

ORDINANCE 08-7-24B

AN ORDINANCE IMPOSING RESTRICTIONS ON THE WEIGHT OF A VEHICLE AND REGULATING EXCESS LOADING STRESSORS CREATED BY CONSTRUCTION EQUIPMENT, HEAVY DUMP TRUCKS AND OTHER HEAVY VEHICLES ON THE STREETS AND ROADS UNDER THE JURISDICTION OF THE TOWN OF MANTUA, UTAH.

WHEREAS, Mantua Town acting through the Mantua Town Council constitutes a "Highway Authority" as defined in the Utah Transportation Code which is Title 72 of the Utah Code Annotated, 1953 as amended ("UCA" hereafter); and

WHEREAS, Section 72-7-408, UCA, provides that a Highway Authority may, by Ordinance, may impose restrictions on the weight of a vehicle upon any highway under Mantua Town's jurisdiction, if an engineering inspection concludes that a highway will be seriously damaged or destroyed unless vehicle weights are restricted; and

WHEREAS, Mantua Town requested that an inspection be made of its Town roads by CMT Engineering Laboratories, which inspection was completed and a written report issued on May 20, 2008; and

WHEREAS, the report recommended that heavy trucks not use Main Street in Mantua Town, inasmuch as said use will cause the further deterioration of the street that is already deteriorating at a faster rate; and

WHEREAS, the Town Council has reviewed said engineering inspection report and evaluated its results in connection with the Town Council's individual understandings of the current conditions of Main Street and all other streets under the jurisdiction of the Town; and

WHEREAS, the Town Council has determined, in consultation with CMT Engineering Laboratories, that construction equipment, heavy dump trucks and other heavy vehicles have caused, and will continue to cause damage to the streets and roads of the Town of Mantua given their current condition; and

WHEREAS, the Town Council has deemed it necessary to adopt this Ordinance in order to protect the streets and roads under the Town's jurisdiction, until the Town is able to repair and/or replace said local roads and restore the structural integrity and capability of the same.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF MANTUA TOWN, BOX ELDER COUNTY, STATE OF UTAH AS FOLLOWS:

1. Injury to Public Streets and other Improvements Prohibited: It is unlawful for any person to willfully or negligently cause or permit any injuries or damages to any street, sidewalk, ditch, curb, gutter, bridge, culvert or highway sign, or to willfully or negligently cause or permit any street, sidewalk or other property to be flooded with water by reason of improper construction or maintenance of a bridge or culvert.

2. Certain Vehicles Prohibited. It shall be unlawful for any person to drive or propel across any bridge or culvert or upon the streets or roads of the Town, any engine, machinery, vehicle or combination of vehicles, with a gross vehicle weight in excess of the weight limits outlined and permitted in this Ordinance.

3. Damage to Bridge, Culvert, Streets or Roads: Duty to Report. It shall be the duty of any person causing or permitting injury or damage to any street, sidewalk, ditch, curb, gutter, bridge, culvert, highway sign or other such property, to immediately report the injury or damage caused to the Public Works Director for the Town of Mantua; and to then repair said damage or injury as soon as possible, under the direction of said Public Works Director or to reimburse Mantua Town for the damages or injuries caused, as may be determined and assessed by the Public Works Director.

4. Vehicle Weight Limits. It shall be unlawful for any person to drive or operate, or cause to be driven or operated upon the bridges, streets and roads of Mantua Town, any engine, machinery, vehicle or combination of vehicles, with a gross vehicle weight in excess of twenty-four thousand (24,000) pounds.

5. Exemptions. Vehicles being used for agricultural use and purposes or for the delivery of merchandise, equipment, sand, gravel, cement and for other similar personal property, uses and purposes, on an occasional basis and for direct pick-up from and delivery to residents and/or real property located within Mantua Town, shall be exempted from the requirements of this Ordinance. Vehicle traffic associated with the Utah State Fish Hatchery is also exempted. No provision of this Ordinance shall be interpreted to allow for a gross vehicle weight in excess of the weight restrictions imposed by the Utah Transportation Code, under any circumstances.

6. Posting of Signs. The Public Works Director shall erect signs, citing the provisions or weight restrictions of this Ordinance at each end of the streets and roads of Mantua Town affected. The restrictions imposed by this Ordinance shall be effective only when the required signs are erected and maintained.

7. Penalty for Violation. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting a violation of the provisions of this Ordinance shall be guilty of a Class B misdemeanor, subject to fines and penalties as herein provided. Upon conviction, the violator shall be sentenced to pay a fine not exceeding One Thousand and no/100 Dollars (\$1,000.00) or by imprisonment in jail for a term not exceeding six (6) months. If the person violating this Ordinance is a corporation, association, partner or other governmental entity, then upon conviction, said corporation, association, partnership or other governmental organization

shall be subject to a fine not to exceed One Thousand and no/100 Dollars (\$1,000.00). Every violator shall be deemed guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed or continues.

8. Severability. Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, in whole or in part, the same shall not effect the validity of the Ordinance as a whole, or any other part thereof.

9. Effective Date: This Ordinance shall become effective immediately upon the posting of three (3) copies at three (3) public places within the corporate limits of Mantua Town.

PASSED AND ADOPTED: by the Town Council of Mantua, Box Elder County, Utah, this 24 day of July, 2008.

TOWN OF MANTUA

ATTEST:

Adriana Forsgren
Adriana Forsgren, Town Recorder

By Scott Butler
Scott Butler, Mayor

Posting Date: 7/24/08

THE UNITED STATES OF AMERICA
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20535

MEMORANDUM FOR THE DIRECTOR

DATE: 10/10/54

ATTORNEY GENERAL

10/10/54



Very truly yours,
Special Agent in Charge

10/10/54