

**COMMONWEALTH OF KENTUCKY
COUNTY OF PENDLETON
PENDLETON COUNTY FISCAL COURT**

ORDINANCE: 520.0

AN ORDINANCE CURTAILING AND/OR ELIMINATING PREMATURE DESTRUCTION OF COUNTY ROADS DUE TO DEPOSITS OF DEBRIS, OVERWEIGHT VEHICLES (INCLUDING TRUCKS), USE OF TRACK EQUIPMENT ON COUNTY ROADS AND ANY AND ALL ACTIVITIES CONDUCTED ON COUNTY ROADS THAT CAUSE PREMATURE DESTRUCTION OF COUNTY MAINTAINED ROADS.

WHEREAS, the Pendleton County Fiscal Court is duly obligated to construct and maintain any and all roads that are currently or that may, in the future, be adopted into the County Road Maintenance System, and

WHEREAS, funds for such construction and maintenance of the aforementioned roads are limited, and

WHEREAS, in order to construct and maintain roads in the County Road Maintenance System, the Pendleton County Fiscal Court must do everything within its means to reduce any premature road damage caused by deposits of any debris, overweight trucks, use of track equipment and/or any other activity that causes premature damage to county roads.

NOW THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF PENDLETON, COMMONWEALTH OF KENTUCKY

SECTION ONE

Definition

1. Vehicle- every device in, upon or by which any person or property is or may be transported or drawn upon a County Maintained Road, excepting devices moved by human and animal power or used exclusively upon stationary rails or tracks. The term "vehicle" shall also include every self-propelled vehicle which is designed for use upon a highway or County Maintained Road or which may be driven over a highway or County Maintained Road, including, but not limited to; road rollers; road graders; earth moving pans; vehicles on which a power shovel are mounted; construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highway or etc..
2. County Maintained Road- Any road that has been officially adopted into the County Road Maintenance System and in which Rural and Municipal Aid Funds are used to repair and maintain such roads.
3. Premature- Occurring or created before the customary, correct, or assigned time.

SECTION 2

Weight Limit

No vehicle over 30,000 pounds gross vehicle weight (GVW) shall travel or traverse any county maintained road unless said vehicle is making a pickup or delivery to a property address on said road. All vehicles, operating lawfully or unlawfully, including those making a pickup or delivery, are subject to the provisions of this Ordinance and shall not deposit debris or cause premature destruction on or of County Maintained Roads as set out herein below.

SECTION 3

Debris

No vehicle shall be allowed to deposit, spread or convey any type of debris on a County Maintained Road where such material creates a hazardous condition for the driving public as determined by the county road supervisor or by any law enforcement officer having jurisdiction.

SECTION 4

Premature Destruction

No vehicle due to size, weight or contact with a County Maintained Road surface is permitted to create premature destruction or wear to any county maintained road. Anyone that is using any type of vehicle that has the potential of creating premature road destruction shall video tape, photograph or provide a witness (not associated with) in order prove that any road destruction was not a result of his or her use of a vehicle.

SECTION 5

Severable

The provisions of this ordinance are severable. If any sentence, clause or section or part of this ordinance or the application thereof to any particular case is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or part of this ordinance, it being the legislative intent of this body to ordain and enact such provision, section, paragraph, sentence, and part hereof separately and independently of such other provision.

SECTION 6

Violations

Any person, organization or business who violates any part of this Ordinance shall be fined not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars, or be sentenced to no more than Ninety (90) days in jail, or both fines and incarceration; each separate violation or each day that a violation exists shall be separate offense.

SECTION 7

Compensation

In addition to any fines or other penalty levied, any person, organization or business that violates any part of this Ordinance and such violation results in the Premature Destruction of a County Maintained Road, shall be fully and completely responsible for the repairs and/or reconstruction of any such damaged road. Such repairs and/or reconstruction shall meet the approval of the Pendleton County Fiscal court.

This ordinance shall become effective upon passage and publication.

GIVEN FIRST READING AND ORDERED PUBLISHED BY THE PENDLETON COUNTY FISCAL COURT ON THIS THE 14 DAY OF August 2007.

APPROVED BY THE PENDLETON COUNTY FISCAL COURT AND ORDERED RECORDED ON THIS 28 DAY OF August 2007.

ATTEST:

Rita Spencer
RITA SPENCER
Pendleton County Clerk

Henry W. Bertram
Henry W. Bertram
Pendleton County Judge/Executive

First reading: August 14, 2007

Second reading: August 28, 2007

Passage: August 28, 2007

Publication: September 4, 2007

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HS.