

ORDINANCE NO. 2026-_____

AN ORDINANCE TO AUTHORIZE THE COUNTY OF CRAIGHEAD, ARKANSAS, TO ESTABLISH WEIGHT LIMITS AND PERMITTING ON COUNTY ROAD 780, SETTING FORTH PROVISIONS, PROCEDURES, AND PENALTIES THERIN, AND FOR OTHER PURPOSES.

WHEREAS, The County of Craighead has reviewed the needs of roads and their maintenance within Craighead County, State of Arkansas, and

WHEREAS, Craighead County and private partnerships have created a significant investment in County Road 780 and it is incumbent upon the County to protect that investment against waste, deterioration, and destruction, and

WHEREAS, it has been determined that the County may select and classify County Road 780 for imposing weight limits to accomplish a legitimate and reasonable classification and to accomplish legitimate state objective due to costs of patching incurred in the repaving of County Road 780, and

WHEREAS, the County of Craighead has determined that County Road 780, being an asphalt, paved road is ever increasing receiving heavy loads due to an adjacent gravel pit; and

WHEREAS, carriers do have other avenues of ingress and egress for the particular gravel pit; and

WHEREAS, this ordinance services a legitimate public interest because other gravel pits located in Craighead County are not accessible and adjacent to paved county roads as are County Road 780, and

WHEREAS, the County of Craighead has reviewed pertinent sections of County Road 780 and determined that certain sections would be applicable to regulations under Arkansas Code Annotated Section 27-66-501 governing the protection of road surfaces, and allowing for criminal and civil penalties for violations of load limits, Ark. Op. Att. Gen. Op. No. 94-066, and

WHEREAS, the County Judge by and through his jurisdiction over county roads shall not be limited as to the maintenance and construction of public roadways and bridges throughout the unincorporated areas of the county pursuant to wide discretion of A.C.A. 14-14-1101, and

WHEREAS, Craighead County has determined that imposing a weight limit restriction is the least restrictive means of providing safety and financial resources for the citizens of Craighead County and to further its objective of not unduly burdening its taxpayers and committing waste with regards to the taxpayer's investment in the County Road system, and

WHEREAS, Craighead County has authority to set policy regarding County roads and to enforce all laws associated with the unlawful operations of motor vehicles as they relate to the Craighead County road system, which shall include but not be limited to the authority to weigh vehicles and require removal of excess roads pursuant to Arkansas Code Annotated Section 27-35-101, Sections 27-66-501, et. seq., Amendment 55, Section 3 of the Arkansas Const., and for all other lawful purposes not inconsistent with Arkansas Law, and

WHEREAS, the County Judge shall impose a restriction on any usage, without posting a bond, of the entirety of County Road 780 for any travel with a weight limit of fifteen (15) tons, noting most all unloaded trucks would weigh less than 15 tons, and shall post such by appropriate signage in the designated area beginning at State Highway 351 and extending the distance of County Road 780, ending at State Highway 141, and

WHEREAS, any usage otherwise shall have posted a bond and permit, and

WHEREAS, the local law enforcement will provide and have the capabilities and education and training to allow for the assessment of proper weights and shall provide citations for violations herein; and

THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF CRAIGHEAD COUNTY, ARKANSAS, AS FOLLOWS:

SECTION 1. It is determined by the Quorum Court of Craighead County, in accordance with Arkansas Code Annotated Section 27-35-103, the County Judge shall erect signage on County Road 780, beginning at State Highway 351 and extending the distance of County Road 780, ending at State Highway 141, and have signs designated NO THRU TRUCKS with a weight limit in excess of fifteen (15) tons.

SECTION 2. Any trucks being utilized that are in excess of the weight limits set forth shall have the ability to post a bond with the County in an amount set forth based upon the weighted average unit price as established by the Arkansas Highway Department cost criterial, as updated from time to time. The county shall utilize field inspection criteria consistent Arkansas Highway Department field inspection criteria.

SECTION 3. Penalties: Any person, business, manufacturer, refiner, retailer, wholesaler, or transporter in the private sector who is found guilty or pleads guilty or *nolo contendere* to or is found guilty of violating and provision(s) of this ordinance shall be guilty of a misdemeanor and be fined not less that \$100.00 and \$100.00 court costs for the first violation per day of violation. Each subsequent conviction or please shall be increased by \$100.00 for each offense.

SECTION 4. Civil Liability for Damaging Roads: Any person, business, manufacturer, refiner, retailer, wholesaler, or transporter in the private sector driving any vehicle, object, or

contrivance upon any County road, highway, or structure therein shall be civilly liable to the County for all damage which the highway or structure may sustain as a result of any careless, negligent, or illegal operation, driving, or moving of that vehicle, object, or contrivance, or as a result of operation, driving, or moving of any vehicle, object, or contrivance of excessive weight as set forth in this Ordinance. The cost criteria shall be based upon the Arkansas Highway Department cost criteria.

SECTION 5. All funds collected under the authority of this Ordinance whether from fines or payment of damages, or any one source funds created hereunder, are hereby appropriated to the Craighead County Road Funds for use in repairing and maintaining County roads and bridges.

SECTION 6. Severability: If any provisions of this ordinance are held invalid, such invalidity shall not affect the remaining provisions of the ordinance which remains effective, absent the invalid provision, and to this end, the provisions of this ordinance are declared to be severable.

PASSED AND APPROVED on this _____ day of _____, 2026.

APPROVED:

Marvin Day, County Judge

ATTEST:

MaryDawn Marshall, County Clerk

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