

ORDINANCE NO. 1046

CITY OF LOWELL, BENTON COUNTY, ARKANSAS

**AN ORDINANCE REGULATING THE MAXIMUM WEIGHT
LIMIT OF TRUCKS AND VEHICLES TRAVELING WITHIN THE
CITY OF LOWELL, ARKANSAS.**

WHEREAS, the City Council of the City of Lowell, Arkansas has determined that due to declining conditions of streets and roadways within the city limits of Lowell, it is necessary to regulate the maximum weight limit of trucks and vehicles traveling within the city limits of Lowell to protect the health, safety, and welfare of the citizens of Lowell, Arkansas.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Lowell, Arkansas 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 have the ability to designate streets inside the City Limits of Lowell a no Commercial or 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. Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 6. In the event any one or more of the provisions contained in this Ordinance shall for any reason be held by a Court of Law to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not have an effect on the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

PASSED and APPROVED this 21st day of January, 2020.

APPROVED:

CHRIS MOORE, Mayor

ATTEST:

ELIZABETH ESTES, City Clerk
(Seal)