ORDINANCE NO. 2002-08

AN ORDINANCE TO REPEAL ORDINANCE NO. 84-2 AND 97-7, SETTING WEIGHT LIMIT REGULATIONS ON CITY STREETS, REGULATING THE PRESENCE OF HEAVY MOTOR VEHICLES, PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF; AND FOR OTHER PURPOSES.

WHEREAS, there have been regulations in place to regulate weight limits on City streets; and

WHEREAS, the City Council has determined that revisions are required to further protect our streets and set fair regulations on all streets;

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

SECTION 1. Definitions

A. Weight Limit - shall be the maximum weight of any motor vehicle, which is allowed to be operated or driven upon any City street.

B. Deliveries (Residential Zones) - shall be the picking up or dropping off of merchandise, supplies, or other items to homes by vehicles that do not exceed 25 tons and with trailers not to exceed 40 feet.

C. Deliveries (Commercial Zones) - shall be the picking up and dropping off of merchandise, supplies or other such items to business and commercial industries.

D. Occasion Basis - shall be a non-routine basis or not more than three (3) times per week.

SECTION 2. That a weight limit of 8 tons is hereby established on all streets within the corporate limits of the City of Mulberry.

SECTION 3. That it shall be unlawful for any person to operate a motor vehicle in excess of 8 tons upon any City street, unless otherwise provided in this ordinance.

SECTION 4. That vehicles in excess of 8 tons, when making deliveries

to businesses in commercial zoned areas, shall be permitted to make such deliveries so long as the vehicle is removed immediately following the delivery.

SECTION 5. That vehicles in excess of 8 tons, making deliveries in residential zoned areas to homes, farms and residentially operated businesses, shall be allowed to make such deliveries on an "occasion basis" as defined by this ordinance.

SECTION 6. That no provision of this ordinance shall be construed to prohibit utility service, emergency service or other such public-use vehicles from being operated upon City streets.

SECTION 7. That the Mayor or Public Works Director shall be authorized to waive the provisions of this ordinance for up to 30 days when deemed necessary and under such circumstances as may benefit the general public (i.e. county fair, festivals, industrial and commercial development projects).

SECTION 8. That any person, firm, or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than $50.00 and not more than $500.00 for the first offense. Any subsequent offense and the party shall be ordered to appear before the City court and may be sentenced as prescribed by the City court.

SECTION 9. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. If any provision of this ordinance is held invalid or unconstitutional it shall be deemed severable and separable and the remaining provisions shall remain in full force and effect.

PASSED AND APPROVED THIS 16TH DAY OF JULY, 2002.

APPROVED: _____
Jeff Marvin, Mayor

ATTEST: _____
Jerry Dickerson, Recorder-Treasurer