

Ordinance No. 10-2019

Passed 10/3/19

**ORDINANCE REGULATING COMMERCIAL TRAFFIC WITHIN THE  
VILLAGE OF BRADNER, OHIO**

WHEREAS, pursuant to Ohio Revised Code §4511.07, the power to regulate traffic within the Village is granted to the Village; and

WHEREAS, the Council of the Village of Bradner has determined that certain streets within the Village are neither designed for nor capable of carrying the loads or stresses imposed upon them by regular traffic which exceeds their engineered weight capacity; and

WHEREAS, the continued abuse caused to such streets by such regular overweight traffic causes serious and significant damage and degradation to such streets, thereby creating a dangerous situation for the motoring public; and

WHEREAS, the Council has determined that in order to preserve the health, welfare, and safety of the residents of the Village, along with that of the motoring public, the designation of weight limits on certain streets within the Village is necessary and appropriate.

IT IS THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF BRADNER, STATE OF OHIO, AS FOLLOWS:

**SECTION 1. DEFINITIONS**

As used in this Ordinance, the following terms are hereby defined:

- A. Vehicle means everything on wheels or runners, including motorized bicycles, but does not mean electric personal assistive mobility devices, vehicles that are operated exclusively on rails or tracks or from overhead electric trolley wires, and vehicles that belong to any police department, municipal fire department, or volunteer fire department, or that are used by such a department in the discharge of its functions
- B. Gross Vehicle Weight Rating (GVWR) means the unladen weight of the vehicle fully equipped plus the maximum weight of the load, as determined by the manufacturer, which may be carried on the vehicle.
- C. Gross Combination Weight Rating (GCWR) with regard to any combination of a car, truck, trailer, semitrailer, or any other vehicle means the total unladen weight of the combination of vehicles fully equipped plus the maximum weight of the

loads as determined by the manufacturer(s), which may be carried on the combination of vehicles.

## SECTION 2. PROHIBITIONS

- A. Upon any street, alley, or other roadway within the Village designated herein, unless otherwise permitted hereinbelow, no person shall drive or operate any vehicle designed and/or used to carry property wherein the gross vehicle weight rating (GVWR), as defined above, for such vehicle is in excess of the weight limit designated for such street, alley, or other roadway, whether loaded or unloaded.
- B. Upon any street, alley, or other roadway within the Village designated herein, unless otherwise permitted hereinbelow, no person shall drive or operate any combination of vehicles designed and/or used to carry property wherein the gross combination rating (GCWR), as defined above, for such vehicle is in excess of the weight limit designated for such street, alley, or other roadway, whether loaded or unloaded.
- C. This section does not apply to fire engines, fire trucks, or other vehicles or apparatus belonging to any municipal corporation or to the volunteer fire department of any municipal corporation or used by such department in the discharge of its functions.

## SECTION 3. DESIGNATIONS

The following streets within the Village are hereby designated with the weight limit of forty thousand (40,000) pounds:

- |                      |                      |                  |
|----------------------|----------------------|------------------|
| 1. Douglas Rd.       | 10. West Crocker St. | 19. Grove St.    |
| 2. Blackman Rd.      | 11. East Crocker St. | 20. Stahl St.    |
| 3. Maple St.         | 12. South East St.   | 21. Harpster St. |
| 4. East Parklane     | 13. North East St.   | 22. Euclid St.   |
| 5. West Parklane     | 14. Edmonds St.      | 23. Toledo St.   |
| 6. East Lightner     | 15. James St.        | 24. Timmons Rd.  |
| 7. West Lightner     | 16. South Bell St.   | 25. Quarry Ln.   |
| 8. Spring St.        | 17. North Bell St.   |                  |
| 9. East Caldwell Rd. | 18. South Evans St.  |                  |

#### SECTION 4. SIGNAGE

The Village Street Commissioner, or his designee, shall be charged with erecting and maintaining traffic control devices at each point of egress and ingress for any such street with a weight limit prescribed by this Ordinance.

#### SECTION 5. SPECIAL PERMITS

(A) The Chief of Police, upon application in writing and for good cause shown, may issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified herein, upon any street, alley, or other roadway within the territorial jurisdiction of the Village.

(B) Permits may be issued for any period of time not to exceed one year, as the Chief of Police, in his discretion, determines advisable, or for the duration of any public construction project.

(C) The application for a permit issued under this section shall be in the form that the Chief of Police prescribes. A permit fee of thirty-five dollars (\$35.00) shall be imposed and collected when any permit described in this section is issued. In addition to the permit fee, the Chief of Police may determine any additional fee, in an amount sufficient to reimburse the Village for the administrative costs incurred in issuing the permit, and also to cover the cost of the normal and expected damage caused to the roadway or a street or highway structure as the result of the operation of the nonconforming vehicle or combination of vehicles.

(D) Every permit issued under this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of the Village. No person shall violate any of the terms of a permit.

(E) The Chief of Police may debar an applicant from applying for a permit under this section upon a finding based on a reasonable belief that the applicant has done any of the following:

- (1) Abused the process by repeatedly submitting false information or false travel plans or by using another company or individual's name, insurance, or escrow account without proper authorization;
- (2) Failed to comply with or substantially perform under a previously issued permit according to its terms, conditions, and specifications within specified time limits;
- (3) Failed to cooperate in the application process for the permit or in any other procedures that are related to the issuance of the permit by refusing to provide information or documents required in a permit or by failing to respond to and correct matters related to the permit;

(4) Accumulated repeated justified complaints regarding performance under a permit that was previously issued to the applicant or previously failed to obtain a permit when such a permit was required;

(5) Attempted to influence a public employee to breach ethical conduct standards;

(6) Been convicted of a criminal offense related to the application for, or performance under, a permit, including, but not limited to, bribery, falsification, fraud or destruction of records, receiving stolen property, and any other offense that directly reflects on the applicant's integrity or commercial driver's license;

(7) Accumulated repeated convictions under a state or federal safety law governing commercial motor vehicles or a rule or regulation adopted under such a law;

(8) Accumulated repeated convictions under a law, rule, or regulation governing the movement of traffic over the public streets and highways;

(9) Failed to pay any fees associated with any permitted operation or move;

(10) Deliberately or willfully submitted false or misleading information in connection with the application for, or performance under, a permit issued under this section.

If the applicant is a partnership, association, or corporation, the Chief of Police also may debar from consideration for permits any partner of the partnership, or the officers, directors, or employees of the association or corporation being debarred.

(F) When the Chief of Police reasonably believes that grounds for debarment exist, the Chief of Police shall send the person that is subject to debarment a notice of the proposed debarment. A notice of proposed debarment shall indicate the grounds for the debarment of the person and the procedure for requesting a hearing. If the person does not respond with a request for a hearing in the manner specified, the Chief of Police shall issue the debarment decision without a hearing and shall notify the person of the decision by certified mail, return receipt requested. The debarment period may be of any length determined by the Chief of Police, and the Chief of Police may modify or rescind the debarment at any time. During the period of debarment, the Chief of Police shall not issue, or consider issuing, a permit under this section to any partnership, association, or corporation that is affiliated with a debarred person. After the debarment period expires, the person, and any partnership, association, or corporation affiliated with the person, may reapply for a permit.

#### (G) VIOLATIONS OF PERMIT

(1) No person shall violate the terms of a permit issued under this section that relate to gross load limits.

(2) No person shall violate the terms of a permit issued under this section that relate to axle load by more than two thousand pounds per axle or group of axles.

(3) No person shall violate the terms of a permit issued under this section that relate to an approved route except upon order of a law enforcement officer or authorized agent of the issuing authority.

#### SECTION 6. VIOLATIONS & PENALTIES

- A. No driver or operator of a vehicle shall disobey the instructions of any traffic control device placed in accordance with this Ordinance, unless at the time otherwise directed by a police officer.
- B. Whoever violates the weight restrictions established herein shall be fined as follows:
  - 1. Eighty dollars (\$80.00) for the first two thousand pounds (2,000#), or fraction thereof, of excess of the greater of the prohibited gross vehicle weight rating or gross combination weight rating;
  - 2. For overlimits in excess of two thousand pounds (2,000#), but not in excess of five thousand pounds (5,000#), one hundred dollars (\$100.00), and in addition thereto one dollar (\$1.00) per one hundred pounds (100#) of excess of the greater of the prohibited gross vehicle weight rating or gross combination weight rating;
  - 3. For overlimits in excess of five thousand pounds (5,000#), but not in excess of ten thousand pounds (10,000#), such person shall be fined one hundred thirty dollars (\$130.00) and in addition thereto two dollars (\$2.00) per one hundred pounds (100#) of excess of the greater of the prohibited gross vehicle weight rating or gross combination weight rating, or imprisoned not more than thirty (30) days, or both.
  - 4. For all overlimits in excess of ten thousand pounds (10,000#) such person shall be fined one hundred sixty dollars (\$160.00), and in addition thereto three dollars (\$300.00) per one hundred pounds (100#) of excess of the greater of the prohibited gross vehicle weight rating or gross combination weight rating, or imprisoned not more than thirty (30) days, or both.
- C. Whoever violates division 5(G) of this Ordinance shall be punished as provided in section 4513.99 of the Revised Code or the substantially equivalent municipal code.

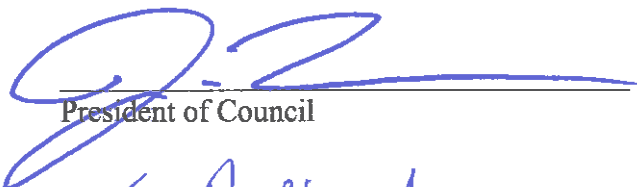
#### SECTION 7. EFFECTIVE DATE


This Ordinance shall become effective from and after its passage at the earliest period allowed by Law.

SECTION 8. PUBLIC MEETINGS

All formal actions of Council relating to the adoption of this Ordinance and all deliberations of Council and any of its committees leading to such action were held in meetings open to the public, as required by Law.

Passed: 10/31/19

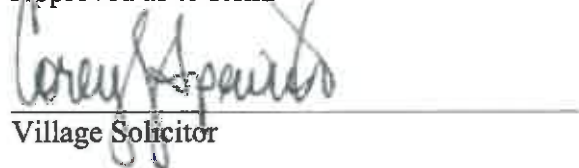
  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Village Fiscal Officer

Approved as to form:

  
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Village Solicitor