

ORDINANCE NO. 4, SERIES 2023

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 10 IN SECTION 10.32

**BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF UPTON,
WESTON COUNTY, WYOMING:**

1. Section 10.32.020 Titled: **WEIGHT LIMIT DESIGNATED** of the Upton Municipal Code is hereby amended as follows:
There is a set weight limit upon all town streets of a total weight of eight (8) tons, total gross weight, and all vehicles weighing more than eight (8) tons are prohibited from traveling any town street, except as set forth in sections 10.32.030 and 10.32.040.
2. Section 10.32.030 Titled: **EXEMPT STREETS** of the Upton Municipal Code is hereby amended as follows:
The following streets may be traveled by truck and are exempted from the restrictions set out in sections 10.32.010 and 10.32.020:
From Highway 16 (Second Street) northerly on Sawmill Avenue to Sheridan Street; from Sheridan Street easterly to Highway 116 (Ash Street); from Highway 116 (Ash Street) easterly on Division Street to Broadway (alley); from First Street northerly on Birch Street to Highway 16 (Second Street); from First Street easterly to Ash Street; from First Street northerly on Ash Street to Highway 16 (Second Street); and from Railroad Avenue northerly on Pine Street to Highway 16 (Second Street).
3. Section 10.32.040 Titled: **EXCEPTIONS** of the Upton Municipal Code is hereby amended as follows:
Truck travel will also be allowed upon the streets of the town if and only if the gross weight of the truck does not exceed eight (8) tons, and if the provisions of subsections A through D are observed.
 - A. That the Town Superintendent or his representative are given the authority to restrict truck traffic at any time depending upon the temperature, ground conditions and special road conditions by posting restrictions or limitations upon the street signs advising person of those restrictions;
 - B. Service and delivery trucks exceeding the prescribed weight limit in section 10.32.020 shall be permitted to travel town streets to conduct normal business such as propane delivery, concrete delivery, package or mail delivery, goods delivery.
 - C. Recreational vehicles exceeding the prescribed weight limit in section 10.32.020 shall be permitted to travel town streets.
 - D. That the Town Superintendent or his representative may at any time and as to any particular load or loads, specify that a special route may be followed by any particular truck, so that the streets of the town will be protected.
4. Section 10.32.050 Titled: **PRESUMPTION OF DRIVER CONSENT TO CHAPTER PROVISIONS-WEIGHT OF VEHICLES-CURB DAMAGE**.
 - A. The council and mayor of the town have determined that the use of streets of the town is a privilege and that the driver of any vehicle using the streets is presumed to have consented to such conditions as are imposed by this chapter.
 - B. Therefore, the driver of any truck who drives a vehicle upon the streets of the town shall be deemed to have given implied consent to the weighing of the vehicle being driven and the driver shall, at the request of any police officer of the town, drive the truck to the nearest available scales so that the truck may be weighed. Should the driver of the truck fail or refuse to have the vehicle weighed, such failure or refusal shall be deemed to be prima facie evidence that the gross weight of the truck exceeded the weight limits imposed by this title or the restrictions imposed by the Town Superintendent.
 - C. Any person who drives a truck or other overweight vehicle through or over any streets of the town, in violation of any of the provisions of this chapter, and who as a result of such action damages the curbs, gutters or streets of the town shall, in addition to any possible criminal liability, be civilly liable to the town

for any damages which the person causes to the curbs, gutters or streets of the town by such actions.

Passed and Approved on First Reading this ____ day of _____ 2023.

Passed and Approved on Second Reading this ____ day of _____ 2023.

Passed, Approved, and Adopted on third and final reading this ____ day of _____, 2023.

By: _____
Nicholas Trandahl, Mayor

Attest:

Kelley Millar, Clerk/Treasurer

Published: