

ORDINANCE 2019-02

AN ORDINANCE UPDATING CHAPTER 8.12 OF MAYFLOWER, AR CODE PERTAINING TO EMERGENCY VEHICLES AND CHAPTER 8.16 OF MAYFLOWER, AR CODE PERTAINING TO ABANDONED, INOPERABLE OR UNLICENSED VEHICLES.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAYFLOWER, FAULKNER COUNTY, ARKANSAS

CHAPTER 8.12:

SECTION ONE: Section one, pertaining to right-of-way, shall be amended to read as follows:

“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 or she shall immediately move his or her 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.”

SECTION FIVE: Section five, pertaining to exempt personnel, shall be amended to read as follows:

“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. Medical, nursing and ambulance personnel.
- D. Law enforcement officers; and other persons specifically authorized by the Mayor, Police Chief or Fire Chief.
- E. Public utility personnel.

CHAPTER 8.16:

SECTION ONE: Section one, pertaining to definitions, shall be amended to read as follows:

“**Vehicle:** Vehicle means a car, automobile, truck, bus, omnibus, tractor truck, or other vehicle, self-propelled or licensed to travel upon the roads of Arkansas, or subject to licensing for travel or intended as a carrier for goods and persons from point to point.

Non-operating Vehicle A non-operating vehicle, for the purposes of this chapter, shall be interpreted to mean any vehicle that does not have current, valid Arkansas registration or license plates, or is not in proper condition to be legally operated on the streets of the city or because of lack of an integral part of assembly or is not capable of self-locomotion.

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Open Storage Open storage, for the purpose of this chapter, shall be interpreted to include a carport which has at least two (2) open sides.

Public Property Public property, for the purpose of this chapter, shall be construed as any street, ally, right-of-way or property that is owned or under the control and supervision of the municipality.

Private Property Private property, for the purpose of this chapter, shall be interpreted to mean any and all property that is not classified as public.

SECTION TWO: Section two, pertaining to prohibiting non-operating vehicles, shall be amended to read as follows:

“It is unlawful to have a non-operating vehicle.”

SECTION THREE: Section three, pertaining to exceptions, shall read as follows:

“Nothing in this chapter shall be construed so as to apply to:

- A. Any vehicle that can be started and moved under its own power on demand;
- B. Temporarily disabled motor vehicles provided they are restored to running condition within thirty (30) days from date of disablement.”

SECTION FIVE: Section five, pertaining to keeping on private property, limited, shall be amended to read as follows:

“It shall be unlawful for any reason for any person to keep, maintain or store, junked, wrecked, or unlicensed vehicles, as defined by this chapter, upon private property, in the open within the corporate limits of the city for a period of more than seven (7) days.”

SECTION SIX: Section six, pertaining to penalty for violation, shall read as follows:

“A violation of this chapter is hereby declared to be a misdemeanor and punishable by a fine of One Hundred Dollars (\$100.00) per day. Each day a non-operating vehicle is upon the premises

of a person who knows of its presence shall constitute a separate offense.”

SECTION EIGHT: Section eight, pertaining to procedures when vehicle found on private property, shall read as follows:

“Whenever officers or agents of the city observe any such non-operating vehicles as defined in this chapter placed or stored in the open upon private property, they shall file a written report with the police department, setting forth the location of said vehicle, its make or model, the license number and the name of the owner, if known. The police department shall notify the owner in writing to remove the vehicle within forty-eight (48) hours and in the event said vehicle is not removed, the police department is hereby authorized and directed to remove said vehicle and impound the same in accordance with the laws governing abandoned vehicles. In the event said vehicle obstructs the movement of traffic or constitutes a traffic hazard, the police department shall immediately remove said vehicle. The primary responsibility for the enforcement of this chapter is placed upon the police department.”

SECTION ELEVEN: Section eleven, pertaining to lien upon vehicle for costs, shall read as follows:

“The costs of investigation, towing, removal, and storage of a vehicle under this chapter shall constitute a lien upon the vehicle, and the city attorney is hereby authorized and directed to take necessary legal action to establish and perfect a lien against said property.”

IT IS SO ORDERED.

Approved and passed this 23rd day of April, 2019

ATTEST: _____
Barbara Mathes, Recorder

APPROVED: _____
Randy O. Holland, Mayor

DATE: _____

DATE: _____

APPROVED AS TO FORM: _____
David Hogue, City Attorney