers, devices added to mufflers or the exhaust system, or the absence of mufflers; and repeatedly turning a vehicle in circles upon the streets, business parking lots, or other premises of the citizens of the city when not necessary for normal driving purposes. (Ord. No. 97-246, Sec. 2.)

8.20.35 Mufflers This local ordinance is intended to supplement and not contradict a separate statute regulating the use of mufflers with separate penalties as imposed by the State. Said statute is codified as A.C.A. 27-37-601 which also prohibits motor vehicles from being equipped with non-factory installed mufflers or duplications thereof. Said statute also prohibits any person from using or selling other forms of mufflers, cut-outs, by-passes, or similar devices which produce excessive or unusual noise and smoke. Said State statutory provisions are not intended to be modified by this ordinance. (Ord. No. 97-246, Sec. 3.)

8.20.36 Penalty - 8.20.33 and 8.20.34 Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed \$150.00 Dollars. (Ord. No. 97-246, Sec. 4.)

8.20.37 Parking restrictions - zones R1 and R2 No motor vehicles of any kind shall be parked for any length of time in or on any paved, graveled or graded street within city limits in residential areas classified as R1 or R2 under Ordinance No. 91-194 as amended; provided, delivery trucks, and "moving vans" may park in or on said streets for a limited time while being used for the purpose for which they were intended and so long as they do not block or obstruct other traffic along any street. (Ord. No. 93-216, Sec. 1.)

8.20.38 Parking restrictions - near corners and intersections No motor vehicles shall be parked in, on, or along the side of any paved, graveled or graded street within city limits in such a manner as to obstruct or interfere with a driver's field of vision around any street corner or

intersection. If any such vehicle is parked within 20 feet of any street intersection, such parking shall create a rebuttable presumption of a violation of this provision. Furthermore, no motor vehicle be parked in or on any street in such a manner as to interfere with the use of any private driveway or access road to a city street. (Ord. No. 93-216, Sec. 2.)

8.20.39 Street department and police department may place signs in zones R3, C1, C2 or I The Clinton Street Department and Police Department is authorized to place signs along portions of streets in the districts classified R3, C1, C2, of I, in order to regulate motor vehicle parking. (Ord. No. 93-216, Sec. 3.)

8.20.40 Penalty - 8.20.36 through 8.20.38 Any person, persons or business, including any corporation, sole proprietorship, or partnership found guilty of violating a provision of this ordinance shall be fined not less than \$10.00 nor more than \$50.00 in addition to Municipal Court Costs. If a violation shall continue over a period of days it may be considered a continuing violation and each day that it continues shall be deemed a separate offense. (Ord. No. 93-216, Sec. 4.)

CHAPTER 8.24

PROHIBITING CARELESS DRIVING

Sections:

8.24.01	Speeding
8.24.02	Negligent and careless driving
8.24.03	State statute
8.24.04	Fine
8.24.05	Unsafe Driving

8.24.01 Speeding It shall be unlawful for any person to operate a motor vehicle within the city limits of Clinton, Arkansas, at a speed greater than 25 miles per hour unless otherwise posted. (Ord. No 97-246, Sec. 1.)

8.24.02 Negligent and careless driving It shall be unlawful for any person to operate a motor vehicle within the city limits of Clinton, Arkansas, in a negligent and careless manner, thereby disturbing the peace of the city, and endangering the personal and property interests of the citizens of said city. Such negligent and careless operation of motor vehicles includes, but is not limited to, squealing tires on street pavement; making excessive noise due to defective mufflers, devices added to mufflers or the exhaust system, or the absence of mufflers; and repeatedly turning a vehicle in circles upon the streets, business parking lots, or other premises of the citizens of the city when not necessary for normal driving purposes. (Ord. No. 97-246, Sec. 2.)

8.24.03 State statute This local ordinance is intended to supplement and not contradict a separate statute regulating the use of mufflers with separate penalties as imposed by the State. Said statute is codified as A.C.A. 27-37-601 which also prohibits motor vehicles from being equipped with non-factory installed mufflers or duplications thereof. Said statute also prohibits any person from using or selling other forms of mufflers, cut-outs, by-passes, or similar devices which produce excessive or unusual noise and smoke. Said State statutory provisions are not intended to be modified by this ordinance. (Ord. No. 97-246, Sec. 3.)

8.24.04 Fine Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed \$150.00. (Ord. No. 97-246, Sec. 4.)

8.24.05 Unsafe Driving It shall be unlawful for any person:

- a. to drive or operate a vehicle in such a manner as to evidence a failure to keep a proper lookout for obstructions in the path of the vehicle or for other traffic, vehicular or otherwise;
- b. to drive or operate a vehicle in such a manner as to evidence a failure to maintain control of the vehicle under circumstances then existing;
- c. to drive or operate a vehicle in an unreasonable manner which would demonstrate a lack of due regard for the rules of the road, or for the safety of other people or property whether present or not, including, without limitation, the following specifically prohibited actions:
 - i. the deliberate weaving of a vehicle on the road, whether or not crossing into another lane or shoulder, except to avoid a road hazard;
 - ii. unnecessary revving of an engine or spinning of tires for any duration, except when an officer can clearly determine that such was unavoidable due to ice, oil, or other surface condition rather than the driver's deliberate or negligent application of excessive torque to the wheels; or,
 - iii. any other violation of the traffic laws of this city or state, where an officer decides in his discretion, to alternatively cite the driver with the lesser offense of unsafe driving. (Ord. No. 2011-02, Sec. 1.)
- d. Fines Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor, and shall be fined in an amount not less than \$150.00, nor more than \$300.00. (Ord. No. 2011-02, Sec. 2.)