

PROPOSAL 08/26/11

COMMONWEALTH OF KENTUCKY  
OHIO COUNTY FISCAL COURT

AN ORDINANCE RELATING TO REGULATING THE USE OF DESIGNATED  
COUNTY ROADS BY VEHICLES WEIGHING IN EXCESS OF THE MAXIMUM  
WEIGHT POSTED FOR SAID ROADS.

Be it ordained by the Ohio County Fiscal Court, commonwealth of Kentucky:

**Section 1 – Policy:**

The Ohio County Fiscal Court requires all parties repeatedly using county roads more than once per day and more than once per week with a truck in excess of road weight limits as determined by Kentucky Revised Statutes 189.210 shall file for an Excessive Weight Permit at the County Road Department. The Excessive Weight Permit shall apply for that calendar year in which it was issued.

**Section 2 – Purpose:**

The purpose of this ordinance is to identify and account for those who damage county roads by hauling excessive weight, and provide a means to communicate and negotiate repairs to roadways in a fair and equitable manner.

**Section 3 – Definitions:**

1. Road Foreman: Shall be the supervisor of the County Road Department.
2. Magistrate: Shall be the magistrate representing the district in the county in which the roads are used to haul material to or from the job markets.

**Section 4 – General Permitting Process:**

1. The job notification that identifies the road being used is to be filed prior to job activity to allow the County Road Foreman and/or the appropriate Magistrate the opportunity to contact or meet with representatives from

the hauling company to determine the best route to be used and the existing road conditions.

2. The Road Foreman, Magistrate, and Hauling Entity will monitor the road to accurately identify any road damage and need for repair.

#### Section 5 – Permit Requirements:

1. The Excessive Weight Permit shall include:
  - Name of person filing for permit
  - Name of company represented who will be using road
  - Address
  - Phone number
  - Cell phone number
  - DOT Number
2. The job notification may be accomplished by contacting the Road Department by telephone or in person and include the following:
  - Name and Date of Excessive Weight Permit
  - Address of job
  - Date hauling to begin
  - Approximate time to complete hauling activity
  - Route from job location to market destination
  - Date of completion
  - Date of final inspection
3. The Ohio Fiscal Court will notify the permitted hauling entities of conditions or situations where restricted hauling may apply (i.e. weather conditions).

#### Section 6 – Penalty:

1. First offense for failure to obtain an Excessive Weight Permit or job notification will be written warning.
2. Second offense for the failure to obtain an Excessive Weight Permit or job notification will be \$100.00.
3. Third offense for the failure to obtain an Excessive Weight Permit or job notification will be \$500.00.
4. Fourth and each subsequent offense of the failure to obtain an Excessive Weight Permit or job notification will be a \$500.00 fine and a suspension of six months for the issuance of any future permit or job notification.

Section 7 - Special Provision:

This ordinance was based on the assumption the Ohio County Fiscal Court will be able to negotiate with hauling entities to repair county roadways when damaged by hauling excessive weight.

This ordinance will be reviewed and re-evaluated at the end of one (1) year to determine if changes are needed to achieve the purpose and intent of the ordinance.