

ORDINANCE NO. 2007-02-283

**AN ORDINANCE AMENDING SECTION 70.02 OF THE CODE OF ORDINANCES
FOR THE CITY OF TONTITOWN, ARKANSAS, DECLARING AN EMERGENCY
AND FOR OTHER PURPOSES**

WHEREAS, the City council adopted Ordinance No. 2005-9-229 (passed September 12, 2005) which is codified at Section 70.02 of the Code of Ordinances for the City of Tontitown, Arkansas; and

WHEREAS, THE City Council has determined that it is in the best interests of the City of Tontitown, its citizens and its motorists, and for the structural preservation of City of Tontitown streets and roadways, to set a weight limit for those streets and roadways, within the city limits of Tontitown; and

WHEREAS, the City Council has determined that Ordinance 2005-9-229 codified at Section 70.02 of the Code of Ordinances for the City of Tontitown, Arkansas, is not adequately protecting the citizens nor achieving the purposes for which it was enacted; and

WHEREAS, the City Council has determined that it is in the best interests of the City of Tontitown that Section 70.02 of the Code of Ordinances for the City of Tontitown, Arkansas, be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS:

Section 70.02 of the Code of Ordinances for the City of Tontitown, Arkansas is hereby amended to read as follows:

SECTION 1. The maximum weight limit for commercial through traffic on the streets and roadways that are within the city limits of the City of Tontitown shall be up to the discretion of the street department of the City of Tontitown, but in no event more than twenty thousand pounds (20,000 lbs.) for each vehicle, including any and all cargo, trailer, or any other loaded or attached structure. Such commercial through traffic within the city limits of the City of Tontitown shall be restricted to numbered highways.

SECTION 2. Any person in violation of this ordinance shall be deemed guilty of a misdemeanor, punishable by a fine not to exceed \$250.00.

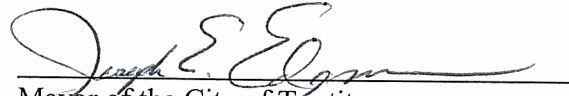
SECTION 3. This Ordinance shall apply only to commercial through traffic not having business within the City limits of Tontitown. The term "commercial through traffic" shall be defined as that traffic of a business, commercial or industrial nature or purpose passing through the City of Tontitown and having no business at a specific destination within the City limits of Tontitown. This Ordinance shall not apply to school buses, police, fire or ambulance related traffic, or vehicles owned and operated by the any governmental entity in the exercise of official governmental duties.

SECTION 4. The City Council, or its designee, may, but is not required to, post appropriate signs advising of the existence of this Ordinance on such City streets and at such locations as it deems appropriate.


SECTION 5. Any provision of any Ordinances inconsistent or in conflict with the provisions of this Ordinance is hereby revoked and abolished.

SECTION 6. EMERGENCY CLAUSE. The streets and roadways of the City of Tontitown need structural preservation and therefore must be protected by a maximum weight limit immediately. The City Council has determined that Ordinance No. 2006-9-229 codified at Section 70.02 of the Code of Ordinances for the City of Tontitown, Arkansas, is inadequate to protect the City streets and the citizens of Tontitown; that local law enforcement is unable to enforce the Ordinance as currently drafted; that without immediate amendment the safety of the City's streets and citizens are in jeopardy; and that, given the amount of commercial activity and development in and around Tontitown, it is necessary for the preservation of the public peace, health, safety and welfare that this Ordinance become effective immediately. The City Council hereby declares an emergency to exist and this ordinance, being necessary for the preservation of the public peace, health, safety and welfare, shall take effect and be in force from and after its passage.

PASSED AND APPROVED THIS 6th DAY OF February 2007.

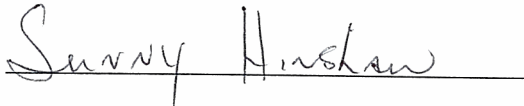


Mayor of the City of Tontitown

ATTEST: 

Recorder - Treasurer of the City of Tontitown

SPONSOR:



ROLL CALL

SHALL THE ORDINANCE PASS:

	Yea	Nay
Alderman Sunny Hinshaw	<u>✓</u>	___ (Ward 1, Position 1)
Alderman Henry Piazza	<u>✓</u>	___ (Ward 1, Position 2)
Alderman Arthur Penzo	<u>✓</u>	___ (Ward 2, Position 1)
Alderman David Sbanotto	<u>✓</u>	___ (Ward 2, Position 2)
Alderman Becky Alston	<u>✓</u>	___ (Ward 3, Position 1)
Alderman Scott McNair	<u>✓</u>	___ (Ward 3, Position 2)
Mayor Joseph Edgmon	___	___
TOTALS:	<u>6</u>	<u>0</u>

ROLL CALL

SHALL THE ORDINANCE BECOME EFFECTIVE IMMEDIATELY:

	Yea	Nay
Alderman Sunny Hinshaw	<u>✓</u>	___ (Ward 1, Position 1)
Alderman Henry Piazza	<u>✓</u>	___ (Ward 1, Position 2)
Alderman Arthur Penzo	<u>✓</u>	___ (Ward 2, Position 1)
Alderman David Sbanotto	<u>✓</u>	___ (Ward 2, Position 2)
Alderman Becky Alston	<u>✓</u>	___ (Ward 3, Position 1)
Alderman Scott McNair	<u>✓</u>	___ (Ward 3, Position 2)
Mayor Joseph Edgmon	___	___
TOTALS:	<u>6</u>	<u>0</u>