

CERTIFICATE OF PASSAGE AND POSTING

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

CITY OF BLUFFDALE

I, Teddie K. Bell, the duly chosen, qualified and acting Recorder of Bluffdale City, County of Salt Lake, State of Utah, do hereby certify as follows:

1. On the 22nd day of July, 2008, the Bluffdale City Council adopted Ordinance No. 2008-11.
2. On the 27th day of July, 2008, I caused to be posted in three (3) public and conspicuous places within said City, certified copies of Ordinance No. 2008-11 of said City entitled:

AN ORDINANCE ADOPTING NEW PROVISIONS RELATED TO THE DESIGNATION OF CERTAIN "TRUCK ROUTES" AND PROHIBITING THE OPERATION OF HEAVY TRUCKS UPON CITY STREETS

The places in said City where such certified copies of Ordinance No. 2008-11 were posted are as follows:

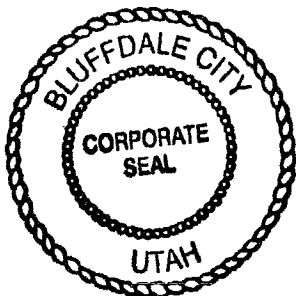
One at Bluffdale City Fire Station – 14350 South 2200 West;

One at Bluffdale City Hall -- 14175 South Redwood Road;

One at The Bluffs Apartments -- 14035 S. Marketview Drive and;

3. Attached hereto is a full, true and correct copy of Ordinance No. 2008-11 so posted.

IN WITNESS WHEREOF, I have hereunto set my official signature and affixed the seal of the City of Bluffdale, Utah, Salt Lake County, at 12:30 p.m. this 27th day of July, 2008.



Teddie K. Bell

Teddie K. Bell, City Recorder

THE CITY OF BLUFFDALE, UTAH

A Utah municipal corporation

ORDINANCE No. 2008-11

**AN ORDINANCE ADOPTING NEW PROVISIONS
RELATED TO THE DESIGNATION OF CERTAIN "TRUCK ROUTES"
AND PROHIBITING THE OPERATION OF HEAVY TRUCKS
UPON CITY STREETS**

Whereas, the City Council finds and determines that large trucks, unladen but particularly so when laden, create and direct cause extraordinarily excessive wear and tear upon streets not designed or built for such loads and stresses, thus inducing premature roadway failure and unnecessarily jeopardizing the municipal investment in such streets; and

Whereas, large trucks on city streets not planned or constructed for such truck traffic, particularly streets within residential areas, jeopardizes the public safety involving other vehicles upon those roadways, bicyclists, nearby pedestrians and others, and offends the peace and quiet within residential neighborhoods; and

Whereas, the City has operational control over the usage and maintenance of the city streets within the community; and

Whereas, the City Council is charged with the responsibility of providing for the protection and preservation of public resources and for the safety and good order of the community; and

Whereas the City Council finds and determines the need to adopt provisions regulating and prohibiting the operation and parking of heavy trucks upon City streets, except upon those specifically designated as "truck routes",

Now, therefore, the Bluffdale City Council ordains:

Section 1. The Bluffdale Municipal Code is hereby amended, by adopting new provisions to be designated as Section 9-6-101 of the Bluffdale Municipal Code and which shall read as follows:

9-6-101 TRUCK ROUTES DESIGNATION AND ENFORCEMENT

(a) The following streets are designated as "truck routes":

State Road 68 [Redwood Road/Camp Williams Highway]

State Road 140 [14600 South between I-15 and State Road 68]

State Road 154 [Bangerter Highway]

Pony Express Road [also known as "I-15 frontage

road]
Heritagecrest Boulevard

(b) It is unlawful for any person to operate or drive a truck or similar motor vehicle having a gross vehicle weight in excess of 26,000 pounds (or registered or placarded to have a gross vehicle weight in excess of 26,000 pounds), whether or not loaded, on any public street of the City which is located in "residential" zoning district, except those public streets which are designated as "truck routes" in subsection (a) above. The foregoing prohibition shall not be applicable to trucks utilizing the most direct route of travel from a "truck route street" to a bona fide residential, commercial or governmental or quasi-governmental customer within the City to whom a legitimate product is being delivered; provided, however, that the claimed legitimacy of the delivery and/or departure from a "truck route" street is an affirmative defense to be raised and proved by the defendant in any criminal prosecution for a violation or apparent violation of this Section. The foregoing prohibition shall also not apply to governmental, military, quasi-governmental and public utilities trucks and vehicles in their official governmental or utilities capacity, including but not limited to city-owned vehicles engaged in snow-plowing and similar activities. As used in this section, the term "truck" refers to those motor vehicles which are registered or licensed to have a gross vehicle weight equal to or in excess of 26,000 pounds, including but not limited to semi-tractors with attached trailers or trailer assemblies, so-called "belly-dump" and "side-dumper" earth-moving vehicles and similar vehicles, dump trucks and similar vehicles, trucks with "pup" trailers, and similar vehicles, whether loaded or not; provided, however, that the term "truck" shall not apply to a "tractor" semi being operated alone and without a trailer attached thereto. The foregoing provisions shall not be construed to prohibit the driving of a semi-tractor and trailer, or smaller motor vehicle, from departing from a designated "truck route" and driving to a private residential or commercial lot or parcel (owned by the operator of the vehicle or by a person who knowingly consents to the parking of the vehicle upon the lot) and parking said vehicle upon the lot or parcel, provided that the vehicle and its trailer is parked in a manner as to be completely off the public right-of-way, which right-of-way also includes the "sidewalk" portion of the public street.

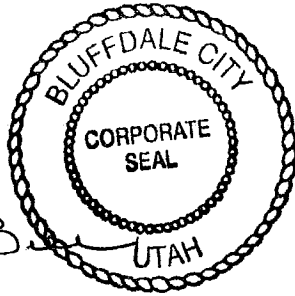
(c) The City Manager is directed and authorized to procure and install appropriate signs designating the herein-identified "truck routes" and the corresponding prohibition for heavy trucks from leaving the "truck

routes" and driving onto prohibited public streets, except for the legitimate purpose of effecting a bona fide delivery of goods or materials to such location, by the most direct route possible and returning to the "truck route" by the most direct route possible.

(d) The owner, operator or driver of a truck violating the provisions of subsection (b), above, shall be deemed to be guilty of a class B misdemeanor and shall be subject to a minimum fine of \$750 upon conviction of the first violation, a minimum fine of \$1000 upon conviction of the second violation, and a minimum fine of \$1500 upon conviction of the third violation. In addition to the foregoing, the driver of a vehicle violating the provisions of subsection (b), above, may be incarcerated in the county jail for a period not exceeding six months.

Section 2. This Ordinance shall take effect upon publication or upon posting, whichever is earlier.

Passed by the Bluffdale City Council this 22nd day of July, 2008.



Claudia Anderson
CLAUDIA ANDERSON
Mayor

ATTEST:

Teddie K. Bell
TEDDIE K BELL
City Recorder

Voting by City Council	AYE	NAY
Councilmember Chisholm	<u> x </u>	<u> </u>
Councilmember Flanigan	<u> </u>	<u> x </u>
Councilmember Kartchner	<u> x </u>	<u> </u>
Councilmember Lord	<u> x </u>	<u> </u>
Councilmember Maxwell	<u> x </u>	<u> </u>