

ORDINANCE BILL NO. 2 FOR 1992

ORDINANCE NO. 1042

AN ORDINANCE AMENDING ORDINANCE NO. 380 AND RESTRICTING CERTAIN TRUCK TRAFFIC ON STREETS OTHER THAN TRUCK ROUTES, AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1: Section 2 of Ordinance No. 380 is hereby amended by adding, in alphabetical order, the following:

Heavy Motor Trucks. Motor trucks or combinations of motor trucks and trailers that have a total gross unloaded vehicle weight exceeding 27,000 pounds, and have three or more axles.

Loaded. Carrying commercial cargo.

Truck Route. A way over certain streets within the City, as established by resolution of the City Council, over and along which loaded heavy motor trucks are allowed to operate.

Section 2: Section 6 of Ordinance No. 380 is hereby created to read as follows:

Heavy Motor Truck Traffic Prohibited.

1. (a) It shall be a violation of this ordinance for any person to move, operate, or drive, or cause to be moved, operated or driven, any loaded heavy motor truck on any street except on an established truck route designated under authority of this ordinance without a route permit issued by the City Engineer. All permits will expire within one year of the date of issue. Permits will be issued on the basis of written criteria. Permits shall be processed within three days.
- (b) This ordinance shall not apply to the following:
 - (1) Emergency vehicles or vehicles owned by public entities that are on official business or on an emergency call.
 - (2) Any detoured loaded heavy motor truck being operated on any officially established City detour provided it would not have been a violation of this ordinance for such loaded heavy motor truck to be operated on the street from which the detour was established.
 - (3) Any heavy motor truck being operated on a street other than a truck route for the specific purpose of picking up or discharging goods at any residence on a one-time basis; or are in the process of servicing construction sites which have a valid building permit.
2. (a) A person aggrieved by a decision made by the City Manager or the City Manager's designee, or a person challenging the implementation of the permit criteria may appeal the decision by filing a written request with the City Manager's office for consideration by the City Council. Such appeal shall describe with particularity the decision or the expenditure from which the person appeals and shall comply with subsection (c) of this section.

(b) Appeals of decisions must be filed within 15 days of the date of the decision. The appeal shall state:

- (1) The name and address of the appellant;
- (2) The nature of the determination being appealed;
- (3) The reason the determination is incorrect; and
- (4) What the correct determination of the appeal should be.

(c) An appellant who fails to file such a statement within the time permitted waives his/her objections, and his/her appeal shall be dismissed.

(d) Unless the appellant and the City agree to a longer period, an appeal shall be heard within 15 days of the receipt of the notice of intent to appeal. At least 7 days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.

(e) The City Council shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Council deems appropriate. At the hearing the appellant may present testimony and oral argument personally or by counsel. The rules of evidence as used by courts of law do not apply.

(f) The appellant shall carry the burden of proving that the determination being appealed is incorrect and what the correct determination should be.

(g) The City Council shall issue a written decision by resolution within 20 days after the hearing date and that decision shall be final.

PASSED by the Council and approved by the Mayor this 10th day of March, 1992.



Mayor

ATTEST:



City Manager - Ex Officio City Recorder