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**CHAPTER 4****ROADS****415. SEASONAL WEIGHT LIMITS; REGULATION OF TRUCK TRAFFIC.**

**Section 415.01. Seasonal Weight Limits; Posting.** The Public Works Director may prohibit the operation of vehicles upon any street under the jurisdiction of the city or impose restrictions as to the weight of vehicles to be operated upon any city street when, by reason of deterioration, rain, snow, or climatic conditions, such city street may be damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight thereof reduced. The Public Works Director shall cause to be posted on any such city street appropriate signs designating such restriction.

**Section 415.03. Administrative Regulation of Trucks.** The Public Works Director shall monitor the condition of all streets under the jurisdiction of the city and the use thereof by vehicles over 9,000 pounds gross weight, which vehicles are defined as trucks for purposes of this section. Whenever the Director determines that the excessive use of any city street by trucks has or is likely to endanger public health or safety or that such use has or may damage or destroy the street due to any condition, including but not limited to existing street conditions, street deterioration, rain, snow, climatic conditions, soil or subsurface conditions, or sight lines, the Director may regulate, restrict, or prohibit truck traffic on the street. The Director may set conditions or limitations on the use of the street to protect public health and safety or to prevent damage to the street, including requiring that a letter of credit or other financial guarantee be posted to compensate the city for damage to the street, establishing haul routes and restricting hours of operation or setting weight limits. Any person aggrieved by a decision of the Public Works Director regarding regulation of truck traffic under this section may appeal that decision to the city council. The city council may continue, modify or terminate the regulations as it deems appropriate in order to protect public health and safety and to prevent or minimize damage to city streets.

**Section 415.05. Minnesota Statutes, Chapters 168, 169 and 171 Adopted by Reference.** Except as otherwise provided in this ordinance, the regulatory and procedural provisions of Minnesota Statutes, Chapter 168, Chapter 169 (commonly referred to as the Traffic Regulation Act) and Chapter 171, as amended through Laws of 2006, are hereby incorporated herein and adopted by reference, including the penalty provisions thereof.

**Section 415.07. Truck Traffic.** The city council finds that certain streets within the city receive excessive wear and damage as a result of heavy truck traffic. The council also finds there is an increased danger to children and other citizens as a result of heavy truck traffic over certain city streets and that truck traffic can reasonably be prohibited on certain streets to eliminate a majority of the safety and property damage concerns.

**Section 415.09. Designation of Truck Routes.**

a) The city council is hereby authorized to prohibit truck traffic on certain routes within the city. Such designation shall be by city council resolution. The city council shall also cause the truck route designation resolution to be published and shall clearly mark the prohibited streets with appropriate signs.

b) In designating which streets may not be used by trucks prior to adoption of the designation resolution or when amending the same from time to time, the city council shall consider the following factors:

- (1) the design capacity of the street;
- (2) the designation of the street in the transportation plan element of the city's comprehensive plan;
- (3) the land uses of the properties abutting the street, including the number of residential uses;
- (4) the number of persons likely to be affected;
- (5) the effect on traffic on other streets within the community;
- (6) the nature and degree of the threat to public health and safety;
- (7) the availability of alternative methods of addressing the problem; and
- (8) any other factors which the city council deems important.

If the city council determines to prohibit or restrict trucks, it may do so for a specific period of time or until specified conditions occur or are abated. The Public Works Director shall cause signs to be placed on any street so restricted so that the regulation may reasonably be determined by reading such sign.

**Section 415.11 Trucks Subject to Designated Route.** All trucks that are licensed for a gross vehicle weight in excess of 35,000 pounds shall be subject to this ordinance.

**Section 415.13 Exceptions.** Sections 415.07 through 415.11 shall not apply to the following:

- (a) school buses;
- (b) emergency vehicles;
- (c) garbage or recycling vehicles operating under license or contract with the city while on their collection routes;

(d) municipal or utility vehicles while engaged in constructing, maintaining or repairing streets or utilities; and

(e) agricultural equipment servicing property on that street.

### **Section 415.15 Permit to Exceed Weight Limit.**

Subd. 1. Application. The city administrator may, upon application, issue a permit for use of the streets within the city by vehicles having a licensed gross weight in excess of 35,000 pounds if travel on a non-truck route is reasonably required in order to accomplish a local pick up or delivery to a property located on a street from which trucks are otherwise prohibited. The permit shall be issued only after approval by the city administrator of the route to be traveled. The permit shall be issued upon the conditions that the applicant assumes all responsibility for damages caused to any street by such excess load and agrees to reimburse the city for all reasonable and necessary expenditures to repair and replace the street to its former condition. The permit shall be valid only over such non-truck street or segment thereof as is reasonably necessary to travel to and from a designated truck route and the point of pick up or delivery.

Subd. 2. Fee. The fee for the issuance of the permit shall be as specified in the city's fee ordinance.

### **Section 415.19 Violations and Liabilities for Damages.**

a) Any person violating this ordinance shall be guilty of a misdemeanor for each such violation. In addition to the driver or operator, the owner of any truck being operated with his permission and consent shall be liable for any violation of this ordinance.

b) Any person who violates a posted load or vehicle restriction shall be liable to the city for the full amount of the damages caused by such violation.

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#### **Amendment History of this Section**

*Amended October 17, 2000 (Ord. 323). Existing subsections were revised and subsections 415.07, 415.09, 415.11, and 415.13 were added.*

*Amended December 6, 2005 (Ord. 396). Changed terminology from 'snow emergency' to 'regulation of trucks,' in the Section title and subsections 415.07 and 415.09. Also and added a clause in subsection 415.07 allowing regulations to be appealed at the City Council.*

*Amended February 20, 2007 (Ord. 420). Changing ordinance to establish truck permits for exceeding load limits. All existing subsections were revised and subsections 415.05, 415.07, 415.11, and 415.15 were added.*

*Amended August 3, 2016 (Ord. 602). Clarifying circumstances under which the city may limit the use of public streets to trucks not over 9,000 pounds gross weight. It also limits the exception generally*

*applicable to garbage and recycling trucks over 35,000 pounds gross weight to those vehicles operating under license or contract with the city while operating on their routes. The amendment also updates the title of the Public Works Director.*