

City of Omaha, Arkansas  
Ordinance Number 2017-01

AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE ARKANSAS UNIFORM ACTION REGULATING TRAFFIC ON THE HIGHWAYS OF ARKANSAS AS CONTAINED IN TITLES 5, 8 and 27 OF THE ARKANSAS STATE STATUTES AND TO ESTABLISH OTHER LAWS AND REGULATIONS WITHIN THE CITY LIMITS OF OMAHA, ARKANSAS, PROVIDING FOR A PENALTY FOR VIOLATION AND OTHER PURPOSES.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF OMAHA, ARKANSAS:

**CHAPTER 1**

**ADOPTION OF STATE LAWS**

**Sections: 1**

1. Adoption of state laws The "Uniform Act Regulating Traffic on Highways of Arkansas", as contained in Title 27 of the Arkansas Statutes, a copy of which is on file in the office of the Mayor, is hereby adopted as traffic rules and regulations within and for the City of Omaha, Arkansas. Any person convicted of violation of said statutes shall be deemed guilty of the violation of the ordinances of the city, and may be fined or imprisoned or both in the manner set out under the state statutes.

- a. The City of Omaha shall adopt the following (but not limited to) list of the Arkansas State Statues to become lawful City Ordinances by name and statute number and corresponding fines associated with such violation of said ordinance:

	Title	Statute Number	Fine
1.	Abandoned Vehicle	8-8-01	\$100.00
2.	Allowing a person to ride on the exterior of a vehicle	27-35-104	\$125.00

3.	Carless or Prohibitive Driving	27-51-104	\$175.00
4.	Carless or Prohibitive Driving With an Accident	27-51-104	\$200.00
5.	Crossed Yellow Line	27-51-301	\$125.00
6.	Defective Equipment	27-31-301	\$125.00
7.	Defective Trailer Lights	27-36-215	\$125.00
8.	Disobeyed Stop Sign	27-51-601	\$125.00
9.	Disobeyed Stop Sign With Accident	27-51-601	\$150.00
10.	Display Blue Lights	27-36-301	\$125.00
11.	Display Green Lights	27-36-208	\$125.00
12.	Display of Red Lights	27-36-301	\$125.00
13.	Disregard of a Police Officer	27-49-107	\$125.00
14.	Driving Left of Center	27-51-301	\$125.00
15.	Driving Left of Center With Accident	27-51-301	\$150.00
16.	Driving On Suspended DL	27-16-303	\$500.00
17.	Driving With Park Lights Only	27-36-205	\$100.00
18.	Evading a Traffic Control Device	27-51-104	\$175.00
19.	Expired Drivers License	27-16-602	\$125.00
20.	Expired Vehicle License-Tags	27-14-601	\$125.00
21.	Failure to Change Address on DL	27-16-506	\$125.00
22.	Failure to Carry Drivers License	27-16-601	\$125.00
23.	Failure to Dim Head Lights	27-36-211	\$125.00
24.	Failure to Maintain Control of Vehicle	27-51-1404	\$125.00
25.	Failure to Maintain Control of	27-51-1404	\$150.00

Vehicle with Accident

26.	Failure to Pay Registration	27-14-601	\$125.00
27.	Failure to Report Accident	27-53-202	\$125.00
28.	Failure to Yield	27-51-501	\$125.00
29.	Failure to Yield with Accident	27-51-501	\$150.00
30.	Failure to Yield to Emergency	27-51-901	\$200.00

Vehicle

31.	Failure to Yield to Pedestrians	27-51-1202	\$125.00
32.	Fictitious Vehicle License-Tags	27-14-306	\$125.00
33.	Following Fire Apparatus	27-51-902	\$200.00
34.	Following Too Close	27-51-305	\$125.00
35.	Following Too Close with Accident	27-51-305	\$150.00
36.	Hitchhiking	27-51-1205	\$125.00
37.	Illegal Parking	27-51-1302	\$ 50.00
38.	Illegal Parking by Fire Hydrant	27-51-1302	\$150.00

or Fire Station

40.a	Illegal Dumping	8-6-406	\$125.00
40.b	Illegal Discarding of Certain Items	8-6-408	\$500.00
40.c	Littering from a Moving Vehicle	8-6-409	\$125.00
41.	Illegal Passing	27-51-308	\$125.00
42.	Illegal Passing with Accident	27-51-308	\$150.00
43.	Impeding Traffic	27-51-208	\$125.00
44.	Improper Backing	26-51-130	\$125.00
45.	Improper Backing with Accident	26-51-130	\$150.00
46.	Improper Display of Tags	27-14-716	\$100.00
47.	Improper Exhaust	27-27-601	\$150.00
48.	Improper Lane Change	27-51-302	\$125.00

49.	Improper passing	27-51-306	\$125.00
50.	Improper passing with Accident	27-51-306	\$150.00
51.	Improper Turn	27-51-401	\$125.00
52.	Improper Use of Highway Right of Way	27-69-304	\$125.00
53.	Improperly Parked on Highway	27-51-130	\$100.00
54.	Insecure Load	27-35-210	\$125.00
55.	Leaving Scene of Accident	27-53-102	\$125.00
56.	Leaving Scene of Accident With Property Damage	27-53-102	\$225.00
57.	Negligent Driving	27-51-104	\$125.00
58.	No Arkansas Drivers License	27-16-602	\$125.00
59.	No CDL License	23-13-208	\$175.00
60.	No Child Safety Restraint	27-34-104	\$200.00
61.	No Drivers License	27-16-602	\$125.00
62.	No Licensed Driver with Permittee	27-16-804	\$125.00
63.	No Motorcycle Helmet under 21	27-20-104	\$150.00
64.	No Motorcycle License	27-20-106	\$125.00
65.	No Muffler	27-20-104	\$125.00
66.	No Proof of Insurance	27-22-104	\$200.00
67.	No Seat Belt	27-37-702	\$125.00
68.	No Signal	27-51-403	\$125.00
69.	No Taillights	27-36-215	\$125.00
70.	No Trailer License	27-14-1204	\$125.00
71.	No Vehicle License	27-14-304	\$125.00
72.	Noisy Muffler	27-37-601	\$100.00
73.	Obstructed License Plate	27-14-716	\$100.00

74.	Obstructed Windshield	27-37-303	\$100.00
75.	Obstructing Drivers View	27-51-1401	\$100.00
76.	One or No Headlights	27-32-209	\$125.00
77.	Open Container in Vehicle	5-71-218	\$250.00
78.	Operating ATV on Public Roadway	27-21-106	\$125.00
79.	Parking in Handicap Zone	27-15-306	\$175.00
80.	Passing LEO During Traffic Stop	27-51-310	\$175.00
81.	Passing Stopped School Bus	27-51-1004	\$500.00
82.	Permit Unauthorized Person To Drive	27-16-304	\$150.00
83.	Permit Unauthorized Person With Accident	27-16-304	\$250.00
84.	Permit Unauthorized Minor to Drive	27-16-305	\$150.00
85.	Permit Without Licensed Driver	27-16-804	\$125.00
86.	Racing on City Streets	27-50-309	\$500.00
87.	Ran Stop Sign	27-51-503	\$125.00
88.	Ran Stop Sign with Accident	27-51-503	\$150.00
89.	Reckless Driving	27-50-308	\$500.00
90.	Riding in Spaces not for Passengers	27-35-104	\$125.00
91.a	Speeding (6-10 mph over)	27-51-201	\$100.00
91.b	Speeding (11-15 mph over)	27-51-201	\$125.00
91.c	Speeding (16-20 mph over)	27-51-201	\$150.00
91.d	Speeding (21-25 mph over)	27-51-201	\$175.00
91.e	Speeding (26 or more mph over)	27-51-201	\$200.00
92.a	Speeding in a Commercial Vehicle	27-51-201	\$150.00

	20K lbs (11 -15 mph over)		
92.b	Speeding in a Commercial Vehicle	27-51-201	\$200.00
	20K lbs (16-25 mph over)	27-51-201	
92.c	Speeding in a Commercial Vehicle	27-51-201	\$250.00
	20K lbs or over (26 or more mph over)		
93.	Too Fast for Conditions	27-51-208	\$150.00
94.	Towing in a Dangerous Manner	27-35-111	\$125.00
95.	Unauthorized Use of a Vehicle	5-36-108	\$250.00
96.	Underage passenger on Motorcycle	27-20-118	\$125.00
97.	Unlawful Use of Fireworks	Ord # 24	\$100.00
98.	Use of a handheld Wireless Device	27-51-1504	\$125.00
	While Driving		
99.	White Lights to the Rear	27-36-216	\$125.00

## **CHAPTER 2**

### **TRUCK ROUTES**

#### **Section: 1**

#### **Designated**

- Truck routes - Designated Truck routes for all motor vehicles having a capacity of over one ton, and proceeding through the city, are hereby established and designated as follows:  
Old Highway 65 and State Highway 14 shall be designated as Truck Routes; therefore all such vehicles are hereby prohibited from using any other street, alley or road while proceeding through the city. Ord. # 17-02-1-1

## **CHAPTER 3**

### **EMERGENCY VEHICLES**

#### **Sections: 1**

##### **Right-of-way.**

1. 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 shall immediately move his 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.  
Ord.# 17-03-1-1

#### **Sections: 2**

##### **Following prohibited.**

1. No person except as herein authorized shall follow any emergency vehicle which is operating its emergency signals. Ord.# 17-03-2-1

#### **Section 3**

##### **Restriction of vehicular traffic.**

1. No vehicular traffic (other than that of authorized personnel specified herein) shall be permitted within a three (3) block radius of any emergency, unless such vehicular movement is permitted by order of the fire, police or medical personnel in charge at the scene of such emergency. Fire, Police or other authorized personnel shall have the specific authority to order all pedestrians and spectators outside said emergency area at any time. Ord.# 17-03-3-1

#### **Section 4**

##### **Strict enforcement.**

1. The provisions hereof shall be strictly enforced by members of the Police Department.

## **Section 5**

### **Exempt personnel.**

1. The following personnel when acting in the line of duty are specifically exempt from the provisions of this chapter;
  1. All regular and volunteer Fire Department personnel.
  - 2 All regular and auxiliary police personnel.
  3. News reporting and photography personnel for public communications media.
  4. Medical, nursing and ambulance personnel.
  5. Law enforcement officers; and other persons specifically authorized by the Mayor, Police Chief or Fire Chief.
  6. Public utility personnel.

## **Section 6**

### **Penalty.**

1. Any person violating any of the provisions here in above shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Fifty Dollars (\$250.00).

## **Chapter 4**

### **Citywide Speed Limit - Unless Otherwise Posted**

1. The speed limit within the city limits of the city of Omaha shall be twenty (25) miles per hour unless otherwise posted.

## **Chapter 5**

### **Fines on an Ordinance**



## **Section 1**

1. All criminal statutes of the state relating to misdemeanors and the laws of criminal procedure in connection therewith, copies of which are on file in the Omaha Clerk/Treasurer's office, are hereby enacted by the Omaha City Council to form a part of the laws of the city and any person, firm or corporation being found guilty of the violation of any such laws shall be deemed guilty of the violation of the ordinances of the city and may be fined or imprisoned or both in the manner set out under the state statutes.

## **Section 2**

1. The same minimum and maximum penalties for the violation of misdemeanors as are provided in the state statutes are hereby adopted as the minimum and maximum fines for the violation of the same offenses which are prohibited by the ordinance of the city.  
  
STATE LAW REFERENCE-A.C.A. 14-55-502

## **Section 3**

1. For purposes of interpretation and enforcement, a violation of a city code or ordinance means:
  1. Doing an act that is prohibited or declared to be unlawful, an offense or a misdemeanor, by ordinance or by rule or regulation authorized by ordinance;
  2. Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or
  3. Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.
2. . "Violation of this ordinance" or a "violation of this code" does not include the failure of a city officer or city employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this

section.

3. Except as otherwise provided, a person convicted of a violation of this code or city ordinance shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance is a fine not to exceed Five Hundred Dollars (\$500.00) for each day that the same is unlawfully continued.
4. If a violation of this code is also a misdemeanor under state law, the penalty for the violation shall be as prescribed by state law for the state offense.
5. The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.
6. Violations of this code that are continuous with respect to time are a public Nuisance and may be abated by injunctive or other equitable relief. The imposition of a fine or penalty, however, does not prevent the simultaneous granting of equitable relief in appropriate cases.

## **CHAPTER 6**

### **Section 1**

#### **Repeal of Conflicting Ordinances**

All ordinances or parts of Ordinances in conflict with this Ordinance shall hereby be repealed.

## **CHAPTER 7**

### **Section 1**

#### **Severability Provision**

In the event any section or paragraph, subdivision, clause, or other provision or portion of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the Validity of this ordinance as a whole, part or provision, other than the part that is judged to be invalid or unconstitutional and the remaining provisions of this ordinance shall be constructed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

## **CHAPTER 8**

### **Section 1**

#### **Declaration of Emergency**

It is hereby found and determined that there is a need to regulate traffic laws in the City of Omaha, Arkansas and that it is determined that the City's laws and regulations are inadequate to protect the health and safety of the citizens of Omaha, Arkansas, and that in order to prevent harm or health to the citizens of this community and to declare it is an immediate need to adopt and enforce of said Ordinance. Therefore an emergency is declared to exist, and this Ordinance being immediately necessary for the perseverance of public health, safety and welfare of the Citizens of Omaha, Arkansas shall become effective immediately from and after the date of its passage, to take effect as provided by the terms of this Ordinance.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

CITY OF OMAHA, ARKANSAS

Reading One:        Ayes\_\_\_\_ Nays\_\_\_\_ Present\_\_\_\_ Absent\_\_\_\_

Reading Two:        Ayes\_\_\_\_ Nays\_\_\_\_ Present\_\_\_\_ Absent\_\_\_\_

Reading Three:     Ayes\_\_\_\_ Nays\_\_\_\_ Present\_\_\_\_ Absent\_\_\_\_

I, the undersigned, hereby certify that the Ordinance was duly adopted in its entirety by the City Council of Omaha, Arkansas.

Approved:

---

Leslie King,

Mayor

Attest:

---

Gina Dunn

Recorder/Treasurer

(Seal)