

ORDINANCE NO. 2018- _____

AN ORDINANCE FOR CONTROLLING VEHICLE WEIGHT AND LOADS INSIDE THE CITY OF TONTITOWN,
ARKANSAS AND DECLARING IT AN EMERGENCY

WHEREAS, the City Council of the City of Tontitown, Arkansas, finds that in order to better regulate traffic safety, and conditions of roadways, Tontitown is in need of passing a Vehicle Load Limit Ordinance;

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

VEHICLE LOAD LIMITS:

(a) Maximum Single Axle Load.

The total gross load imposed on any city 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.).

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.

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;

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 this ____ day of _____, 2018.

Approved: Paul Colvin Jr., Mayor

ATTEST:

Rhonda Ardemagni, City Recorder-Treasurer