

ORDINANCE NO. 180

AN ORDINANCE REGULATING THE USE OF STREETS BY TRUCKS.

WHEREAS, the City of Garfield is empowered with the authority to regulate the use of streets and trucks, and,

WHEREAS, Arkansas Code Annotated 14-301-101 authorizes the city council with the care, supervision, and control of all the public highways, bridges, alleys, public squares, and commons within the city;

WHEREAS, and cause those public highways, bridges, streets, alleys, public squares, and commons to be kept open and in repair, and free from nuisance,

NOW THEREFORE be it ordained that the City of Garfield adopts the following Use of Streets by Trucks

Regulations:

Section 1: Definitions

- **Repairs** – the city council has the authority to make contracts for patching material and for labor to do repairs on the public highways, bridges, streets, alleys, public squares, and commons.
- **Public Street**- All the streets named in the Garfield Street Assessment dated May 9, 2014.
- **Street**- a strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel which may also be used to provide space for sewers, public utilities, trees, and sidewalks.
- **Street, Arterial**-a street of considerable continuity which serves or is intended to serve the principle trafficway between separate areas or districts and which is the main means of access to the primary street system or expressways.
- **Street Collector**-a street which, in addition to serving abutting lots or tracts intercepts minor streets, connects with community facilities, and carries neighborhood traffic to the major arterial street system.
- **Street Frontage**-a minor street which is generally parallel and adjacent to a major highway or railroad right-of-way and which provides access to abutting lots or tracts and protection from through traffic.
- **Street, Local**-a street used primarily to provide access to abutting lots or tracts.
- **Master Street Plan**- an ordinance adopted and implemented for the orderly growth and development of the City of Garfield.
- **Restoration of property**- Company shall restore, at its sole cost and expense, within 120 working days, or as such additional time as specified by the city council, any portion of public streets that it in any way disturbed, by over-weight traffic.
- **Barriers**- reasonable barriers on any portion of a public right-of-way, on which continuous and excessive traffic travels for five (5) working days or more.

- **Traffic control**-company shall employ closure practices as delineated in the Arkansas Motor Vehicle & Traffic Laws.
- **Company**- any sole proprietorship, corporation, limited liability corporation, engaged in the operation of two (2) or more trucks, vehicular equipment, or other motorized equipment on public rights-of-way.
- **Operator**- Any person, corporation, partnership, or other legal entity.
- **Highway**- any street constructed and maintained by the State of Arkansas.
- **Exceptions**-The provisions of the ordinance will not apply to ambulances, or other emergency vehicles.

NOW BE IT ORDAINED BY THE CITY COUNCIL OF GARFIELD ARKANSAS;

Section 2:

Except as otherwise provided by this Ordinance, it shall be unlawful for any person to drive, operate, move, or cause to be driven or moved upon any street within the city of Garfield, any vehicle, or combination of vehicles, of a size or weight exceeding the limitations stated in this ordinance. Or to transport over any street within Garfield city limits, whether paved or otherwise, any load or loads exceeding the weights or dimensions prescribed by this ordinance. Barriers may be required at the cities discretion.

Section 3: Penalties

Any operator found violating the provisions of this Ordinance shall be guilty of a misdemeanor. Upon conviction, the offender shall be a fined not more than two-thousand dollars (\$2,000) per event.

Section 4: Single Vehicle Load Limit

Maximum Single Axle Load: The total gross load imposed on Local Streets, by the wheels of any one (1) single axle of a vehicle, shall not exceed fifteen thousand pounds (15,000 lbs.).

Maximum Tandem Axle Load: The total gross load imposed on Local Streets, by two (2) or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than forty inches (40") and not more than one hundred and two inches (102") apart, extending across the full width of the vehicle, shall not exceed thirty thousand pounds (30,000 lbs.).

Greater gross weights than permitted may be authorized by special permit issued by the City of Garfield.

Section 5: Width

Except as provided by the City of Garfield City Council, a vehicle, or combinations of vehicles operating on the City of Garfield streets, shall not exceed ninety-six inches (96") in width.

Section 6: Multiple Vehicle Load Limit

A maximum gross weight of multiple vehicles, including any allowable variance or tolerance, shall not exceed seventy thousand pounds (70,000 lbs.).

Vehicles, or combinations of vehicles, used exclusively for hauling solid waste, as defined by regulations promulgated by the city council, shall be permitted an eight percent (8%) variance above the allowable gross weight. However, the maximum gross weight, including any allowable variance or tolerance, shall not exceed forty-thousand pounds (40,000 lbs.).

Section 7:

Vehicles, or a combination of vehicles, meeting all of the requirements of section 5 of this ordinance, shall not be required to meet the tandem axle load limits of section 3 of this ordinance if the vehicles, or combinations thereof, do not exceed the allowable gross weight permitted by the formula in appendix A of this ordinance, plus any variance, and does not exceed a gross weight of seventy (70,000 lbs.).

Section 8:

No variance of gross weight, or number of axles, shall be permitted on City of Garfield Streets.

When any axle, including any enforcement tolerance, is overloaded, but the total weight of all axles, including the steering axle, does not exceed the maximum total weight allowed for all axles, including the steering axle, the operator shall be permitted to unload a portion of the load or to shift the load if this will not overload some other axle, without being charged with violating this ordinance and without being required to pay the penalties provided by law.

A truck tractor and single semi-trailer combination, with five (5) axles hauling sand, gravel rock, or crushed stone shall comply with a tandem axle limit of thirty thousand (30,000 lbs.) and a single axle limit of fifteen thousand pounds (15,000 lbs.) provided that the total gross weight shall not exceed seventy thousand pounds (70,000 lbs.).

Vehicles, or combination of vehicles, with five (5) axles, hauling unfinished and unprocessed farm products, forest products, or other products of the soil shall comply with a tandem axle limit of thirty thousand pounds (30,000 lbs.) and a single axle limit of ten thousand pounds (10,000 lbs.) provided the total gross weight shall not exceed forty thousand pounds (40,000 lbs.).

Section 9: Height

No vehicle operating on City of Garfield streets, unladen or with load, shall exceed a height of thirteen feet, six inches (13' 6"), unless a greater height is authorized by Special Permit issued by the city.

Section 10: Length

No single truck operated on City of Garfield streets, unladen or with load, shall have an overall length in excess of seventy-three feet (73')

Section 11: Permits

The Garfield City Council, under its jurisdiction, may at their discretion, and as provided in this section, upon receipt of application made in person, and upon good cause being shown therefor, issue a special

permit in writing to applicants desiring to transport cargoes of such nature that the cargo cannot readily be taken apart, separated, dismembered, or otherwise reduced in size or weight.

The permit shall authorize the applicant to operate or move a vehicle, or combination of vehicles, when the size or weight exceeds the maximum weights and lengths specified in this ordinance.

No vehicle or combination of vehicles with a multi-unit or otherwise reducible overload may be issued a special permit as provided in this section.

It shall not be unlawful, nor shall it be necessary, to obtain a special permit to transport round bales of hay upon any city street or road if the load does not exceed twelve feet (12') in width.

Section 12: Repealing Language

All ordinances and parts ordinances in conflict herewith are hereby repealed.

Section 13: Publication

This ordinance shall, upon its passage, be published pursuant to the ordinance setting out the guidelines for publication of Garfield Ordinances.

Section 14: Emergency Clause

Whereas it is of the utmost urgency that the City of Garfield, Arkansas, have an up-to-date ordinance regulating the use of city streets. In order to protect the public health, safety and general welfare, order, convenience, efficiency and economy in the process of development, convenience, good civic design and arrangements, adequate provisions for public utilities, and other public requirements; therefore, an Emergency is hereby declared to exist, and this ordinance being necessary for the immediate protection of the public shall take effect immediately, on its passage and approval.

PASSED AND APPROVED this 26 day of March, 2019

APPROVED: /s/ Gary Blackburn
HONORABLE GARY BLACKBURN, Mayor

ATTEST: /s/ Teresa D. Vining
TERESA VINING, Recorder-Treasurer

APPENDIX A

GROSS WEIGHTS ALLOWABLE UNDER THE FORMULA THAT ARE APPLICABLE TO VEHICLES OR COMBINATION THEREOF IN THE CITY OF GARFIELD

Formula $W=500 [$

W = maximum weight in pounds carried on any group of two (2) or more axles computed to the nearest five hundred pounds (500 lbs.)

L = distance in feet between the extremes of any group of two (2) or more consecutive axles.

N = number of axles in group under consideration.