

ORDINANCE NO. 2008-11

TOWN OF HIGHFILL, BENTON COUNTY, ARKANSAS

AN ORDINANCE ESTABLISHING STANDARDS OF CARE FOR OPERATING A VEHICLE AND PROHIBITING IMPROPER OR IMPRUDENT DRIVING ON THE STREETS, ROADS AND ALLEYS OF THE TOWN OF HIGHFILL; PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; AND OTHER MATTERS PERTAINING THERETO.

WHEREAS, the Police Chief of the Town of Highfill has reviewed the number and frequency of traffic citations issued and traffic-related accidents occurring within the corporate limits of the Town; and

WHEREAS, in connection therewith, the Chief has recommended that certain standards of care and prohibitions against improper or imprudent driving be established on certain streets, roads and alleys to protect the citizens of Highfill and promote their health, safety and welfare, and those recommendations by the Chief are set forth herein; and

WHEREAS, the Highfill Town Council agrees with said recommendations and believes it to be in the best interest of the citizens of Highfill to establish the standards of care and prohibitions set forth herein to best protect and promote the health, safety and welfare of the citizens of the Town of Highfill.

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Highfill, as follows:

Section 1. Definitions. The following words, terms and phrases, when used herein, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Improper* means carelessly, evidencing a disregard for the safety of persons or property, or without due caution and circumspection.
- (b) *Imprudent* means unreasonable under the condition of the road, the condition of the driver, or the condition of the vehicle, having regard to the actual and potential hazards then existing.
- (c) *Motorized Vehicle* means any vehicle powered by gasoline, diesel, electric or bio-fuel power source or any similar vehicle, including but not limited to cars, trucks, sport utility vehicles, motorcycles, mini-bikes, scooters, all-terrain vehicles, off-road vehicles, go-carts, golf carts or other similar vehicles. Any motorized wheelchair is excluded from this definition.

(d) *Roads* means any public or private streets, roads, alleys and other paved or unpaved vehicle roadways within the corporate limits of the Town of Highfill, Arkansas.

Section 2. Standards of Care. On all roads, a person shall limit the speed of any motorized vehicle as necessary to maintain control over the vehicle at all times and to avoid colliding with any person, vehicle or other conveyance on or then entering the road. In every instance, a driver of a motorized vehicle shall use such due care in the operation of said vehicle as shall be reasonable and necessary under the conditions then existing, notwithstanding such person may not have been driving in excess of the lawful speed limitation or that a collision or accident may not have ensued.

Section 3. Prohibited Driving. On all roads, it shall be unlawful for any person to drive or operate any motorized vehicle in an improper or imprudent manner. An improper or imprudent manner may be evidenced by, but is not limited to, the following:

- (a) Improper or dangerous lane changes on roads.
- (b) Cutting across private property, thereby avoiding intersections, stop signs, stop lights, or traffic control devices.
- (c) Driving in such a manner or at such a speed as to cause a skidding, spinning, or sliding of tires, or a sliding of the vehicle.
- (d) Failing to keep the vehicle under control at all times, whether or not a collision results.
- (e) Failing to properly and adequately indicate the driver's intentions to turn, stop, or change lanes.
- (f) Driving across a freshly painted street marking, when the same are marked by flags or traffic cones, or moving or driving through barricades placed by the city or a public utility company in streets or alleys.
- (g) Allowing any person or animal to occupy the driver's seating area with the driver while the vehicle is in motion, so as to obscure the driver's vision or to interfere with the safe operation of the vehicle.
- (h) Failing to keep a proper lookout for other vehicles or pedestrians.
- (i) Failing to properly restrain minors in vehicle safety devices as required by A.C.A. § 27-34-104.
- (j) Failing to comply with the legal requirements of the State of Arkansas and the duty of all persons to use due care.

Section 4. Penalty. Any person who violates any of the provisions hereof shall, upon conviction thereof, be fined not less than Fifty Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00) for a first offense, in addition to applicable state penalties.

Section 5. Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be

invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 6. Declaration of Emergency. It is hereby found and determined that in order to preserve the safety of the Town and its citizens, the existing standards for safe operation of motor vehicles within the Town of Highfill are in need of clarification, and that there are additional Arkansas and other standards which are being disregarded by operators of motorized vehicles, as evidenced by the number of collisions and citations issued, and based upon the needs of the Town of Highfill in connection with its current and future growth, said standards are vital to the activities of the Town, and the enactment of such standards will prevent harm to the community and help assure the safety and welfare of the citizens of the Town of Highfill. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the Town and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the Town Council, it shall become effective on the date the Town Council overrides the veto.

PASSED AND APPROVED this 17th day of June, 2008.

APPROVED:

Chris Holland, Mayor

ATTEST:

Stacy Digby, Town Recorder

(SEAL)