

ORDINANCE NO. 8749

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS
CONCERNING THE WEIGHT LIMITATIONS FOR CERTAIN TRUCKS
AMENDING SECTION 17-902 OF THE CODE OF THE CITY OF
LAWRENCE, KANSAS, 2011 EDITION AND AMENDMENTS
THERETO.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

Section 1. Chapter 17, Article 9, Section 17-902 of the Code of the City of Lawrence, Kansas, 2011 Edition and amendments thereto, is hereby amended to read as follows:

17-902 VIOLATION OF SIZE AND WEIGHT LAWS; EXCEPTIONS.

- (A) It shall be unlawful for any person to drive or move or for the owner or lessee to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles of a size or weight exceeding the limitations stated in this article, or to otherwise fail to comply with this article. (Ord.7990)
- (B) Any person violating any of the provisions of this article, except for the provisions of Sections 17-907 of this article, and amendments thereto, and 17-908 of this article, and amendments thereto, shall be fined in an amount not to exceed \$500. (Ord.7990)
- (C) Any person convicted of violating any of the provisions of Sections 17-907 of this article, and amendments thereto, and 17-908 of this article, and amendments thereto, shall be fined pursuant to the following schedule: (Ord.7990)

Pounds Overweight	
up to 1000	\$ 25
1001 to 2000	\$0.03 per pound overweight
2001 to 5000	\$0.05 per pound overweight
5001 to 7500	\$0.07 per pound overweight
7501 or more	\$0.10 per pound overweight

For a second violation of Section 17-907 or 17-908 of this article, and amendments thereto, within two years after a prior conviction, such person, upon conviction shall be fined 1 1/2 times the above scheduled amount. For a third violation of Section 17-907 or 17-908 of this article, and amendments thereto, within two years, such person, shall be fined two times the above scheduled amount. For a fourth or succeeding violation of Section 17-907 or 17-908 of this article, and amendments thereto, within two years, such person shall be fined 2 1/2 times the above scheduled amount.

- (D) Except as otherwise specified in this article, the provisions of this article shall not apply to fire apparatus, road machinery, farm tractors or to implements of husbandry temporarily moved upon a highway, or to a vehicle operated under the terms of a currently valid special permit issued in accordance with K.S.A. 8-1911 and amendments thereto. (Ord.7990)

- (E) Except on highways designated as part of the national system of interstate defense highways, the gross weight limitation prescribed by this article on any axle or tandem, triple or quad axles shall not apply to: (1) Trucks specifically designed and equipped and used exclusively for garbage, refuse or solid waste disposal operations when loaded with garbage, refuse or waste; or (2) trucks mounted with a fertilizer spreader used or manufactured principally to spread animal dung, except that this paragraph (2) shall not apply to truck tractors so equipped. Except that such trucks under this subsection shall not exceed ~~the maximum gross weight limitations contained in the table in Section 17-908 of this article, and amendments thereto. (Ord.7990)~~ 60,000 pounds for three axles or 40,000 pounds for two axles, regardless of width spacing between axles.
- (F) As used in this section, "conviction" means a final conviction without regard to whether sentence was suspended or probation granted after such conviction, and a forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, is equivalent to a conviction. (Ord.7990)

Section 2. Repeal. Chapter 17, Article 9, Section 17-902(E) of the Code of the City of Lawrence, Kansas, 2011 Edition and amendments thereto is hereby repealed, it being the intent to replace said section with the contents herein.

Section 3. Severability. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

Section 4. Effective Date. This ordinance shall take effect and be in force upon its passage and publication once in the official city paper as provided by law.

ADOPTED by the Governing Body this _____ day of June, 2012.

PASSED:

Robert J. Schumm, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

APPROVED AS TO LEGAL FORM:

Toni R. Wheeler
City Attorney