

ORDINANCE NO. 2021-016

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: “AN ORDINANCE FOR THE ESTABLISHMENT OF CERTAIN DRIVING VIOLATIONS AND PENALTIES TO BE IMPOSED UPON CONVICTION”.

WHEREAS, the Quorum Court recognizes the importance of safe driving and need for a continuing effort to ensure the safety and welfare of those who travel in Cleburne County and recognizes certain violations will transpire as listed in Chapter 27 of the Arkansas State Code and pursuant to Act 300 of 1977 codified at A.C.A. [27-51-101](#);

WHEREAS, the Quorum Court, is in support of the operations to hold accountable violators of traffic laws applicable to Cleburne County, and pursuant to statutory authority Arkansas State Codes [14-20-101](#) and [14-14-809](#); this Court directs the following:

NOW THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF CLEBURNE COUNTY, ARKANSAS:

Section 1: Definitions

As used in this section, unless the context otherwise requires:

- (1) “Local authorities” means all officers in and of Cleburne County, cities, villages, incorporated towns, or townships; and
- (2) “Public highways” means any highway, county road, state road, public street, avenue, alley, park, parkway, public driveway, or any other public road or private road used by the public or public place in Cleburne County and any, city, village, or incorporated towns within Cleburne County.

Section 2: Violations and Fines

- (1) Any person violating the provisions of this ordinance, except as otherwise provided in this ordinance, upon conviction, be fined as provided by the provisions of this ordinance.
- (2)(a) Any offender who shall have been found guilty of any violation of any section of this ordinance shall be fined and any who shall within six (6) months thereafter be convicted of a second violation of such section, may be fined a sum not exceeding double the penalty provided for in this ordinance for a first violation.
(b) For a third conviction and subsequent violation of a section within six (6) months after the date of such violation, he or she may be fined a sum not exceeding triple the penalty provided for in this ordinance for a first violation.
- (3) Any person convicted of violating this ordinance may in addition to other mandated cost, be fined and ordered to complete a period or periods of community service. The sum of the fine for a first offense is not to exceed three hundred dollars (\$300.00) and/or eight (8) hours of community service, or both, at the discretion of the court.
- (4) All fines imposed for the violation of any of the provisions of this ordinance shall be collected and deposited with the County Treasurer to be divided as follows: Fifty percent (50%) of the proceeds shall be deposited into the Cleburne County General Fund. The remaining fifty percent (50%) shall be deposited into the newly established Rural Fire Departments Fund for equal dispersion to the Cleburne County volunteer fire departments, excluding Heber Springs Fire department.

Section 3: Careless or Imprudent Driving Violations

- (1) It shall be unlawful for any person to drive or operate any vehicle in such a careless manner as to evidence a failure to keep a proper lookout for other traffic, vehicular or otherwise, or in such a manner as to evidence a failure to maintain proper control on the public thoroughfares or publicly used private properties in the County of Cleburne.
- (2) It shall be unlawful for any person to operate or drive any vehicle on the public thoroughfares or publicly used private properties in the County of Cleburne in violation of the following prohibited acts:
 - (a) Improper or unsafe lane changes on public roadways;

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- (b) Driving onto or across private property to avoid intersections, stop signs, traffic control devices, or traffic lights;
- (c) Driving in such a manner or at such a speed so as to cause a skidding, spinning, or sliding of tires or a sliding of the vehicle;
- (d) Driving too close to or colliding with parked or stopped vehicles, fixtures, persons, or objects adjacent to the public thoroughfares;
- (e) Driving a vehicle which has any part thereof or any object extended in such fashion as to endanger persons or property;
- (f) To operate any vehicle in such a manner which would cause a failure to maintain control;
- (g) To operate or drive a vehicle wherein or whereon passengers are located in such a manner as to be dangerous to the welfare of such passengers; or
- (h) To operate a vehicle in any manner when the driver is inattentive and such inattention is not reasonable and prudent in maintaining vehicular control.

Section 4: Restrictions

- (1)(a) No person shall drive a vehicle on a roadway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.
- (b) In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the roadway in compliance with legal requirements and the duty of all persons to use due care.
- (2)(a) The maximum speed limits set forth in subsection (b) of this section shall not apply to controlled-access highways should such highways be developed.
- (b)(1) Upon investigation, the Cleburne County Judge shall determine the maximum permissible speeds on county roads, which shall be effective when appropriate signs giving notice are erected along the road.
- (2) The County Judge may fix the maximum permissible speed of trucks with a capacity of one-and-one-half tons or more at ten miles per hour (10 m.p.h.) below the maximum permissible speed for automobiles.

Section 5: Impeding flow of traffic

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with the law.

Section 6: School zones

No person shall operate a motor vehicle in excess of twenty-five miles per hour (25 m.p.h.) when passing a school building or school zone during school hours when children are present and outside the building.

Section 7: Following too closely

- (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of vehicles and the traffic upon and the condition of the roadway.
- (2) The provisions of this subsection shall not be construed to prevent overtaking and passing.

Section 8: Overtaking vehicles

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules stated:

- (1)(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and
- (b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall yield to the right in favor of the overtaking vehicle and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle

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- (c) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit 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.
- (2)(a) In every event, the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred feet (100') of any vehicle approaching from the opposite direction.
- (b) No vehicle shall, in overtaking and passing another vehicle or at any other time, except upon a one-way roadway, be driven to the left side of the roadway, under the following conditions:
 - (c) When approaching the crest of a grade or upon a curve in the roadway where the driver's view along the roadway is obstructed;
 - (d) When approaching within one hundred feet (100') of or traversing any intersection;
 - (e) When the view is obstructed upon approaching within one hundred feet (100') of any bridge, and
 - (f) Where official signs are in place directing that traffic keep to the right or a distinctive center line is marked.

Section 9: Restrictions not applicable to emergency vehicles

- (1)(a) The prima facie limitations set forth in these sections shall not apply to authorized emergency vehicles when responding to emergency calls when the driver thereof is operating the vehicle's emergency lights and is also operating an audible signal by bell, siren, or exhaust whistle if other vehicles are present, unless the operation of emergency lights and or audible signal would jeopardize the safety of those being responded too.
- (b) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any emergency vehicle from the consequence of a reckless disregard of the safety of others.
- (c) For purposes of this section, "emergency calls" means legitimate emergency situations which call for the operation of an emergency vehicle, including a police, fire or ambulance vehicle.


Section 10.

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

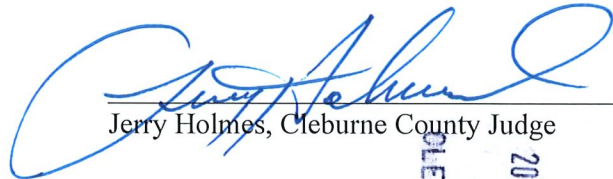
PASSED AND ADOPTED this 8th day of July 2021.

ATTEST:

APPROVED:



 Rachelle Evans, Cleburne County Clerk



 Jerry Holmes, Cleburne County Judge

Recorded: Book E Page(s) ORD 268-270

FILED
 2021 JUL -9 AM 9:37
 RACHELLE EVANS
 CLEBURNE COUNTY CLERK