

RECORD OF ORDINANCES

VILLAGE OF MCCONNELSVILLE

Ordinance No. 13-17 Passed the 15th day of October 2013

AN ORDINANCE ESTABLISHING ALLEY WEIGHT LIMITS

WHEREAS, the Village of McConnelsville, Morgan County, Ohio is permitted under Ohio law to adopt and establish regulations for weight limits and restrictions on designated alleys and to further provide for penalties for the violation of these limits or restrictions; and

WHEREAS, The Village of McConnelsville expends considerable public funds on maintenance of its road network. Studies have shown that excessive vehicle weights contribute to the early failure of traveled surfaces, particularly during the spring thaw. The Village of McConnelsville also recognizes the economic benefit derived from commercial hauling operations. This ordinance is enacted to assure that the delicate balance between preserving our road network and commercial hauling can be maintained and to prevent damage to town ways and bridges in the Village of McConnelsville which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair.

NOW THEREFORE BE IT ORDAINED, by the Council of the Village of McConnelsville, County of Morgan, and State of Ohio as follows:

Section 1:

No motor vehicle or other type vehicle shall be operated, or in any other manner used, upon **any and all** alleys in the Village of McConnelsville if the gross weight of such motor vehicle, or other type vehicle and its load, shall exceed **10 tons (20,000 pounds)**. Only a single axle motor vehicle will be allowed to use any alley without a permit.

Section 2:

When necessary to protect the safety of persons and the integrity of Village alleys, bridges, and related infrastructure, the Council of Village of McConnelsville may designate more restrictive weight limits on any portion of road or bridge or related infrastructure in the Village, in accordance with any relevant state law or regulations. Signage shall be posted at each Village Corporation Limits and/or any location deemed necessary by the Village Administrator.

Section 3:

The determination of the weight of said motor vehicle or type of vehicle for the purposes of this Ordinance shall be the combined weight of all units being operated or used as a unit together with the contents of said units.

Section 4:

The provisions of this Ordinance are severable, and if any provisions of this Ordinance or the application thereof are held invalid, the invalidity shall not affect other provisions or applications of this Ordinance.

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Section 5: Exemptions:

Government owned vehicles shall be exempt from this ordinance.

The following vehicles are also exempt from this ordinance:

- a) Any two-axle vehicle while delivering home heating fuel;
- b) Any vehicle while engaged in highway maintenance or repair under the direction of the State or Village of McConnelsville;
- c) Any emergency vehicle (such as firefighting apparatus or ambulances) while training or responding to an emergency;
- d) Any school transportation vehicle while transporting students;
- e) Any public utility vehicle while providing emergency service, repairs, or installation; and
- f) Any vehicle whose owner or operator holds a valid permit from the municipal officers or their designee as provided herein.

Also exempt from this ordinance are residents whose only access to their residence or place of business is across a posted road. The ordinance will be considered waived provided the vehicle they are operating is used to get to and from their primary residence or business and is operated under the 10 ton load limit

The following alleys are **exempt** from this ordinance, providing the vehicle using these alleys are delivering goods to a business;

- a) alley running west and east from South Fourth Street to Ninth Street north of Main Street
- b) alley running west and east from Kroger's Parking Lot to Tenth Street south of Main Street
- c) alley running west from North Seventh Street to alley running adjacent to Sheriff's Office
- d) alley running north and south from Union Avenue to Bell Avenue between Seventh and Eighth Street

The following streets **will be covered** under the revisions of this ordinance as an alley;

- a) 11th Street
- b) Beechwood Street

Section 6: Village Construction

Nothing contained in this ordinance shall restrict the weight of snow plows, road machines, oilers, traction engines, tractors, rollers, power shovels, dump wagons, trucks or other construction or maintenance equipment when used by the Village, in the construction or the maintenance of any alley, provided that such construction or maintenance is performed by persons employed by or under contract with the Village of McConnelsville, for such purpose. However, any operation of motorized highway building equipment or road making appliances used in construction work contracted by a town, or by the town using its own equipment, shall be unrestricted as to weight only within a construction area.

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Section 7: Penalty

Whoever shall fail to comply with any provision of this ordinance shall be guilty of a violation and subject to fine of \$250.00 for a first occurrence, and \$500.00 for any subsequent occurrence. For the purposes of this ordinance, each load hauled, transported, or moved over a posted road shall be a separate occurrence.

Section 8: Permit

A permit is required to be filed with the Mayor or Village Administrator for the operation of any vehicle, which by weight or size exceeds the road, and bridge limits established by the Village Council.

In determining whether to issue a permit, the municipal officers or their designee shall consider the following factors:

- a) the gross registered weight of the vehicle;
- b) the current and anticipated condition of the way or bridge;
- c) the number and frequency of vehicle trips proposed;
- d) the cost and availability of materials and equipment for repairs;
- e) the extent of use by other exempt vehicles; and
- f) such other circumstances as may, in their judgment, are relevant.

The municipal officers or their designee may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

Section 9: Administrative Fee

An administrative fee of \$25.00 shall be filed by the applicant at the time of the request for permit and shall cover the period set forth by the Mayor or Village Administrator.

Section 10: Insurance

A valid certificate of insurance in the amount of a minimum of \$100,000/\$300,000 Personal Injury Liability Coverage and \$100,000 Property Damage Coverage shall be provided to the Village of McConnelsville at the time of applying for a permit.

Section 11: Posting of Permit

A single issued permit shall be posted by the operator in the applicable vehicle. A fleet permit is not required to be posted as long as the operator can provide confirmation that the permit has been issued within 24 hours of having been stopped by a police officer

Section 12: Fire Vehicles

Nothing contained in this ordinance shall restrict the weight of municipal and volunteer fire apparatus.

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Section 13: Road and Route Information

Drivers of vehicles described in this ordinance shall be required, upon request by a police officer, to give full and true information as to the route they are following and the name of the consignor and consignee and place of delivery or removal and the location of any consignment being hauled or goods being removed, and upon a designation by such police officer of a route to be followed, shall immediately adopt and pursue such route.

Section 14: Administration and Enforcement

This ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designee (such as law enforcement officer).

Section 15: Amendments

This ordinance may be amended by the municipal officers at any properly noticed meeting.

Section 16: That is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 17: Emergency Measure That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare of the people of the Village of McConnelville, Ohio, and therefore this Ordinance shall be in full force and in effect immediately after its passage.

Section 18: Repeal of Prior Ordinances and Resolutions

Ordinance Number 13-08 is hereby repealed.

Passed this 15th day of October, 2013.

John W. Finley
Mayor

Attest:

Ellen M. Henry
Fiscal Officer