

**AN ORDINANCE ESTABLISHING THE
OFFENSE OF INATTENTIVE DRIVING**

WHEREAS, there is a State statute prohibiting the driving of an automobile in a reckless and willful disregard of the rights and property of other persons which said law has been incorporated into the Municipal Laws of the City of Cherry Valley, and,

WHEREAS, there does not exist a law prohibiting the driving of a vehicle in a careless manner which would be a lesser offense, and

WHEREAS, in most cases the driving conduct of individual does not amount to reckless driving but would amount to a lesser offense if one were on the books, and,

WHEREAS, it is necessary to enact this Ordinance in order to regulate the traffic on the streets and highways in the City of Cherry Valley,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CHERRY VALLEY, ARKANSAS as follows:

- 1. It shall be unlawful for any person to operate a motor vehicle in a careless or inattentive manner or in disregard of the safety of persons or property.**
- 2. Inattentive driving shall be considered a lesser offense than reckless driving and shall be applicable in those circumstances where the conduct of the operator has been inattentive, careless or imprudent, in light of the circumstances then existing, rather than**

heedless or wanton or in those cases where the danger to persons or property by the motor vehicle operator's conduct is slight.

3. Any individual who violates the terms of this Ordinance shall be guilty of a Class C Misdemeanor, which carries a penalty upon conviction of a fine not to exceed \$100.00 and a sentence in the county jail not to exceed 30 days.
4. It has been determined that an emergency exists in the City of Cherry Valley, Arkansas inasmuch as individuals who drive their vehicle in a careless or imprudent manner have been allowed to escape the penalties of the law and this Ordinance being necessary for the protection of the health and welfare of the citizens of Cherry Valley, Arkansas is hereby deemed to be in force and effect immediately from the passage hereof.

Dated this 21 day of July, 1998.



Mayor, Mike Wood

ATTEST:



CITY RECORDER