

VILLAGE OF OBETZ
RECORD OF ORDINANCES



ORDINANCE: 09 – 18

PASSED: February 26, 2018

AN ORDINANCE TO AMEND THE TRAFFIC CODE RELATIVE TO PERMITTING REQUIREMENTS FOR OVERSIZED AND OVERWEIGHT LOADS ON LOCAL STREETS AND DECLARING AN EMERGENCY

WHEREAS, Section 4534 of the Ohio Revised Code authorize local authorities with respect to highways under their jurisdiction, to issue special permits for the operation of vehicles or combinations of vehicles of a size or weight of a vehicle or load exceeding the maximum specified in Chapter 5577 of the Ohio Revised Code; and

WHEREAS, movement of all vehicles and loads through Village of Obetz, Ohio highways that exceed the maximum allowable width, height, and/or length as described in Chapter 5577 of the Ohio Revised Code would not be permitted without the establishment of a local Special Hauling Permit; and

WHEREAS, Council has determined it is in the best interest of the Village to allow such vehicles to use Village of Obetz, Ohio highways for the movement of commerce so long as they operate in a safe and healthy manner; and

WHEREAS, in order to protect the health, welfare and safety of its residents and guests, the Village hereby creates requirements for the issuance of Special Hauling Permits.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OBETZ, OHIO, THAT:

SECTION 1. Existing Sections 339.01, 339.02, and 339.03 of the Codified Ordinances are hereby repealed.

SECTION 2. Sections 339.01, 339.02, and 339.03 of the Codified Ordinances shall hereby be enacted to read as follows:

339.01 OVERSIZE OR OVERWEIGHT VEHICLE OPERATION ON STATE ROUTES; STATE PERMIT.

- (a) (1) The Village or its designee, with respect to highways under its jurisdiction, upon application in writing and for good cause shown, may issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in Ohio R.C. 5577.01 through 5577.09, or otherwise not in conformity with Ohio R.C. 4513.01 through 4513.37, or exceeding the size or weight specified in Section 339.03 of the Codified Ordinances, upon any highway under its jurisdiction.

(2) Notwithstanding Ohio R.C. 715.22 and 723.01, and Section 339.02 of the Codified Ordinances, the holder of a special permit issued by the Director of Transportation under Ohio R.C. 4513.34 may move the vehicle or combination of vehicles described in the special permit on any highway that is a part of the State highway system when the movement is partly within and partly without the corporate limits of the Village. Permits may be issued for any period of time not to exceed one year, as the local authority in its discretion determines advisable or for the duration of any public construction project.

(3) The application for a Village permit shall be in the form that the Village prescribes.

(4) The Village may issue or withhold a permit. If a permit is to be issued, the Village may limit or prescribe conditions of operation for the vehicle and may require the posting of a bond or other security conditioned upon the sufficiency of the permit fee to compensate for damage caused to the roadway or a street or highway structure. In addition, the Village, as a condition of issuance of an overweight permit, may require the applicant to develop and enter into a mutual agreement with the Village to compensate for or to repair excess damage caused to the roadway by travel under the permit.

(5) Every permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit. No person shall violate any of the terms of a permit.

- (b) Whoever violates division (a) of this section is guilty of a minor misdemeanor.
- (c) For purposes of this Chapter, references to "Village Administrator" include the Village Administrator and designees thereof.

339.02 USE OF LOCAL STREETS; LOCAL PERMIT AND CONDITIONS.

- (a) Use of Local Streets. No person shall operate a vehicle exceeding a height, width, length, or weight as specified in Section 339.03, or Sections 5577.01 through 5577.09 of the Ohio Revised Code upon any Village-maintained street without a Special Hauling Permit granted by the Village.
- (b) Local Permit and Conditions. Upon application and for good cause, the Village Administrator may issue a local permit authorizing an applicant to move an oversize or overweight vehicle or combination of vehicles upon local streets. This permit may be referenced as a "Special Hauling Permit."

(1) Special Hauling Permits cover only Village-maintained streets or highways. No permittee shall be required to obtain a special permit from the Ohio Director of Transportation for the movement of the vehicle or combination of vehicles on streets or highways under local jurisdiction; however, the approval of the Ohio Director of Transportation shall be required for movement upon State routes as provided in Section 339.01. The Village assumes no responsibility for the failure of the applicant to secure permits required by the State or any other governing authority.

(2) The Village Administrator may grant a permit for a single or round trip, or for such period of time, not to exceed one year, as the Village Administrator in his discretion deems advisable, or for the duration of any construction project. The Village Administrator may limit or prescribe terms or conditions of operation for such vehicle or combination of vehicles by designating the route, hours, speed or such other restrictions as may be necessary for the preservation of the public peace, property, health and safety. The Village Administrator may require the posting of bond or other security necessary to compensate for any damage to a roadway or road structure.

(3) The Village Administrator shall be responsible for administering the issuance of Special Hauling Permits. All applications for a Special Hauling Permit are subject to the following terms and conditions:

(A) The granting of a Special Hauling Permit shall not be construed as a guarantee or representation by the Village that the load described can be moved without damage to the pavement or structures in or adjacent to the right-of-way.

(B) The permittee will be liable for any damage caused by the movement. The Village assumes no responsibility or liability for damage to the permittee's equipment or the load being moved. The permittee agrees to compensate the Village for any damage to a Village-maintained roadway or road structure and to indemnify, hold harmless, and defend the Village, its employees, agents, and officials against all liabilities, losses, obligations, claims, damages, penalties, suits, actions, judgments, costs and expenses of any nature incurred or brought against the Village, its employees, agents, and officials as a result of injury or death of persons or damages to or loss of property caused by acts or omissions by permittee, its agents, servants, and employees in the performance of movements under the Special Hauling Permit.

(C) If the insurance policy or policies filed in conjunction with the Special Hauling Permit application lapses and is not timely renewed, resulting in a lapse of coverage, the Special Hauling Permit shall no longer be valid.

- (D) The Special Hauling Permit shall be in the driver's possession at all times during the movement and shall be shown on demand to any police officer, state highway patrol trooper, sheriff, deputy sheriff, Ohio Department of Transportation employee, or employee of the Village.
- (E) Movements under the Special Hauling Permit are limited to the route specified between the designated points within the time allotted.
- (F) Movements under the Special Hauling permit shall be made not to impede normal highway traffic beyond the least extent possible. All movements shall be made at such speeds and in such a manner as to cause a minimum of interference with other traffic and minimum impact stress on structures and pavements.
- (G) No vehicle or object moving under the Special Hauling Permit shall be parked in the roadway, either day or night, except in case of emergency. In the case of emergency, the permittee shall deploy flares, signs, and other measures to protect the traveling public.
- (H) No vehicle or object moved under the Special Hauling Permit shall be loaded or unloaded in the right-of-way.
- (I) Permittees must comply with all laws, rules, and regulations covering movement of traffic over highways and streets, and operation of vehicles.
- (J) Reductions in legal weights posted on roadways and bridges, if any, must be obeyed unless specifically stated otherwise in the Special Hauling Permit.
- (K) No vehicles or objects being transported under a Special Hauling Permit shall travel in convoy with any other oversized and/or overweight vehicle, or vehicle load. Every vehicle operating under a Special Hauling Permit shall maintain a minimum spacing of 500 feet from all vehicles traveling in front and in the same lane as said vehicle, whenever possible.
- (L) Every vehicle operating under a Special Hauling Permit shall, when traveling on freeways, expressways or multi-lane undivided highways, remain in the extreme right-hand lane of said highway except as necessary to maintain continuous through movement, to make left turns or exits on its approved route, or to pass other vehicles. Over-width vehicles shall not pass other vehicles traveling in the same direction. Nothing in these limitations on the use of Special Hauling Permits shall permit what state law forbids.
- (M) Permits will not generally be issued for built-up loads that are divisible into

legal loads, or into loads of the least over dimension or the least overweight. If, in the event of an extenuating circumstance, a permit is issued for a divisible load, such load must be adequately described. Milk transported in bulk by vehicle is deemed to a nondivisible load to the extent so deemed by State law or rule.

(N) Loads of extremely large dimensions shall require additional protective measures when necessary for the safeguarding of other traffic. Due regard shall be taken of traffic in both directions and every possible effort shall be made to prevent traffic congestion. One or more flagmen, or a pilot car, may be required.

(O) A permit is void at any time road, weather, or traffic conditions make travel unsafe.

(4) Signs shall be posted indicating "no thru trucks" or words of similar import to apprise drivers of the limitations imposed by this Chapter. No driver shall disobey the instructions indicated on any such sign.

(5) Violation of any of the limitations, terms or conditions of the permit granted by the Village Administrator shall be cause for immediate revocation or suspension of such permit, and denial of request for any future permit. Such violation shall also subject the violator to the penalty prescribed by Section 303.99.

(c) The Village Administrator shall be responsible for calculating and collecting the permit fee. The permit fee shall be in an amount sufficient to reimburse the Village for the administrative costs incurred in issuing the permit, including but not limited to the per-hour cost of police traffic supervision, and to cover the cost of normal and expected damage caused to the roadway or a street or highway structure as the result of the operation of the nonconforming vehicle or vehicles. The fee to cover the cost of normal and expected damage caused to the roadway or a street or highway structure may be calculated on a per-mile basis. The fee shall be noted on the Special Hauling Permit Application. The Village Administrator shall recalculate the fee amounts from time to time to ensure that they remain sufficient to reimburse the Village's costs.

339.03 MAXIMUM WIDTH, HEIGHT AND LENGTH.

(a) Except as provided in Sections 339.01 and 339.02, no vehicle shall be operated upon the public highways, streets, bridges, and culverts within this Village if the vehicle's dimensions exceed those specified in this section.

(b) No such vehicle shall have a width in excess of:

(1) 104 inches for passenger bus type vehicles operated exclusively within the

Village.

(2) 102 inches, excluding such safety devices as are required by law, for passenger bus type vehicles operated over freeways, and such other State roads with minimum pavement widths of 22 feet, except those roads or portions of roads over which operation of 102-inch buses is prohibited by order of the Director of Transportation.

(3) 132 inches for traction engines.

(4) 102 inches for recreational vehicles, excluding safety devices and retracted awnings and other appurtenances of six inches or less in width and except that the Director may prohibit the operation of 102-inch recreational vehicles on designated State highways or portions of highways.

(5) 102 inches, including load, for all other vehicles, except that the Director may prohibit the operation of 102-inch vehicles on the State highways or portions of State highways as the Director designates.

(c) No such vehicle shall have a length in excess of:

(1) 66 feet for passenger bus type vehicles and articulated passenger bus type vehicles operated by a regional transit authority pursuant to Ohio R.C. 306.30 to 306.54.

(2) 45 feet for all other passenger bus type vehicles.

(3) 53 feet for any semitrailer when operated in a commercial tractor-semitrailer combination, with or without load, except that the Director may prohibit the operation of any such commercial tractor-semitrailer combination on such State highways or portions of State highways as the Director designates.

(4) 28.5 feet for any semitrailer or trailer when operated in a commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination, except that the Director may prohibit the operation of any such commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination on such State highways or portions of State highways thereof as the Director designates.

(5) (A) 97 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations when operated on any interstate, United States route or state route, including reasonable access travel on all other roadways for a distance not to exceed one road mile from any interstate, United States

route or state route, not to exceed three saddlemounted vehicles, but which may include one fullmount;

(B). 75 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations when operated on any roadway not designated as an interstate, United States route or state route, not to exceed three saddlemounted vehicles, but which may include one fullmount.

(6) 65 feet for any other combination of vehicles coupled together, with or without load, except as provided in division (c)(3) and (4), and in division (e) below.

(7) 45 feet for recreational vehicles.

(8) 40 feet for all other vehicles, except trailers and semitrailers, with or without load.

(d) No such vehicle shall have a height in excess of 13.5 feet, with or without load.

(e) An automobile transporter or boat transporter shall be allowed a length of 65 feet, and a stinger-steered automobile transporter or stinger-steered boat transporter shall be allowed a length of 75 feet, except that the load thereon may extend no more than four feet beyond the rear of such vehicles and may extend no more than three feet beyond the front of such vehicles, and except further that the Director may prohibit the operation of a stinger-steered automobile transporter, stinger-steered boat transporter, or a B-train assembly on any State highway or portion of any state highway that the Director designates.

(f) (1) The widths prescribed in division (b) of this section shall not include side mirrors, turn signal lamps, marker lamps, handholds for cab entry and egress, flexible fender extensions, mud flaps, splash and spray suppressant devices, and load-induced tire bulge.

(2) The widths prescribed in division (b)(5) of this section shall not include automatic covering devices, tarp and tarp hardware, and tiedown assemblies, provided these safety devices do not extend more than three inches from either side of the vehicle.

(3) The lengths prescribed in divisions (c)(2) to (c)(7) shall not include safety devices, bumpers attached to the front or rear of such bus or combination, non-property carrying devices or components that do not extend more than 24 inches beyond the rear of the vehicle and are needed for loading or unloading, B-train assembly used between the first and second semitrailer of a commercial tractor-semitrailer-semitrailer combination, energy conservation devices as provided in

any regulations adopted by the Secretary of the United States Department of Transportation, or any noncargo-carrying refrigerator equipment attached to the front of trailers and semitrailers. In special cases, vehicles that dimensions exceed those prescribed by this section may operate in accordance with rules adopted by the Director.

- (g) (1) This section does not apply to fire engines, fire trucks, or other vehicles or apparatus belonging to the Village or Township or to the volunteer fire department thereof or used by such department in the discharge of its functions. This section does not apply to vehicles and pole trailers used in the transportation of wooden and metal poles, nor to the transportation of pipes or well-drilling equipment, nor to farm machinery and equipment. The owner or operator of any vehicle, machinery, or equipment not specifically enumerated in this section but the dimensions of which exceed the dimensions provided by this section, when operating the same on the highways and streets of the Village or Township, shall comply with the rules of the Director governing such movement. Any person adversely affected shall have the same right of appeal as provided in Ohio R.C. Chapter 119.

(2) This section does not require the Village or any railroad or other private corporation to provide sufficient vertical clearance to permit the operation of such vehicle, or to make any changes in or about existing structures now crossing streets, roads, and other public thoroughfares.

- (h) As used in this section, "recreational vehicle" has the same meaning as in Ohio R.C. 4501.01.
- (i) No person shall violate any rule or regulation promulgated by the Director of Transportation in accordance with Ohio R.C. 5577.05.
- (j) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, such person is guilty of a misdemeanor of the fourth degree.

Section 3. This Council hereby authorizes the Village Administrator to enter into a corporative agreement and/or designate Franklin County to assist in the administration and/or enforcement of these provisions.

Section 4. This Council hereby adopts by reference the Special Hauling Permit Manual, date 10-17-17 by the Franklin County Engineer, to assist in the administration and/or enforcement of these provisions.

Section 5. This Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public health, safety and welfare, such emergency arising from the need to

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allow such vehicles to use Village of Obetz, Ohio highways for the movement of commerce so long as they operate in a safe and healthy manner; WHEREFORE, this Ordinance shall take effect and be in force from and after its passage.

Passed this 26 day of February, 2018.

ATTESTS:

Stacey Boumis
Stacey Boumis, Clerk of Council

D. Greg Scott
D. Greg Scott, Mayor

Michael R. Flaherty
Michael Flaherty, Council Pres. Pro-Tem

APPROVED AS TO FORM

[Signature]
Stephen J. Smith, Esq., Law Director

CERTIFICATION OF PUBLICATION

Pursuant to the Village Charter, I, Stacey E. Boumis, Clerk of Council of the Village of Obetz, Ohio, do hereby certify that Ordinance 09-18 was duly posted at 1:00 PM (time) on the 27 day of February, 2018, at the Obetz Government Center, Obetz Community Center, and Obetz Athletic Club as well as on the Obetz website.



Stacey Boumis
Stacey Boumis, Clerk

2/27/18
Date