

ORDINANCE NO. 2118

AN ORDINANCE ESTABLISHING A COMMERCIAL VEHICLE WEIGHT LIMIT ON CERTAIN CITY STREETS IN EUREKA SPRINGS, ARKANSAS

WHEREAS, the City Council has determined that certain streets are subject to increased maintenance and repair as a result of travel by vehicles of excessive weight.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THAT:

SECTION 1: The following streets shall be restricted to a weight not to exceed 20,000 lbs. at all times: Passion Play Road, Magnetic Springs Road, Pivot Rock Road, Dairy Hollow Road and Grand Avenue.

SECTION 2: The Director of Public Works shall be responsible for the posting of signs stating the weight limit in prominent locations at the beginning of Passion Play Road at its junction with U.S. Highway 62, Magnetic Springs Road at its junction with State Highway 23/Main Street, Pivot Rock Road at its junction with U.S. Highway 62 and Grand Avenue at its junction with Hillside Avenue.

SECTION 3: Nothing contained in this ordinance shall restrict the weight of tour buses traveling from U.S. Highway 62 to and from the Great Passion Play on Passion Play Road, vehicles operated by any department of the City, oil or gas delivery vehicles, postal or package delivery vehicles making local deliveries and pickups and school buses.

SECTION 4: The Director of Public Works may issue special "hardship" exemptions from the above weight limits for limited times and purposes upon written request. Any person or entity seeking such an exemption shall apply to the Director of Public Works in writing and a permit may be issued by the Director if, in his/her opinion: (1) no other route is reasonably available to the applicant and (2) it is a matter of economic necessity and not mere convenience that the applicant use the requested street. In issuing such permit, the Director may attach such conditions as he/she deems to be in the best interest of the public including but not limited to the establishment of bonding and restoration requirements.

SECTION 5: An applicant may appeal any decision of the Public Works Director with regard to a denial or the conditions of a "hardship" exemption to the City Council by filing a written notice of appeal with the City Clerk within Thirty (30) days of the Public Works Director's decision. Such appeal shall be heard at the Council's next regularly scheduled meeting. In considering any appeal, the City Council shall take into account the recommendation of the Public Works Director and the potential damages that might result from the granting of an exemption. The Council, upon hearing the appeal, may affirm, deny or modify the decision of the Director of Public Works.

SECTION 6: Any person who violates this ordinance shall be cited into the District Court of Eureka Springs and upon conviction subject to a fine of not less than one hundred dollars
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(\$100.00) plus applicable court costs for the first offense and not less than two hundred and fifty dollars (\$250.00) plus applicable court costs for any subsequent offense committed within three (3) years of the first offense.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of that conflict.

SECTION 8: Each of the provisions of this ordinance is severable and the decision of any court having jurisdiction as to the validity of any provision shall not affect the remaining provisions.

SECTION 9: This ordinance shall be in full effect thirty (30) days after its passage by the City Council of the City of Eureka Springs, Arkansas.

PASSED this 12th day of APRIL, 2010

APPROVED:

Dani D. Joy, Mayor

ATTEST:

Mary Jean Sell, City Clerk-Treasurer