

**TITLE VII TRAFFIC CODE  
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**CHAPTER 70: GENERAL PROVISIONS\***

**ARTICLE I  
GENERAL PROVISIONS**

**70.01 Definitions**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Authorized emergency vehicle.* Authorized emergency vehicles shall include:

- (1) Motor vehicles used by state, county, or city and municipal police agencies, all of which shall be equipped with blue rotating or flashing emergency lights;
- (2) Motor vehicle used by state, county, city, or municipal fire departments, or motor vehicles owned and used by volunteer firefighters while engaged in official duties; motor vehicles used by privately owned fire departments; and ambulances used solely for ambulance purposes which are approved as ambulances in accordance with state and federal highway safety standards, all of which shall be equipped with red rotating or flashing emergency lights. Flashing emergency lights shall be used by volunteer firefighters solely while engaged in the performance of duties as volunteer firefighters; and
- (3) Motor vehicles owned by state, county, and municipal agencies whose use is determined by the state agency to be required for dangerous or hazardous services and motor vehicles owned by public service corporations or private individuals whose use is determined by the commissioner of the office of motor vehicles, in accordance with regulations established by the commissioner to prevent abuses thereof, to be for extra hazardous service, may be equipped with amber flashing or rotating emergency or warning light in order that other motorists and the public may be aware of the special or hazardous use of the vehicle and shall exercise caution in approaching the vehicle at all times while the amber flashing or rotating emergency or warning light is in operation.

All hazardous service vehicles shall conform to regular traffic signals and speed limits during

their regular operation.

It shall be unlawful to install, operate, or use any rotating or flashing light on any motor vehicle except as described in A.C.A. §27-49-219(2).

*Bicycle.* Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is 12 inches or more in diameter.

*Business district.* The territory contiguous to and including a street or highway when 50% or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

*Crosswalk.* That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections and any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

*Driver.* Every person who drives or is in actual physical control of a vehicle.

*Intersection.* The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadway of two streets or highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict.

*Laned roadway.* A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

*Motor vehicle.* Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

*Motorcycle.* Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

*Official traffic control devices.* All signs, signals, markings and devices not inconsistent with this traffic code placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

*Official traffic-control signal.* Any device, whether

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manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

*Owner.* A person who holds the legal title of a vehicle or, in the event the vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this title.

*Pedestrian.* Any person afoot.

*Police officer.* Every officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulations.

*Private road or driveway.* Every way or place in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner but not by other persons.

*Railroad.* A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

*Railroad sign or signal.* Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

*Railroad train.* A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

*Residence district.* The territory contiguous to and including a street or highway not comprising a business district when the property thereon for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

*Right-of-way.* The privilege of the immediate use of the street or highway.

*Roadway.* That portion of a street or highway improved, designed or ordinarily used for vehicular travel.

*Safety zone.* The area of space officially set apart within a roadway for exclusive use of pedestrians and which is protected or so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

*School bus.* Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to and from school.

*Sidewalk.* That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

*Street or highway.* The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

*Through street or highway.* Every street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

*Traffic.* Pedestrians, ridden or herded animals, vehicles and other conveyances, either single or together, while using any street or highway for purposes of travel.

*Vehicle.* Every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(Code 1965, §19-1; Ord. No. 1447, 6-7-65; Code 1991, §70.01)

**State law reference(s)**—Right-of-way, A.C.A. §27-49-211; Roadways, A.C.A. §27-49-212; Vehicles, A.C.A. §27-49-219; Signal legend, A.C.A. §27-52-107.

## 70.02 General Duties Of Police

- (A) The police department shall enforce the traffic regulations of this city and all of the state regulations applicable to street traffic in this city, make arrests for traffic violations, investigate accidents and cooperate with the traffic superintendent and other officers of the city in the administration of the traffic regulations and in developing ways and means to improve traffic conditions.
- (B) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of this city and all of the state vehicle laws

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applicable to street traffic in this city.

(Code 1965, §19-2; Ord. No. 1447, 6-7-65; Code 1991, §70.02)

**State law reference(s)**—Jurisdiction and responsibilities of law enforcement, A.C.A. §27-53-303; Police powers generally, A.C.A. §14-52-104; Police Officer, A.C.A. §27-49-209.

### 70.03 Traffic Superintendent

(A) The traffic superintendent shall be a qualified engineer and shall be appointed by the mayor. It shall be his duty to determine the installation and proper timing and maintenance of traffic-control devices, to conduct engineering analysis of traffic accidents and to devise remedial measures, to conduct engineering investigation of traffic on the streets and highways of this city, to determine and designate streets, parts of streets or specific lanes as truck routes; to determine and designate parking restrictions, such as the prohibition of parking on certain streets, to determine one-way streets, to cooperate with other officials in the development of ways and means to improve traffic conditions, and to carry out such additional powers and duties as may be imposed by ordinance.

(B) The traffic superintendent is hereby empowered to make regulations necessary to make effective the provisions of traffic ordinances of this city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. The traffic superintendent may test traffic-control devices that are under actual conditions of traffic.

(Code 1965, §§19-3, 19-4; Ord. No. 1447, 6-7-65; Code 1991, §70.03)

**State law reference(s)**—Powers of local authorities, A.C.A. §27-46-106; Local regulations, A.C.A. §27-20-115.

### 70.04 Direction Of Traffic By Police And Firefighters

(A) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand or signal in conformance with the traffic laws; provided, however, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may

require, notwithstanding the provisions of the traffic regulations. Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat, or in the immediate vicinity.

(B) No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

(Code 1965, §19-7; Ord. No. 1447, 6-7-65; Code 1991, §70.04)

**Cross reference(s)**—Penalty, §70.99.

**State law reference(s)**—Obedience to police officers required, A.C.A. §27-49-107.

### 70.05 Registration Requirements

Any person purchasing a used car and failing to have the license plates registered in his name within five days of the date of the bill of sale, or who shall give a fictitious address when having a car registered, shall be guilty of a misdemeanor.

(Code 1965, §19-9; Ord. No. 1447, 6-7-65; Code 1991, §70.05)

**Cross reference(s)**—Penalty, §70.99.

**State law reference(s)**—Operation of vehicles without license plates, A.C.A. §27-14-304.

### 70.06 Garage Keepers To Report Damaged Vehicles

The person in charge of any garage or repair shop in the city to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet, shall report same to the police department within 24 hours after such motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of such vehicle.

(Code 1965, §19-10; Ord. No. 1447, 6-7-65; Code 1991, §70.06)

**Cross reference(s)**—Penalty, §70.99.

### 70.07 Use Of Bicycles Or Animals

Every person riding a bicycle or an animal, or driving any animal drawing a vehicle upon a street or highway, shall have all the rights and all of the duties applicable to the driver of a vehicle, except those provisions of this traffic code which by their nature can have no applicability.

(Code 1965, §19-23; Ord. No. 1447, 6-7-65; Code 1991, §70.07)

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**State law reference(s)**—Use of bicycles or animals, A.C.A. §27-49-111.

### 70.08 Application Of Traffic Code To Government Personnel

The provisions of this traffic code to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town district, or any other political subdivision of this state, subject to such specific exceptions as are set forth in this traffic code with reference to authorized emergency vehicles.

(Code 1965, §19-24; Ord. No. 1447, 6-7-65; Code 1991, §70.08)

**Cross reference(s)**—Penalty, §70.99.

**State law reference(s)**—Governmental personnel subject generally, A.C.A. §27-49-108.

### 70.09 Exemptions For Authorized Emergency Vehicles

(A) The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to, but not returning from, a fire alarm, may exercise the following privileges, but subject to the conditions herein stated:

- (1) Park or stand, irrespective of the provisions of this title.
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- (3) Exceed the speed limits so long as he does not endanger life or property.
- (4) Disregard regulations governing direction of movement or turning in specified direction.

(B) The exemptions hereby granted to an authorized emergency vehicle shall apply only when the driver of such vehicle, while in motion, sounds such audible signal as may be reasonable or necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle; provided, however, that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle. The foregoing provisions

shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provision protect the driver from the consequences of any reckless disregard on his part for the safety of others.

(Code 1965, §19-25; Ord. No. 1447, 6-7-65; Code 1991, §70.09)

**State law reference(s)**—Driver's of authorized emergency vehicles, A.C.A. §27-49-109; Restrictions not applicable to emergency vehicles, A.C.A. §27-51-202.

### 70.10 Police Department Records Of Drivers To Be Maintained

The police department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned. The department shall study the cases of all the drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefor, and shall take whatever steps are lawful and reasonable to prevent the same or to have the licenses of such persons suspended or revoked. Such records shall be kept for a period of five years.

(Code 1965, §19-30; Ord. No. 1447, 6-7-65; Code 1991, §70.10)

### 70.11 Annual Traffic Report

The police department shall annually prepare a traffic report which shall be filed with the mayor. Such report shall contain information on traffic matters, including the following:

- (A) The number of traffic accidents, the number of persons killed, number of persons injured, and other pertinent traffic data.
- (B) The number of traffic accidents investigated and other pertinent data on the safety activities of the police.
- (C) The plans and recommendations of the department for future traffic safety activities.

(Code 1965, §19-31; Ord. No. 1447, 6-7-65; Code 1991, §70.11)

### 70.12 Streets Closed To Traffic

(A) The traffic superintendent is authorized to close any street in the city to traffic, when such street is being improved, repaired or otherwise worked upon. When any street is so closed to traffic,

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such fact shall be indicated by appropriate signs, barricades or markings, and the fire chief and police chief shall be promptly notified of the street involved. The Mayor may temporarily close a city street for a recognized festival or parade.

- (B) No person other than the traffic superintendent, or his duly authorized representative, shall erect any sign, barricade or marking indicating that a street is closed to traffic, without the prior written consent of the traffic superintendent.
- (C) When any street has been lawfully closed to traffic, and when such fact is indicated as provided in subsection (A) above, it shall be unlawful for any person to drive or operate a vehicle upon such street.
- (D) It shall be unlawful for any unauthorized person to remove any barriers, signs, or markings erected on any of the streets of the city under the provisions of this section.

(Code 1965, §19-29; Ord. No. 1447, 6-7-65)

**Cross reference(s)**--Penalty, §70.99.

**State law reference(s)**--Powers of municipal governing bodies, A.C.A. §14-184-117.

**70.13-70.29 Reserved**

**ARTICLE II  
TRAFFIC CONTROL DEVICES**

**70.30 Installation And Maintenance;  
Conformance With *State Manual Of  
Uniform Traffic Control Devices***

- (A) The traffic superintendent shall cause such traffic control devices to be placed and maintained upon streets in the city as may be necessary to indicate and to carry out the provisions of this title or to regulate, warn or guide traffic. All such traffic control devices shall conform to the *State Manual of Uniform Traffic Control Devices*, as required by A.C.A. §27-52-106. All traffic control signals on streets designated state or federal highways shall have all details approved by the Arkansas Highway Department.
- (B) The traffic superintendent shall cause electric traffic-control signals to be installed and maintained at intersections and other places as he may deem necessary. All such signals shall

conform to the provisions of state law.

(Code 1965, §§19-42, 19-45; Ord. No. 1447, 6-7-65; Code 1991, §70.30)

**State law reference(s)**--Powers of municipal governing bodies, A.C.A. §14-184-117.

**70.31 Authority Of Traffic Superintendent**  
The traffic superintendent is authorized:

- (A) To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, in his opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.
- (B) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.
- (C) To mark traffic lanes upon the roadway of any street where, in his opinion, a regular alignment of traffic is desirable.

(Code 1965, §19-43; Ord. No. 1447, 6-7-65; Code 1991, §70.31)

**70.32 Obedience To Devices**

No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this title, unless at the time otherwise directed by a police officer.  
(Code 1965, §19-44; Ord. No. 1447, 6-7-65; Code 1991, §70.32)

**Cross reference(s)**--Penalty, §70.99.

**State law reference(s)**--Obedience to official devices required, A.C.A. §27-52-103.

**70.33 Traffic Control Signal Legend**

- (A) Whenever traffic is controlled by traffic control signals exhibiting the words, "go," "caution," or "stop", or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and such terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:
  - (1) *Green alone or "go".*
    - (a) Vehicular traffic facing the signal, except when prohibited under A.C.A. §27-51-

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- 802, may proceed straight through or turn right or left, unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- (b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
- (2) *Steady yellow alone.*
- (a) Vehicular traffic facing the signal is thereby warned that the red or "stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "stop" signal is exhibited.
- (b) Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.
- (3) *Steady red alone, or "stop".*
- (a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, or, if none, then before entering the intersection and shall remain standing until green or "go" is shown alone, except that:
- (i) Vehicular traffic facing such signal may, after coming to a complete stop, cautiously enter the intersection for the purpose of making a right turn only, unless there is a sign prohibiting the turn.
- (ii) Vehicular traffic in the left lane if a one-way street facing such signal, after coming to a complete stop, may cautiously enter the intersection for the purpose of making a left turn into the left lane of another one-way street only unless there is a sign prohibiting such turn.
- (b) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfacing with any vehicular traffic.
- (4) *Steady red with green arrow.*
- (a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow, but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.
- (b) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
- (B) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which, by their nature, can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal.
- (C) Whenever special pedestrian control signals exhibiting the words "walk", "wait", or "don't walk" are in place, such signals shall indicate as follows:
- (1) *Walk.* Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
- (2) *Wait or don't walk.* No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.
- (D) Whenever flashing red or yellow signals are used, they shall require obedience by vehicular traffic as follows:
- (1) *Flashing red (stop signal).* When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- (2) *Flashing yellow (caution signal).* When a yellow lens is illuminated with rapid

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intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(Code 1965, §19-46--19-48; Ord. No. 1447, 6-7-65; Ord. No. 2096, 4-1-75; Code 1991, §70.33)

**Cross reference(s)**--Penalty, §70.99.

**State law reference(s)**--Signal legend, A.C.A. §27-52-107; Flashing Signals, A.C.A. §27-52-108; Arrangement of signals, A.C.A. §27-52-205.

### 70.34 Unauthorized Signs, Signals, Or Devices

(A) No person shall place, maintain or display upon or in view of any street or highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any city officer permit upon any street or highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to streets or highways of signs giving useful directional information or of a type that cannot be mistaken for official signs.

(B) Every such sign, signal, marking or device prohibited by this section is hereby declared to be a public nuisance and the chief of police is hereby empowered to remove the same or cause it to be removed without notice.

(Code 1965, §19-49; Ord. No. 1447, 6-7-65; Code 1991, §70.34)

**Cross reference(s)**--Penalty, §70.99.

**State law reference(s)**--Unauthorized signs, etc., prohibited - Removal, A.C.A. §27-52-109.

### 70.35 Altering, Damaging Or Removing Devices

(A) Pursuant to A.C.A. §27-52-101(a), no person shall, without lawful authority, attempt to or in fact alter, deface, mutilate, injure, knock down, destroy or remove any official traffic-control device, road marker, lighting equipment or any

railroad crossing sign or signal, or any inscription, shield or transcription thereon or any part thereof.

(B) The penalty for violation of this section shall be as set forth in A.C.A. §27-52-101(b).

(Code 1965, §19-50; Ord. No. 1447, 6-7-65; Code 1991, §70.35)

**Cross reference(s)**--Penalty, §70.99.

**State law reference(s)**--Penalty for interference with highway or railroad sign, etc., A.C.A. §27-52-101.

### 70.36-70.49 Reserved

## ARTICLE III ENFORCEMENT PROCEDURES

### 70.50 Forms And Records Of Citations And Arrests

The city shall provide books to include traffic citation forms for notifying alleged violators to appear and answer to charges of violating traffic laws and ordinances in the district court. The officer in charge of traffic shall issue such books for the chief of police or his duly authorized agent and shall maintain a record of every book so issued. The chief of police shall be responsible for the issuance of such books to individual members of the police department. The chief of police shall maintain a record of every such book and each set of citations contained therein.

(Code 1965, §19-264; Ord. No. 1447, 6-7-65; Code 1991, §70.50)

### 70.51 Procedures Of Police Officers

Except when authorized or directed under state law to immediately take a person before a magistrate for the violation of any traffic laws, a police officer who halts a person for such violation other than for the purpose of giving him a warning or warning notice and who does not take such person into custody under arrest, shall take the name, address, the registration number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him in writing on a form provided by the city, a traffic citation containing a notice to answer to the charge against him in the Fayetteville District Court at a time to be specified in said citation.

(Code 1965, §19-265; Ord. No. 1447, 6-7-65; Code 1991, §70.51)

**\*Note:** Act 1693 of 2001, Section 1, (a) changes the name of municipal court to district court. Therefore the

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name has been changed throughout the Code of Ordinance to comply with the legislative act by this codifier.

of amending this ordinance.

**70.52 When Citation Deemed Lawful Complaint**

In the event the form of citation provided for in this article includes information and is sworn to as required under the general laws of the state in respect to a complaint charging commission of the offense alleged in said citation to have been committed, then such citation, when filed with the district court, shall be deemed to be a lawful complaint for the purpose of prosecution under this title.

(Code 1965, §19-266; Ord. No. 1447, 6-7-65; Code 1991, §70.52)

**70.53 Citation For Illegally Parked Vehicle**

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by this title, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the city, for the driver or registered owner to answer the charge against him during the hours and at a place specified in the citation.

(Code 1965, §19-267; Ord. No. 1447, 6-7-65; Code 1991, §70.53)

**70.54 When Warrant To Be Issued**

In the event any person fails to comply with a traffic citation given to him/her or attached to a vehicle belonging to him/her or fails to make appearance pursuant to a summons directing an appearance in district court, or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the clerk of the district court shall secure and issue a warrant for his/her arrest.

(A) The chief of police and any other Fayetteville law enforcement officer under the direction of the Chief of Police of Fayetteville, Arkansas are authorized to collect the fee allowed to sheriffs under A.C.A. §21-6-307 when such Fayetteville officers serve a city warrant, and pursuant to A.C.A. §14-52-202, all fees collected by the police chief and his/her deputies for serving warrants shall be paid over to the city treasury.

(B) Such fee currently authorized is \$25.00, and in the event the fee is amended, the amended amount allowed under A.C.A. §21-6-307 shall be collected by the police chief or his/her deputies when serving a city warrant, without the necessity

(C) Warrant service fees shall be assessed and collected by the court upon conviction.

(Code 1965, §19-268; Ord. No. 1447, 6-7-65; Ord. No. 4155, 4-6-99; Code 1991, §70.54)

**State law reference(s)**—Powers and duties of police chiefs, A.C.A. §14-52-202; Sheriffs, A.C.A. §21-6-307.

**70.55 Payment Of Fine Or Appearance In Court**

(A) The judge of the district court shall designate the specified offenses under the traffic ordinances of the city and the state traffic laws in respect to which payments of fines may be accepted by the city in satisfaction thereof, and shall specify by suitable schedules the amount of such fines for first, second, and subsequent offenses, provided such fines are within the limits declared by law or ordinance, and shall further specify what number of such offenses shall require appearance before the district judge and the required amount of bail for such offenses.

(B) Any person charged with an offense for which payment of a fine may be made to the appropriate city official shall have the option of paying such fine, within the time specified in the notice of arrest, to the appropriate city official, upon entering a plea of guilty and upon waiving appearance in court, or of depositing the required lawful bail and, upon a plea of not guilty, he shall be entitled to a trial as authorized by law. The payment of a fine to the appropriate city official shall be deemed an acknowledgment of conviction of the alleged offense.

(C) When a person charged with a traffic violation elects to pay the fine as authorized by this section, the appropriate city official shall accept the designated fine, issue a receipt therefor and represent the violator in court.

(D) The appropriate city official shall receive and issue receipts for cash bail from the persons charged with traffic violations who must or wish to be heard in court, enter the time of their appearance on the court docket, and notify the arresting officer and witnesses, if any, to be present.

(Code 1965, §19-269; Ord. No. 1207, 6-23-59; Code 1991, §70.55)

**70.56 Disposition Of Record Of Citations, Warrants And Complaints**

FAYETTEVILLE CODE OF ORDINANCES  
TITLE VII TRAFFIC CODE

The following rules shall govern the disposition of traffic records:

- (A) Every police officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance shall deposit the original and a duplicate copy of the citation at the direction of the chief of police, who shall cause the original to be delivered to the district court and said duplicate copy to the central records section of the police department.
- (B) Upon the filing of such original citation in the district court of this city as aforesaid, said citation maybe disposed of only by trial in said court or by other official action, including forfeiture of bail or by payment of a fine to the traffic violation bureau of said court.
- (C) The chief of police shall also maintain or cause to be maintained, in connection with every traffic citation issued by a member of the police department, a record of the disposition of the charge by the district court or its traffic violation bureau.
- (D) The chief of police shall also maintain or cause to be maintained a record of all warrants issued by the district court on said traffic violation charges and which are delivered to the police department for service, and of the final disposition of all such warrants.
- (E) It shall be unlawful and official misconduct for any member of the police department or other officer or public employee to dispose of, alter or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint or warrant in a manner other than as required by this section; provided, however, that nothing in this section shall prevent the city attorney from changing the charge in a citation.

(Code 1965, §19-270; Ord. No. 1447, 6-7-65; Code 1991, §70.56)

### **70.57 Illegal Cancellation Of Citations**

It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than as provided in this title.

(Code 1965, §19-271; Ord. No. 1447, 6-7-65; Code 1991, §70.57)

**Cross reference(s)**--Penalty, §70.99

### **70.58 Audit Of Records Of Citations, Complaints And Warrants**

Every record of traffic citations, complaints thereon, and warrants issued therefor required in this article shall be audited by a firm of independent certified public accountants at the time of the general city audit. Reports of said audit shall be public records. For the purpose of this section, said audit accountants shall have access at all times to all necessary records, files and papers of the district court, its traffic violations bureau and the police department.

(Code 1965, §19-272; Ord. No. 1447, 6-7-65; Code 1991, §70.58)

### **70.59 Records And Reports Of Violations By District Court**

- (A) The district court shall keep or cause to be kept a record of every traffic complaint, traffic citation, or other legal form of traffic charge deposited with or presented to said court, and shall keep a record of every official action by said court in reference thereto, including but not limited to a record of every conviction, forfeiture of the amount of fine or forfeiture resulting from bail, judgment of acquittal, and every traffic complaint or citation deposited with or, presented to said court. The district court shall make reports to the state office of driver services in accordance with law.
- (B) The appropriate city official shall keep an easily accessible record of all traffic violations of which each person has been guilty during the preceding 12 months, whether such guilt was established in the court or by a plea of guilty, waiver of appearance and payment of fine to the appropriate city official. The appropriate city official shall also keep records and submit summarized monthly reports to the judge of the district court of all notices issued and arrests made for violation of the traffic laws and ordinances of this city and of all the fines collected by him, and of the final disposition or present status of every case of violation of the provisions of such laws and ordinances. Such records shall be so maintained as to show all types of violations and the totals of each. Such records shall be public records.

(Code 1965, Sec. 19-273; Ord. No. 1207, 6-23-59; Ord. No. 1447, 6-7-65; Code 1991, §70.59)

### **70.60 Records Of Violations To Be Kept**

FAYETTEVILLE CODE OF ORDINANCES  
TITLE VII TRAFFIC CODE

**By Police Department**

The police department shall keep a record of all violations of the traffic ordinances of this city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be maintained as to show types of violations and the total of all such alleged offenses. Such records shall be maintained as to show all types of violations and the total of each. All such records shall be kept for a period of at least five years. All forms of records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms. All records and reports shall be public records.

(Code 1965, §19-274; Ord. No. 1447, 6-7-65; Code 1991, §70.60)

**70.61 Disposition Of Fines And Forfeitures**

All fines and forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this title shall be paid over to the clerk/treasurer in accordance with the procedure established by state law.

(Code 1965, §19-275; Ord. No. 1447, 6-7-65; Code 1991, §70.61)

**70.62-70.97 Reserved**

**70.98 Violations Declared Misdemeanors**

It is a misdemeanor for any person to violate any provisions of this title unless such violation is, by this title or law of this state declared to be a felony.

(Code 1965, §19-263(a); Ord. No. 1447, 6-7-65; Ord. No. 2219, 5-4-76; Code 1991, §70.98)

**70.99 Penalty**

Unless another penalty is in this title or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provision of this title shall be punished as set forth in §10.99 for each offense.

(Code 1965, §19-263(b); Ord. No. 1447, 6-7-65; Ord. No. 2219, 5-4-76; Code 1991, §70.99)