

TITLE 8

VEHICLES AND TRAFFIC

Chapters:

- 8.04 Traffic Laws
- 8.08 Truck Routes
- 8.12 Jake Brakes
- 8.16 Hazardous Driving
- 8.20 Vacating and Accepting Streets
- 8.24 Recreational Vehicles

CHAPTER 8.04

ADOPTION OF STATE LAWS

Sections:

- 8.04.01 State traffic laws
- 8.04.02 Penalties
- 8.04.03 Business section
- 8.04.04 Parking
- 8.04.05 Signs

8.04.01 State traffic laws All laws and parts of laws, rules and regulations of the state of Arkansas regulating traffic upon the highway, state roads and public streets within the state of Arkansas are by this ordinance adopted as the traffic laws, rules and regulations of the city of Cotter, Arkansas. (Ord. No. 119, Sec. 1.)

8.04.02 Penalties All penalties imposed by the state of Arkansas for violating of such laws, rules and regulations mentioned, are by this ordinance, adopted as the penalties for such violations within the city of Cotter, Arkansas. (Ord. No. 119, Sec. 2.)

8.04.03 Business section McClain Street between the west side of First Street and the east side of Second Street, and Second Street between the south side of South Street, and the north side of Combs Street, are by this ordinance designated as the business section of the city of Cotter. (Ord. No. 119, Sec. 3.)

8.04.04 Parking No vehicle of whatsoever kind, shall be parked within the city of Cotter within the business section except parallel to the curb and within the lines or marks designating the spaces and distance for such parking. (Ord. No. 119, Sec. 4.)

8.04.05 Signs It shall be unlawful to disobey marks, markers, signs or other insignia governing traffic or parking within the city of Cotter, Arkansas. (Ord. No.119, Sec. 5.)

CHAPTER 8.08

TRUCK ROUTES

Sections:

8.08.01	Heavy equipment
8.08.02	Heavy equipment on streets
8.08.03	Truck routes
8.08.04	Signs
8.08.05	Fine

8.08.01 Heavy equipment The words "heavy equipment," as used herein shall mean any truck and also any truck-tractor with semi-trailer or any full trailer, or any motor propelled, pulled or towed vehicle, either of which, or both together, is of a weight of more than five (5) tons. (Ord. No. 72-163, Sec. 1.)

8.08.02 Heavy equipment on streets It shall be unlawful for any person, firm or corporation, or the agents, officers or employees thereof, to operate any heavy equipment with or without load of a weight of more than five (5) tons upon the streets or alleys within the corporate limits of the city of Cotter, Arkansas, except upon the "truck route" within said corporate limits as defined in 8.08.03 hereof, and further excepting heavy equipment making deliveries to, or picking up loads from, inhabitants of said city or when it is necessary for any inhabitant of said city to use any such heavy equipment to reach his home within the corporate limits of said city. (Ord. No. 72-163, Sec. 2.)

8.08.03 Truck routes The following streets within the corporate limits of the city of Cotter, Arkansas, are hereby designated as the truck route in said city:

First Street,
South Street
Third Street between South Street and Tyler Avenue
Tyler Avenue being more commonly known as Depot Street
Pyatt Avenue

This ordinance shall not be construed to prohibit heavy equipment from crossing at intersection other streets which connect to said truck route. (Ord. No. 72-163, Sec. 3.)

8.08.04 Signs Proper signs be erected along the truck route designating it as such and that proper signs be erected at or on other streets and alleys where it is found necessary to warn the public against the use of heavy equipment thereon. (Ord. No. 72-163, Sec. 4.)

8.08.05 Fine Any person, firm or corporation, or the agents, officers or employees thereof, violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) and each violation shall constitute a separate offense. (Ord. No. 72-163, Sec. 5.)

CHAPTER 8.12

JAKE BRAKES

Sections:

- | | |
|---------|-------------|
| 8.12.01 | Definitions |
| 8.12.02 | Unlawful |
| 8.12.03 | Fine |

8.12.01 Definitions For the purpose of this ordinance the following definitions shall apply:

Brake means any device used for slowing, halting, or stopping the movement of any vehicle.

Engine compression brake means any motor vehicle brake that is operated by compression of the engine of the motor vehicle or any unit or part thereof (an engine compression brake is commonly referred to as a "jake brake").

Motor vehicle means and includes automobiles, tractors, trucks, trailers, and transportation equipment of all kinds and sizes or any combination thereof. (Ord. No. 2006-5, Sec. 1.)

8.12.02 Unlawful It shall be unlawful for any person to use motor vehicle brakes that are in any way activated or operated by the compression of the engine of such motor vehicle or any unit or part thereof within the city of Cotter, Arkansas. This prohibition shall not apply if an emergency situation exists and the use of the engine compression brake is necessary for the protection of persons or property. (Ord. No. 2006-5, Sec. 2.)

8.12.03 Fine Any person violating the provisions of this ordinance may be sentenced to a fine not to exceed Five Hundred Dollars (\$500.00). (Ord. No. 2006-5, Sec. 3.)

CHAPTER 8.16

HAZARDOUS DRIVING

Sections:

- 8.16.01 Unlawful
- 8.16.02 Defined
- 8.16.03 Fine

8.16.01 Unlawful It shall be unlawful for any person to operate any vehicle in a hazardous manner in the city of Cotter, Arkansas. (Ord. No. 2007-12, Sec. 1.)

8.16.02 Defined Hazardous driving shall be defined as follows:

- A. Improper or unsafe lane changes or improper passing on public roadways, or
- B. Cutting into and/or across property to avoid established traffic patterns, intersections, stop signs or stop lights, or
- C. Operating a vehicle in such a manner as to cause skidding or spinning of tires, or sliding of the vehicle, or
- D. Operating a vehicle in such a manner which would cause a failure to maintain control or to collide with parked or stopped vehicles, fixtures, persons, or objects adjacent to any public thoroughfare or in any parking lot, or
- E. Operating any vehicles in any manner that is inattentive, and such inattention is not prudent in maintaining control of the vehicle. (Ord. No. 2007-12, Sec. 2.)

8.16.03 Fine Any person who violates any of the provisions of this ordinance shall, upon conviction thereof, be guilty of a misdemeanor and for a first conviction thereof shall be punished by a fine of One Hundred Dollars (\$100.00) and on a second and/or subsequent conviction within three (3) years be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Hundred Fifty Dollars (\$150.00). (Ord. No. 2007-12, Sec. 3.)

CHAPTER 8.20

VACATING AND ACCEPTING STREETS

Sections:

- 8.20.01 Accepting streets
- 8.20.02 Vacating streets

8.20.01 Accepting streets

- Ord. No. 95-6 Streets of Rainbow Crossing, Phase One
- Ord. No. 2009-2 Public dedications, improvements and streets of Hurst Landing

8.20.02 Vacating streets

- Ord. No. 79-9 Part of Lithia St. between Mabel and Lucile St.
- Ord. No. 79-11 Street between Section 31 & 32, twp 19 N, Range 14 West
- Ord. No. 80-10 Part of alley between Combs Ave. and McLean Ave.
- Ord. No. 81-4 Part of Pyeatt Ave
- Ord. No. 81-5 Railroad crossing at Third St.
- Ord. No. 81-12 Part of alley between Lots 474 & 471
- Ord. No. 85-1 Part of Main St.
- Ord. No. 150 Alley from First St. to Second St.
- Ord. No. 155 North 10 ft. of Pyeatt Avenue
- Ord. No. 156 Glen and Mabel Sts. owned by Cotter School District No. 60
- Ord. No. 71-160 Parts of Lithia, Cedar and Oak Sts.
- Ord. No. 105-A Part of Second St. abutted by Lots 1717 & 1718
- Ord. No. 105-B Part of Fifth St. between Lots 1607 & 1608
- Ord. No. 112 Part of Second St. owned by AR Charcoal Fuel Co.
- Ord. No. 91-4 60 ft. from south line of Lots 10 & 11 to north line
- Ord. No. 94-07 Part of Hazel St. between Lithia St. and Cedar St.
- Ord. No. 95-10 Part of Lithia St. between Mable St. and Edna St.
- Ord. No. 95-12 White River Bend Estates
- Ord. No. 97-2 Alley between Lot 1633 and Lots 1634 through 1638
- Ord. No. 99-8 Mabel St. from Lithia St. to Oak St.
Lucille St. from Glen St. to Oak St.
Cedar St. from Edna St. to Mabel St.
Oak St. from Edna St. to Lucille St.
- Ord. No. 2001-9 Part of sewer line easement on Lot 828
- Ord. No. 2001-11 Alley west of 2nd St. between Lots A and 247

Ord. No. 2002-4	Part of State St. south of Hwy 62B
Ord. No. 2004-5	Alley between Lots 389 & 390 and Park Ave.
Ord. No. 2004-5	Alley south of Lots 389 & 390, Cotter Heights Addition
Ord. No. 2007-5	Alley south of Lots 422, 421, 420, 419 & 418
Ord. No. 2009-9	Alley north and east of Lots 276-277 in Cotter Heights Subdivision
Ord. No. 2011-9	Part of Third St. lying south of Highway 345
Ord. No. 2015-5	Alley between Lots 122-125 and 126-129, Cotter Heights Add.
Ord. No. 2017-2	5 th Street Easement from East of Lot 1607 by 60 ft.

CHAPTER 8.24

RECREATIONAL VEHICLES

Sections:

8.24.01	Intent
8.24.02	Purpose
8.24.03	Definitions
8.24.04	Storage of RV's
8.24.05	Habitation
8.24.07	Utilities
8.24.08	RV Maintenance
8.24.09	Compliance with other laws and regulations
8.24.10	Fees
8.24.11	Enforcement
8.24.12	Penalties

8.24.01 Intent It is the intent of this chapter to provide for the parking and storage of recreational vehicles. It is also the intent of this chapter to define habitation of recreational vehicles. This chapter is intended to supplement all applicable state and City of Cotter regulations. (Ord. No. 2021-04)

8.24.02 Purpose Recreational vehicles may be parked or stored on private property in Residential R1 and R2 Zoning District. Recreational vehicles shall require a permit to be parked, stored or used as habitation as per Municipal Code Book regulations applicable to commercial and multiple use zones allowing Commercial Recreation as a permitted use. Recreational vehicle parks, trailer parks and campgrounds may be conditionally permitted by the Planning and Zoning Commission under the Cotter Municipal Code Book of Ordinances after meeting the standards and permitting by the Arkansas Department of Health. (Ord. No. 2021-04)

8.24.03 Definitions

- A. “Campground” means a lot or parcel of land occupied or intended for temporary occupancy by recreational vehicles or tents for travel, recreational or vacation usage for short periods of stay and containing a potable water source and public toilet facilities.
- B. “Habitation” means to “use for living space” and shall include, but not be limited to, acts of sleeping, cooking, bathing, occupying as a dwelling, or any stay within the recreational vehicle not directly related to its driving.
- C. “Recreational vehicle” or “RV” means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic types of RV entities are: camping trailer, fifth wheel trailer, motor home, park trailer, travel trailer, truck camper, and tiny house trailer which are individually defined as follows:
 - 1. “Camping trailer” is a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.
 - 2. “Fifth wheel trailer” is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle’s rear axle.
 - 3. “Motor home” is a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
 - 4. “Park trailer” is a recreational vehicle that meets the following criteria:
 - a. Built on a single chassis mounted on wheels;
 - b. Having a gross trailer area not exceeding four hundred (400) square feet in the set-up mode;
 - c. Certified by the manufacturer as complying with ANSI A119.5.

5. "Travel trailer" is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and of gross trailer area less than three hundred twenty (320) square feet.
 6. "Truck camper" is a portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.
 7. "Tiny house trailer" is a portable housing unit built on or permanently attached to a single chassis mounted on wheels or on a trailer and constructed to provide temporary living quarters for recreational, travel or seasonal use, consisting of a roof, floor and sides. See Ordinance 2019-01, Definition #36 for maximum square footage.
 8. Pop-Up Campers and Tents – Soft sided shelter.
- D. "Recreational vehicle park" or "RV park" is a tourist facility for parking motor homes, travel trailers and other recreational vehicles.
 - E. "Storage trailer and van" means a wheeled van or container unit not manufactured as a motorized vehicle or intended for long-term or short-term occupancy but designed and manufactured for the primary purpose of storage and/or transporting commodities and goods.
 - F. "Trailer park" means any parcel or adjacent parcels of land in the same ownership, which is utilized for occupancy, either free of charge or for revenue, together with any building, structure or enclosure. This term shall not be construed to mean tourist facilities.
 - G. "Used" or "occupied" see definition of "habitation".
 - H. "Vacation Usage" means occupancy that does not exceed seven (7) days, per permit. The property owner shall apply for a "Vacation Use" permit at Cotter City Hall which may be granted, upon approval, by the permitting official. No more than three (3) "Vacation Use" annual permits may be made by the Mayor. No fee will be charged for a "Vacation Use" permit.
 - I. "Off-Street Parking" means recreational vehicles cannot be stored in the City Right-a-Way or on the street or alley. (Ord. No. 2021-04)

8.24.04 Storage of RV's

- A. Street parking. No RV shall be parked or stored for more than twelve (12) consecutive hours within any seven (7) day period on any public property or right-of-way within the municipal corporate boundaries.
- B. Storage on residential property. RVs parked in a driveway or immediately adjacent to and parallel to the driveway may not encroach into the right-of-way such that any part of the RV extends over any sidewalk, curb, or public travel way.
- C. Multiple RVs stored on property. Property owners may have no more than one RV stored on their property unless the following criteria are met:
 - 1. A minimum of 1250 square feet per RV is provided;
 - 2. The RV is setback from all property lines by five feet (5'-0");
 - 3. A six foot tall (6'-0") solid wall or fence screens the RV from the neighbors and street;
 - 4. Off-street parking requirements are met.
- D. Recreation Vehicles as defined in 8.24.03 Definitions; RV and Tents are prohibited from being stored or lived in on a vacant lot in the City of Cotter in any zone. RV are only allowed to be stored on lots with homes in R-1 and R-2 Zone. (Ord. No. 2021-04)

8.24.05 Habitation

- A. Habitation of any parked or stored RV shall be prohibited, with the following exceptions:
 - 1. Exceptions:
 - a. When the RV is situated in an approved RV or trailer park;
 - b. Vacation usage as defined in Section 8.24.03.H
 - c. When a valid conditional use permit is obtained for RV habitation in conjunction with construction in accordance with subsection B of this section.
 - d. In case of a natural disaster upon approval by the City.

B. Habitation of a RV when used in conjunction with construction.

1. A RV may be used for temporary living quarters for not more than twelve (12) months while the occupant thereof is constructing a permanent dwelling on the same property. Before a RV will be permitted in such an instance, the owner of the property or the person intended to occupy the RV shall secure a conditional use permit for the RV from the Cotter Building Inspector. Such permit shall be granted upon the receipt of a signed statement by the applicant that a permanent dwelling will be completed within twelve (12) months thereafter. Construction footings/foundation must start before RV placement. Only one (1) RV shall be permitted on any parcel of land during the construction or repair of a permanent dwelling. If construction is not completed within twelve months from issuance of the permit, a permit extension will be reviewed on a case by case basis by the building inspector.
 - a. A repair shall be considered for purposes of subsection B when the repair will cause a condition that disallows the homeowner from occupying the inside of the home during the repair construction. Repairs that are minor and can be confined within the interior shall not be considered.
 - b. Multiple RVs / Office Trailer may be allowed on commercial projects that are not located within the residential zoning districts when construction is expected to continue for more than ninety (90) days and the project is valued at \$1,000,000.00 or more.

C. Habitation of RVs other than that of vacation usage shall conform to:

1. All recreational units shall meet the following standards adopted by the RV Industry Association's Board of Directors for the construction of RVs. <https://www.rvia.org/standards-regulations/standards-compliance/association-and-ansi-standards>
2. RV park owners shall be responsible for performing the necessary inspection of all RVs being used for seasonal habitation to ensure that those RVs are in compliance with ANSI A119.2 standards by using the form prescribed by ANSI for RV inspection. Upon completion of each inspection the owner shall keep a record of the inspection reports and shall submit a copy of the reports to the Permitting Official within one week of the completion of each inspection. (Ord. No. 2021-04)

8.24.07 Utilities Legally parked or stored RVs may be connected to an approved source of electricity in conformance with the adopted building and safety codes referenced under Chapter 11. Compliance with other laws and regulations. Except for legally established RV parks, direct water and sewer connections cannot be made to hook up to any RV unless permitted by an approved conditional use permit. Additionally, propane tanks must be shut off from the RV when stored. Vacation usage, as defined in 8.25.03.H, shall not be construed to allow temporary servicing of the RV with water or sewer connections. No generator may be used in any RV in the municipality unless it is for temporary servicing or during a lapse of electrical power in the area in which the RV is located. (Ord. No. 2021-04)

8.24.08 RV Maintenance Recreational Vehicles remain subject to provisions of Ordinance No: 2008-10. It is unlawful and a public nuisance to park, store, or leave standing in public view, upon any public or private property, any RV that is wrecked, dismantled, unregistered, inoperative or otherwise unsightly. Any RV shall be deemed unsightly when body parts rust or become corroded, paint becomes faded, chipped, or peeled, or the RV exterior becomes otherwise dilapidated. (Ord. No. 2021-04)

8.24.09 Compliance with other laws and regulations It is the intent of this chapter to supplement any state and city regulations which may be applicable. Standards adopted in Chapter 11 and 14 in Municipal Code Book governing Recreational Vehicles shall apply to the regulation of RVs only. (Ord. No. 2021-04)

8.24.10 Fees The City of Cotter may by resolution establish fees to be paid by applicants for any type of inspection, permit, approval or other municipal processing under this chapter. (Ord. No. 2021-04)

8.24.11 Enforcement This chapter shall be enforced by the Cotter Police Department, Cotter Public Works Director, and/or City of Cotter Mayor, or Mayors designee. (Ord. No. 2021-04)

8.24.12 Penalties Any person in violation of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction shall be fined not less than \$50.00 nor more than \$100.00 per day. Each act of violation and every day upon which any such violation shall occur shall constitute and separate offense. (Ord. No. 2021-04)