

**Village of Mantua, Ohio**  
**ORDINANCE 2011-11**

AN ORDINANCE AMENDING SECTION 339.02 OF THE CODIFIED ORDINANCES OF  
THE VILLAGE OF MANTUA, MODIFYING THE WEIGHT LIMITS FOR VEHICLES  
USING VILLAGE STREETS, AND DECLARING AN EMERGENCY.

**WHEREAS**, the existing version of section 339.02 of the Village of Mantua Codified Ordinances prohibits vehicles exceeding a gross weight of five tons upon any street in the Village other than a State route; and

**WHEREAS**, it is deemed to be in the best interests of the Village of Mantua that those limits be expanded to match the limits set forth in Ohio Revised Code Sections 5577.01 through 5577.09.

**NOW THEREFORE**, be it Ordained by the Council of the Village of Mantua, Portage County, Ohio, a majority or more of the members elected thereto concurring that:

**SECTION 1:** Existing Section 339.02 of the Village of Mantua Codified Ordinances is hereby repealed.

**SECTION 2:** Section 339.02 of the Village of Mantua Codified Ordinances as set forth in Exhibit "A", attached hereto and incorporated herein by reference, is hereby enacted.

**SECTION 3:** All other provisions of the Village of Mantua Codified Ordinances shall remain in full force and effect.

**SECTION 4:** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 5:** This Ordinance is hereby declared an emergency measure due to the fact that businesses within the municipality have already suffered economic loss because of the potential enforcement of the previous version of Codified Ordinance section 339.02, and this Council wishes to immediately prevent further economic loss to local businesses, and further that Companies headquartered within the Village, who would likely have been subject to enforcement of the previous version of 339.02, have threatened to remove their centers of operation from the Village, which would result in significant economic loss to the Village, and further that this Council wishes to express its intent at the earliest possible date that these businesses shall not be subject to prosecution under the previous version of Codified Ordinances section 339.02, and shall take immediate effect and be in full force from the time of its passage to further preserve the Public health, peace, safety, and welfare within the whole of the Village.

Passed as emergency, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

I hereby certify the above Ordinance was posted at the five (5) public notice locations in the Village of Mantua, Ohio, on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Clerk

Approved as to Legal Form:

\_\_\_\_\_  
Michele A. Stuck  
Solicitor, Village of Mantua

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**"EXHIBIT A"**

**339.02 USE OF LOCAL STREETS; LOCAL PERMIT AND CONDITIONS.**

(a) Use of Local Streets. No person shall operate a vehicle exceeding a size as specified in Section 339.03 or exceeding the maximum weights specified in Ohio Revised Code Sections 5577.01 to 5577.09, inclusive, or otherwise not in conformity with Ohio R.C. 4513.01 to 4513.37, inclusive, upon any street within the Municipality, except pursuant to special written permit issued by the Chief of Police. Every such 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.

(b) Local Permit and Conditions. Upon application and for good cause, the Police Chief may issue a local permit authorizing an applicant to move an oversize or overweight vehicle or combination of vehicles upon local streets.

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 Police Chief may grant a permit for a single or round trip, or for such period of time, not to exceed one year, as the Police Chief in his discretion deems advisable, or for the duration of any construction project. The Police Chief 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 Police Chief may require the posting of bond or other security necessary

to compensate for any damage to a roadway or road structure.

For each such permit, the Police Chief shall charge ten dollars (\$10.00), and for each hour of time or any part thereof spent by each police officer in supervising the movement of such vehicle, the applicant shall pay the sum of twenty-five dollars (\$25.00) per hour per officer. The charge can be prorated into fifteen minute increments.

Signs shall be posted to apprise drivers of the limitations imposed by this section. Such signs shall be in accordance with the standards for traffic control devices of the State Department of Transportation. No driver shall disobey the instructions indicated on any such sign.

Violation of any of the limitations, terms or conditions of the permit granted by the Police Chief 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) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.