

## TITLE 8

### VEHICLES AND TRAFFIC

#### Chapters:

- 8.04 Adoption of State Laws
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- 8.12 Unsafe Driving
- 8.16 Inoperable Boats and Vehicles
- 8.18 Wrecker Rotation Policy
- 8.20 Motor Vehicle Policy for City Departments
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#### 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 8.12**  
**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 8.18

### WRECKER ROTATION POLICY

Sections:

8.18.01	Participation
8.18.02	Establishment of Rotation Lists
8.18.03	Wrecker Service Responsibility
8.18.04	Equipment Requirements
8.18.05	Compliance
8.18.06	Multiple Suspensions/Revocations

8.18.01 Participation To participate in the City of Ward On-call wrecker service rotation the business must comply with the following condition:

1. The wrecker service must have a current city business permit to operate within the corporate city limits of Ward.
2. The storage of towed vehicles must be within the city limits of Ward.
3. The wrecker service must have a sales tax permit, and / or any additional documents issued by the City, State, or other governing body that are required to operate a wrecker service within the State of Arkansas.

4. The wrecker service must meet all the requirements set forth under "Wrecker Service Responsibility" pertaining to operating procedures, insurance, etc.
5. The business must maintain possession of a "Non-Consent Permit" from the Arkansas Towing and Recovery Board, as mandated by Arkansas Code annotated 27-50-1201 et. seq.
6. At no time will a wrecker be used for the recovery of any vehicle that will violate any state regulations and procedures concerning wrecker limitations, weight, size, equipment specification, etc.
7. Towing operators that respond to Ward Police Department calls shall not have a felony conviction. Operators shall also have no theft-related or drug-related misdemeanor conviction within the past three (3) years. Prior convictions will be considered on a case by case basis.

(Ord. No. O-2019-02, Sec. 1)

8.18.02 Establishment of Rotation Lists The City of Ward will operate one list or wrecker rotations. This list is limited to no more than three (3) licensed Wrecker Service and will include both services for small and large wreckers.

1. Each wrecker company will remain listed in the order currently on the CADvisor system in use.
2. Calls are rotated on a one rotation basis.
3. No company and/ or owner will be permitted to occupy more than one (1) space on the rotation list.

For the purpose of this section, a wrecker company will be designated as a single place of business. Multiple wrecker services operating from a single location will be counted as one business, unless each wrecker service maintains separate business permits issued by the City of Ward; separate sales tax permits issued by the State of Arkansas, separate "Non-consent Permits" from the Arkansas Towing and Recovery Board, and each service meets all of the aforementioned requirements for participation.

Prior to being included on the rotation list, all wrecker companies shall be subject to an inspection by the Chief of Police or his designee. Upon approval, the wrecker company shall be subject to future inspections by the Chief of Police or his designee to ensure compliance with all regulations contained in this order, laws and policies governed by the State of Arkansas, and procedures set forth through the Arkansas Towing and Recovery Board.

During emergencies, disasters, inclement weather, or other times when the wrecker company is unable to provide timely service, the City reserves the right to use alternate wrecker services or other rotation practices.

A signed acknowledgment of this ordinance must be on file with the Ward Police Department prior to any company being listed on any of the rotations.

#### 8.18.03 Wrecker Service Responsibility

1. Keep proper records of all calls and will make said records reasonably available to any officer of the Ward Police Department.
2. Prior to leaving the scene of the wrecker call, the wrecker company's employee will clear the roadway of all glass and debris associated with the call.
3. Each wrecker service shall maintain liability, insurance in an amount not less than that designated under Arkansas law.
4. Vehicles towed to the Ward Police Department for crime scene processing and picked up at a later time will be billed as one tow. The initial wrecker company will be called back for the final removal and this will not count against them on the rotation.
5. All wreckers requested from the rotation will be expected to arrive on scene within 30 minutes under normal conditions. If, after (45) minutes the called wrecker is not on scene, the request will be cancelled and the next wrecker company on the rotation will be utilized unless otherwise authorized by an on scene supervisor. Excessive tardiness may result in a temporary and/or permanent suspension from the rotations. Certain exceptions are applicable, i.e., inclement weather, excessive calls, stalled traffic.
6. All wrecker companies must comply with Arkansas Code Annotated §27-14-2206, which requires owner of any garage or any type of storage or parking lot to report to the Arkansas State Police the vehicles stored on their lot over thirty (30) days and unclaimed. This requirement does not include vehicles stored by arrangement of the owner, or vehicles where legal attempts have been made to contact the owner through mail.
7. All wrecker operators should obey all traffic regulations unless otherwise directed by a police officer.
8. No wrecker company shall proceed to the scene of an accident unless requested to

do so by the owner/operator of the vehicle, the Ward Police Department, or any other authorized law enforcement office.

The towing business shall maintain a reasonably secure area for safe storage of motor vehicles or other items stored at the request of Ward Police Department. Storage facilities shall be clearly marked as belonging to that particular wrecker service.

1. Each storage facility must have adequate lighting to illuminate the fenced - in area. Fencing shall be adequate to reasonably secure the storage facility and prevent unauthorized entrance.
2. The wrecker service shall maintain a sufficient amount of insurance to cover loss or damage to stored vehicles or property.

8.18.04 Equipment Requirements All wrecker companies placed on the Ward Police Department's "Wrecker Rotation" must be equipped as recommended in Rule 7 (et. seq.) of Arkansas Towing and Recovery Board.

8.18.05 Compliance Failure to comply with any of the foregoing provisions shall result in the temporary removal from the rotation list until such time as the breach is corrected. All violations will be recorded by the Ward Police Department. If a temporary suspension or revocation is warranted, the Chief of Police (or his designee) will notify the wrecker service of the action. A response to any suspension/ revocation will be made first through the Chief of Police, with subsequent appeals to the Mayor and City Council.

8.18.06 Multiple Suspensions/Revocations If a business receives two temporary suspensions without consecutive twelve month period, any additional violation will result in a Revocation of Participation.

Any wrecker company issued a Revocation of Participation will not be eligible for reinstatement for a period of twelve months.

A second Revocation of Participation will result in a permanent ban from participation.

NOTE: If a wrecker company is issued a Permanent Ban from participation and subsequently changes its business name, but the owner/ management is not changed, this will not allow/ them to re-apply as a new wrecker company. Legal documents of ownership/operation will be evaluated by the City of Ward to clarify questionable changes in a business' name. (Ord. No. O-2019-02, Sec. 1)

**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                |