

CITY OF BONIFAY, FLORIDA
ORDINANCE NO. 365

AN ORDINANCE OF THE CITY OF BONIFAY, FLORIDA, CONCERNING LOAD LIMITS, REGULATING THE GROSS VEHICLE WEIGHT OF VEHICLES TRAVELING UPON THE RESIDENTIAL STREETS OF SAID CITY AND PROVIDING FOR A SPECIAL PERMIT, AND PENALTIES FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, due to the condition of many residential streets within the City of Bonifay, Florida, ("City"), which are constructed in a manner which does not permit vehicles of a gross weight of ten thousand (10,000) pounds or more from traveling upon such streets without damage to such streets;

WHEREAS, the Mayor and City Council desire to protect such streets from damage, to reduce unnecessary expenditure of public funds to repair and replace such streets due to damage from vehicles in excess of an appropriate weight for the condition of such streets, to promote safe travel and pedestrian use of such streets, and to promote the safety in residential neighborhoods; and,

WHEREAS, the Mayor and City Council find that passing this ordinance set forth below will (a) protect such streets from damage, (b) promote safe travel upon such streets, (c) reduce unnecessary expenditure of public funds to repair and replace such streets due to damage from vehicles with a gross vehicle weight of ten thousand (10,000) pounds or more; and promote safety in residential neighborhoods with the City.

THE CITY OF BONIFAY, FLORIDA DOES ORDAIN AS FOLLOWS:

SECTION 1. The following Ordinance be enacted concerning Load Limits:

Ordinance 365

LOAD LIMITS

Load Limits. It shall be unlawful for any person to operate or be in control of any vehicle (including any trailer pulled by such vehicle) with a gross vehicle weight ("GVW") of ten thousand (10,000) pounds or more to operate such vehicle on a residential street within the City if such street is posted to prohibit the driving of trucks upon such street. The provisions of this section shall not apply to (a) emergency vehicles, such as fire trucks and ambulances, (b) school buses, (c) utility vehicles such as snowplows, city street construction or maintenance equipment, (d) essential public services, such as garbage trucks, and (e) vehicles delivering personal property to real property in a neighborhood adjacent to a residential street.

Definitions.

1. "Gross Vehicle weight" (GVW) means the weight of the vehicle, including any trailer or combination of vehicles attached thereto, without load plus the weight of the load.
2. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway or street, excepting devices used exclusively upon stationary rails or tracks.
3. "Residential street" means any street within the General Residential Zoning District or the Transitional Zoning District within the City.

Special Permits For Overweight Vehicles.

A. Upon application in writing to the City Council of the City, the City Council may, in its discretion, issue a special permit to the owner or operator of any vehicle allowing the vehicle or loads having a greater weight than permitted by this ordinance to be moved or carried over and on the streets and bridges of the City. Such special permits shall be in writing and may limit the time of use, operation to a particular street and/or bridge which may be traversed and/or may contain any special conditions and may require an undertaking or other security as the City Council shall deem necessary to protect the streets and bridges from injury or to provide indemnity for any injury to the streets and/or bridges or to persons or property resulting from such operation. The owner or operator of an overweight vehicle shall obtain such special permit before moving the vehicle on the streets of the City. All special permits shall be carried in the vehicles to which they refer and shall upon demand be delivered for inspection to any peace officer, authorized agent of the City or any officer or employee of the City or the State of Florida charged with the care or protection of the street or highways.

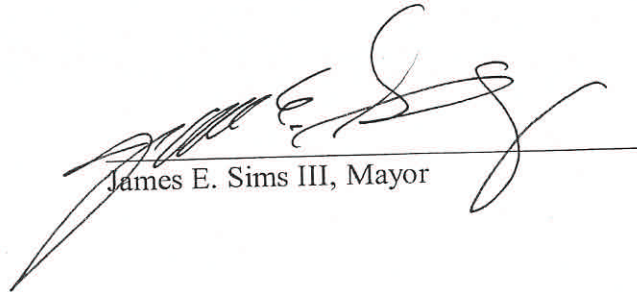
Penalties. Adoption by reference of Florida Uniform Disposition of Traffic Infractions Act. There is hereby adopted by reference the Florida Uniform Disposition of Traffic Infractions Act, being F.S. Ch. 318, as amended, which act shall be in full force and effect in the city as if fully set forth herein, and shall be considered as part of this title.

SECTION 2. Savings Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstance shall ever be held invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof, which shall continue in full force and effect and be applicable to all circumstances to which they may validly apply

SECTION 3. Repealer Clause. All ordinances or parts thereof in conflict herewith are hereby repealed.

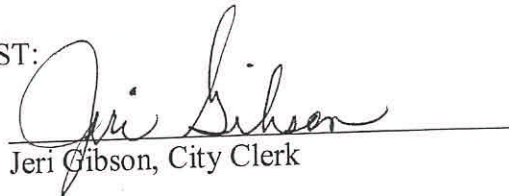
SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and posting in accordance with the Bonifay City Charter or publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Bonifay,
Florida this 9th day of November 2009.



James E. Sims III, Mayor

ATTEST:



Jeri Gibson, City Clerk