

## **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 Speed
- 8.24 Moving of Buildings
- 8.28 Northwest Arkansas Regional Mobility Authority Agreement
- 8.32 Accepting and Vacating Streets and Alleys

#### **CHAPTER 8.04**

#### **ADOPTION OF STATE LAWS**

#### **Sections:**

- 8.40.01 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 Establishment of truck routes
- 8.08.02 Posting and designation of truck routes
- 8.08.03 Violations - penalties

#### 8.08.01 Establishment of truck routes

- A. All persons, firms or corporations, or their agents, officers, or employees who operate or drive any motor truck, truck-trailer with semi-trailer or any full trailer, or any other motorized vehicle or equipment, except pickup trucks, school buses, and church buses, or cause any such vehicles or equipment to be operated or driven in and through the city of Pea Ridge, and when such vehicle or equipment has no purposes or business within the said city other than to traverse the streets and highways thereof, shall be and are hereby required to use exclusively and are prohibited from operating or driving or causing the operation or driving of such vehicle or equipment upon any other streets or highways within the city of Pea Ridge than such streets, roads or public ways as:
1. Have been or may hereafter be designated as federal or state highways, plus Lee Town Road in the said city of Pea Ridge, Arkansas; or
  2. May hereafter be designated, pursuant to this ordinance as a truck route.
- B. All persons, firms or corporations, or their agents, officers or employees which operate or drive such vehicles or equipment or cause to be operated or driven which originate and operate outside the city limits of the city of Pea Ridge, but which transact deliveries and/or pick-ups within the said city shall be and are hereby required to use and remain upon, and are prohibited from using any other streets, roads, or public ways within the said city than the routes herein specified to the nearest possible point to their destination and are further required to utilize the shortest and most direct route available in passing between the truck route and their destination.
- C. This ordinance shall not be construed to prohibit the motorized vehicles and equipment specified in 8.08.01 (A) from crossing said streets, roads, or public ways at their intersection with other streets, nor apply to delivery vehicles serving the merchants or residents in the immediate area, nor shall this ordinance be construed so as to prevent any person living within the corporate limits of Pea Ridge, Arkansas, from operating such motorized vehicle or equipment upon said street where it becomes necessary for them to carry on their business or to reach their home. (Ord. No. 64, Sec. 1.)
- D. The term “motor truck or other motorized vehicle or equipment” as used in 8.08.01 (A) shall mean every wheeled vehicle whether motorized or towed and designed or operated for the transportation of persons or property, the body weight or combined body and load weight of which exceeds the sum of six thousand (6,000) pounds. (Ord. No. 144, Sec. 1.)

- E. It is unlawful to park or permit the parking of any motor truck or other motorized vehicles or equipment on any city street not expressly marked as a truck route. (Ord. No. 144, Sec. 2.)

8.08.02 Posting and designation of truck routes All truck routes established hereunder shall be adequately and clearly designated by signs posted along such routes which shall distinctly and precisely indicate the course of the route and warn against failure to use such routes as violation hereof. (Ord. No. 64, Sec. 2.)

8.08.03 Violation - penalties Failure to comply with the provisions of this ordinance shall constitute a misdemeanor and shall be punishable by a fine of not less than \$250.00 or more than \$500.00 for first offenses and not more than \$1,000.00 for second and subsequent offenses, plus a maximum of \$1,000.00 a day for the continuance of any offense after being charged therewith. (Ord. No. 144, Sec. 3.)

## **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 | Owner is responsible   |
| 8.16.03 | Lien                   |
| 8.16.04 | Penalty for violation  |
| 8.16.05 | Dumping on the street  |
| 8.16.06 | Vehicles on the street |
| 8.16.07 | Misdemeanor            |

8.16.01 Definitions It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of such residential property for the open

storage of any abandoned motor vehicle, icebox, refrigerator, stove, glass or other items of household furniture appliances, metal, plastic and paper containers, building material, building rubbish, trash or similar items. An abandoned motor vehicle, for the purpose of this ordinance, is defined as one that is in a state of disrepair and incapable of being moved under its own power or one that does not have current, valid license plates. (Ord. No. 52, Sec. 1.)

8.16.02 Owner is responsible It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items, as listed above. (Ord. No. 52, Sec. 2.)

8.16.03 Lien Any owner or occupant that fails to remove an abandoned motor vehicle or all such abandoned items, after written notice to do so from the mayor of the city of Pea Ridge, Arkansas, within 10 days after receipt of said notice, shall be in violation of this ordinance, and said abandoned items shall be removed by the city of Pea Ridge, Arkansas, and the costs of towing, removal and/or storage of said items shall constitute a lien upon property from which it was removed. The city attorney is hereby authorized and directed to take the necessary legal action to establish and perfect a lien against such property. (Ord. No. 52, Sec. 3.)

8.16.04 Penalty for violation Any violation of this ordinance shall be deemed a misdemeanor and upon conviction shall be punishable by a fine of not less than \$10.00 nor more than \$25.00, and each day such violation occurs shall be considered a separate offense. (Ord. No. 52, Sec. 4.)

8.16.05 Dumping on the street It shall be unlawful to dump, place or deposit any trash, rubbish or debris upon the right-of-way of any street or alley in the corporate limits of Pea Ridge, Arkansas. (Ord. No. 26, Sec. 1.)

8.16.06 Vehicles on the street It shall be unlawful to leave any motor vehicle, trailer, farm equipment, farm machinery or other equipment or machinery parked on any street or alley right-of-way for a continuous period of more than twenty-four (24) hours in the corporate limits or Pea Ridge, Arkansas. (Ord. No. 26, Sec. 2.)

8.16.07 Misdemeanor Any person or persons violating any of the provisions or sections of this ordinance shall upon conviction be deemed guilty of a misdemeanor and fined in any sum not less than \$1.00 nor more than \$25.00, and each day that the street or alley right-of-way is obstructed by any of the above acts shall be considered a separate offense. (Ord. No. 26, Sec. 3.)

## **CHAPTER 8.20**

### **SPEED**

#### **Sections:**

8.20.01	Hazardous driving
8.20.02	Speed restrictions
8.20.03	Special designations
8.20.04	Punishment
8.20.05	Traffic control devices
8.20.06	Authorization
8.20.07	State Highway Commission

#### **8.20.01 Hazardous driving**

- A. **Too Fast for Conditions** No person shall drive a vehicle on a public or private road, street, easement, highway, way or place used for vehicular travel, access or parking within the city of Pea Ridge, Arkansas, at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speeds shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the said road, street, easement, highway, way or place used for vehicular travel, access or parking in compliance with legal requirements and the duty of all persons to use due care.
- B. **Imprudent Driving** No person shall drive a vehicle on a public or private road, street, easement, highway, way or place used for vehicular travel, access or parking within the city of Pea Ridge, Arkansas, in a manner that is unreasonable and imprudent under the conditions of said public or private road, street, easement, highway, way or place used for vehicular travel, access or parking; or in a manner that is unreasonable or imprudent considering the condition of the driver; or in a manner that is unreasonable or imprudent considering the condition of the vehicle, having regard to the actual and potential hazards then existing. In every event, the manner of driving shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the said road, street, easement, highway, way or place used for vehicular travel, access or parking in compliance with legal requirements and the duty of all persons to use due care. (Ord. No. 139, Sec. 1.)
- C. **Definitions** Unreasonable and imprudent shall mean any manner of driving in excess of the posted speed limit; acceleration of a vehicle in a manner creating squalling of the tires; acceleration of a vehicle in a manner that creates a risk of injury to any other person; failure to maintain a vehicle in the lane designated for

that vehicle to travel; and, any other manner of driving that creates an unusual risk of injury to a person or property. (Ord. No. 162, Sec. 1.)

8.20.02 Speed restrictions The maximum lawful speed for any vehicle driven upon any public or private road, street, easement, highway, way or place used for vehicular travel, access or parking, within the city limits of the city of Pea Ridge, Arkansas, except as otherwise legally designated and except where a special hazard exists that requires lower speed for compliance with sub-sections A and B of 8.20.01 of this ordinance, shall be fifteen (15) miles per hour. (Ord. No. 539, Sec. 1.)

8.20.03 Special designations The City Council is hereby authorized to establish maximum speed limits on specified roads, streets, easements, highways, ways or places used for vehicular travel, access or parking, by resolution duly adopted by said City Council and when any such special designation is made, said maximum speed limits shall take precedence over the limits as set out in 8.20.02 hereof. When adopted as herein provided, any such special speed limit designation shall be effective when appropriate signs giving notice thereof are erected along the designated road, street, easement, highway, way or place used for vehicular travel, access or parking. (Ord. No. 139, Sec. 3.)

8.20.04 Punishment Any person who violates any of the provisions of sub-section A of 8.20.01 of this ordinance shall, upon conviction thereof, be guilty of a misdemeanor and be punished by a fine of not more than One Hundred Fifty Dollars (\$150.00) and not less than Ten Dollars (\$10.00). Any person who violates any of the provisions of sub-section B of 8.20.01 of this ordinance shall, upon conviction thereof, be guilty of a misdemeanor and be punished by a fine of not more than Three Hundred Dollars (\$300.00) and not less than Ten Dollars (\$10.00). Any person who violates any of the provisions of 8.20.02 of this ordinance shall, upon conviction thereof, be guilty of a misdemeanor and be punished by a fine of not more than One Hundred Fifty Dollars (\$150.00) and not less than Ten Dollars (\$10.00). (Ord. No. 383, Sec. 1.)

8.20.05 Traffic control devices The City Council of the city of Pea Ridge, Arkansas, has the authority to authorize the placement and maintenance of all traffic control devices within the city limits of Pea Ridge, Arkansas. (Ord. No. 121, Sec. 1.)

8.20.06 Authorization The City Council of the city of Pea Ridge, Arkansas, can authorize said placement and maintenance of all traffic control devices by a simple majority vote of council members present at a duly convened meeting. Furthermore, no resolution need be passed by the City Council in order to implement the placement and maintenance of said traffic control devices. (Ord. No. 121, Sec. 2.)

8.20.07 State Highway Commission Any and all traffic control devices placed within the city limits of the city of Pea Ridge pursuant to this ordinance shall conform to the State Manual and specifications and shall be subject to the direction and control of the State Highway Commission. (Ord. No. 121, Sec. 3.)

## **CHAPTER 8.24**

### **MOVING OF BUILDINGS**

#### **Sections:**

8.24.01	Permit required
8.24.02	Applications
8.24.03	Fees
8.24.04	Notice of hearing
8.24.05	Hearing
8.24.06	Permits; conditions
8.24.07	Removal; clean up
8.24.08	Denial of permit; grounds
8.24.09	Bond posted
8.24.10	Bond; damage to streets or property
8.24.11	Penalty clause
8.24.12	Repeal

**8.24.01 Permit required** It is hereby declared unlawful for any person, persons, firm, company or corporation to move any buildings, except and excluding new manufactured buildings, new mobile homes, and new modular type buildings, in the city of Pea Ridge from one lot or piece of property to another, or from one place to another on the same lot, or from without the city of Pea Ridge into the city of Pea Ridge, without first securing a permit to do so from the City Council of the city of Pea Ridge. For the purposes of this ordinance, the word “new” shall mean a building that has never been occupied for any purpose. (Ord. No. 57, Sec. 1.)

**8.24.02 Applications** All applications for a relocation permit to move any building shall be made in writing to the Planning Commission of the city of Pea Ridge on a form furnished by said Commission, and shall contain the following information:

- A. Description of type of building to be moved
- B. Present location of building
- C. Proposed location of building
- D. Photographs of the building or structure to be moved and photographs of the buildings on the properties contiguous with the premises onto which the building or structure is to be moved
- E. Such other information as may reasonably be required in order to carry out the purposes of this ordinance (Ord. No. 57, Sec. 2.)

**8.24.03 Fees** Before any application for a relocation permit is accepted, an application fee shall be paid by the applicant to the city of Pea Ridge to cover the cost of investigation and inspection. The application fee shall be \$6.00 for any building located within the city limits of the city of Pea Ridge. For any building located outside the city limits of the city of Pea Ridge,



the application fee shall be \$6.00 plus \$.15 for each mile or fraction thereof which the building to be moved is located beyond the city limits of the city of Pea Ridge. This application fee shall be in addition to all other fees required by the ordinances of the city of Pea Ridge. Upon acceptance of any application for a relocation permit, the Planning Commission will cause to be inspected the building or structure proposed to be moved, the district into which the building is to be moved, and the premises onto which the building or structure is to be moved. (Ord. No. 57, Sec. 3.)

8.24.04 Notice of hearing The Planning Commission shall cause to be posted seven days prior to the date on which application for a permit is to be heard, a notice, in a conspicuous place upon the property to which said building is to be moved, which said notice shall contain the following:

- A. The date on which the Planning Commission of the city of Pea Ridge shall hold a hearing on the application for a permit to move a building.
  - B. Description of type of building to be moved
  - C. Present location of building to be moved
  - D. Proposed location of building to be moved
- (Ord. No. 57, Sec. 4.)

8.24.05 Hearing At the time fixed in said notices to be posted as aforesaid, any person may appear before the Planning Commission of the city of Pea Ridge and make objections to the granting of said permit. After hearing the application and all objections, if any, to such application for a permit, the Planning Commission of the city of Pea Ridge shall forward to the City Council of the city of Pea Ridge the original application and the Planning Commission's findings recommending the approval or disapproval of the application. The hearing on said application may be continued from time to time at said Planning Commission's discretion. On receipt of said recommendation, the City Council of the city of Pea Ridge may in its discretion either grant or deny the application for a permit, and may attach any conditions to said permit deemed necessary by said City Council. (Ord. No. 57, Sec. 5.)

8.24.06 Permits; conditions No permit shall be issued to relocate any building or structure which is so constructed or in such condition as to be dangerous or which is unsanitary; or which, if it be a dwelling or habitation, is unfit for human habitation; or which is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district into which the building is to be relocated; or if the proposed use is prohibited by any ordinance of the city of Pea Ridge or by any other law or statute; provided, however, that if the conditions of the building or structure in the judgment of the Planning Commission admits or practicable and effective repair, the permit may be issued on such terms and conditions as the Planning Commission may deem reasonable and proper, including but not limited to the requirement of changes, alterations, additions or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to the public welfare or to the property and improvements, or either, in the district into which it is to be moved.

The terms and conditions upon which each permit is granted shall be written upon the permit or appended in writing thereto. Said terms and conditions and the relocation bond shall provide for the removal of all concrete, lumber and other debris, and the filling of basements, cellars or other excavations remaining from the removal of any building or structure from the premises from which it is moved which such premises are within the city of Pea Ridge. (Ord. No. 57, Sec. 6.)

8.24.07 Removal; clean up When a building or structure is moved from any property located in the city of Pea Ridge to any other location, the site from which the building is moved shall be cleaned of all concrete, lumber and other debris remaining from the removal of a building, and all basements, cellars and other excavations shall be filled. Such work shall be performed by the person moving such building or structure. (Ord. No. 57, Sec. 7.)

8.24.08 Denial or permit; grounds If the unlawful, dangerous or defective condition of the building or structure proposed to be relocated is such that remedy or correction cannot practicably and effectively be made, the relocation permit shall be denied. (Ord. No. 57, Sec. 8.)

8.24.09 Bond posted No relocation permit required by this ordinance shall be issued by the City Council unless the applicant therefore shall first post with the city of Pea Ridge a bond executed by the owner of the premises where the building or structure is to be located, as principal, and a surety company authorized to transact business in the state of Arkansas, as surety. The bond shall be in form joint and several, shall name the city of Pea Ridge as obligee, and shall be in an amount equal to the cost of the work required to be done in order to comply with all the conditions of such relocation permit and any other ordinance, rules or regulations of the city of Pea Ridge, as such cost is estimated by the Planning Commission of the city of Pea Ridge. In lieu of a surety bond the applicant may post a bond executed by the owner as principal, and which is secured by a deposit in cash in the amount named above and conditioned as required in the case of a surety bond; such a bond as so secured is called a cash bond for the purpose of this ordinance. (Ord. No. 57, Sec. 9.)

8.24.10 Bond; damage to streets or property In granting any permit, the City Council may in its discretion require applicant to give a separate and additional bond to the city of Pea Ridge in an amount to be fixed by the City Council to insure payment for any damage which applicant may cause to any public property, streets, sidewalks, trees or shrubs in the moving of any building or structure. (Ord. No. 57, Sec. 10.)

8.24.11 Penalty clause Any person, firm or corporation violating any provision of this ordinance shall, upon conviction thereof, be fined in any sum not less than \$10.00 nor more than \$25.00, and each act of violation and each day upon which a violation occurs shall constitute a separate punishable offense. (Ord. No. 57, Sec. 11.)

8.24.12 Repeal Ordinance No. 53 of the city of Pea Ridge, entitled “An ordinance to prohibit the moving of dwelling houses and other building from one location to another within the city of Pea Ridge, and from outside the city into the city, and for other purposes: Providing a penalty for violation thereof, and the emergency clause,” is hereby repealed. (Ord. No. 57, Sec. 12.)

## **CHAPTER 8.28**

### **NORTHWEST ARKANSAS REGIONAL MOBILITY AUTHORITY**

#### **AGREEMENT**

##### **Sections:**

8.28.01        Approved

##### **8.28.01 Approved**

- A.     The city of Pea Ridge’s participation in the Northwest Arkansas Regional Mobility Authority is hereby authorized and approved.
- B.     The Northwest Arkansas Regional Mobility Authority Agreement which is attached hereto, is hereby approved.
- C.     The Mayor and City Recorder are hereby authorized and directed to execute the document on behalf of the city of Pea Ridge, and transmit them to participating members of the Northwest Arkansas Regional Mobility Authority for consideration. (Ord. No. 476, Secs. 1-3.)

**CHAPTER 8.32**

**ACCEPTING AND VACATING STREETS AND ALLEYS**

**Sections:**

8.32.01        Accepting plats

**8.32.01   Accepting plats**

Ord. No. 509	Wood Street
Ord. No. 615	Elkhorn Ridge Subdivision, Phase II
Ord. No. 619	Willow Run, Final Plat
Ord. No. 638	Elkhorn Ridge Subdivision, Phase III
Ord. No. 648	Final Platt of Woodbridge Subdivision