

**AN ORDINANCE OF THE COUNTY OF SUTTER AMENDING THE SUTTER COUNTY ORDINANCE CODE BY AMENDING CHAPTER 1137 RELATING TO USE RESTRICTIONS ON COMMERCIAL VEHICLES**

THE BOARD OF SUPERVISORS OF THE COUNTY OF SUTTER ORDAINS AS FOLLOWS:

SECTION 1: The Sutter County Ordinance Code is amended by deleting Chapter 910 in its entirety.

SECTION 2: The Sutter County Ordinance Code is amended by amending Chapter 1137 to read in its entirety as follows:

**Chapter 1137**

**USE RESTRICTIONS ON COMMERCIAL VEHICLES**

SECTIONS:

1137-010	Definitions
1137-012	Designation of the Unincorporated Residential Area
1137-020	Commercial Vehicle Use Restrictions in Residential Areas
1137-030	Designation of Truck Routes
1137-040	Commercial Vehicle Parking Restrictions in Residential Areas
1137-050	Erection of Signs
1137-060	Use in Residential Areas Exception
1137-070	Special Permits for Residential Areas
1137-080	Commercial Hauling
1137-090	Construction Hauling
1137-100	Temporary Road Weight Limit Reduction
1137-110	Transportation Permits
1137-120	Violations, Penalties

1137-010 Definitions

The following definitions apply to this Chapter:

(a) The terms "vehicle," "commercial vehicle," "authorized emergency vehicle," "park," "person," and "street" have the meanings set forth in Division 1 of the California Vehicle Code when this Chapter is being applied.

(b) "County" means the County of Sutter, California

(c) "County Road" means any highway, street, or road lying in a public right-of-way, within the limits of the County of Sutter, but not within an incorporated city or part of a state or federal highway.

(d) "Director" and "Director of Public Works" mean the Director of Public Works of the County of Sutter or his/her designee.

(e) "Gross Weight" means the manufacturer's gross vehicle weight rating, as defined in Division 1 of the California Vehicle Code when this Chapter is being applied.

(f) "Residence District" means that portion of a County Road and the property contiguous thereto, other than a business district, (a) upon one side of which county road, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 13 or more separate dwelling houses or business structures, or (b) upon both sides of which county road, collectively, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 16 or more separate dwelling houses or business structures. A residence district may be longer than one-quarter of a mile if the above ratio of separate dwelling houses or business structures to the length of the county road exists. (California Vehicle Code §515).

#### 1137-012 Designation of the Unincorporated Residential Area

The "Unincorporated Residential Area" is any portion of a Residence District, not within the limits of an incorporated city, located in any one of the following areas:

(a) On and within the area bounded by Bogue Road, Township Road, Pease Road and the eastern Sutter County limits;

(b) On and within the area bounded by Butte House Road, Howlett Avenue, Markley Road and Township Road;

(c) On and within the area bounded by Barry Road, Bogue Road, Highway 99, and the eastern Sutter County limits.

#### 1137-020 Commercial Vehicle Use Restrictions in Residential Areas

Except as otherwise provided in this Chapter, no person may drive, operate, or tow a commercial vehicle with a gross weight exceeding 14,000 pounds on any County Road, not designated as a "Truck Route", located within the Unincorporated Residential Area. (California Vehicle Code Sections 35701 & 35712)

#### 1137-030 Designation of Truck Routes

Routes designated as "Truck Routes" shall not be restricted in use for driving, operating, or towing by commercial vehicles with legal loads, including Truck Routes in the Unincorporated Residential Area. That portion of the following County Roads and road segments lying within the unincorporated County are hereby designated as Truck Routes:

<b>ROAD NAME</b>	<b>FROM</b>	<b>TO</b>
Bogue Road	Yuba City City Limits	Township Road
Butte House Road	Yuba City City Limits	Howlett Road
Franklin Road	South Lawrence Avenue	Township Road
Garden Highway	Stewart Road	Bell Avenue
George Washington Blvd	Bogue Road	State Route 20
Harter Road	State Route 20	Butte House Road
Lincoln Road	Garden Highway	Yuba City City Limits
Lincoln Road	Yuba City City Limits	Township Road
Live Oak Blvd.	Bird Street	Pease Road

1137-040 Commercial Vehicle Parking Restrictions in Residential Areas

No person may park a commercial vehicle with gross weight exceeding 10,000 pounds on any County Road in the Unincorporated Residential Area. (California Vehicle Code Section 22507.5)

1137-050 Erection of Signs

The restrictions contained in Sections 1137-020 and 1137-040 of this Chapter shall not be effective until appropriate signs are erected by the Director of Public Works indicating either the County Roads affected by those sections or the County Roads not affected, as the Director determines will best serve to give notice of the ordinance.

1137-060 Use in Residential Areas Exceptions

The restrictions on use contained in Section 1137-020 of this Chapter shall not apply to the following:

- (a) Any vehicle that is subject to Public Utilities Code Sections 1031 to 1036.
- (b) Vehicles owned by a public utility or a licensed contractor while necessarily in use in the construction, installation, or repair of any public utility.
- (c) Ambulances or hearses.
- (d) Authorized emergency vehicles owned or operated by governmental agencies.
- (e) Vehicles operated as an incident to any industrial, commercial, or agricultural enterprise conducted within the boundaries of the Unincorporated Residential Area.
- (f) Any commercial vehicle entering and leaving the Unincorporated Residential Area by direct route when necessary for the purpose of making a pickup or delivery of goods,

wares, and merchandise from or to any building or structure located on a restricted County Road or for the purpose of delivering materials to be used in the repair, alteration, remodeling, or construction of a building or structure located on the restricted County Road.

#### 1137-070 Special Permits for Residential Areas

The Director of Public Works, in his or her sole discretion, may issue a special permit authorizing an applicant to drive, operate, tow, and/or park a commercial vehicle with a gross weight exceeding 14,000 pounds on any County Road within the Unincorporated Residential Area otherwise prohibited under Sections 1137-020 or 1137-040. Any permit issued shall be subject to such conditions as the Director deems appropriate and shall be issued only upon a showing of good cause. The decision of the Director shall be final and is not subject to appeal. Fees for such permits shall be set, from time to time, by resolution of the Board of Supervisors.

#### 1137-080 Commercial Hauling

The Director of Public Works may impose conditions and/or requirements upon persons who, on a continuous or recurring basis, engage in the commercial or industrial hauling of loads exceeding 14,000 pounds from borrow pits or shipping terminals. Such requirements, including but not limited to fees, may be included as requirements in a grading permit, use permit, surface mining permit, or other County or State permit; or as a mitigation measure under the California Environmental Quality Act. This section shall not apply to hauling incidental to agricultural operations including, but not limited to, the hauling of animals, harvested crops, or dried fruit and vegetables.

#### 1137-090 Construction Hauling

The Director of Public Works may impose conditions and/or requirements upon persons who engage in the short-term, intensive hauling of loads exceeding 14,000 pounds, with a cumulative total haul of greater than 1000 tons within a 90 day period, for construction purposes. Such requirements, including use fees and/or repair and restoration work, may be imposed upon that person or persons to mitigate the impact on local County Roads and may be included as a requirement in a grading permit, use permit, surface mining permit, or other County or State permit; or as a mitigation measure under the California Environmental Quality Act. If such requirement is not included in a County grading, use, or other County permit, the person or persons shall obtain a separate permit from the Director of Public Works. Fees for such permits shall be set, from time to time, by resolution of the Board of Supervisors.

#### 1137-100 Temporary Road Weight Limit Reduction

If the Director of Public Works determines that, by accepted engineering standards, a County Road or road segment cannot support short-term, intensive hauling of loads exceeding 14,000 pounds, and that such hauling is occurring without a permit or outside of permit conditions, the Director is hereby authorized to limit vehicle weights of commercial vehicles on that County Road for a period of up to 90 days to prevent the destruction of that County Road.

The Board of Supervisors may extend the limit beyond 90 days. Such limits shall be effective upon the posting of appropriate signage by the Director. (California Vehicle Code Sections 35707 & 35717).

#### 1137-110 Transportation Permits

Where vehicles exceed the maximum legal size, weight or load limits established by the California Vehicle Code, a County transportation permit shall be required in order to use County Roads. The Director of Public Works shall issue a transportation permit where appropriate and may restrict the County Roads to be used and the time and dates of movement. The Director may also require special safety precautions be taken during movement. Permit fees may be charged as authorized by the California Vehicle Code.

#### 1137-120 Violations, Penalties

(a) Except as provided in subsection (c), any person violating any provision of this Chapter shall be guilty of an infraction punishable by:

- (1) A fine of \$100 for the first violation, and
- (2) A fine of \$200 for a second violation within 12 months.

(b) Except as provided in subsection (c), any person violating any provision of this Chapter for a third or more times within 24 months shall be guilty of a misdemeanor punishable by a fine of not less than \$300 and not more than \$500, or by imprisonment in the County jail for a period of not more than six months, or by both such fine and imprisonment.

(c) Any person violating section 1137-040 shall be subject to a civil parking penalty of \$35 for each violation.

SECTION 3: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held by a court of competent jurisdiction to be invalid or unconstitutional, that portion shall be deemed a separate, distinct, and independent provision, and the holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 4: This ordinance shall take effect thirty (30) days after the date of its adoption and before the expiration of fifteen (15) days from the date of passage thereof shall be published at least once in the Appeal-Democrat, a newspaper of general circulations, printed and published in the County of Sutter, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the Sutter County Board of Supervisors, State of California, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST:  
DONNA THOMPSON, CLERK

By: \_\_\_\_\_  
Deputy