

**ORDINANCE NO. 2018-09-\_\_\_\_\_**

**CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS**

**AN ORDINANCE REPEALING AND REPLACING IN ITS ENTIRETY  
SECTION 70.02: MAXIMUM WEIGHT LIMIT OF THE TONTITOWN  
MUNICIPAL CODE IN ORDER TO CLARIFY THE VEHICLE WEIGHT  
AND LOAD LIMITS FOR THE CITY OF TONTITOWN AND  
DECLARING AN EMERGENCY.**

**WHEREAS**, on or about September 6, 2005, the City Council of Tontitown adopted Ordinance No. 2005-09-229 to provide vehicle weight and load limits within the city and said Ordinance 2005-09-229, as it has been amended from time to time, was thereafter codified as Section 70.02: MAXIMUM WEIGHT LIMIT in the Tontitown Municipal Code;

**WHEREAS**, the City Council of the City of Tontitown now finds it to be in the best interest of the citizens of the City of Tontitown to amend Ordinance 2005-09-229 and the Tontitown Municipal Code Section 70.02: MAXIMUM WEIGHT LIMIT in its entirety to better provide for vehicle weight and load limits; and

**WHEREAS**, having fully reviewed the proposed amendment, the City Council of the City of Tontitown, Arkansas, has determined that Section 70.02: MAXIMUM WEIGHT LIMIT of Chapter 70: TRAFFIC AND PARKING REGULATIONS of the Tontitown Municipal Code should be repealed and replaced in its entirety as incorporated below.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the City Council of the City of Tontitown, that Section 70.02: MAXIMUM WEIGHT LIMIT of the Tontitown Municipal Code shall read as follows:

**Section 1.     VEHICLE LOAD LIMITS.**

**(a) Maximum Single Axle Load.**

The total gross load imposed on any city street roadway by the wheels of any one single axle of a vehicle shall not exceed twenty thousand pounds (20,000 lbs.).

**(b) Maximum Tandem Axle Load.**

1. The total gross load imposed on any city roadway by two (2) or more consecutive axles, shall not exceed thirty-four thousand pounds (34,000 lbs.).
2. No one (1) axle of any such group of two (2) or more consecutive axles shall exceed the load permitted for a single axle.

**(c) Total Maximum Vehicle Weight**

No vehicle, or combination of vehicles, shall be operated upon any city roadway when the gross weight is in excess of eighty thousand pounds (80,000 lbs.).

**(d) Permitted Overweight/Oversize Vehicles**

Vehicles with appropriate up to date oversized and/or overweight permits through the State of Arkansas shall be exempt from Ordinance when appropriate.

**Section 2. AUTHORITY TO WEIGH VEHICLES AND REQUIRE REMOVAL OF EXCESS LOADS.**

- (a) (1) Any police officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing, by means of either portable or stationary scales, and may require that the vehicle be driven to the nearest public scales.  
  
(2) The provisions of this section shall not be applicable to vehicles owned and operated by the State of Arkansas or any city or county of this state.
- (b) (1) Whenever an officer, upon weighing a vehicle and load as provided in subsection (a) of this section, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit permitted under this ordinance.  
  
(2) All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator.

**Section 3. NO THROUGH TRUCKS.** The City Public Works Director and the Chief of Police has the ability to designate streets inside the City Limits of Tontitown a no Commercial or a no through truck route if the street is not capable of handling trucks based on street size, safety or other reason. These streets will be properly marked with signage to prevent the flow of trucks.

**Section 4. PENALTY.** If the weight of the vehicle and load exceeds the maximum as prescribed by this subchapter or the gross weight, the operator or any owner, principal, employer, lessor, lessee, agent, or officer of any firm or corporation who permits such an operator to exceed the weight load provided in this subchapter or as provided by a special permit shall pay in addition a penalty to be computed as follows:

- (A) Overweight one thousand pounds (1,000 lbs.) or less, a minimum penalty of ten dollars (\$10.00) or a maximum penalty of twenty dollars (\$20.00);
- (B) Overweight more than one thousand pounds (1,000 lbs.) and not more than five thousand pounds (5,000 lbs.), a minimum penalty of five cents (5) per pound of excess weight;
- (C) Overweight more than five thousand pounds (5,000 lbs.), a minimum penalty of ten cents (10) per pound of excess weight;

**Section 5.** That in the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be

construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

**Section 6.**     **DECLARATION OF EMERGENCY.** It is hereby found and determined that an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and the approval by the Mayor. If the Ordinance is neither approved no vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the Council overrides the veto.

**PASSED** and **APPROVED** this \_\_\_\_\_ day of September, 2018.

**APPROVED:**

\_\_\_\_\_  
Paul Colvin, Jr., Mayor

**ATTEST:**

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Rhonda Ardemagni, City Recorder  
(SEAL)