

SPONSORED BY: MAYOR LEIGHTY

COUNCILMAN'S RESOLUTION

NO. CB-1967
Series of 2021

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

A PUBLIC HEARING WILL BE HELD ON CB-1967, SERIES OF 2021, ENTITLED "A BILL FOR AN ORDINANCE AMENDING CHAPTER 7 OF THE NORTHGLENN MUNICIPAL CODE TO CREATE A VEHICLE WEIGHT LIMIT FOR RESIDENTIAL STREETS, ESTABLISH TRUCK ROUTES WITHIN THE CITY, CREATE AN OVER-WEIGHT/OVER-SIZE VEHICLE PERMIT PROCESS, AND ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF" ON FEBRUARY 22, 2021 AT 7:00 P.M. AT CITY HALL COUNCIL CHAMBERS, 11701 COMMUNITY CENTER DRIVE, NORTHGLENN. DUE TO THE COVID-19 PANDEMIC, THE MEETING MAY BE HELD ELECTRONICALLY. ELECTRONIC ACCESS OPTIONS WILL BE AVAILABLE ON WWW.NORTHGLENN.ORG .

DATED this 8th day of February, 2021.


MEREDITH LEIGHTY
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk

AFFIDAVIT OF POSTING:

I, Johanna Small, certify that CB-1967 was posted at the authorized posting places in the City of Northglenn this 11th day of February, 2021.


City Clerk's Office

SPONSORED BY: MAYOR LEIGHTY

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1967
Series of 2021

Series of 2021

A BILL FOR AN ORDINANCE AMENDING CHAPTER 7 OF THE NORTHGLENN MUNICIPAL CODE TO CREATE A VEHICLE WEIGHT LIMIT FOR RESIDENTIAL STREETS, ESTABLISH TRUCK ROUTES WITHIN THE CITY, CREATE AN OVERWEIGHT/OVER-SIZE VEHICLE PERMIT PROCESS, AND ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 7-2-10 of the Northglenn Municipal Code is repealed and reenacted to read as follows:

Section 7-2-10. Weight limit on residential streets.

(a) No person shall operate a vehicle having a gross vehicle weight of 10,000 pounds or more on a street within a residentially zoned area of the City. A copy of the map of such areas may be examined during office hours at the office of the City Clerk of the City of Northglenn.

(b) This weight limit shall not apply as follows, provided the weight and size limitations contained within Article 5 of this Chapter continue to apply unless the City has issued a permit in accordance with Article 6 of this Chapter:

- (1) To a commercial vehicle making a local delivery in compliance with Section 7-7-3 of this Code;
- (2) To a vehicle used by a resident of the City in the course of the resident's employment;
- (3) To the operation of trucks owned or operated by the State, a county, a municipality, a public utility or a contractor authorized by the City to engage in the repair, maintenance or construction of streets, street improvements or utilities upon any street in the City;
- (4) To vehicles used in the course of active construction permitted by the City;
- (5) To authorized emergency vehicles or public transportation vehicles, including school busses, operated by the City or other political subdivisions of the State; and

(6) To implements of husbandry and farm equipment as defined in Section 42-1-102(44), C.R.S., as amended.

Section 2. The Northglenn Municipal Code is amended by the addition thereto of a new Section 7-2-11 to read as follows:

Section 7-2-11. Violations; penalty.

(a) Any person who violates the provisions of Section 7-2-9(e) of the Municipal Code shall upon conviction be punished by a fine of not less than forty-five (\$45.00) and not more than three hundred (\$300.00) dollars.

(b) It shall be unlawful for any person who does not have a mobility handicap to cause to be displayed on a motor vehicle in the City of Northglenn an identifying placard, as defined in Section 7-2-2 of this Article, when such vehicle is not being used for the transportation of a person with a mobility handicap.

(c) Violations of the provisions of Section 7-2-11(b) of this Article shall be punishable by a fine of not more than three hundred (\$300.00) dollars.

(d) It shall be unlawful and a violation of this Code for any person to fail to comply with the weight limit set in Section 7-2-10 of this Article. Such violation shall be subject to the general penalty for violation of municipal ordinances provided by Section 1-1-10 of this Code but shall not be punishable by imprisonment.

Section 3. Chapter 7 of the Northglenn Municipal Code is amended by the addition of a new article 6, which shall read as follows:

ARTICLE 6

Permits for Oversized or Overweight Vehicles or Loads

Section 7-6-1. Permit required for oversized or overweight vehicles and loads.

(a) It shall be unlawful for any person to operate a vehicle which is in excess of the maximum legal weight or size limitations contained within this Code unless such person has first obtained a permit from the City in accordance with this Article.

(b) The Public Works Director or the Director's designee (the "Director") may, upon application in writing and for good cause shown, issue a single-trip, a special, a segment, a perpetual fleet or an annual permit authorizing the applicant to operate or move a vehicle which is in excess of the weight or size limitations contained within this Code. However, no permit shall be issued for vehicles to cross structures if such vehicles are of a size or weight in excess of the structural capacity of such structures as determined by the City.

(c) The Director is authorized to promulgate administrative rules, regulations and forms not inconsistent with this Article for the efficient administration of such permits.

Section 7-6-2. Types of permits and fees.

Annually by resolution, the City Council shall set the fees applicable to the following types of permits. In addition, the Director is authorized to impose reasonable fees to mitigate and remediate roadway damage and degradation.

(a) Single-trip permit: A permit that is valid for only a single daily trip for a set number of days, as determined by the Director, over specifically designated roadways for an oversized or overweight vehicle or load exceeding the maximum legal limits specified in this Code.

(b) Special permit: A permit that is valid for only a single trip over specifically designated roadways within the City for an oversized or overweight vehicle or load exceeding the maximum legal limits as specified in this Code.

(c) Segment permit: A permit that is valid for one (1) year from the date of issuance on specifically designated segments of roadways for an oversized or overweight vehicle or load exceeding the maximum legal limits as specified in this Code.

(d) Perpetual fleet permit: For purposes of this Section, fleet shall mean any group of two (2) or more vehicles owned by one (1) person or company. A perpetual fleet permit is valid and perpetual in duration, unless and until otherwise revoked, on all or any specifically designated roadways or portions thereof for an oversized or overweight vehicle or load exceeding the maximum legal limits as specified in this Code.

(e) Annual permit: A permit that is valid for one (1) year from the date of issuance on all or any specifically designated roadways for an oversized/overweight vehicle or load exceeding the maximum legal limits as specified in this Code.

Section 7-6-3. Application for and issuance of permit; revocation.

(a) The Director shall prepare and promulgate application forms and other documents to implement overweight permits. Such forms and documents may require from any applicant information deemed necessary, including without limitation information needed to identify the applicant, confirm ownership of the vehicle(s), evaluate the applicant's proposed use of public streets, assess the extent and duration of such use, and determine the impacts of such use.

(b) The Director shall administratively review any submitted application for completeness. Upon a determination that an application is complete, the permit shall be administratively issued if the application and proposed use meet all requirements of this article and any other applicable law. In rendering such decision, the Director shall consider whether the applicant's use of the public right-

of-way in accordance with the permit will adversely or potentially adversely impact the health, safety or welfare of the public or cause or risk damage to the public rights-of-way. The Director may impose reasonable conditions on any permit to mitigate in whole or in part any adverse impact or damage as a condition of issuance of the permit.

(c) A permit may be revoked in writing by the Director for violation of any of the terms and conditions of the permit or this article, and the revocation of a permit may be appealed to the City Council within thirty (30) days of the date of revocation.

Section 7-6-4. Limitations on permits.

As a condition of issuance or a requirement of any permit, the Director may:

(a) Restrict the applicant's or vehicle's use under a permit to specific roads or segments of roads.

(b) Limit the number of trips or establish seasonal or other time limitations within which the vehicles described may be operated on the roadways indicated in the permit.

(c) Limit or prescribe conditions of operation of such vehicles when deemed by the Director as necessary to protect the safety of the public, to protect the efficient movement of traffic or to protect the public rights-of-way from damage to road foundation, road surfaces or other City-owned property or structures.

(d) Require the owner of a vehicle to provide a bond as security in an amount to be determined by the Director for damage to streets, roadways or roadway structures within the City.

Section 7-6-5. Permit holder's responsibilities.

The permit holder shall be responsible for the safe movement of the oversized or overweight vehicle or load and shall be responsible for compliance with:

(a) All terms and conditions in the permit.

(b) All terms and conditions of this article and all other City ordinances, resolutions and regulations.

(c) All other applicable legal requirements including, without limitation, state or county regulations or permit requirements.

Section 7-6-6. Inspection of permit.

Every permit issued in accordance with this Article shall be carried in the vehicle or combination of vehicles to which the permit refers and shall be open to inspection by any law enforcement officer or authorized agent of the City, except that if a law enforcement officer or authorized agent of the City that granted the

permit determines that the permit can be electronically verified at the time of contact, a copy of the permit need not be carried in the vehicle or combination of vehicles to which it refers.

Section 7-6-7. Permit exemptions.

No permit shall be necessary for:

- (a) The operation of trucks owned or operated by the State, a county, a municipality, a public utility or a contractor authorized by the City to engage in the repair, maintenance or construction of streets, street improvements or utilities upon any street in the City.
- (b) Authorized emergency vehicles or public transportation vehicles operated by the City or other political subdivisions of the State.
- (c) Implements of husbandry and farm equipment as defined in Section 42-1-102(44), C.R.S., as amended.

Section 7-6-8. Violations; penalties.

It shall be unlawful and a violation of this Code for any person to fail to comply with any requirement of this article or the conditions of any permit. Such violation shall be subject to the general penalty for violation of municipal ordinances provided by Section 1-1-10 of this Code but shall not be punishable by imprisonment.

Section 7-6-9. Liability for damage to roadway.

- (a) Any person who drives, operates or moves upon or over any roadway or roadway structure any vehicle, object or contrivance weighing in excess of the maximum weight authorized by this Code in such a manner so as to cause damage to said roadway or roadway structure, and the damage sustained to said roadway or roadway structure is the result of the operating, driving or moving of such vehicle, object or contrivance, shall be liable for all damage which said roadway or roadway structure may sustain as a result thereof.
- (b) Whenever the driver of such vehicle, object or contrivance is not the owner thereof but is operating, driving or moving such vehicle, object or contrivance with the express or implied consent of the owner thereof, then said owner or driver shall be jointly and severally liable for any such damage. The liability for damage sustained by any such roadway or roadway structure may be enforced through a civil action by the City.
- (c) It shall be no defense to any action, either civil or criminal, brought by the City against such person that the weight of the vehicle was authorized by a permit issued pursuant to this Article.

Section 4. Chapter 7 of the Northglenn Municipal Code is amended by the addition of a new Article 7, which shall read as follows:

**ARTICLE 7
Truck Routes**

Section 7-7-1. Definition.

The following words and phrases when used in this Article shall be construed as defined in this Section:

- (a) Truck shall have the same meaning as "commercial vehicle" as defined in Section 7-5-1 of the Code.
- (b) Destination point shall mean a location at which a truck is parked to allow for rendering services.
- (c) Emergency vehicles shall mean ambulances, police vehicles, fire district vehicles that are owned and operated by public entities to protect and preserve life and property within the City.
- (d) Origin point shall mean the location where the truck is stored or otherwise commences operation before being moved to its first destination point.
- (e) Rendering services means commercial activities carried on in connection with the business purpose of a truck, such as loading articles, making deliveries, service calls, accepting articles for removal or delivery, and related commercial activities.

Section 7-7-2. Truck routes established.

The following truck routes are established within the City. A copy of the map of such areas may be examined during office hours at the office of the City Clerk of the City of Northglenn.

- (a) North/South Streets:
 - (1) Huron St from 97th Avenue to 120th Avenue;
 - (2) Melody Drive from 104th Avenue to Kennedy Drive;
 - (3) Washington Street from 104th Avenue to 120th Avenue; and
 - (4) Irma Drive from 104th Avenue to 112th Avenue.
- (b) East/West Streets:
 - (1) 112th Avenue from Alcott Street to Huron Street;
 - (2) 112th Avenue from Washington Street to Fox Run Parkway;

- (3) Community Center Drive from Huron Street to Malley Drive;
- (4) Malley Drive from Community Center Drive to Washington Street;
- (5) 120th Avenue from Melody Drive to Claude Court; and
- (6) 104th Avenue from Zuni Street to York Street.

Section 7-7-3. Use of truck route required.

Every truck operated within the City shall proceed over a truck route and shall deviate from that route only at the intersection which is nearest to a destination point within the City and shall proceed to that destination point by the shortest available route. Upon leaving a destination point within the City, a truck shall return to a truck route by the shortest available route, unless the shortest available route to the nearest truck route is longer than the shortest available route to the next destination point within the City. If the truck is proceeding from a destination point within the City to a destination point in a different jurisdiction, a truck shall return to a truck route by the shortest available route before proceeding to that destination point. Notwithstanding anything in this Article to the contrary, trucks shall not be permitted to use City streets that have not been designated as truck routes to reach a destination point in a different jurisdiction.

Section 7-7-4. Exceptions.

This Article shall not prohibit:

- (a) The operation of emergency vehicles upon any street in the City.
- (b) The operation of trucks owned or operated by the State, a county or a municipality, a public utility or a contractor engaged in the repair, maintenance or construction of streets, street improvements or utilities upon any street in the City.
- (c) The operation of a truck on any street which has been designated by the City as a detour from a designated truck route.


Section 7-7-5. Evidence of points of origin and destination.

Any person operating a truck upon a street, road, or portion thereof which is not a truck route shall have in his or her possession a logbook, delivery slip or other evidence of its origin point and destination points to justify the presence of the truck upon such street or road.

Section 7-7-6. Violations; Penalties.

It shall be unlawful and a violation of this Code for any person to fail to comply with any requirement of this article. Such violation shall be subject to the general penalty for violation of municipal ordinances provided by Section 1-1-10 of this Code but shall not be punishable by imprisonment.

INTRODUCED, READ AND ORDERED POSTED this 8th day of February,
2021.


MEREDITH LEIGHTY
Mayor

ATTEST:



JOHANNA SMALL, CMC
City Clerk


PASSED ON SECOND AND FINAL READING this ____ day of _____,
2021.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:



COREY Y. HOFFMANN
City Attorney