

Ordinance # 03--2017

Ordinance Regarding the use of ATV's, Side-by-Sides, Golf Carts, or other normally off-road vehicles within the town limits of Felsenthal, Arkansas, To Declare an emergency, and for Other Purposes

Rationale

It is the hope of the Town of Felsenthal that all people who live and/or own property in our town are responsible and reasonable people. However, it has come to light that some are violating common sense dictates (i.e. allowing small children to drive powerful vehicles without any adult supervision.) We will rely primarily upon the good citizens and property owners within our town to monitor their own and their dependents' actions while within our town limits, especially with regard to ATV's, Side-by-Sides, Golf Carts, or other normally off-road vehicles.

Additionally, careless driving of these vehicles has resulted in damage to drainage ditches, which are vital during heavy rains and flooding times, and culverts and other persons' property. Damage to culverts by cutting corners too closely results in the same type of drainage damage as "mudding" in ditches. This damage is costly to the tax payers who must then repair damaged portions of roads or ditches and replace culverts.

Safety and manageability

Whereas, we are officially a designated resort community, and people come here to enjoy the lax atmosphere and have enjoyable outdoor experiences, we all must do so in a safe and reasonable manner. It is the primary function of this ordinance to enhance the safety of all of our citizens and property owners. It has become an increasing concern that children of very young ages are being allowed by their parents or guardians to drive ATVs, Side-by-Sides, Golf Carts, or other normally off-road vehicles within our town limits. Most children under driving age do not have the training nor the wisdom to make proper decisions in traffic situations; consequently, many residents fear for their safety.

In addition, a secondary reason for this ordinance is to limit the hours for use of these vehicles. Many of our residents work for a living. They need their rest, and these vehicles are loud and intrusive when driven during evening hours. The persons driving them are laughing and having a good time, but they are also creating a disturbance, often way late into the night or early morning.

Traffic Laws

1) No one will be allowed to drive ATVs, Side-by-Sides, Golf Carts, or other normally off-road vehicles within our town limits unless they have a valid drivers' permit or license. The only exception is the following: If the owner of the vehicle chooses to allow a younger person to drive such a vehicle, the owner must make sure a licensed adult (18 years or older) is present in the vehicle with the younger person at all times or riding a separate ATV in direct proximity at all

times to the younger driver of a single rider vehicle. The licensed adult will be responsible for the safety and adherence to common sense behavior of all persons in the party.

2) Anyone driving in our ditches or crushing culverts by taking corners too closely will be subject to fines and revocations of privileges as indicated below. Charges could be filed by property owners whose property is damaged by such actions as well.

3) Loud noises before 7:00AM or after 10:00 PM will not be tolerated during the regular work week. The curfew for noise abatement will be extended to 12:00 midnight on Friday and Saturday nights. Consequently, the driving of ATVs, Side-by-Sides, Golf Carts, or other normally off-road vehicles within our town limits during hours between 10:00 PM (midnight on Friday and Saturday nights) and 7:00 AM will be limited to the following:

- a) hunters going into the woods before sunup to prepare or scout for hunting
- b) during the weekend of the annual Felsenthal Breamfest
- c) emergencies

4) Drivers of ATVs, Side-by-Sides, Golf Carts, or other normally off-road vehicles within our town limits will maintain a reasonable speed and stop at all major intersections within our town limits, whether or not there is a stop sign (Since these signs tend to be stolen as soon as they are put up). No one--whether driving a car, truck, or other vehicle--should be driving faster than 35 miles per hour on K Avenue or 11th St. Slower speeds should be the norm on all side roads.

5) No one should ever leave the main road--ride through a ditch or private property--in an effort to avoid speed bumps.

Penalty and Fees and Revocation

1) The penalty for unlicensed drivers (without a licensed adult, 18 or older, present) will be \$15.00 for the first offense. Repeat offenses will double each time the offense is repeated.

2) The penalty for driving ATVs, Side-by-Sides, Golf Carts, or other normally off-road vehicles in the ditches within our town limits will be the cost of repair due to drainage damage done to our ditches. The penalty for crushing culverts will result in a repair fee for the culvert which includes the digging and replacement of the culvert and the repair of the road.

3) The penalty for endangering others with careless or haphazard driving or driving too fast will be assessed at fine up to \$50.00 for the first offense. Repeated offenses will be doubled.

4) The penalty for driving and disturbing the peace at inappropriate hours of the day or night will result in a fine of at least \$15.00 and this fine will also double with each recurrence of the offense.

5) Revocation of privileges to drive ATVs, Side-by-Sides, Golf Carts, or other normally off-road vehicles within the town limits of Felsenthal, Arkansas, can result when any person or persons have repeated penalties (more than 3) levied. Revocation of privileges can also occur for grave and dangerous disregard of life, safety, or rights of others.

Enforcement

Our town does not possess a police force; consequently, we rely upon the Union County Sheriff's office for enforcement. If we have to call them to Felsenthal for issues regarding the driving of ATVs, Side-by-Sides, Golf Carts, or other normally off-road vehicles, these penalties will be enforced.

The Mayor, or anyone appointed by the mayor, may issue tickets for driving recklessly, too fast, or without the proper licensing or permitting. The penalties will be the same.

Emergency Clause

Unless the provisions of this ordinance are put into effect immediately, the public health, safety and welfare of the citizens of Felsenthal will be adversely affected; therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage.

Repeal of previous ordinances and resolutions:

All Ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflicts.

Done this December 12, 2017.

Mayor, Linda Newbury

Recorder/Treasurer, Shirley Gilmore