

**ORDINANCE 13-06**

**An Ordinance Setting Forth Weight Limits on  
Public Streets in the Village of South Point,  
Establishing Penalties and Declaring an Emergency**

*Whereas*, The Council of the Village of South Point, Ohio, determines it is necessary to protect the public streets from unnecessary and unwarranted damage due to the use thereof by heavy vehicles: and

*Whereas*, any legislation in conflict with this ordinance including Ordinance 117-A and 78-2 are hereby repealed and void: and

*Whereas*, said Council desires to not unduly restrict the operation of same;

*Now, Therefore, Be It Ordained* by said Council;

**Section 1:** That there be and hereby is established a maximum load limit of 10 ton (20,000 lbs.), for all of the streets within the Village of South Point, Ohio, **except** for the following:

<u>Street</u>	<u>Weight Limit</u>
4 <sup>th</sup> Street from West corp limit to East corp limit	40 ton (80,000 lbs.) *
Solida Road from 4 <sup>th</sup> St. north to corp limit	20 ton (40,000 lbs.)
Collins Ave from Solida Rd to Commerce Dr	40 ton (80,000 lbs.) *
Commerce Drive and all streets in the Point Ind. Park	40 ton (80,000 lbs.) *
Ferry St. and 2 <sup>nd</sup> St. W. from Ferry St. to McGinnis Inc	20 ton (40,000 lbs.)
North Kenova Rd. from 4 <sup>th</sup> St. to Railroad Tracks	20 ton (40,000 lbs.)

\*Amended by Ordinance 13-08 adopted 4/2/2013

**Section 2:** The term maximum load limit shall include the combined weight of the load and vehicle. It shall be unlawful for any person to drive any vehicle exceeding the maximum load limit defined above over said streets.

**Section 3:** Any person violating the provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with penalties set forth in the Ohio Revised Code, which currently are:

- 1<sup>st</sup> offense, minor misdemeanor \$150. Fine plus court costs
- 2<sup>nd</sup> offense within one year, 4<sup>th</sup> degree misdemeanor \$250. Fine plus court costs
- 3<sup>rd</sup> offense within one year, 3<sup>rd</sup> degree misdemeanor \$500. Fine plus court costs
- 4<sup>th</sup> offense within one year, 2<sup>nd</sup> degree misdemeanor \$750. Fine plus court costs
- 5<sup>th</sup> offense within one year, 1<sup>st</sup> degree misdemeanor \$1,000. Fine plus court costs

**Section 4:**

**A.** Except as otherwise provided herein, no vehicle shall be operated upon the public highways, street, bridges and culverts within the Village, when the gross weight of the vehicle and the load exceed the amounts set forth in Section 1 of this ordinance.

**B.** For the purpose of making delivery to a residence or business or picking up a load from a business, such vehicle may be driven on such street for not more than the minimum distance necessary for the purpose therefore; and, further, provided, that said vehicle weight and load shall in no event, exceed 20 ton (40,000 lbs)

**C.** Should such pickup or delivery occur on a regular basis, the Village may require a permit as set forth herein.

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### Section 5:

A. The Mayor may, in his discretion, upon application in writing, and good cause being shown therefore; issue a special permit, in writing, authorizing the applicant to operate or move a vehicle or a combination of vehicles with the weight of vehicle and load exceeding the maximum amount specified hereinabove, upon any highway, street or public way, in said Village, under the following conditions and provisions:

- (a) Any such permit shall be kept in open view by the user thereof, and for any inspection by any police officer or any authorized agent of the Village.
- (b) The special permit may authorize the applicant to move loads on streets with a load over the 10 ton limitation, provided the gross weight of the vehicle and load do not exceed 20 ton (40,000 lbs.).
- (c) The Mayor may, when he deems it advisable, issue special exemptions for public service vehicles, road repair vehicles, school buses, fire trucks and any other vehicles whose use or operation is necessary for the public good or safety.
- (d) The Mayor may, in his discretion, upon granting an application for special permit, as part of the terms and conditions of the permit, require a reasonable bond or other security as may be deemed necessary to compensate for any damage to any roadway or structure.
- (e) In addition to a bond, or in lieu of, as a condition of issuance of an overweight permit, the Mayor may require the applicant to develop and enter into a mutual agreement with the municipality to compensate for or to repair excess damage caused to the roadway by travel under the permit.
- (f) The Mayor may limit or prescribe terms or conditions of operation for the vehicle or combination of vehicles by designating the route, hours, speed or such other restrictions as may be necessary for the preservation of the public peace, property, health and safety. The permit may be issued for a single or roundtrip or, in special instances, for a certain period of time.
- (g) The duration of a permit shall not exceed one (1) year, except for permits associated with a construction project.
- (h) A permit involving a construction project may be issued for any period not to exceed the duration of the construction project.

B. The fee for a permit shall be Fifty Dollars (\$50.00) for a single use or roundtrip permit. A permit for operation or movement of a vehicle on multiple dates over a period of time shall be One Hundred Dollars (\$100.00), for up to thirty (30) days and Two Hundred Dollars (\$200.00) for a period beyond thirty (30) days. If there is a combination of vehicles, then the fee will apply for each vehicle.

### Section 6:

A. Any police officer having reason to believe that the weight of a vehicle and its load is unlawful may require the driver of said vehicle to stop and submit to a weighing of it by means of a compact, self-contained, portable, sealed scale specially adapted to determining the wheel loads of vehicles on highways; a sealed scale permanently installed in a fixed location, having a load-receiving element specially adapted to determining the combined load of all wheels on a single axle or on the successive axles of a highway vehicle or a sealed scale adapted to weighing highway vehicles, loaded or unloaded.

B. The driver of such vehicle shall, if necessary, be directed to proceed to the nearest available set of such sealed scales to accomplish the weighing provided such scales are within three miles of the point where such vehicle is stopped. Any vehicle

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stopped in accordance with this section may be held by the police officer, for a reasonable time, to accomplish the weighing as prescribed by this section.

C. All scales used in determining the lawful weight of a vehicle and its load shall be annually compared by a municipal, county, or state sealer with the state standards or standards approved by the state and such scales shall not be sealed if they do not conform to the standards approved by the state.

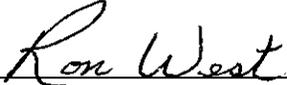
D. At each end of a permanently installed scale, there shall be a straight approach in the same plane as the platform, of sufficient length and width to ensure the level of positioning of vehicles during weight determinations.

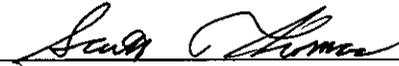
E. During determination of weight by compact, self-contained, portable scales, they shall be used on level terrain of sufficient length and width to accommodate the entire vehicle being weighed.

F. Whenever such officer, upon weighing a vehicle and load, determines that the weight is unlawful, he may require the driver to stop the vehicle in a suitable place and remain until such portion of the load is removed as is necessary to reduce the weight of such vehicle to the limit permitted under sections 5577.01 to 5577.14, inclusive, of the Revised Code or the provision of this Code.

**Section 7:** This ordinance shall be effective and go in effect the earliest period allowed by law after adoption.

Adopted this 5<sup>th</sup> day of Feb., 2013.

  
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Ron West, Mayor

Attest:   
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Scott Thomas, Clerk

Reviewed by Village Solicitor, Randy Lambert

ORDINANCE NO. 78-1

RESTRICTING TRUCK TRAFFIC WITHIN THE  
VILLAGE AND DECLARING AN EMERGENCY.

WHEREAS, truck traffic passing through the Village of South Point, adds to traffic congestion, increases damage to the health and safety of persons in the Village, and

WHEREAS, the reduction of the same will benefit the health and safety of the citizens of South Point, and reduce road maintenance costs,

NOW THEREFORE BE IT ORDAINED by the Council of the Village of South Point, Ohio:

SECTION 1: Other than New U.S. 52, no through trucks shall be permitted on the streets, alleys or highways of the Village of South Point, Ohio, excepting those making pickups or deliveries within the Village or those being driven to and from the operator's residence if the same is in the Village of South Point. Those operating in the Village must be in compliance with ordinances pertaining to weight limits or otherwise pertaining to such traffic.

SECTION 2: For purposes of this ordinance a truck is a commercial vehicle capable of carrying loads of two tons or more excluding buses, public service vehicles, fire trucks and highway maintenance vehicles.

SECTION 3: Persons, firms or corporations violating this ordinance shall be subjected for a first violation to a fine of not more than \$25.00, for a second offense within one year, a fine of not more than \$100.00, and for a third offense within one year, a fine of not less than \$100.00 nor more than \$500.00, and may be subjected to a jail sentence for up to 30 days, and costs of prosecution.

SECTION 4: This ordinance is declared to be an emergency measure, in that it is immediately necessary to protect the public health, property and safety and shall be effective immediately upon passage.

*Adopted this 12th day of January, 1978.*

ATTEST:

*James R. Pack*  
CLERK

*Harold R. ...*  
MAYOR

(SEAL)

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& McCOWN  
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