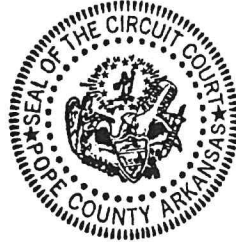


This Instrument Prepared by:

**William F. Smith
203 South Commerce Ave.
Russellville, AR 72801**



**CERTIFICATE OF RECORD
DOCUMENT NUMBER: 2024-00449
FILED: 01/23/2024 09:31 AM
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RACHEL L. OERTLING
SERENIDY ANDERSON, D.C.
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Ordinance

INSTRUMENT TYPE

City of Russellville

GRANTOR

Corrected Ordinance #2478

GRANTEE

ORDINANCE NO. 2478

AN ORDINANCE CODIFYING EXISTING CITY TRAFFIC AND PARKING OFFENSES; DECLARING VIOLATIONS OF THE CODE TO BE A CIVIL VIOLATION; PROVIDING PENALTIES; PROVIDING FOR THE REPEAL OF EXISTING ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES

WHEREAS, the City of Russellville, Arkansas (“City”) has various ordinances regulating traffic and parking regulations, offenses and violations; and,

WHEREAS, the need to consolidate the various ordinances on city traffic and parking regulations, offenses and violations into one (1) unifying Code is needed to have all the public traffic and parking laws in effect in one document which the public can find for easier public access to review the current laws on the matter and for easier integration of any future amendments; and,

WHEREAS, the other purpose of consolidating the various ordinances is to standardize the various penalties into one (1) unified structure for all that is current with, and allowed by, the existing state law on the matter regulating the penalties on municipal ordinances which is A.C.A. §14-55-504, so that the local court systems can have one schedule of penalties to review during the sentencing phase of traffic court on a city ordinance matter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, ARKANSAS, OF THE FOLLOWING:

SECTION 1: The attached Code labeled as Exhibit A and named, “City Traffic and Parking Code” (“this Code”) is a consolidation of previous ordinances regulating and amending the discharge of firearms, hunting and fireworks within the city limits of the City of Russellville, Arkansas.

SECTION 2: A.C.A. §14-55-207, authorizes municipalities to adopt codes or regulations by reference. The document attached hereto as “Exhibit A”, to be known as the Code is hereby adopted by reference. Copies of this Code have been and shall be maintained at City Hall by the City Clerk-Treasurer, the Mayor, and the City Attorney.

SECTION 3: Pursuant to the authority granted to the City by the State of Arkansas under A.C.A. §14-55-501, it is hereby enacted that any violation of the attached Code is a misdemeanor offense subject to punishment as stated within the attached Code.

SECTION 4: The recitals in the Preamble of this Ordinance is hereby incorporated into this Section of this Ordinance by reference.

SECTION 5: The provisions of this Code, which is adopted by this Ordinance, are deemed to be severable. A finding that any part of this Code or Ordinance is invalid by a court of competent jurisdiction shall not affect the validity of the remaining provisions of this Code or Ordinance.

SECTION 6: Ordinance Nos. 570, 1781, 1808, 1916, 220 and 1044 and all other Ordinances or Codes, or parts thereof which are in conflict herewith, are repealed to the extent of said conflict.

Prepared by:
William F. Smith III
City Attorney
103 S. Commerce Ave.
Russellville, AR 72801
Sponsor: City Attorney
DB#3

SECTION 7: The City Clerk-Treasurer and City Attorney are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION 8: In exercising the authority to codify the regulation of discharge of firearms and hunting in the City into code form and maintain in accurate and correct code form, the City Attorney is authorized to make the following changes to the adopted Code as Exhibit A:

- (a) Correct the spelling of words;
- (b) Change capitalization for the purpose of uniformity;
- (c) Correct manifest typographical and grammatical errors;
- (d) Correct manifest errors in references to laws, ordinances and other documents;
- (e) Correct manifest errors in internal reference numbers or letters; and
- (f) Correct punctuation.

ORDAINED, this 18th day of January, 2024.

FRED TEAGUE, MAYOR

ATTEST:

GINA SKELTON, CITY CLERK-TREASURER



I, Gina Skelton, City Clerk-Treasurer of the City of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. **2478** passed by the City Council of the City of Russellville, Arkansas, on the 18th day of January, 2024.

APPROVED AS TO LEGAL FORM:

WILLIAM F. SMITH III, CITY ATTORNEY

Act 954 Publication Statement:

The City of Russellville, Arkansas, Finance Department, is responsible for the payment of the publication of this Ordinance in the amount per The Courier's PCI rate of \$11.10 plus \$2.00 web publication fee. [Column Inches x PCI Rate = Advertising Cost]

EXHIBIT A

TITLE – CITY TRAFFIC AND PARKING CODE

ARTICLE I – GENERAL

CHAPTER 1 – GENERAL

ARTICLE II – CITY TRAFFIC CODE

CHAPTER 1 – RESERVED

CHAPTER 2 – UNSAFE DRIVING CODE

CHAPTER 3 - JAKE BRAKING CODE

CHAPTER 4 – TRUCK CODE

CHAPTER 5 – U-TURN CODE

ARTICLE III – PARKING CODE

CHAPTER 1 – RESERVED

CHAPTER 2 – CITY PARKING CODE

TITLE – CITY TRAFFIC AND PARKING CODE

ARTICLE I – GENERAL

CHAPTER 1 – GENERAL

SECTION 1: TITLE

- 1.1 This Code shall be known as, referred to and cited as “The City of Russellville, Arkansas, Traffic and Parking Code.” Any reference to the word “Code” in this Chapter shall mean this Title and all Articles contained therein.

SECTION 2: PRIOR ACTS OF THE CITY ELECTED OFFICIALS, CITY EMPLOYEES AND SAVINGS

- 2.1 The repeal of any prior ordinance or portion thereof by adoption of this Code shall not affect or impair any act done or right vested or accrued before such repeal takes effect but every such act done or right vested or accrued shall remain in full force and effect to all intents and purposes as if such repeal had not taken place. No act or duty performed in the past by any City officials or employees shall be deemed invalid while the City officials or employees were operating under the authority of state law, prior ordinances or part thereof that are repealed by this Code. All acts prior to the passage of this Code viewed within all respects as if such prior ordinances or part thereof had not been repealed.
- 2.2 The repeal or amendment of prior ordinances does not release or extinguish any penalty, forfeiture, or liability incurred or right accruing or accrued under prior ordinances, unless the repealing or amending act so provides expressly. Those prior ordinances shall be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of the right, penalty, forfeiture, or liability.
- 2.3 The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

SECTION 3: SEVERABILITY

- 3.1 If any Code, Article, Chapter, Section, Subsection, Provision, Paragraph, Sentence, Clause, or Phrase of this Code is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining parts of this Code.

SECTION 4: AMENDMENTS TO CODE.

- 4.1 All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed titles, chapters, sections or subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby.

- 4.2 Amendment to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section of the City of Russellville, Arkansas, Code for Traffic and Parking is hereby amended to read as follows:..." The new provisions shall then be set out in full.
- 4.3 In the event a new section not heretofore existing in this Code is to be added, the following language shall be used: "That the Code for Traffic and Parking is hereby amended by adding a section (or Codes or chapter) to be numbered which said section (or Code or chapter) reads as follows: The new provisions shall then be set out in full.
- 4.4 All sections, codes, chapters or provisions desired to be repealed must be specifically repealed by section, code, or chapter number, as the case may be.

SECTION 5: REPEALER

- 5.1 Ordinance No. 570 is hereby repealed in their entirety.
- 5.2 Ordinance Nos. 1781, 1808 and 1916 are hereby repealed in their entirety.
- 5.3 Ordinance No. 220 is hereby repealed in its entirety.
- 5.4 Ordinance Nos. 1044 are hereby repealed in their entirety.
- 5.5 Ordinance Nos. XXXX.
- 5.6 Ordinance Nos. XXXX are hereby repealed in their entirety.
- 5.7 Ordinance Nos. XXXX are hereby repealed in their entirety.
- 5.17 Any ordinance or code in conflict with this Code is hereby repealed.

SECTION 6: VIOLATION PENALTIES.

- 6.1 Unless stated elsewhere specifically in a Chapter or Section, pursuant to A.C.A. §14-55-501, any person violates any Section of this Code shall be guilty of a civil violation and shall be liable to a fine of not less than \$100.00, up to, but not exceeding:
 - 6.1.1 One thousand dollars (\$1,000.00) for the first offense;
 - 6.1.2 Two thousand dollars (\$2,000.00) for the second offense;
 - 6.1.3 Four thousand dollars (\$4,000.00) for each subsequent offense after the second offense;
 - 6.1.4 Plus court costs and applicable fees.
- 6.2 Each day such violation is permitted to exist shall constitute a separate offense.
- 6.3 If it is found that any violation of this Code is found to be continuous in respect to time, the fine or penalty for allowing the continuous thereof, in violation of this Code, shall not exceed five hundred dollars (\$500.00) for each day that it is unlawfully continued, plus court costs and applicable fees.

SECTION 7: DEFINITIONS

The following definitions shall apply throughout this Title and Code:

- 7.1 “*A.C.A.*” mean the abbreviation “A.C.A.” means the Arkansas Code of 1987 Annotated, as amended or revised in the future.
- 7.2 “*City*”, “*municipal corporation*” or “*municipality*” means the City of Russellville, Arkansas, a municipal corporation organized and incorporated under the laws of the State of Arkansas.
- 7.3 “*Code*” means all the various Codes contained in this Title.
- 7.4 “*Law Enforcement Officer*” or “*Police Officer*” as used in this Title and Code shall mean any appointed or elected law enforcement officer by the City public law enforcement department, office, or agency who: 1) is responsible for the prevention and detection of crime and the enforcement of the criminal, traffic, or highway laws of this state; 2) has met the selection and training requirements for certification set by the Arkansas Commission on Law Enforcement Standards and Training; and 3) vested by law with a duty to maintain order or to make arrests for offenses.
- 7.5 “*Motor vehicle*” means a self-propelled device or vehicle in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks
- 7.6 “*Person*” means any individual person or a corporation, association, partnership, limited liability company, or other entity, institution or organization, natural or legal, and commonly recognized by law as a unit.
- 7.7 “*State*” means the State of Arkansas.
- 7.8 “*Street*” means any paved or unpaved road, thoroughfare, avenue, boulevard, parkway, drive, alley, easement, right-of-way or other public way set aside or open for purposes of vehicular traffic, including any berm, shoulder or median strip thereof within the corporate city limits of the City that is owned, leased, held by the City by easement, licensed to the City, granted possession or otherwise possessed by the City.
- 7.9 “*Title*” means all of the Articles, Chapters, Subchapters, Sections and Subsections within this document.
- 7.10 “*To operate*” or “*operate*” means to ride, drive, or otherwise use a motor vehicle as described within these definitions as a means of transport.

SECTION 8: INTENT AND PURPOSE OF ARTICLE I AND CHAPTER 1

- 8.1 It is the specific intent and purpose of the City that all of the Sections and terms found in Article I and Chapter 1 are to be applied throughout this Title and Code to each Article, Chapter, Section, Subsection and every provision contained within this Title and Code.

SECTION 9: PROVISIONS CONSIDERED CONTINUATION OF EXISTING ORDINANCES

- 9.1 The provisions of this Title and Code, so far as they are the same as ordinances existing at the time of adoption of this Title and Code, shall be considered as a continuation of such ordinances and not as new enactments.

SECTION 10: INTERPRETATION

- 10.1 Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this Title and Code as those governing the interpretation of state law.

SECTION 11: REFERENCE TO OFFICES, ETC.

- 11.1 Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this municipality exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

SECTION 12: ERRORS AND OMISSIONS

- 12.1 If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

SECTION 13: ORDINANCES UNAFFECTED

- 13.1 All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this Title and Code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

SECTION 14: RULES OF CONSTRUCTION

- 14.1 In the construction of this Title and Code, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the City.
- 14.1.1 *Acts by assistants.* When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.
- 14.1.2 *Conjunctions.* In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either...or," the conjunction

shall be interpreted as follows, except that the terms "and" and "or" may be interchangeable when the context so requires:

- 14.1.2.1 "*And*" indicates that all the connected terms, conditions, provisions or events apply.
 - 14.1.2.2 "*Or*" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.
 - 14.1.2.3 "*Or, And.*" "Or" may be read "and", and "and" may be read "or" if the sense requires it.
 - 14.1.2.4 "*Either ... or*" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.
- 14.1.3 *Delegation of authority.* A provision that authorizes or requires a city officer or city employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.
- 14.1.4 *Gender.* Words of one gender include all other genders and to firms, partnerships, and corporations.
- 14.1.5 *Generally.*
- 14.1.5.1 When provisions conflict, the specific prevails over the general. All provisions shall be liberally construed so that the intent of the city council may be effectuated.
 - 14.1.5.2 Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings shall be construed according to such meanings.
 - 14.1.5.3 Provisions shall be interpreted and applied so as to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.
 - 14.1.5.4 Grammatical errors shall not vitiate, and a transposition of words and clauses may be resorted to when the sentence or clause is without meaning as it stands.
- 14.1.6 *Include, including.* The term "include," "including" or any other similar term of inclusion means without limitation or restriction.
- 14.1.7 *May.* The term "may" is to be construed as being permissive and not as being mandatory.
- 14.1.8 *May not.* The term "may not" has a prohibitory effect and states a prohibition.
- 14.1.9 *Must.* The term "must" is to be construed as being mandatory and not as being permissive.

14.1.10 *Number.* Words used in the singular include the plural, and the plural includes the singular number.

14.1.11 *Oath.* The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

14.1.11 *Other City Officials or Officers.* Whenever reference is made to officials, boards, commissions, departments, etc., by title only, i.e., "clerk-treasurer", "police chief", etc., they shall be deemed to refer to the officials, boards, commissions and departments of the City.

14.1.12 *Shall.* The term "shall" is to be construed as being mandatory.

14.1.13 *Tenses.* The present tense of a verb includes the past and future tenses. The future tense includes the present tense, if applicable.

SECTION 15: ALTERING CODE

15.1 It shall be unlawful for any person to purposefully change or amend by additions or deletions, any part or portion of this Title and Code, or to insert or delete pages, or portions thereof, or to alter or tamper with said Title and Code in any manner whatsoever except by ordinance of the city council, which shall cause the law of the City to be misrepresented thereby.

SECTION 16: REFERENCE TO OTHER SECTIONS

16.1 Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

SECTION 17: AUTHORITY

17.1 The provisions contained within this Title and Code formerly, currently or hereinafter enacted are based upon, derive authority from and are enacted pursuant to any and all of the power and authority conferred upon cities by the Arkansas Constitution and by the Arkansas General Assembly through its statutes, including, but not limited to, all of Title 14 Local Government of the Arkansas Code specifically including but not limited to Subchapter 6, Power Over Municipal Affairs of Chapter 43 Government of Cities of the First Class, Chapter 54 Powers of Municipalities, Chapter 55 Ordinances of Municipalities, Title 27, the regarding Traffic in the Arkansas Code and any and all other state statutes or constitutional provisions that provide any authority to the City to enact ordinances, codes, or regulations within or referenced by the Title and Code. No specific reference to authority within any Title and Code Chapters or Section excludes the general authority of all state law and this Section.

ARTICLE II – CITY TRAFFIC CODE

CHAPTER 1 – GENERAL

SECTION 1: TITLE

- 1.1 The Chapters within this Article shall be titled, known as, referred to and cited as the “City Traffic Code.”

CHAPTER 2 – HAZARDOUS, UNSAFE OR INATTENTIVE DRIVING CODE

SECTION 1: TITLE

- 1.1 This Chapter shall be titled, known as, referred to and cited as the “Hazardous, Unsafe or Inattentive Driving Code (“Unsafe Driving Code”).”

SECTION 2: ESTABLISHMENT OF OFFENSE

- 2.1 There is hereby established the offense of Hazardous, Unsafe or Inattentive Driving to be enforced by the law enforcement officers of the Russellville Police Department.

SECTION 3: UNLAWFUL ACT

- 3.1 The offense of Hazardous, Unsafe or Inattentive Driving shall be prohibited and an unlawful act within the City.

SECTION 4: PROHIBITED CONDUCT

A person shall commit the offense of Hazardous, Unsafe or Inattentive Driving when any person operates a motor vehicle in the following manner upon a street:

- 4.1 In such a manner as to endanger or be likely to endanger any person or persons or do damage to public or private, personal or real property;
- 4.2 At a speed greater than reasonable and prudent under the conditions then existing;
- 4.3 By operating a vehicle in a lax or slack manner in light of the then existing conditions where there is a reasonably foreseeable danger to persons or property, including the personal property of the operator of a vehicle who is charged hereunder, due to the conduct of the operator of the motor vehicle being imprudent rather than heedless or wanton;
- 4.4 By committing a moving violation, causing an accident, or nearly causing an accident that is avoided only because of evasive action of other drivers or pedestrians, all while dividing his attention from the safe operation of the vehicle by some distracting activity; or,
- 4.5 Engaging in an activity not directly related to the operation of the motor vehicle, and which may include, but is not limited to: reading; writing; consuming food, beverages, or tobacco; changing garments; using telephones, pagers, personal digital assistants, global positioning devices, radar detectors, or other communication/information devices; operating any form of radio, audio or video cassette players, compact disc players, televisions, or any other audio or video devices; portable computer; applying make-up, shaving, combing hair, or

attending to other forms of personal grooming; or interactions with passengers or pets.

SECTION 5: CATEGORIZATION OF OFFENSE

- 5.1** The offense of Hazardous, Unsafe or Inattentive Driving shall be considered a lesser offense than, but included in the offense of Reckless Driving (A.C.A. §27-50-308), and any person charged with the offense of Reckless Driving may be convicted of the lesser offense of Hazardous, Unsafe or Inattentive Driving.

SECTION 6: PENALTY

- 6.1** It shall be unlawful for any person or entity for any person to violate any provision of this Chapter and Hazardous, Unsafe or Inattentive Driving Code. Any person or entity found to be in violation of any provision of this Chapter and Hazardous, Unsafe or Inattentive Driving Code shall be deemed to be guilty of a civil violation and shall be fined in accordance with the provisions of this Title and Code.

CHAPTER 3 - ENGINE COMPRESSION BRAKING

SECTION 1: TITLE

- 1.1 This Chapter shall be titled, known as, referred to or cited as the "City Engine Compression Braking Code ("Jake Braking Code")."

SECTION 2: DEFINITION

The following definitions shall apply throughout this Chapter and Jake Braking Code:

- 2.1 "*Engine compression brake*" means a "Dynamic Brake," "Jake Brake," "Jacobs Brake," "C-Brake," "Paccar Brake," transmission brake or any other engine retarding brake system that alters the normal compression of the engine and subsequently releases that compression designed to aid in the braking or deceleration of the truck or other vehicle.

SECTION 3: ESTABLISHMENT OF OFFENSE

- 3.1 There is hereby established the offense of Jake Braking to be enforced by the law enforcement officers of the Russellville Police Department.

SECTION 4: UNLAWFUL ACT

- 4.1 It shall be unlawful for any person to operate any truck or other motorized vehicle to use or operate or cause to be used or operated within the City, any engine compression brake which results in excessive, loud, unusual, or explosive noise from such vehicle.

SECTION 5: AFFIRMATIVE DEFENSE

- 5.1 It is an affirmative defense to a violation of this Chapter and Jake Braking Code that the engine compression braking was used on an emergency basis to avoid damage to property or to avoid personal injury.

SECTION 6: PENALTY

- 6.1 It shall be unlawful for any person or entity for any person to violate any provision of this Chapter and Jake Braking Code. Any person or entity found to be in violation of any provision of this Chapter and Jake Braking Code shall be deemed to be guilty of a civil violation and shall be fined in accordance with the provisions of this Title and Code.

SECTION 7: SIGNAGE

- 7.1 Signs shall be posted on or near all U.S. and State Highways entering the City stating in language similar to "No Engine Braking by City Ordinance" these signs may also be installed at locations deemed appropriate by the Director of Public Works to advise motorists of the prohibitions contained in this Chapter and Jake Braking Code. The provisions of this Chapter and Jake Braking Code shall be in full force and effect even if no signs are installed.

Prepared by:
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Sponsor: City Attorney
JB#3

SECTION 8: SUPPLEMENTARY

- 8.1** This Chapter and Jake Braking Code is supplementary to other loud and unnecessary noise ordinances and does not repeal any such ordinance or the City Loud Noises Code.

CHAPTER 4: TRUCK CODE

SECTION 1: TITLE

- 1.1 This Chapter shall be titled, known as, referred to and cited as the “City Truck Code (“Truck Code”).”

SECTION 2: DEFINITIONS

The following definitions shall apply throughout this Chapter and Truck Code:

- 2.1 *"Alternative truck route"* means roadways not designed as truck routes only for purposes of delivering or receiving goods and services to a specific destination along non-truck routes. If travel along a non-truck route is necessary for the above permissible purpose, then vehicles must use the nearest intersection for entering and exiting restricted roadways.
- 2.2 *"Available route"* means a street, roadway or highway dedicated for and open to public motor vehicle travel.
- 2.3 *"Destination"* or *"destinations"* means either a single delivery or several deliveries within multiple delivery zones.
- 2.4 *"Direct route"* means the most feasible route from the closest unrestricted street consistent with the intent to limit the use of streets in the residence districts of the city by commercial vehicles.
- 2.5 *"Gross vehicle weight"* means the sum of all axle loads of a vehicle, including any trailers or trailers connected to a vehicle.
- 2.6 *"Local delivery"* means the delivery of goods, wares and services from one point within the City to another point within the City. From the point of origination to the point of termination, the delivery shall use the most direct route.
- 2.7 *"Local service"* means limiting the authorized use of city streets or avenues to those trucks which have either point of origin or destination for immediate business purposes within the corporate limits of the City.
- 2.8 *"Restricted street"* means all streets in the City except through truck routes and local truck routes as herein established.
- 2.9 *"Truck"* is any vehicle designed or operated for commercial transportation of materials whose combined base and total load weight is equal to or exceeds twenty-six thousand (26,000) pounds.
- 2.10 *"Truck route"* means only over state and federal highways within the City or on certain streets, established by resolution of the City Council, over and along which trucks coming into, going out of and traveling within the City must operate.

SECTION 3: FINDINGS, PURPOSE AND INTENT

It is the findings, purpose and intent of the City Council of the following:

- 3.1 It is found that trucks in excess of twenty-six thousand (26,000) can and do damage the City streets over the repeated use of the City streets over time.

- 3.2 Limiting the use of these heavy truck on City streets shall preserve and lengthen the amount of time between repairs from damage by truck traffic use.
- 3.3 Minimizing damage by regulating and restricting the street routes within the City that trucks can take shall reduce costs of repairs to the City's streets.

SECTION 4: REQUIRED AND PROHIBITED ACTS

Every person operating a truck within the city limits of the City shall conform to the following requirements. Failure to comply with any of the Subsections within this Section shall constitute a violation of this Chapter and Truck Code.

- 4.1 All trucks shall travel only truck routes designated by this Chapter and Truck Code when traveling inside the City.
- 4.2 Any person operating a truck upon a City street that is not a truck route shall have in their possession a log book, delivery slip or other evidence of their points of origin and destination to justify the presence of their truck upon such City street. Failure to produce such evidence upon the request of a police officer shall constitute a violation of this Chapter and Truck Code.
- 4.3 No truck may be parked at any time upon any City street.
- 4.4 No truck may operate on any City street other than on state or federal highways in the city limits.

SECTION 5: ESTABLISHMENT OF OFFENSE

- 5.1 There is hereby established the offense of Truck Route violation to be enforced by the law enforcement officers of the Russellville Police Department.

SECTION 6: UNLAWFUL ACT

- 6.1 It shall be unlawful for any person to operate any truck within the City in violation of the provisions of this Chapter and Truck Code.

SECTION 7: EXEMPTIONS

- 7.1 Trucks making deliveries that cannot be made without traveling over restricted streets shall be exempted from the provisions of this Chapter and Truck Code; provided, that said trucks take, to and from the state or federal highways, the most direct and shortest route possible to and from the delivery site.
- 7.2 Trucks engaged in loading or unloading commercial commodities pursuant to a proper bill of lading or other document located on board the truck evidencing said purpose.
- 7.3 Trucks engaged in the pick-up or delivery of products or providing services, for which a bill of lading or other document verifying such purpose is located within or upon the vehicle, and only if the vehicle must leave such federal or state highway provided said truck shall take, to and from the state or federal highway, the most direct route possible to and from the delivery site.
- 7.4 Vehicles owned and operated by the state or its political subdivisions when engaged specifically in duties for said state or subdivision.

- 7.5 A non-load carrying vehicle with a load or towing capacity of less than one and one-half (½) tons in route to or from an owner's residence by the most direct route from or toward the closest state highway or designated truck route.
- 7.6 Vehicles operated under ownership, contract lease or agency by or for the City and when engaged specifically in duties for the City.
- 7.7 Vehicles solely devoted to non-commercial activity.
- 7.8 All operations of fire trucks or other emergency vehicles, used in emergency situations, operated by the City or other political subdivision or volunteer fire departments.
- 7.9 School, church, and local public transportation buses and public service vehicles.
- 7.10 Trash or garbage trucks when engaged in the mode of collecting trash along routes.

SECTION 8: POSTING OF SIGNS

- 8.1 The City shall cause all truck routes except federal and state highways to be posted with signs identifying them as truck routes. Signs designating a truck route, by means of an arrow, shall specify the exact course of the truck route. A street is not a truck route, or part thereof, unless posted as such, or unless the highway is a federal and state highway. The provisions of this Chapter and Truck Code shall be in full force and effect even if no signs are installed.

SECTION 9: LIABILITY FOR STREET DAMAGE

- 9.1 Any person driving any truck upon any street or street structure shall be liable for all damages which the street or structure may sustain as a result of any illegal operation, driving or moving any truck, or as a result of operating, driving or moving any truck weighing in excess of the maximum weight as defined in the definition of "truck" in this Chapter and Truck Code.

SECTION 10: OWNER AND DRIVER OF VEHICLE JOINTLY LIABLE

- 10.1 Whenever such driver is not the owner of such truck, but is so operating, driving or moving any truck with express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any damages caused by the driving of such Truck upon the city streets.

SECTION 11: CIVIL ACTION

- 11.1 Damages to City streets may be recovered in a civil action in the appropriate court of competent jurisdiction brought by the City against the owner and/or driver of the truck.

SECTION 12: CITY COURT HEARING

- 12.1 In any hearing or trial in District or Circuit Court, unless credible evidence is produced demonstrating such immediate business purposes such as a bill of lading or routing schedule, the operation of such truck on a prohibited City street shall be prima facie evidence of such violation of this Chapter and Truck Code.

SECTION 13: PENALTY

- 13.1** It shall be unlawful for any person or entity for any person to violate any provision of this Chapter and Truck Code. Any person or entity found to be in violation of any provision of this Chapter and Truck Code shall be deemed to be guilty of a civil violation and shall be fined in accordance with the provisions of this Title and Code.

CHAPTER 5: U-TURNS

SECTION 1: TITLE

- 1.1 This Chapter shall be titled, known as, referred to and cited as the “U-Turn Code (“U-Turn Code”).”

SECTION 2: DEFINITIONS

The following definitions shall apply throughout this Chapter and U-Turn Code:

- 2.1 “*Median Access Control*” means limiting movement of left turn and cross traffic through the design and spacing of designed median openings, non-traversable medians and left turn lanes.

SECTION 3: ESTABLISHMENT OF OFFENSE

- 3.1 There is hereby established the offense of U-Turn violation to be enforced by the law enforcement officers of the Russellville Police Department.

SECTION 4: UNLAWFUL ACTS

It shall be a prohibited and unlawful act for any person to operate a motor vehicle on a street within the City in the following manner.

- 5.1 *Sufficient Visibility Required by State Law.* No motor vehicle shall be turned so as to proceed in the opposite direction (a “U-Turn”) where the motor vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.
- 5.2 *Streets Without Median Access Control.* No motor vehicle shall be turned in the opposite direction on a City street without median access control except at a non-signalized intersection.
- 5.3 *Streets with Median Access Control.* U-Turns are permitted on City streets with median access control at all constructed breaks in the median unless signage is displayed prohibiting such U-Turns.

SECTION 6: PENALTY

- 6.1 It shall be unlawful for any person or entity for any person to violate any provision of this Chapter and U-Turn Code. Any person or entity found to be in violation of any provision of this Chapter and U-Turn Code shall be deemed to be guilty of a civil violation and shall be fined in accordance with the provisions of this Title and Code.

ARTICLE III – PARKING

CHAPTER 1 – RESERVED

CHAPTER 2 – PARKING CODE

SECTION 1: TITLE

1.1 This Chapter shall be titled, known as, referred to and cited as the “City Parking Code.”

SECTION 2: APPLICATION

2.1 The provisions of this Chapter and Parking Code prohibiting the standing or parking of a motor vehicle shall apply at all times or at those times specified in this Chapter and Parking Code or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the direction of a police officer or official traffic control device.

SECTION 3: AUTHORITY

3.1 Arkansas law obligates city councils to have the care, supervision and control of all the public highways, bridges, streets, alleys, public squares, and commons within the city and cause those public highways, bridges, streets, alleys, public squares and commons to be kept open and in repair, and free from nuisance. Arkansas law provides additional authority to regulate the standing or parking of vehicles, including the ability to establish districts for the purpose of limiting the time, place, and manner of public parking in designated areas (A.C.A. §27-49-106(b)(1)) and to enter upon the parking areas of private business establishments to enforce parking ordinances. (See A.C.A. §16-81-108)

SECTION 4: PARKING PROHIBITED ON CERTAIN STREETS

4.1 When signs are erected on any street or part of a street giving notice thereof, no person shall park a vehicle on the sides of any such street or part of such street so designated for no parking.

SECTION 5: NO PARKING ON STREET IN RESIDENTIAL AREAS OR CERTAIN STREETS DURING CERTAIN HOURS

- 5.1** Parking will be prohibited on any street that is twenty (20) feet or less in width.
- 5.2** Parking will be permitted one side of any street that is greater than twenty (20) feet in width.
- 5.3** At no time shall parking be permitted on both sides of a public street.
- 5.4** When signs are erected on any street or part of a street giving notice thereof, no person shall stop, stand, or park a vehicle on any street or part of a street in each block so designated by signs.

SECTION 6: PARKING CAUSING A TRAFFIC OBSTRUCTION

6.1 No person shall stop, stand, or park a motor vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic-control device, when stopping, standing, or parking the motor

vehicle would obstruct or impede traffic by part of the motor vehicle being adjacent to or within a traffic lane of a City street.

SECTION 7: NO PARKING SIGNAGE

- 7.1 No person shall stop, stand, or park a motor vehicle in a space clearly marked by a sign as no parking, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic-control device.

SECTION 8: RESTRICTED PARKING

- 8.1 No person shall stop, stand, or park a motor vehicle in a space clearly marked by a sign restricting the parking space only to persons permitted by the state to park in the restricted parking space, or except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic-control device.

SECTION 9: LOADING ZONES

- 9.1 No person shall stop, stand, or park a motor vehicle in a space clearly marked by a sign as a loading/unloading zone for a business unless the person is loading or unloading a delivery or order for the business, or except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic-control device.

SECTION 10: PARKING WITHIN SPACES REQUIRED

- 10.1 Motor vehicles parked upon streets marked with parking spaces shall be within the space designated so that it will not interfere with proper parking in the adjacent spaces. It shall be unlawful for any person to park over or on one (1) of lines drawn indicating a parking space.

SECTION 11: PARKING OF COMMON CARRIERS, TRUCKS, TRACTORS, RECREATIONAL VEHICLES, TRAILERS, BOATS AND BOAT TRAILERS ON PUBLIC STREETS PROHIBITED

- 11.1 No person shall park, store or leave standing a truck, tractor or trailer with a capacity of three-quarter ($\frac{3}{4}$) ton or larger, or the chassis thereof, or any recreational vehicle, trailer, boat or boat trailer upon a public street or permit any of these vehicles or trailers under their control to be parked, stored or left standing upon a public street; nor shall any person use any street for the purpose of repairing or reconditioning any of these vehicles or trailers, except when such repairs are necessitated by an emergency. This restriction shall not be deemed to prevent temporary location of any such vehicle in on a public street when engaged in delivery, pickup, or service to the premises where located.

SECTION 12: RESPONSIBILITY OF OWNER FOR ILLEGALLY PARKED VEHICLE

- 12.1 It shall be unlawful and a violation of this Chapter and Parking Code for any person to violate the provisions of this Chapter and Parking Code. No person shall allow, permit or suffer any vehicle registered in his name to stand or park in any street in the city in violation of any provision of this Chapter and Parking Code regulating the standing or parking of vehicles.

SECTION 13: PENALTY

- 13.1 It shall be unlawful for any person or entity for any person to violate any provision of this Chapter and Parking Code. Any person or entity found to be in violation of any provision of this Chapter and Parking Code shall be deemed to be guilty of a civil violation and shall be fined in accordance with the provisions of this Title and Code.