

## An Ordinance Establishing Traffic Regulations in the City of Diamondhead, Mississippi

### ARTICLE I. IN GENERAL

#### **Sec. 14-1. Provisions of state law adopted.**

The provisions of Title 63 of the Mississippi Code of 1972, as amended, insofar as the same are applicable within the city and consistent with the other provisions of this chapter, are hereby adopted by the city and made applicable within the city and on public roads.

#### **Sec. 14-2. State operator's license required.**

No person shall drive any motor vehicle (Including a low speed vehicle or golf cart) within the city without first securing a state operator's license therefor as prescribed by Chapter 63-1 of the Mississippi Code Annotated of 1972 and any amendments thereto.

State law reference--Vehicles, Miss. Code Ann. 1972, § 63-3-103.

#### **Sec. 14-3. Record of traffic violations.**

(a) The police department or designated law enforcement agency shall keep a record of all violations of the provisions of this Code, state law and city ordinances, rules and regulations, relating to traffic and the operation of vehicles, of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Such record shall accumulate during at least a five (5) year period and from that time on the record shall be maintained complete for at least the most recent five (5) year period.

(b) All forms for 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.

(c) The agency 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.

(d) All such records and reports shall be public records.

State law reference— Revocation of driver's license, Miss. Code Ann. 1972, § 63-1-51.

#### **Sec. 14-4. Annual traffic safety report.**

The policing agency shall annually prepare a traffic report which shall be filed with the city council. Such report shall contain information on traffic matters in the city as follows:

(1) The number of traffic accidents, the number of persons killed, the number of persons injured and other pertinent traffic accident data;

(2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police;

(3) The plans and recommendations of the department for future traffic safety activities.

#### **Sec. 14-5. Traffic engineer appointed; general powers, duties.**

(a) The city traffic engineer or designee shall exercise the powers and duties as provided in this chapter and in the traffic ordinances of the city.

(b) It shall be the general duty of the city traffic engineer or designee to determine the installation and proper timing and maintenance of traffic-control devices, to conduct engineering analyses of traffic accidents and devise remedial measures, to conduct engineering investigations of traffic conditions, to plan the operation of traffic on the streets, roadways and highways of the city for the purpose of making recommendations to the board of mayor and councilmen in regard thereto, to cooperate with other city officials in the development of ways and means to improve traffic conditions and to carry out the additional powers and duties imposed by ordinances of the city.

**Sec. 14-6. Emergency and experimental regulations.**

(a) The city traffic engineer or designee is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

(b) The city traffic engineer or designee may test traffic-control devices under actual conditions of traffic.

**Sec. 14-7. Mufflers.**

(a) *Required.* No person shall drive a motor vehicle on streets, roadways and highways unless such vehicle is equipped with an exhaust system and muffler in good working order, and in constant operation to prevent excessive or unusual noise. Mufflers and exhaust systems must be DOT approved.

(b) *Cutouts prohibited.* It shall be unlawful to use a "muffler cutout" which directs exhaust away from or short cuts the muffler on any motor vehicle on any street within the City of Diamondhead.

State law reference--Mufflers, Miss. Code Ann. 1972, § 63-7-55.

**Sec. 14-8. Sirens prohibited.**

It shall be unlawful for any person to operate any vehicle with a whistle known as a siren, provided, that this section shall not apply to vehicles operated as ambulances, police cars, fire trucks or other fire-fighting vehicles.

**Sec. 14-9. Use of coasters, roller skates, etc., restricted.**

**The use of coasters, roller skates, toy vehicles or similar devices, etc. is restricted to use during day light hours.**

Secs. 14-10--14-20. Reserved.

**ARTICLE II. ENFORCEMENT AND OBEDIENCE**

**Sec. 14-21. Authority, duty of police and fire department officers generally.**

(a) 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 regulations of the city and all of the state vehicle regulations applicable to street traffic in the city.

(b) 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 traffic regulations, provided that, in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic regulations.

(c) 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.

**Sec. 14-22. Obedience to police and fire department officers required.**

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

State law reference--Similar provisions pertaining to police officers, Miss. Code Ann. 1972, § 63-3-203.

**Sec. 14-23. Privileges granted authorized emergency vehicles.**

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

(b) The driver of an authorized emergency vehicle may:

- (1) Park or stand, irrespective of the provisions of this chapter;
- (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 maximum speed limits so long as he does not endanger life or property;
- (4) Disregard regulations governing the direction of movement or turning in specified directions.

(c) The exemption herein granted to an authorized emergency vehicle shall apply only when the driver of any such vehicle, while in motion, sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red or blue light visible from in front of the vehicle.

(d) 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 provisions protect the driver from all consequences of his reckless disregard for the safety of others.

State law reference--Obedience by drivers of authorized emergency vehicles, Miss. Code Ann. 1972, § 63-3-315.

**Sec. 14-24. Obedience to Regulations required**

It is a misdemeanor for any person to do any act forbidden by this chapter or fail to perform any act required by this chapter or any other traffic ordinance or regulation.

State law reference— Similar provisions, Miss. Code Ann. 1972, § 63-3-201.

**Sec, 14-25. Obedience by public employees**

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this state, county, or city, and it shall be unlawful for any driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statute.

State law reference— Similar provisions, Miss. Code Ann. 1972, § 63-3-205.

Secs. 14-26--14-33. Reserved.

### **ARTICLE III. PENALTIES AND PROCEDURES ON ARREST**

#### **Sec. 14-34. Duties of arresting officers.**

Except when authorized or directed under state law to immediately take a person before a magistrate for the violation of any traffic law, a police officer who halts a person for such violation other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest, shall take the name, address and operator's license number of such person, the registered number of the motor vehicle involved, license number, name of insurance company and policy number and such other pertinent information as may be necessary, and shall issue to him in writing, on a form provided by the city clerk, a traffic citation containing a notice to answer to the charge against him in the city court at a time to be specified in the citation. The officer, upon receiving the written promise of the alleged violator to answer to the charge against him in the police court, shall release such person from custody.

#### **Sec. 14-35. Forms and records of citations and arrests.**

(a) The city clerk shall provide books to include traffic citation forms for notifying alleged violators to appear and answer to charges of violating traffic laws, ordinances and regulations in the police court. Such books shall include serially numbered sets of citations in triplicate in the form prescribed and approved jointly by the municipal judge and the chief of police.

(b) The city clerk shall issue such books to the chief of police or his duly authorized agent and shall maintain a record of every book so issued and shall require a written receipt for every book.

(c) 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 require a written receipt for every book so issued and shall maintain a record of every book and each set of citations contained therein.

State law reference--Uniform Arrest Ticket Act, Miss. Code Ann. 1972, § 83-11-101.

#### **Sec. 14-36. Disposition and record of citations, warrants and complaints.**

(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 or regulation of the city, shall issue the original copy of the citation therefor to the alleged violator and shall deposit one copy thereof with the chief of police.

(b) The chief of police shall require the return to him of each traffic citation, and all copies thereof, except that copy required to be retained in the book as provided herein, which has been spoiled or upon which any entry has been made and has not been issued to an alleged violator.

(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 court or its traffic violations bureau.

(d) The chief of police shall also maintain or cause to be maintained a record of all warrants issued by the police court or by any other court on such 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 in this section.

**Sec. 14-37. 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 article.

**Sec. 14-38. When citation deemed lawful complaint.**

In the event the form of citation provided under section 14-35 includes information and is sworn to as required under the general laws of this state in respect to a complaint charging commission of the offenses alleged in such citation to have been committed, then such citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter.

**Sec. 14-39. Failure to obey citation.**

It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally issued.

**Sec. 14-40. Citation required on illegally parked vehicle.**

Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this Code, city ordinance or regulation or by state law, the officer finding such 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 clerk, for the driver to answer to the charge against him within fourteen (14) days during the hours and at a place specified in the citation.

**Sec. 14-41. Failure to comply with citation on parked vehicle.**

If a violator of the restrictions on stopping, standing or parking under the traffic laws, ordinances or regulations does not appear in response to a traffic citation affixed to such motor vehicle within a period of fourteen (14) days, the traffic violations bureau shall send to the owner of the motor vehicle to which the traffic citation was affixed, a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of fourteen (14) days a warrant of arrest will be issued.

**Sec. 14-42. Presumption in reference to illegal parking.**

(a) In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(b) The foregoing stated presumption shall apply only when the procedure as prescribed in sections 14-38 and 14-39 has been followed.

**Sec. 14-43. When warrant to be issued.**

In the event any person fails to comply with a traffic citation given to such person, or attached to a vehicle, or fails to make appearance pursuant to a summons directing an appearance in the municipal court or traffic violations bureau, or if any person fails or refuses to deposit bail as required and within the time permitted, the municipal court shall secure and issue a warrant for his arrest.

**Sec. 14-44. Records of traffic cases; report of convictions to department of public safety.**

(a) The municipal judge 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 the police court or its traffic violations bureau, and shall keep a record of every official action by such court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture resulting from every traffic complaint or citation deposited with or presented to such court or traffic violations bureau.

(b) Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on streets, roadways and highways, the municipal judge shall prepare and immediately forward to the state department of public safety in abstract of the record of such court covering the case in which such person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. A report need not be made of any conviction involving the illegal parking or standing of a vehicle.

(c) The abstract must be made upon a form furnished by the state department of public safety and shall include the name and address of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail was forfeited and the amount of the fine or forfeiture as the case may be.

(d) The failure, refusal or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

State law reference--Requirement that judge report to state department of public safety, Miss. Code Ann. 1972, § 63-9-17.

**Sec. 14-45. Disposition of fines and forfeitures.**

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this chapter or other traffic law, ordinance or regulation shall be paid into the city treasury.

State law reference--Similar provisions, Miss. Code Ann. 1972, § 63-9-13.

**Sec. 14-46. Authority to impound vehicles.**

(a) Members of the police department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department or otherwise maintained by the city under the circumstances hereinafter enumerated:

(1) When any vehicle is left unattended upon any bridge, viaduct or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic;

- (2) When a vehicle upon a street, roadway or highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;
  - (3) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;
  - (4) When the driver of any vehicle is taken into custody by the police department and such vehicle would thereby be left unattended on the street;
  - (5) When the removal of a vehicle is necessary in the interest of public safety due to fire, flood, storm or other emergency;
  - (6) When any vehicle is found parked in violation of any provision of this Code, state law or city ordinance, rule or regulation.
- (b)** Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.
- (c)** Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reason for such removal and the name of the garage or place where the vehicle is stored.
- (d)** Before the owner or person in charge of such vehicle shall be permitted to remove the same from the custody of the police department, he shall furnish evidence of his identity, ownership and proof of insurance, sign a receipt and pay a fee to cover the cost of removal, plus the cost of storage and administration, not exceeding twenty-four (24) hours, and he shall pay an additional fee for each day or fraction of a day such vehicle is stored in the vehicle pound in excess of the first twenty-four (24) hours. The payment of any such service or storage charge shall not release the owner or operator of such vehicle from any charge for the violation of any statute, ordinance or regulation or from the payment of any fine or penalty which may be assessed for such violation.

State law reference--Authority to remove illegally parked vehicles, Miss. Code Ann. 1972, § 63-3-905

Secs. 14-47--14-70. Reserved.

#### **ARTICLE IV. TRAFFIC VIOLATIONS BUREAU**

Not used.

## **ARTICLE V. ACCIDENTS**

### **Sec. 14-71. Traffic division to investigate accidents.**

It shall be the duty of the police department to investigate traffic accidents and to arrest and assist in the prosecution of those persons charged with violation of the law causing or contributing to such accidents.

### **Sec. 14-72. Traffic accident studies.**

Whenever accidents at any particular location become numerous, the police department shall cooperate with the city traffic engineer or designee in conducting studies of such accidents and determining remedial measures.

### **Sec. 14-73. Filing of traffic accident reports.**

The police department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information for the city traffic engineer or designee.

### **Sec. 14-74. Duty to remain at scene.**

(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person or in damage to a vehicle shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 14-75. Every such stop shall be made without obstructing traffic more than is necessary.

(b) The judge shall revoke the operator's or chauffeur's license of any person convicted under the provisions of this section.

State law reference--Similar provisions, Miss. Code Ann. 1972, §§ 63-3-401, 63-3-403.

### **Sec. 14-75. Duty to give information and render aid.**

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving and shall, upon request and if available, exhibit his operator's or chauffeur's license and proof of insurance or financial responsibility to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

State law reference--Similar provisions, Miss. Code Ann. 1972, § 73-9-39.

### **Sec. 14-76. Accident reports when driver unable to report.**

Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant, shall give, or cause to be given the notice not given by the driver.

Whenever the driver is physically incapable of making a written report of an accident as required and such driver is not the owner of the vehicle, then the owner of the vehicle involved



in such accident shall within ten (10) days after learning of the accident make such report not made by the driver.

State law reference— Inability of driver to report accident, Miss. Code Ann. 1972, § 63-3-413.

**Sec. 14-77. Accident reports are confidential.**

- (a) All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the police department; however, the department may, upon written request of any person involved in an accident or upon written request of the representative of his estate, his surviving spouse or one or more of his surviving next of kin, disclose to such requester or his legal counsel or a representative of his insurer any information contained in such report, including, but not limited to, the identity of a person involved in an accident when such identity is not otherwise known or when such person denied his presence at such accident and the names and addresses of witnesses. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except as provided in subsection (b) of this section. However, the police department shall furnish, upon demand of any person who has, or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to provide a compliance or a failure to comply with the requirements that such a report be made to the department.
- (b) The report required may be used in proving uninsured status of the owner and operator of a vehicle in any action to enforce a claim under the uninsured motorist provisions of an automobile liability policy, but only as provided in Miss. Code Ann. 1972, Section 13-1-124.

State law reference— Inability of driver to report accident, Miss. Code Ann. 1972, § 63-3-413.

**Sec. 14-78. Garage keeper to report damaged vehicle.**

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

Secs. 14-79--14-86. Reserved.

**ARTICLE VI. OPERATION OF VEHICLES GENERALLY**

**Sec. 14-87. Yield right-of-way.**

- (a) The operator of a vehicle entering a public street from a private road or drive shall yield the right-of-way to all vehicles approaching on such public streets, roadways and highways.
- (b) The operator of a vehicle on a street shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business, and the operators thereof sound an audible signal by bell, siren or exhaust whistle. This provision shall not relieve the operator of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons

using the streets, nor shall it protect the operator of any such vehicle from the consequence of an arbitrary exercise of such right-of-way.  
State law reference--Similar provisions, Miss. Code Ann. 1972, §§ 63-3-807, 63-3-809.

**Sec. 14-88. Operation of vehicles upon approach of authorized emergency vehicle.**

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible signals meeting the requirements of the laws of the state, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the streets, roadways and highways.

State law reference--Similar provisions, Miss. Code Ann. 1972, § 63-3-809.

**Sec. 14-89. Boarding or alighting from vehicle in motion prohibited.**

It shall be unlawful for any person to board or alight from any bus or vehicle while such bus or vehicle is in motion. Likewise it shall be unlawful for any person to operate a motor vehicle upon any street, roadway or highway in the city when any person is so entering or exiting the vehicle. Any person who shall violate any of these provisions shall be guilty of a misdemeanor.

**Sec. 14-90. Following, parking near fire apparatus.**

The driver of any vehicle, other than one on official business, shall not follow any fire apparatus traveling in response to a fire alarm, closer than five hundred (500) feet, or drive into or park such vehicle within the block where the fire apparatus has stopped in answer to a fire alarm.

State law reference--Similar provisions, Miss. Code Ann. 1972, § 63-3-621.

**Sec. 14-91. Driving over fire hose.**

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

State law reference--Similar provisions, Miss. Code Ann. 1972, § 63-3-1209.

**Sec. 14-92. Crossing fire line.**

It shall be unlawful for any operator, except a member of the fire or police department, to drive a vehicle within any fire line established by the fire department, unless authorized to do so by a fire or police officer.

**Sec. 14-93. Driving through processions.**

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

State law reference--Authority to regulate processions, Miss. Code Ann. 1972, § 63-3-211.

**Sec. 14-94. Vehicles prohibited on sidewalks.**

The driver of a vehicle or bicycle shall not drive within any sidewalk area or across any sidewalk, except at a permanent or temporary driveway.

**Sec. 14-95. Limitations on backing.**

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

**Sec. 14-96. Clinging to vehicles.**

No person riding upon any bicycle, motorcycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

**Sec. 14-97. Opening doors into traffic.**

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

**Sec. 14-98. Corner cutting.**

It shall be unlawful for any person to drive a vehicle over any sidewalk area and through any driveway, parking lot or any business entrance at any intersection in making either a right or left turn, except for the purpose of coming to a complete stop to obtain or render some service or make a sale or purchase. It is the intention of this section to prohibit "corner cutting" by driving a vehicle from one street into another across any sidewalk or driveway or through any driveway.

**Sec. 14-99. Driving across median strip.**

It shall be unlawful for any person to drive any vehicle on, over or across any median strip or other strip or area of ground, whether or not improved or surfaced, which strip shall divide any highway or street or roadway within the city.

**Sec. 14-100. Manner of sitting in vehicle restricted.**

It shall be unlawful for any person to ride on any passenger bus or vehicle, upon any portion thereof not designated or intended for the use of passengers, when the vehicle is in motion. Likewise it shall be unlawful for any person to operate a motor vehicle upon any street, roadway, public parking area in the city while any person is so riding, clinging or projecting from the vehicle. This section shall not apply to an employee engaged in the necessary discharge of his duty or within truck bodies in space intended for merchandise.

**Sec. 14-101. Certain wheels and tracks prohibited; restricted.**

(a) No traction engine, road engine, hauling engine, trailer, steamroller, automobile, truck, motor or other power vehicle shall be operated over the hard surface roads, paved streets and crossings of the city, the face of the wheels or tracks of which are fitted with flanges, ribbed clamps, cleats, lugs or spikes; this regulation shall apply to all rings or flanges upon guiding or steering wheels on any such vehicle.

(b) In case of traction engines, road engines or hauling engines which are equipped or provided with flanges, ribs, clamps, rings or lugs, such vehicle shall be permitted to pass over the paved streets and crossings of the city provided that cleats are fastened upon all wheels or

tracks of such vehicle not less than two and one-half (2 1/2) inches wide and not more than one and one-half (1 1/2) inches high and so placed that not less than two (2) cleats of each wheel shall touch the ground at all times. The weight shall be the same on all parts of such cleats.

**Sec. 14-102. Creation of noise by vehicles.**

No person shall drive a vehicle which is so loaded or constructed as to cause unnecessary noise. No horn or signal shall be sounded unless absolutely necessary.

**Quiet zones-** It shall be unlawful for any person to ring any bell, sound any horn, race the motor of any motor vehicle, operate any motor vehicle with the muffler open, or to make any other loud and unnecessary noise while passing or near to any hospital, nursing home, sanitarium, school during school hours, or church while services are being held therein, or while passing or near to any public speaking or any place of public entertainment in any part of the city. Signs will be posted near all hospitals, sanitariums, school and churches to notify the public of the existence of such quiet zones.

State law reference— Motor vehicle mufflers, Miss. Code Ann. 1972, § 63-7-55

**Sec. 14-103. Operation of dangerous vehicles.**

No person shall drive, own or operate a vehicle which, when driven, towed or hauled over the streets of the city, is so located or constructed as to cause delay, accident or injury to other vehicles or users of the public streets of the city.

**Sec. 14-104. Riding on handlebars prohibited.**

It shall be unlawful for the operator of any bicycle or vehicle equipped with handlebars, when upon the street, to carry any other person upon the handlebars, frame or tank of any such vehicle or for any person to so ride upon any such vehicle. This prohibition does not apply to the use of child seats manufactured for such purpose provided the child is properly secured in the seat and a DOT approved helmet is secured on the child's head.

**Sec. 14-105. Reckless driving**

Any person who drives any vehicle in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property is guilty of reckless driving and shall be punished in accordance with the law.

State law reference— Similar provisions, Miss. Code Ann. 1972, § 63-3-1201.

**Sec. 14-106. Careless or imprudent driving**

Any person who drives any vehicle in a careless or imprudent manner, without due regard for the condition, width, grade, curves, corner, traffic and use of the streets, roadways and highways and all other attendant circumstances is guilty of careless driving. Careless driving shall be considered a lesser offense than reckless driving. Every person convicted of careless driving shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00).

State law reference— Similar provisions, Miss. Code Ann. 1972, § 63-3-1213.

### **Sec. 14-107. Driving while intoxicated, under influence of drugs.**

It is unlawful for any person to drive or otherwise operate a vehicle within this city who:

- (1) Is under the influence of intoxicating liquor;
- (2) Is under the influence of any other substance which has impaired such person's ability to operate a motor vehicle; or
- (3) has an alcohol concentration of eight one-hundredths percent (.08%) or more for persons who are above the legal age to purchase alcoholic beverages under state law, or two one-hundredths percent (.02%) or more for persons who are below the legal age to purchase alcoholic beverages under state law, in the person's blood based upon grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath as shown by a chemical analysis of such person's breath, blood or urine administered as authorized by this chapter; (d) is under the influence of any drug or controlled substance, the possession of which is unlawful under the Mississippi Controlled Substances Law; or (e) has an alcohol concentration of four one-hundredths percent (.04%) or more in the person's blood, based upon grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath as shown by a chemical analysis of such person's blood, breath or urine, administered as authorized by this chapter for persons operating a commercial motor vehicle.

State law reference— Impaired operation of vehicle, Miss. Code Ann. 1972, § 63-11-30.

### **Sec. 14-108. Meeting or overtaking school bus**

(1)(a) The driver of a vehicle upon a street or highway upon meeting or overtaking any school bus that has stopped on the street or highway for the purpose of receiving or discharging any school children shall come to a complete stop at least ten (10) feet from the school bus before reaching the school bus when there is in operation on the school bus the flashing red lights provided or when a retractable, hand-operated stop sign is extended; the driver shall not proceed until the children have crossed the street or highway and the school bus has resumed motion or the flashing red lights are no longer actuated and the hand-operated stop sign is retracted.

(b) The driver of a vehicle upon a highway that has four (4) lanes or more, whether or not there is a median or turn lane, need not stop upon meeting or passing a school bus that is on a different roadway or when upon a controlled-access highway if the school bus is stopped in a loading zone that is a part of or adjacent to the highway and where pedestrians are not permitted to cross the roadway.

(2) (a) Except as provided in paragraph (b), any person violating the provisions of subsection (1) of this section shall be guilty of a misdemeanor and upon a first conviction thereof shall be fined not less than Three Hundred Fifty Dollars (\$ 350.00) nor more than Seven Hundred Fifty Dollars (\$ 750.00), or imprisoned for not more than one (1) year, or

both. For a second or subsequent offense, the offenses being committed within a period of five (5) years, the person shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Seven Hundred Fifty Dollars (\$ 750.00) nor more than One Thousand Five Hundred Dollars (\$ 1,500.00), or imprisoned for not more than one (1) year, or both. In addition, the Commissioner of Public Safety or his duly authorized designee, after conviction for a second or subsequent offense and upon receipt of the court abstract, shall suspend the driver's license and driving privileges of the person for a period of ninety (90) days.

(b) A conviction under this section for a violation resulting in any injury to a child who is in the process of boarding or exiting a school bus shall be a violation of Section 97-3-7, and a violator shall be punished under subsection (2) of that section.

(3) This section shall be applicable only in the event the school bus shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than four (4) inches in height.

(4) If the driver of any vehicle is witnessed by a law enforcement officer or the driver of a school bus to have violated this section and the identity of the driver of the vehicle is not otherwise apparent, it shall be a rebuttable inference that the person in whose name the vehicle is registered committed the violation. If charges are filed against multiple owners of a motor vehicle, only one (1) of the owners may be convicted and court costs may be assessed against only one (1) of the owners. If the vehicle that is involved in the violation is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time of the violation, the rental or leasing company may rebut the inference of guilt by providing the law enforcement officer or prosecuting authority with a copy of the rental or lease agreement in effect at the time of the violation.

State law reference— Similar provisions, Miss. Code Ann. 1972, § 63-3-615 (2011)

### **Sec. 14-109. Push carts, riding animals**

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application.

State law reference— Similar provisions, Miss. Code Ann. 1972, § 63-3-207.

Secs. 14-110--14-120. Reserved.

## ARTICLE VII. TRAFFIC-CONTROL DEVICES

### Sec. 14-121. Authority to install.

The city traffic engineer or designee shall place and maintain traffic-control signs, signals and devices when and as required under the traffic regulations of the city to make effective the provisions of such regulations, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under the traffic regulations of the city or under state law or to guide or warn traffic.

State law reference--Local authority to install devices, Miss. Code Ann. 1972, § 63-3-305.

**Designation: signs required-** Whenever any resolution or order of this city designates any one-way street or alley, the city traffic engineer or designee shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. Vehicular traffic shall move only in the indicated direction.

**State law reference—** Driving upon one-way roadways, Miss. Code Ann. 1972, § 63-3-605

### **Authority to restrict direction of movement at streets during certain periods-**

- (a) The city traffic engineer or designee is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one (1) direction during one (1) period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The city traffic engineer or designee may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.
- (b) It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this section.

### Sec. 14-122. Manual and specifications.

All traffic-control signs, signals and devices shall conform to the manual and specifications approved by the state commissioner of public safety. All traffic-control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic-control devices.

State law reference--Requirement that local devices conform to state specifications, Miss. Code Ann. 1972, § 63-3-305.

### Sec. 14-123. Devices on state highways.

All traffic-control devices erected, installed, maintained or operated on state highways within the city shall be subject to the approval of the director of the state highway department as provided by law.

State law reference--Provisions making local devices on state highways subject to approval of director, Miss. Code Ann. 1972, § 65-1-75(B).

**Sec. 14-124. Obedience to devices required.**

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

State law reference--Similar provisions, Miss. Code Ann. 1972, §§ 63-3-311, 63-3-313.

**Sec. 14-125. When signs required for enforcement.**

No provision of this chapter or of the other traffic regulations of the city for which signs are required shall be enforced against an alleged violator, if at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular provision does not state that signs are required, such section shall be effective even though no signs are erected or in place unless such signs are required by state law.

**Sec. 14-126. Reserved**

State law reference--Similar provisions, Miss. Code Ann. 1972, §§ 49-23-31, 63-3-317.

**Sec. 14-127. Traffic engineer to mark traffic lanes.**

The city traffic engineer or designee is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

**Sec. 14-128. Designation, marking crosswalks, safety zones.**

The city traffic engineer or designee is hereby authorized:

- (1) To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadways, 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;
- (2) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

**State law reference**— Driving through safety zone prohibited, Miss. Code Ann. 1972, § 63-3-1113.

**Sec. 14-129. Authority to establish play streets.**

(a) The city manager shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

(b) Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

Secs. 14-130--14-140. Reserved.



## **ARTICLE VIII. SPEED**

### **Sec. 14-141. State speed laws applicable.**

The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within the city, except as the city, as authorized by state law, declares and determines upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.

### **Sec. 14-142. Maximum speed.**

(a) Unless otherwise designated by signs or markings, the maximum speed on streets controlled by the City of Diamondhead shall be twenty five (25) miles per hour.

(b) Notwithstanding any other provision of this article, no person shall drive a vehicle on a street at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care.

(c) The driver of every vehicle shall drive, consistent with the requirements of subsection (b), at an appropriate reduced speed when approaching a hillcrest, when traveling upon any narrow or winding roadway and when a special hazard exists with respect to pedestrians or other traffic, or by reason of weather or street or highway conditions.

State law references--State speed laws generally, Miss. Code Ann. 1972, § 63-3-501 et seq.; municipal authority to vary by ordinance, § 63-3-511.

### **Sec. 14-143. Speed limit signs.**

Whenever the speed limit as prescribed by this article, is increased or decreased at any intersection or other place or upon any part of a street by the traffic engineer, the traffic engineer shall erect appropriate signs giving notice of such speed limit and no such limit shall be effective unless such signs are erected at such intersection or other place or part of such street.

### **Sec. 14-144. Regulation of speed by traffic signal timing authorized.**

The city traffic engineer or designee is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and shall erect appropriate signs giving notice thereof.

### **Sec. 14-145. Racing.**

It shall be unlawful for any person to race in or on any motor vehicle, within the city.

### **Sec. 14-146. School zones.**

It shall be unlawful for any person to operate a motor vehicle of any kind or description at a speed in excess of fifteen (15) miles per hour in any school zone within the city.

Secs. 14-147--14-156. Reserved.

## **ARTICLE IX. TWO-WHEELED MOTOR VEHICLES**

### **Sec. 14-157. Protective head covering for users and occupants.**

All users and occupants of two-wheeled vehicles, including but not limited to, motorcycles, motorized bicycles, commonly called "motorbikes," and motor scooters operated on the streets of the city, shall wear, during such operation, use and occupancy, crash helmets or interior-padded helmets or protective head coverings of sufficient strength, construction and hardness to protect the head of the wearer from direct blows or traumatic contact, completely covering the head with the exception of the lower front portion thereof, so as not to obstruct the eyes, nose and mouth; provided, however, this shall not be construed to in any way limit such further protective head covering and devices as the user or occupant of such vehicle may desire to wear. All helmets must be certified by a DOT recognized organization. A helmet which shows signs of accident damage is no longer deemed satisfactory to protect the wearer from direct blows or traumatic contact and must be replaced.

### **Sec. 14-158. Passengers.**

A person operating a vehicle described in this article shall ride only upon the permanent and regular seat attached thereto. Such operator shall not carry any other person nor shall any other person ride thereon unless such vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons or upon another seat firmly attached to such vehicle in a position to the rear or side thereof.

### **Sec. 14-159. Horn or other warning device required.**

Every vehicle described in this article shall be equipped with a horn or other warning device in good working order, capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, and it shall be unlawful, except as otherwise provided in this chapter, for any such vehicle to be equipped with, or for any person to use upon such vehicle, any siren, bell, compression or spark plug whistle, or for any person at any time to use a horn or other warning device other than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.

### **Sec. 14-160. Equipment required or prohibited on two-wheeled motor vehicles.**

- (a) No person shall operate a vehicle as described in this article unless such vehicle is equipped with a muffler, in good working order and in constant operation, to prevent excessive or unusual noise.
- (b) It shall be unlawful to use a muffler cutout, or a bypass in a muffler, on any such vehicle.
- (c) No person shall operate such vehicle equipped with a muffler, from which the baffle plates, screens or other original internal parts have been removed and not replaced, or equipped with an exhaust system which has been modified in such a manner as to amplify or increase the noise emitted by the motor of such vehicle as that emitted by the muffler originally installed on such vehicle.

### **Sec. 14-161. Unauthorized persons prohibited from operating.**

No person shall cause, authorize or knowingly permit his child or ward to operate a vehicle as described in this article on the streets of the city when such minor is not authorized to do so under the laws of the state and no person shall authorize or knowingly permit any such vehicle owned by him or under his control to be driven upon any of the streets of the city by any person who is not authorized to do so under the laws of the state. This prohibition includes the operation of golf carts and other low-speed vehicles.

## ARTICLE X. LOW SPEED VEHICLES & GOLF CARTS

AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF DIAMONDHEAD, MISSISSIPPI, TO ALLOW THE OPERATION OF LOW-SPEED VEHICLES AND GOLF CARTS ON CERTAIN PUBLIC ROADS AND STREETS WITHIN THE CITY OF DIAMONDHEAD; TO REQUIRE INDIVIDUALS OPERATING A LOW-SPEED VEHICLE OR GOLF CART TO HAVE A VALID DRIVER'S LICENSE OR TEMPORARY DRIVER'S PERMIT; TO REQUIRE CERTAIN REGISTRATION OF SUCH LOW-SPEED VEHICLE OR GOLF CART; AND FOR RELATED PURPOSES WAS ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI.

House bill reference: HB1670, approved 5-03-2012

### **Sec. 14-162. Definitions.**

As used in this ordinance, unless a different meaning clearly appears in the context, the following terms shall have the following meanings:

- (a) "City" means the City of Diamondhead.
- (b) "Governing authorities" means the Mayor and City Council of the City of Diamondhead.
- (c) "Golf cart" means a motor vehicle that is designated and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) miles per hour and is equipped with the safety equipment as required under 49 CFR Section 571.500.
- (d) "Low-speed vehicle" means any four-wheeled electric or gasoline powered vehicle that has a top speed greater than twenty (20) miles per hour but less than twenty-five (25) miles per hour and is equipped with safety equipment as required under 49 CFR Section 571.500.

### **Sec. 14-163. Restrictions.**

- (1) The governing authorities of the City of Diamondhead, may, in their discretion, authorize the operation of low-speed vehicles and golf carts only on public roads and streets that are within the contiguous Diamondhead Country Club and Property Owners Association, Inc., area, including Kapalama Cove.
- (2) Any person operating a low-speed vehicle or golf cart on the public roads and streets under this ordinance must have in his or her possession a valid driver's license or temporary driver's permit and proof of financial responsibility as required under Section 63-15-1 et seq., Mississippi Code of 1972.
- (3) Low-speed vehicles and golf carts may only be operated on Golf Club Drive or Kapalama Drive if the operator is traveling the shortest possible travel distance between his or her residence and the nearest other public road or street authorized for use by low-speed vehicles and/or golf carts, cart path or golf course cart path.
- (4) Low-speed vehicles and golf carts may not be operated in the nonresidential area of the City of Diamondhead, and they may not cross Interstate Highway 10 at the Exit 16 overpass or operated on Interstate Highway 10.
- (5) Notwithstanding any other provision of law to the contrary, when operated by a person participating in a parade permitted by the City of Diamondhead, low-speed vehicles and golf carts may be operated on the permitted route of the parade while participating in the parade and are not restricted to the contiguous Diamondhead Country Club and Property Owners Association, Inc., area.

**Sec. 14-164. Registration requirements.**

(1) Every low-speed vehicle and golf cart to be operated, as authorized under this act, on a public road or street shall be required to register the vehicle with the City of Diamondhead. Upon presentation of proof of financial responsibility and presentation of a valid driver's license or temporary driving permit and payment of a reasonable fee that may be charged by the city to cover the costs of administration, a map and a sticker; , the owner of the low-speed vehicle or golf cart shall be issued a registration decal by the municipal tax collector that must be displayed on the left rear fender of the vehicle. The registration shall remain valid for as long as the registering owner owns the low-speed vehicle or golf cart. The city shall provide the registrant with a map of the contiguous Diamondhead Country Club and Property Owners Association, Inc., area where low-speed vehicles and golf carts may be operated at the time of registration. The operator shall be required to have proof of financial responsibility and a valid driver's license in his or her possession at all times while operating the low-speed vehicle or golf cart on public roads and streets of the state.

(2) The registration fee imposed under subsection (1) of this section shall be retained by the tax collector and deposited into the municipal general fund.

Secs. 14-165--14-169. Reserved.

**ARTICLE XI. BICYCLES**

**Sec. 14-170. Use of Bicycle Helmets.**

- (a) The use of bicycle helmets while riding is highly recommended for all bicyclists.
- (b) The use of bicycle helmets is required for any and all bicycling events sponsored by the City of Diamondhead.
- (c) Bicycle helmet use is mandatory for any city designee using a bicycle in his or her official duties.

**Sec. 14-171. Rider to be on seat; number of riders.**

- (a) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.
- (b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

**Sec. 14-172. Duty to keep to right and exercise care; riding abreast; use of bicycle paths required.**

- (a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
- (c) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

**Sec. 14-173. Emerging from alley, driveway or building.**

The operator of a bicycle emerging from an alley, driveway or building shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-

way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway.

**Sec. 14-174. Carrying articles.**

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars.

**Sec. 14-175. Place and manner of parking.**

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb; except in such manner as to afford the least obstruction to pedestrian traffic.

**Sec. 14-176. Riding on certain sidewalks prohibited; duties regarding pedestrians.**

- (a) No person shall ride a bicycle upon a sidewalk within a business or retail district.
- (b) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

**Sec. 14-177. Clinging to moving vehicle.**

No person operating a bicycle shall cling to or attach himself to any other moving vehicle.

**Sec. 14-178. Recklessness.**

No rider of a bicycle shall remove both hands, except to give necessary signals, from the handlebars or practice any acrobatic or fancy riding on any public street or sidewalk.

**Sec. 14-179. Attaching other vehicles.**

No bicycle shall have attached to it any other vehicle such as a wagon or sled. This section does not apply to trailers specifically designed and constructed for use with bicycles.

Secs. 14-180--14-186. Reserved.

**ARTICLE XII. PEDESTRIANS (Walking or Running)**

**Sec. 14-187. Walking along roadways.**

- (a) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Runners may use the roadway under the constraints of (b) below if they determine running on the sidewalk to be hazardous.
- (b) Where sidewalks are not provided, any pedestrian walking or running along and upon a street, roadway or highway shall, when practical, walk or run only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

**Sec. 14-188. Soliciting rides, business and donations.**

- (a) No person shall stand in a roadway for the purpose of soliciting a ride from the occupant of any vehicle.
- (b) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(c) No person shall be upon or go upon any street or roadway or shall be upon or go upon any shoulder of any street or roadway nor shall any such person be upon or go upon any neutral ground of any street or roadway for the purpose of soliciting employment, business, or charitable contributions of any kind from the occupant of any vehicle.

**State law references:** Prohibition against hitchhiking, MCA 1972, § 63-3-1109.

**Sec. 14-189. Duty of drivers to exercise care.**

Notwithstanding the foregoing provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

**ARTICLE XIII. TURNS**

**Sec. 14-190. Position, method of turning at intersections.**

The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1) *Right turns:* Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) *Left turns on two-way roadways:* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and, after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) *Left turns on other than two-way roadways:* At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

State law reference--Similar provisions, Miss. Code Ann. 1972, § 63-3-703.

**Sec. 14-191. Authority to place and obedience to turning markers.**

(a) The city traffic engineer or designee is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

(b) When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

**Sec. 14-192. Authority to place restricted turn signs.**

The city traffic engineer or designee is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right turn, left turn or U-turn and shall place proper signs at such intersections. The making of such turns may be prohibited between

certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

State law reference--U-turn prohibited on controlled access facility, Miss. Code Ann. 1972, § 65-5-519.

**Sec. 14-193. Limitations on turning around.**

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street and shall not turn a vehicle at any place unless such movement can be made in safety and without interfering with other traffic.

Secs. 14-194--14-200. Reserved.

**ARTICLE XIV. STOP AND YIELD INTERSECTIONS**

**Sec. 14-201. Designation of through streets.**

Through streets shall be as designated from time to time by the traffic engineer.

State law reference--Authority to designate through streets, Miss. Code Ann. 1972, § 63-3-211.

**Sec. 14-202. Signs required at through streets.**

Whenever the traffic engineer designates and describes a through street, the traffic engineer shall place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection, a yield sign, on each and every street intersecting such through street, unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of such streets as may be determined by the city traffic engineer or designee upon the basis of an engineering and traffic study.

State law reference--Requirement that signs be posted on through streets, Miss. Code Ann. 1972, § 63-3-211.

**Sec. 14-203. Other intersections where stop or yield required.**

The traffic engineer is hereby authorized to determine and designate intersections where particular hazards exist upon other than through streets and to determine whether vehicles shall stop at one or more entrances to any such intersection, in which event the traffic engineer shall cause to be erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in section 14-191(a), in which event the traffic engineer shall cause to be erected a yield sign at every place where obedience thereto is required.

**Sec. 14-204. Duty of vehicle entering stop intersection.**

(a) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection, or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(b) Such driver after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another street or roadway or highway or which is approaching so closely on such street or roadway or highway as to constitute an immediate hazard, but such driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

State law reference--Similar provisions, Miss. Code Ann. 1972, § 63-3-805.

**Sec. 14-205. Duty of vehicle entering yield intersection.**

(a) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed of not more than twenty (20) miles per hour, or shall stop if necessary, and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another street or roadway or highway so closely as to constitute an immediate hazard. Such driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding; provided, however, that a driver who enters a yield intersection without stopping and has or causes a collision with a pedestrian in a crosswalk or a vehicle in the intersection shall prima facie be considered not to have yielded as required herein. The foregoing shall not relieve the drivers of other vehicles approaching the intersection at such distance as not to constitute an immediate hazard from the duty to drive with due care to avoid a collision.

(b) The driver of a vehicle approaching a yield sign if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver or motorman has a view of approaching traffic on the intersecting roadway.

**Sec. 14-206. Emerging from alley, driveway or building.**

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across an alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway.

State law reference--Requirements for vehicle entering highway from private road, alley or driveway, Miss. Code Ann. 1972, §§ 63-3-807, 63-3-1005.

**Sec. 14-207. Entering or leaving controlled access facilities.**

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

State law reference— Unlawful use of controlled-access facilities, Miss. Code Ann. 1972, § 65-5-19.

**Sec. 14-208. Trailers and towed vehicles.**

(a) Every trailer which shall be towed on any street, roadway or highway at a speed in excess of twenty (20) miles per hour shall be coupled to the towing vehicle by means of a safety chain, chains, cables, or equivalent devices in addition to the regular trailer hitch or coupling. This requirement does not apply to a semitrailer having a connecting device



composed of a fifth wheel and kingpin assembly meeting the requirements of the Interstate Commerce Commission, nor to a pole, pipe, casing, long or piling dolly. No more slack shall be left in any such safety chains, cables or equivalent devices than shall be necessary to permit proper turning. The safety chains, cables or equivalent device shall be so connected to the towed and towing vehicles and to the drawbar to prevent the drawbar from dropping to the ground if the drawbar fails, and shall be of sufficient strength to control the trailer in event of failure of the regular trailer hitch or coupling.

- (b) When one (1) vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby. Such drawbar or other connection shall not exceed fifteen (15) feet from one (1) vehicle to the other except the connection between any two (2) vehicles transporting poles, pipes, machinery or other objects of structural nature which cannot readily be dismembered.
- (c) When one (1) vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve (12) inches square.
- (d) At nighttime, the car being towed shall display lights as required by state law.

**State law reference**— Towed vehicles, Miss. Code Ann. 1972, § 63-5-25; vehicle lights, Miss. Code Ann. 1972, § 63-7-11 et seq.

**Sec. 14-209. Towing more than one trailer: parking trailers in business district prohibited.**

It shall be unlawful to attach more than one (1) trailer to any motor vehicle being operated over and along the streets of the city, or for any vehicle with a trailer in tow to stop or park within the business district except to load or unload.

**State law reference**— Number of vehicles towed, Miss. Code Ann. 1972, § 63-5-25(4).

**Sec. 14-210. Stop required when traffic obstructed.**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

Secs. 14-211--14-213. Reserved.

## ARTICLE XV. STOPPING, STANDING AND PARKING

State law reference--Authority to regulate parking, Miss. Code Ann. 1972, § 63-3-211.

### DIVISION 1 STOP & YIELD SIGNS

#### Sec. 14-214. Stop & yield signs

##### Construction and location of stop and yield signs.

(a) In the absence of contrary requirement adopted by the state commissioner of public safety, every stop sign shall bear the word "Stop" in letters not less than eight (8) inches in height. Every yield sign shall bear the word "Yield" in letters not less than seven (7) inches in height. Every stop sign and every yield sign shall at nighttime be rendered luminous by internal illumination, or by a floodlight projected on the face of the sign, or by efficient reflecting elements in the face of the sign.

(b) Every stop sign and every yield sign shall be located as near as practical at the property line of any street, roadway or highway at the entrance to which the stop must be made, or at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway.

### DIVISION 2. TRAFFIC CONTROL SIGNAL INTERSECTIONS

#### Sec. 14-215. Traffic control signal legend

Whenever traffic is controlled by traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one (1) at a time, only the following colors shall be used and said terms and lights shall indicate as follows:

- (1) *Green alone or "Go."*
  - a. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. However, vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.
  - b. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
- (2) *Yellow alone or "Caution"* when shown following the green or "Go" signal.
  - a. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety a vehicle may be driven cautiously through the intersection.
  - 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) *Red alone or "Stop."*

- a. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be indicated by a clearly visible line and shall remain standing until green or "Go" is shown alone, except as provided in b. and c. of this paragraph (3).
  - b. Vehicular traffic facing a steady red signal may cautiously enter the intersection to turn right after stopping as required by paragraph (3)a., unless a sign stating "No Turn On Red" is in place prohibiting such a turn. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other vehicular traffic lawfully using the intersection.
  - c. Vehicular traffic facing a steady red signal at the intersection of two (2) one-way streets may cautiously enter the intersection to turn left in the direction designated for one-way traffic, after stopping as required by paragraph (3)a., unless a sign stating "No Turn On Red" is in place prohibiting such a turn. Such vehicular traffic shall yield the right-of-way to pedestrians within an adjacent crosswalk and to other vehicular traffic lawfully using the intersection.
  - d. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
- (4) *Red with green arrow.*
- a. Vehicular traffic facing such signal may cautiously enter the intersection only to make movement indicated by such arrow but shall not interfere with other traffic or endanger pedestrians lawfully within a crosswalk.
  - b. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

State law reference— Similar provisions, Miss. Code Ann. 1972, § 63-3-309

### **Flashing signals**

1. Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:
  - a. *Flashing red (stop signal)*. When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
  - b. *Flashing yellow (caution signal)*. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

State law reference— Similar provisions, Miss. Code Ann. 1972, § 63-3-311.

## **DIVISION 3. PARKING GENERALLY**

### **Sec. 14-216. Manner of parking.**

The operator of any vehicle shall park in the direction of traffic and within the lines marked for parking, not leaving any part of such vehicle extended over such parking lines or so that any adjacent vehicle cannot move out.

**Sec. 14-217. Parking against flow of traffic.**

It shall be unlawful for any person to park any vehicle, where the parking of vehicles is permitted, in the opposite direction from the direction of the flow of traffic where such vehicle is being parked.

**Sec. 14-218. Designation of angle parking spaces.**

(a) The traffic engineer shall determine upon which streets angle parking shall be permitted and shall mark or sign such streets.

(b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

**Sec. 14-219. Obedience to angle parking marking.**

On those streets which have been signed or marked by the city traffic engineer or designee for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

**Sec. 14-220. Prohibited in specified places, no signs required.**

(a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within ten (10) feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty (20) feet of a crosswalk at an intersection;
- (7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of the roadway;
- (8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic engineer indicates a different length by signs or markings;
- (9) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of such entrance when properly signposted;
- (10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (13) Within twenty (20) feet from the intersection of curb lines, or if none, then within fifteen (15) feet of the intersection of property lines at an intersection, except at alleyways;
- (14) Within twenty (20) feet in front of the entrance of any theater or public building during any meeting or public gathering therein, except when taking on or discharging passengers or freight and then not to exceed ten (10) minutes;
- (16) At any place where official signs prohibit stopping.
- (17) Adjacent to any curb or street edge marked in either yellow or red and marked with or without the words "No Parking."

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

State law reference--Similar provisions, Miss. Code Ann. 1972, § 63-3-901.

**Sec. 14-221. Obstructing traffic prohibited.**

No person shall park any vehicle upon a street or an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic. If the street is not straight, the actual width of roadway required may be greater than ten (10) feet to allow for free movement of traffic, especially emergency vehicles..

**Sec. 14-222. Parking in alleys.**

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

**Sec. 14-223. Parking for certain purposes prohibited.**

No person shall park a vehicle upon any roadway for the principal purpose of:

- (1) Displaying advertising;
- (2) Displaying such vehicle for sale;
- (3) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.

**Sec. 14-224. Parking adjacent to schools.**

(a) The city traffic engineer or designee is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

(b) When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

**Sec. 14-225. Parking of product or produce trucks prohibited.**

It shall be unlawful for any person to park or place any vehicle on the streets in the business district or any other area of the city for the purpose of selling or disposing of any products or produce of any kind without a city permit. This prohibition does not apply to legally constituted farmers market or other licensed retail outlets if established for this purpose.

**Sec. 14-226. Liability of owner for illegally parked vehicles.**

If any vehicle is found upon a street or highway in violation of any section of this article regulating the stopping, standing or parking of vehicles and the identity of the driver cannot be determined, the owner, or person in whose name such vehicle is registered, shall be held prima facie responsible for such violation.

**Sec. 14-227. Handicapped parking spaces.**

(a) It is unlawful for any person to park or leave standing any vehicle in a stall or space designed for physically handicapped persons, if such stall or space is posted or marked with the international symbol of access, unless the vehicle displays distinguishing license plates or parking certificates issued to handicapped persons. The driver or passenger in the vehicle

utilizing the handicapped parking space must be authorized to the use of distinguishing license or certificate.

(b) Any person who violates this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five hundred dollars (\$200.00) for each violation. For the third and subsequent offenses under this section, the offender's drivers license shall be suspended for ninety (90) days in accordance with Miss. Code Ann. 1972, Section 63-1-53 in addition to any fine imposed. The court shall not suspend or reduce any fine required by this sub-section.

State law reference—Handicapped parking, Miss. Code Ann. 1972, § 27-19-56

**Sec. 14-228. Parking of commercial vehicles, trailers, etc., restricted.**

(a) It shall be unlawful for any person, firm or corporation to park any commercial vehicle larger than a one-half-ton pickup truck on any of the public streets and thoroughfares of the city at any one time for a period of more than four (4) hours other than for the purposes of loading and/or unloading.

(b) It shall be unlawful for any person, firm or corporation to park any trailer on any public street or thoroughfare of the city at any one time for a period of more than four (4) hours other than for the purposes of loading and/or unloading.

(c) It shall be unlawful for any person, firm or corporation to park and leave unattended on any of the public streets and thoroughfares of the city any vehicle that blocks access into and out of a private drive.

(d) Any person violating the terms and provisions of this section shall, upon conviction, be deemed guilty of a misdemeanor and fined in an amount not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$200.00) or imprisonment in the city jail not to exceed thirty (30) days, or by both such fine and imprisonment.

**Sec. 14-229. Parking on private property.(Residential area) (This section becomes effective January 1, 2013)**

Parking on private property is limited to garages, carports and driveways. Parking on areas not designed for vehicle parking is prohibited except where specifically exempted by the city manager or the POA general manager. Parking on other private right of way is prohibited also.

Exception to this may be allowed for:

(a) Work vehicles may be parked on road sides or on medians while actual work is being done at a location when no other parking is available.

(b) Temporary parking at residences at locations other than in garages, carports or driveways for limited periods of time if special circumstances justify, but only with approval by the city manager.

(c) Overflow guest parking on the streets and/or medians for a party or special occasion with the permission of the city manager and two or more days advance notification to city police. Property owners shall be responsible for notifying city police in each instance, of these events.

**Sec. 14-230. Parking in median prohibited**

It shall be unlawful to park any vehicle in the median of any streets, roadways or highways unless authorization has been obtained in advance from the city manager and that authorization has been posted on the vehicles so parked. For the purpose of this section, the POA general manager is the approval authority for all POA owned roads and rights of way

**Sec. 14-231. Parking violations.**

Any person violating the terms and provisions of this ordinance, not otherwise specified shall, be fined in an amount not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00).

Secs. 14-232--14-235. Reserved.

**DIVISION 3. LIMITATIONS**

**Sec. 14-236. Applicability.**

The provisions of this division or of any ordinance, order or resolution prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or other official traffic-control device.

**Sec. 14-237. Designation of streets.**

The city traffic engineer or designee or city manager shall, from time to time, designate those streets, parts of streets or places where stopping, standing or parking shall be prohibited; or when stopping, standing or parking shall be prohibited during certain hours; or when stopping, standing or parking for longer than a specified time shall be prohibited.

**Sec. 14-238. Signs required.**

Whenever any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the city traffic engineer or designee to erect appropriate signs giving notice thereof and no such regulation shall be effective unless such signs are erected and in place at the time of any alleged offense.

**Sec. 14-239. Disobeying traffic control devices or interfering with traffic signs prohibited.**

It shall be unlawful for any person to park, stop or stand any vehicle in violation of any sign installed pursuant to the provisions of this article. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or signal or any inscription, shield or insignia thereon, or any other part thereof.

**State law reference**— Similar provisions, Miss. Code Ann. 1972, § 63-3-319.

**Sec. 14-240. Time limitations not exclusive.**

The fact that there has been imposed a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Secs. 14-241--14-250. Reserved.

## **ARTICLE XVI. TRUCK TRAFFIC**

### **Sec. 14-251. Definition.**

For the purposes of this article through truck traffic is defined herein as any vehicle or large truck which exceeds a per axle weight of thirty-four thousand (34,000) pounds and which travels through or onto roads within the city on a regular basis for the purpose of delivering goods or services or for receiving goods or services.

### **Sec. 14-252. Truck routes.**

Through truck routes in the City of Diamondhead are permitted on the following roads:

**Gex Drive – West Aloha Drive – Kalani Drive – Diamondhead Drive (North, West and East) – Golf Club Drive – Kapalama Drive**

There shall be no through truck traffic on other roads within the city except as necessary for the protection of public safety, the provision of public service or as may be necessarily required in support of approved construction projects. Exceptions may include but are not limited to fire trucks, school busses, garbage trucks, public utility trucks, concrete and lumber/materials trucks, transport trucks for household moving service and recreational vehicles.

### **Sec. 14-253. Parking of trucks and heavy equipment.**

Overnight parking of large trucks and/or heavy equipment in commercial parking lots without the owner's permission, along public roadsides or on any other property, public or private, not specifically approved for such by the city is prohibited. Parking of any vehicle or equipment which requires a commercial "C" drivers license or greater in residentially zoned areas of the city for any purposes, other than for those purposes which may be temporarily exempted in accordance with section 14-252 above, is prohibited.

Secs. 14-254--14-260. Reserved.

## **DIVISION I VEHICLE WEIGHT LIMITS**

### **Sec. 14-261 Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Local street* means any street within the city which is not a primary or secondary street.

*Primary street* means a street on which the maximum allowable load on any single wheel or any single axle is that amount prescribed by MCA 1972, § 63-5-27 for highways.



*Secondary street* means a street on which the maximum allowable load on any single wheel or any single axle is 60 percent of that amount prescribed on MCA 1972, § 63-5-27 for highways.

**Sec. 14-262. Primary streets.**

The following streets or parts thereof are hereby designated as primary streets:

**Gex Drive – West Aloha Drive – Kalani Drive – Diamondhead Drive (North, West and East) – Golf Club Drive – Kapalama Drive – Yacht Club Drive – Airport Drive – Diamondhead Drive South – Yacht Club Circle**

**Sec. 14-263. Secondary streets.**

The following streets, or parts thereof, are hereby designated as secondary streets:

**Noma Drive – Analii Street – Hilo Street – Hilo Way – Kino Street – Koloa Street – Alawai Avenue – Ana Hulu Street – Ala Moana Street – Maili Way - Bayou Drive – Luawai Way – Linoahu Way – Lanai Street - Apua Street – Laala Way – Cherry Hill Drive – Turnberry Drive**

**Sec. 14-264. Local streets.**

All streets within the city which are not designated as primary or secondary streets are designated as local streets.

**Sec. 14-265. Exceeding weight limit.**

(a) It shall be unlawful for any vehicle having any single wheel or single axle which exceeds the load limits prescribed by MCA 1972, § 63-5-27 to travel on a primary street except as provided in this chapter.

(b) It shall be unlawful for any vehicle having any single wheel or single axle which exceeds 60 percent of the load limits prescribed by MCA 1972, § 63-5-27 to travel on a secondary street except as provided in this chapter.

(c) It shall be unlawful for any vehicle including load, if any, weighing more than 12,000 pounds to travel on any local street except as provided in this chapter.

**Sec. 14-266. Trip permit.**

The city manager is hereby authorized to issue a trip permit to a vehicle allowing it to travel over the streets of the city at a weight in excess of the respective weight limits provided for in this article. Such permit shall include the name of the vehicle owner, the name of the vehicle driver, the vehicle tag registration number, the route which the vehicle shall follow under the trip permit, the total weight of such vehicle, the weight on each single wheel and on each single axle, the date on which such trip is permitted and such other data as shall be required by the chief of police. Such a permit shall not be issued if the issuance thereof would result in significant damage to the public streets or will result in a hazard to public safety.

**Sec. 14-267. Building material delivery vehicles, passenger vehicles and garbage pickup vehicles.**

(a) Vehicles which are being used to deliver building materials to construction projects which are being constructed under a building permit issued by the city may travel without a trip permit

on any street, subject to the requirement that such delivery shall be made along primary and secondary streets except where impossible to do so. Vehicles which are solely used for transporting human passengers or which are solely used for residential and commercial garbage pickup may travel on any street without a trip permit. In no event shall any single wheel or single axle of such vehicles being used to transport such building materials or being solely used for transporting human passengers or being used for residential and commercial garbage pickup exceed the limits prescribed by MCA 1972, § 63-5-27, unless authorized by a trip permit as provided in this article.

(b) The owner of any vehicle, including building material delivery vehicles, vehicles solely used to transport human passengers and vehicles being used for residential and commercial garbage pickup traveling any street in excess of the maximum weight limits provided herein for that street, whether such vehicle is traveling with or without a trip permit, or whether partially exempted from the trip permit requirement above shall be liable to the city for any damage caused by such vehicle to public property including, but not limited to, broken bridges, cracked pavement, broken curbs, and the like, wherein such damage is attributable to the weight of such vehicle.

(Secs. 14-268--14-275. Reserved.)

Because the City of Diamondhead is a newly-incorporated municipality in urgent need of a traffic ordinance, immediate passage and effect of this Ordinance is needed for the immediate and temporary preservation of the public peace and safety in accordance with Miss. Code Ann. § 21-13-11 (Rev. 2007). Thus, this Ordinance moved for adoption by Councilmember Rech and seconded by Councilmember Osborn is adopted by unanimous vote of all members of the City Council of the City of Diamondhead and is effective from and after its passage by a unanimous vote of all members of the City Council. In accordance with Miss. Code Ann. § 21-13-11 (Rev. 2007), this Ordinance shall become effective immediately upon the adoption thereof, and prior to being recorded and published in the ordinance book in the same manner as required by state law of other ordinances.

SO ORDAINED, THIS THE 4th DAY OF September, 2012.

	Aye	Nay	Absent
Councilmember Ackerman	<u>✓</u>	_____	_____
Councilmember Holcomb	<u>✓</u>	_____	_____
Councilmember Knobloch	<u>✓</u>	_____	_____
Councilmember Rech	<u>✓</u>	_____	_____

Councilmember Roberson

\_\_\_ \_\_\_

Mayor Ingraham

\_\_\_ \_\_\_

APPROVED

*Charles Ingraham*  
MAYOR

ATTEST

*Sue W. Foster*  
CITY CLERK