

**CITY OF INDEPENDENCE
ORDINANCE NO. 2019-01
AN ORDINANCE AMENDING
CHAPTER XIII, SECTION
1305 OF THE CITY
CODE RELATING TO
WEIGHT RESTRICTIONS
ON CITY ROADS**

THE CITY COUNCIL OF THE CITY OF INDEPENDENCE ORDAINS as follows:

SECTION 1. The Independence City Code, Chapter XIII, Section 1305 is repealed in its entirety and replaced with the following:

1305.01.-Weight Restrictions.

Pursuant to the authority granted to the City by Minnesota State §169.87 the City Council finds that it is in the public interest to regulate the weight of vehicles on City roads under the City's jurisdiction and hereby adopts the following regulations:

1305.03.-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 City shall cause to be posted on any such City street appropriate signs designating such restrictions. The City will follow the State of Minnesota Commissioner of Transportation dates of seasonal load limits. However, the Public Works Director may initiate or extend the date if he/she deems it necessary to protect the public interest.

1305.05.-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 8,000 pounds gross weight which vehicles are defined as trucks for purposes of this section. Whenever the Public Works 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, street deterioration, rain, snow, climatic conditions, soil or subsurface conditions, or sight lines, the Public Works Director may regulate, restrict, or prohibit truck traffic on the street. The Public Works 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. Any person aggrieved by a decision of the Public Works Director regarding regulation of truck traffic under this section may appeal that decision, in writing, to the Public Works Director within 7 days of the decision of the Public Works Director. The City Council shall review any such appeal at its next available business meeting and shall render a decision within a reasonable period of time. If no appeal is filed within seven (7) days of the Public Works Director's initial determination, this appeal right shall be deemed to have been waived. 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 the City streets.

1305.07.-Weight Limits; Seasonal Restrictions.

Subd. 1. Violation: Unless the appropriate permitting is secured in compliance with this Ordinance, it shall be unlawful to operate any vehicle or a combination of vehicles upon any public street, alley or highway within the City, between the dates set by the Commissioner of Transportation each calendar year, as may be amended locally by the Public Works Director as set forth herein, where the gross weight on any single axle exceeds 8,000 pounds on all City roads, unless otherwise posted. This limitation does not apply to emergency vehicles of public utilities used incidental to making emergency repairs to its plant or equipment within the City; nor to vehicles identified and exempted in Minnesota Statute, §169.87, Subds. 2-6; and section 169.801, as they are amended from time to time, nor shall this limitation apply to roads paved with concrete.

Subd. 2. Posting of Signs. Upon the adoption of any prohibition or restriction as provided for in this Section, the Public Works Director shall cause to be posted or erected, signs plainly indicating the prohibition or restriction at each end of the street or alley or that portion of any street or alley affected thereby, and the prohibition or restriction is effective until after such signs so posted or erected are removed.

1305.09.- Restrictions Generally.

Prohibited vehicles - All motor vehicles, tractors, trailers, or any machine or instrument that is driven, pulled, pushed, or parked must comply with posted weight restrictions.

1305.11.-Permits for Vehicles in Excess of Weight Limitations.

Subd. 1. The Public Works Director may issue an "Emergency Overweight Permit" authorizing an individual to travel with a vehicle having axle weight exceeding the restrictions herein set forth or otherwise posted on the street. The individual must make written application to the Public Works Director showing good cause for the emergency overweight permit. The application shall specifically describe the vehicle or vehicles, the streets and particular routes to be traveled. Emergency overweight permits shall be valid for only a 24-hour period. If granted, the emergency overweight permit shall be carried in the vehicle and shall be open to inspection.

Subd. 2. The Public Works Director may issue a "Single Trip Overweight Permit" authorizing an individual to travel with a vehicle having an axle weight exceeding the restrictions herein set forth or otherwise posted on the street. The individual receiving such overweight permit must make written application to the City showing good cause for the permit. The application shall specifically describe the vehicle or vehicles, the street and particular routes traveled, and the period of time for which the permit is requested. The application will be reviewed by the Public Works Director for recommendation. If granted, the permit shall be carried in the vehicle at all times and shall be open to inspection.

Subd. 3. The Public Works Director may issue a "Residential Annual Overweight Permit" authorizing an individual to travel with a vehicle having axle weight exceeding the restrictions herein set forth or otherwise posted on the street. The applicant must meet the following requirements:

(a). Applicant must be a resident of Independence

(b). Applicant must have a valid form of identification to show residency

(c). Permitted vehicle must be used as a commercial vehicle

(d). Permitted vehicle must be parked at the applicant's residence in Independence.

(e.) Permitted vehicle exceeds 8,000 pounds per axle but no more than 10,000 pounds per axle

(f). Issued Permit must be maintained in the permitted vehicle

(g). A specific concise route of travel must be established, documented and approved by the Public Works Director on the permit

(h). Permits will be issued on an annual basis without a fee to the applicant

Subd. 4. Issuance of any overweight permit imposes upon the holder of the permit all responsibility for damage caused to the designated routes by such excess load and the holder of the permit shall reimburse the City for all reasonable and necessary expenditures to repair and replace the street to its former condition. Any person not holding a validly issued permit as described above is subject to Section 1305.13 -Penalty.

1305.13.-Fees.

The City Council shall set fees for the issuance of the above permits, from time to time by Council Resolution.

1305.15.-Penalty.

Any person violating this ordinance shall be guilty of a misdemeanor and subject to the maximum penalty permitted by Minnesota Statute 609.02, as amended from time to time, for each such violation. In addition to the driver or operator, the owner of any truck being operated with his/her permission and consent shall be liable for any violation of this ordinance and subject to all of the penalties contained within this Section.

In addition to any criminal liability, any person who violates this ordinance shall be subject to civil penalty. The City may pursue a civil penalty in an amount established from time to time by Council resolution or ordinance. The funds obtained through the civil penalty will be delegated as follows: fifty percent of the funds received will be used to repair damaged City roadways, the remainder will be used for training, equipment and enforcement associated with overweight vehicle violations.

In addition to any other penalty imposed under this Section, 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 violations.

1305.17.-Authority

Violations of this ordinance are to be enforced by a licensed Peace Officer in the State of Minnesota. Peace Officer must have training and certificate of completion in weight enforcement by the Department of Public Safety, as referenced in Minnesota law.

SECTION 2. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 19th day of February 2019, by the City Council of the City of Independence.

CITY OF INDEPENDENCE

By: /s/ Marvin Johnson

Mayor

By: /s/ Mark Kaltsas

Public Works Director

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