

ORDINANCE REGULATING THE WEIGHT OF TRUCKS
USING COUNTY ROADS AND ESTABLISHING A
PERMIT SYSTEM FOR OVERWEIGHT TRUCKS

WHEREAS, truck traffic in Montezuma County has increased substantially due to increased business, mining, and oil field activity, and

WHEREAS, County roads often offer the most direct route for truck traffic, and

WHEREAS, the Federal and State governments have increased maximum vehicle weights, and

WHEREAS, said increased weights, together with increased traffic, exceed design limitations of many County roads and the bridges thereon and are causing damage to same, and

WHEREAS, said road damage represents a significant impact upon the taxpayers of this County, and

WHEREAS, much of said truck traffic could reach its destinations by using state or Federal highways, which are designed to bear the same, and

WHEREAS, the Board of County Commissioners, while desiring to limit the weight of trucks upon County roads, recognizes the need for a permit system to allow overweight trucks to reach points accessible only by County roads, and

WHEREAS, Section 42-4-410, C.R.S., 1973, as amended, give the Board of County Commissioners the power to prohibit operation of trucks on designated highways or to impose limitations as to the weight thereof, and

WHEREAS, Section 42-4-411, C.R.S., 1973, as amended, makes any person or truck owner liable for damage to highways caused by the operation of said truck thereon,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MONTEZUMA:

Section 1. Citations: This Ordinance may be cited as the MONTEZUMA COUNTY TRUCK WEIGHT LIMITS ORDINANCE.

Section 2. Definitions: For the purpose of this Ordinance, certain terms and words are defined as follows:

- 2.1 Truck: Any motor vehicle bearing truck, gross ton mile, metro, special mobile equipment, apportioned, and/or transporter license plates, or the out-of-state equivalent thereof, including, but not limited to, trucks, truck tractors, and, when towed by a truck or truck tractor, trailers or semi-trailers, or any combination thereof, cranes, and drilling rigs. Motor vehicles licensed as farm trucks, farm truck tractors, or recreational trucks, or the out-of-state equivalent thereof, are not included within this definition.
- 2.2 Empty weight: The weight shown upon the motor vehicle registration card. If said motor vehicle registration card does not show the vehicle weight, "empty weight" shall be defined as the weight of the vehicle including all accessories, permanently mounted equipment, oil, fuel, and water, but excluding passengers and

payload.

- 2.3 Gross vehicle weight: Actual weight including payload.
- 2.4 Gross vehicle weight rating: Maximum allowable vehicle weight displayed pursuant to Public Utilities Commission permit.
- 2.5 County roads: All public highways in the unincorporated areas of Montezuma County as shown on the official map of the County primary and secondary road system, as prepared pursuant to Section 43-2-110, C.R.S., 1973, ^{as amended} County road numbers and letters used in any resolution adopted pursuant to this Ordinance shall refer to the numbers assigned by said map.

Section 3. Maximum Weights for County Roads to be Set by Resolution:

- 3.1 The Board of County Commissioners may set weight limits for any County road by resolution duly adopted. Such resolution may specify said weight limits by empty weight, gross vehicle weight, or gross vehicle weight rating and may specify different weight limits based upon number of axles or vehicle configuration.
- 3.2 Upon adoption of weight limits by resolution pursuant to this Ordinance, the Road and Bridge Department shall post the road(s) subject to such limits with traffic control devices in conformity with the state manual and specifications issued pursuant to §42-4-501, C.R.S., 1973, ^{as amended}.
- 3.3 The County Road Supervisor is hereby authorized to establish temporary weight limits and to order the posting of same in compliance with subsection 3.2 hereof. Such weight limits shall be in effect only until the next regular meeting of the Board of County Commissioners, at which time such weight limits shall be adopted by resolution pursuant to subsection 3.1 hereof or shall be rescinded.

Section 4. Unlawful to Operate Trucks Exceeding Weight Limits:

- 4.1 It shall be unlawful to operate any truck exceeding a weight limit adopted pursuant to this Ordinance over any County road subject to such weight limit, unless the owner or operator thereof shall have first obtained a permit for such overweight operation pursuant to Section 5 hereof.

Section 5. Permits for Operation of Trucks Exceeding Weight Limitations:

- 5.1 The owner or operator of a truck exceeding the weight limits adopted pursuant to Section 3 hereof may make application to the Road Supervisor or his designee for a permit to operate said truck upon a County road or roads. Said permits shall be of the following types:

Single Trip
Annual

- 5.2 Fees for permits shall be as follows:

5.2-1 Single trip: Trucks with gross vehicle weights in excess of the limits of §42-4-407, C.R.S.,

as amended
1973 shall be charged a permit fee of \$20.00 plus \$5.00 per ton of weight in excess of the limits set in §42-4-407, C.R.S. 1973, as amended.

- 5.2-2 Oil drilling rigs are considered unusual loads and are required to have a special transport permit. The fee shall be a one time charge of \$750.00 per drilling site for all units.
- 5.2-3 Annual: One Hundred Fifty dollars per vehicle. Annual permits shall be valid for an unlimited number of trips on the roads specified therein during the year for which issued.
- 5.2-4 Vehicles with a gross vehicle weight in excess of the limits set in §42-4-407, C.R.S., 1973, as amended, shall be eligible only for single trip permits.
- 5.3 Before issuing said permit, the County Road Supervisor or his designee shall review said permit application. If the Road Supervisor or his designee determines that there exists an alternate route over Federal, state or county highways or roads, or any combination thereof, which route is not subject to the weight limitations adopted pursuant to this Ordinance, or which would allow the truck to travel to its destination without violating the limits set pursuant to Section 3 hereof, the permit shall be denied, unless said alternate route is more than 100% longer than the route for which the permit is sought.
- 5.4 The Road Supervisor or his designee shall refuse to issue said permit if the road(s) for which the permit is sought have bridges or other structures with ratings less than that of the vehicle for which the permit is sought. The Road Supervisor or his designee may refuse to issue the permit if, in his judgment, such movement would cause a substantial traffic hazard or would destroy or substantially damage the road or any structures thereon.
- 5.5 Where vehicle weights are within 5,000 lbs. of posted load limits of bridges, the transport shall reduce speed to 10 miles per hour for bridge crossing.
- 5.6 Maximum speed limits for special permit transports shall be 35 miles per hour except where road conditions may require lower speed limits. Such limits are to be set by the Road Supervisor's office.
- 5.7 The permit shall be subject to such other restrictions as may, in the judgment of the Road Supervisor or his designee, be necessary for the preservation of the public safety and to avoid damage to County roads.
- 5.8 Any permit issued pursuant to this Section shall show the County roads, or portions thereof, and the time period for which it is valid. The permit shall also identify the owner and the truck with reasonable particularity.
- 5.9 Permits issued pursuant to this Section are valid only for owner and truck for which issued and are not transferable.
- 5.10 It shall be unlawful to operate a truck on roads for which a permit is required unless said permit is in

the possession of the operator thereof.

- 5.11 It shall be unlawful to operate a truck for which a permit has been issued pursuant to this Ordinance over roads not designated in said permit.
- 5.12 By applying for and receiving a permit pursuant to this Section, the owner of such truck understands that he is legally liable for road damage caused by operation of said truck and agrees to bear the cost of same.

Section 6. Exemptions: This Ordinance shall not apply to the following types of motor vehicles:

- 6.1 Trucks or truck tractor licensed as farm trucks.
- 6.2 Motor homes, pickup trucks carrying only a camper body, and other self-propelled recreational vehicles intended for human occupancy.
- 6.3 Camper trailers and trailer coaches.

Section 7. Violations and Penalties:

- 7.1 Violation of any provision of this Ordinance shall be punishable by a fine of not less than \$100.00 or more than \$300.00.
- 7.2 Whenever the driver of any truck in violation of a provision of this Ordinance is not the owner thereof but is operating such truck with the express or implied consent of the owner thereof, then said owner shall also be deemed to be in violation of this Ordinance.
- 7.3 A summons and complaint issued for any violation of this Ordinance shall contain a penalty assessment notice pursuant to Section 16-2-201, C.R.S., 1973, as the same may from time to time be amended, requiring the defendant to appear at the place, time and date specified or, in lieu thereof, to pay the specified fine in person or by mail at the place and within the time specified in the notice. Payment of the specified fine shall constitute acknowledgment of guilt of the offense charged.

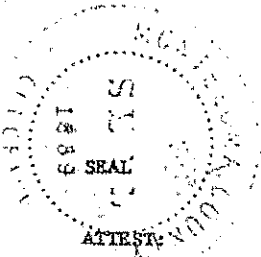
Section 8. Severability:

If any provision of this Ordinance shall be held void or unconstitutional by a Court of competent jurisdiction, such provision shall be deemed severable, and invalidity thereof shall not affect the remaining provisions of this Ordinance.

Section 9. Effective Date:

The Board of County Commissioners hereby finds that heavy truck traffic is causing damage to County roads on a daily basis. The Board of County Commissioners further finds that this Ordinance is necessary for the immediate preservation of the public health and safety and declares that this Ordinance shall take effect immediately upon its adoption.

Introduced for first reading at Cortez, Colorado this 14th day
of March, 1983.



Floyd M. Ray
Floyd M. Ray, Chairman
Board of Commissioners
Montezuma County, Colorado

ATTEST:

Mary Ann Sanders
Mary Ann Sanders,
Deputy Clerk to the Board