

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 10th day of March, 2009, the Bluffdale City Council adopted Ordinance No. 2009-03.
2. On the 17th day of March, 2009, I caused to be posted in three (3) public and conspicuous places within said City, certified copies of Ordinance No. 2009-03 of said City entitled:

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

The places in said City where such certified copies of Ordinance No. 2009-03 were posted are as follows:

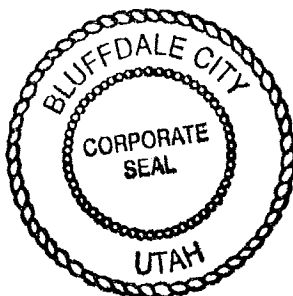
One at Bluffdale City Fire Station – 14350 South 2200 West;

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. 2009-03 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 17th day of March, 2009.



Teddie K. Bell

Teddie K. Bell, City Recorder

THE CITY OF BLUFFDALE, UTAH

ORDINANCE NO. 2009-03

AN ORDINANCE ADOPTING NEW PROVISIONS RELATED TO THE DESIGNATION OF CERTAIN “AUTHORIZED TRUCK ROUTES” AND PROHIBITING THE OPERATION OF HEAVY VEHICLES UPON CITY ROADS

WHEREAS, Bluffdale City has authority to regulate traffic within the corporate limits of the City; 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, in the performance of its responsibilities, the City Council has become increasingly concerned for the safety and welfare of its residents due to the operation of heavy vehicles through residential areas of the City; and

WHEREAS, in addition to the safety concerns relating to the operation of heavy vehicles through the City, the City Council is also aware that the condition of many of the City roads is deteriorating; and

WHEREAS, as a result of the deteriorating road conditions, the City obtained a Roadway Inspection Report dated January 20, 2009, from Horrocks Engineers (the “Road Condition Report”), which Report evaluated major roads owned and maintained by the City, and determined that many of such major roads were in either “poor” or “fair” condition; and

WHEREAS, the Road Condition Report recommends that, in order to prevent further serious damage and/or destruction of the City roads due to climatic conditions and heavy vehicle traffic, the City consider limiting heavy vehicle traffic on the roads; and

WHEREAS, pursuant to Utah Code Ann. § 72-7-408, the City may by ordinance prescribe procedures and criteria which prohibit the operation of vehicles, or impose restrictions on the weight of vehicles permitted upon City roads; and

WHEREAS, the City Council has determined that, in light of the foregoing safety concerns, as well as the deteriorating road conditions, it is necessary to adopt provisions regulating and limiting the operation of heavy vehicles on certain roadways located within the City, except upon those roads specifically designated as an “authorized truck route.”

NOW, THEREFORE, the Bluffdale City Council ordains:

Section 1. Amendment. 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 in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.

EXHIBIT A

9-6-101 AUTHORIZED TRUCK ROUTES DESIGNATION AND ENFORCEMENT

(a) **Definitions.**

(i) "Authorized truck route" is a way over certain roads within the City limits, as designated herein, over and along which a restricted vehicle must operate.

(ii) "Gross vehicle weight rating" means the registered gross weight of the vehicle, including both the weight of the vehicle and any potential load.

(iii) "Narrow authorized truck route" means any portion of an authorized truck route that is less than thirty four (34) feet in total paved width.

(iv) "Restricted vehicle" means any truck or other vehicle, or combination of vehicles, with a gross vehicle weight rating of more than 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, dump trucks, trucks with "pup" trailers, and other similar vehicles.

(b) **Designated Restricted Vehicle Route.** It is unlawful for any person to operate or allow the operation of a restricted vehicle upon any public street within the City, except the following public streets, which are designated as the City's authorized truck routes:

- State Road 68 (Redwood Road / Camp Williams Road);
- State Road 154 (Bangerter Highway);
- State Road 140;
- Pony Express Road;
- Concord Park Drive;
- Honda Park Drive;
- Heritagecrest Way;
- 3200 West (south of 15000 South);
- 15000 South (between 3200 West and State Road 68);
- 790 West (north of 14600 South); and
- 800 West (south of 14600 South).

(c) **Exceptions.** The restriction set forth in subsection (b) above shall not be construed to prohibit any of the following:

(i) The operation of a restricted vehicle upon any street where necessary to the conduct of business at a destination point, provided travel or delivery is made by the most direct and shortest route from an authorized truck

route to the destination point. For purposes of this subparagraph (i), conduct of business at a destination point shall include the delivery of merchandise to or from local businesses, established truck terminals, or residences or the operation of a restricted vehicle delivering to or returning from construction sites where it is not possible to use an authorized truck route.

(ii) The operation of emergency vehicles upon any street in the City.

(iii) The operation of a restricted vehicle operated by the City, governmental, quasi-governmental, military, and public utilities performing in their official capacity (including but not limited to a restricted vehicle engaged in snow-plowing and similar activities), and any contractors engaged in the repair, maintenance or construction of roads, road improvements, or public utilities within the City.

(iv) The operation of a restricted vehicle upon any officially established detour, during the period in which such official detour exists.

(v) The travel of a restricted vehicle to or from 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) provided travel is made by the most direct and shortest route from an authorized truck route to the destination point.

(c) **Parking.**

(i) No restricted vehicle shall be allowed to be parked on the public streets or sidewalks in areas of the City zoned residential except while actually loading or unloading merchandise or household goods, and in no event shall any such restricted vehicle remain parked for longer than eight (8) hours. For purposes of this subsection, a restricted vehicle shall be deemed parked, even though the motor is running, if the vehicle is left standing for any period in excess of three (3) minutes when the same is not attended by a driver lawfully authorized to drive said restricted vehicle (except when unloading or loading as set forth herein).

(ii) Without limiting the generality of subsection (c)(i), the City Engineer and the Public Works Manager shall have the authority, acting jointly, to post signs restricting parking for all vehicles on any portion of a narrow authorized truck route or within one hundred (100) feet of any such narrow authorized truck route. No vehicles shall be allowed to be parked on those portions of the authorized truck routes posted in accordance with the previous sentence.

(d) **Class B Misdemeanor.** The owner, operator or driver of a restricted vehicle violating the provisions of this Section shall be guilty of a class B misdemeanor.

(e) **Installation and Maintenance of Signs.** The City Manager shall cause all authorized truck routes to be clearly sign-posted to give notice that this Section is in effect. No person shall be charged with violating the provisions of this Section by reason of operating a restricted vehicle upon a street on which restricted vehicle travel is prohibited unless appropriate signs are posted and maintained. The preceding sentence shall not apply to any charge of violating a parking restriction contained in this Section.

Section 2. Severability. If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

Section 3. Effective Date. This Ordinance shall take effect immediately upon publication or upon posting, whichever is earlier.

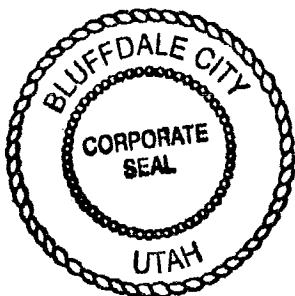
PASSED AND ADOPTED BY THE CITY COUNCIL OF BLUFFDALE CITY, STATE OF UTAH, THIS 10 DAY OF March, 2009.

BLUFFDALE CITY

ATTEST:

Jeddie K. Bree
City Recorder

By: *[Signature]*
Mayor



1021477

Vote by the 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>