



Staff Report

INTRODUCTION OF AMENDMENTS TO CHAPTER 14, BELMONT MUNICIPAL CODE, MOTOR VEHICLES AND TRAFFIC, ARTICLE III, TRUCK ROUTE AND WEIGHT LIMITATIONS

Honorable Mayor and Council Members:

Summary

Staff recommends that the City Council review the proposed changes to Belmont Municipal Code Chapter 14, Motor Vehicles and Traffic, Article III, Truck Routes and Weight Limitations, and introduce the ordinance for adoption.

Background and Discussion

Belmont Municipal Code, Chapter 14, Article III, Truck Routes and Weight Limitations, contains the City's standards for hauling of materials to and from the City. These code sections were adopted in 1961 and for the most part have not been updated since that time. In addition, due to the current weight limits imposed on the City's truck routes, the City Council has been required, in recent months, to hear and act upon a number of requests for exemptions.

On January 25, 2005, and then on April 12, 2005, the Council gave direction to staff regarding the proposed amendments. Following direction given at the April 12, 2005 meeting, a second paragraph has been added to Section 14-48, limiting certain types of trucks on narrow residential streets. In addition, a new subsection has been added to Sections 14-72 and 14-94, requiring neighbor notification if the amount hauled will be more than 50 yards.

Attachment 1 represents the ordinance with all recommended changes. Language to be deleted is shown with strikeouts and revised/new language is shown in bold.

Fiscal Impact

No fiscal impact. Staff will incorporate any applicable fees into the budget.

Public Contact

This matter was placed on the agenda and posted as required by the California Government Code.

Recommendation

Staff recommends that the City Council introduce the revised ordinance.

Alternatives

City Council may wish to propose additional changes to the ordinance.

Attachments

1. Proposed Ordinance

Respectfully submitted,

Marc Zafferano
Interim City Attorney

ATTACHMENT 1

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 14, ARTICLE III
OF THE BELMONT CITY CODE

The City Council of the City of Belmont does ordain as follows:

SECTION 1: Chapter 14, Article III of the Belmont City Code is hereby amended to read as follows:

ARTICLE III. TRUCK ROUTES AND WEIGHT LIMITATIONS

DIVISION 1. GENERALLY

~~Sec. 14-36. Cessation of regulations on state highways.~~

~~This article shall cease to be effective as to any state highways within six (6) months after the receipt of notice from the department of public works of the state of its withdrawal of its consent to the establishment of any restrictions affecting state highways herein.~~

Sec. 14-36. Reserved.

~~Sec. 14-37. Approval of transfer of streets from city jurisdiction required.~~

~~No street or highway under the jurisdiction of the city for the purposes of this article shall be transferred out of the jurisdiction of the city without approval at a regular municipal election by a majority of voters of the city.~~

~~Sec. 14-38. Authority to weigh trucks to determine compliance.~~

~~Any police officer shall have the authority to require any person driving or in control of any truck on any public street or highway in the city to proceed to any public or private scale available for the purpose of weighing and determining whether this article has been complied with.~~

~~Sec. 14-39. Penalty for violation of regulations.~~

~~Any violation of this article shall be a misdemeanor and each day of any such violation of such provisions shall constitute a separate misdemeanor, punishable by a fine of not exceeding three hundred dollars (\$300.00) or imprisonment in the county jail not exceeding thirty (30) days or both such fine and imprisonment. Any person violating the provisions of this article shall be subject to the General Penalty Provisions of the Municipal Code Section 1-8.~~

Secs. 14-40B14-45. Reserved.

DIVISION 2. TRUCK TRAFFIC ROUTES

~~*AnnotationBIn the case of Skyline Materials, Inc. v. City of Belmont, decided November 2, 1959, in the Superior Court of San Mateo County, it was held that the City of Belmont be restrained and enjoined from enforcing any or all of the provisions of Ordinance Nos. 173, 203 and 232 [~~14-46 of this Code~~] as against Skyline Materials, Inc., insofar as such ordinances prohibit the operation of vehicles exceeding the designated gross weights from proceeding over Ralston Avenue in the City of Belmont. Such decision of the Superior Court was reversed by the District Court of Appeals, see 198 Cal.App. (2d) 449. The Appellate Court held that the ordinance was discriminatory and therefore invalid in the respect of providing permits and fees charged thereon. The problems raised by the court were solved by the adoption of Ord. No. 312, set out in section 17.8 of the 1961 Code, as amended, section 14-61 of this Code.~~

Sec. 14-46. Designated.

The following streets are hereby declared to be truck traffic routes for the movement of vehicles exceeding a maximum gross weight, including load, of ~~three (3)~~ **eight (8)** tons, hereinafter called "trucks," and the city manager is hereby authorized and directed to designate such streets by appropriate signs as "truck route." Such streets are particularly designated as follows:

~~(a) — All of El Camino Real within the city.~~

~~(b) — All of Bayshore Highway within the city.~~

~~(c) (a) All of Old County Road within the city.~~

~~(d) (b) O'Neill Avenue from its intersection with Old County Road to its intersection with Kedith Street.~~

~~(e) (c) All of Ralston Avenue within the city except that the maximum gross weight of any truck and load moving along or on Ralston Avenue is limited to ~~eight (8)~~ **thirteen (13)** tons.~~

~~(f) — Harbor Boulevard from the easterly line of El Camino Real to the easterly corporate limits of the city.~~

~~(g) — Alameda de las Pulgas between Ralston Avenue on the north and the corporate limits of the city on the south, except that the gross weight of any truck and load moving along or on such roadway is limited to ~~eight (8)~~ tons.~~

Sec. 14-47. Direction of signs; state approval of routes not under exclusive jurisdiction of city.

Whenever any provision of any ordinance designates or describes any street or streets or

portions thereof as a street or streets the use of which is permitted by any commercial vehicle or by any vehicle exceeding the maximum gross weight of ~~three (3)~~ **eight (8)** tons, the city manager is hereby authorized to designate such street or streets or portions thereof by approaching signs as Atruck traffic routes@ for the movement of commercial vehicles and vehicles exceeding the maximum gross weight limit of ~~three (3)~~ **eight (8)** tons. No such ordinance shall be effective with respect to any highway which is not under the exclusive jurisdiction of the city or, in the case of any state highway, until such proposed ordinance has been submitted by the city council to and approved in writing by the department of public works of the state.

Sec. 14-48. Operation of trucks on other than truck traffic routes prohibited generally.

No person shall operate any truck having a gross weight, including load, in excess of ~~eight (8)~~ **thirteen (13)** tons on Ralston Avenue west of El Camino Real in the city or in excess of ~~three (3)~~ **eight (8)** tons on any other street in the city, except on those streets specified in section 14-46, subject to the exceptions hereinafter provided. For the purpose of this section, the word Atruck@ shall include the words Amotor truck,@ Atruck-tractor@ and Atrailer@ as such terms are defined in sections 410, 655 and 630 of the Vehicle Code of the state. **Notwithstanding any provision of this article, no person shall operate a tractor-trailer dump truck on any residential street of twenty-four (24) feet or less in width, or a ten (10) wheeler dump truck on any residential street of twenty (20) feet or less in width.**

Sec. 14-49. ~~Trips from outside with destination outside city~~ Trucks entering the City.

(a) **Outside Destination.** All trucks entering the city for a destination point outside the city shall operate only over a truck route as established by section 14-46.

Sec. 14-50. ~~Trips from outside with destination inside city~~

(b) **Inside Destination Point.** All trucks entering the city for a destination point in the city shall enter the city only on an established truck route and shall proceed only over an established truck route and shall deviate only at the intersection with the street nearest to the destination point. Upon leaving the destination point the deviating truck shall return to the nearest truck route by the shortest route.

Sec. 14-51. Trips from outside with multiple destinations inside city.

All trucks entering the city for multiple destination points shall enter the city only on established truck routes, shall proceed only over established truck routes and shall deviate only at the intersection with the street nearest to the first destination point. Upon leaving the first destination point a deviating truck shall proceed to all other destination points by the shortest route. Upon leaving the last destination point the deviating truck shall return to the nearest truck route by the shortest route.

Sec. 14-52. ~~Trips from inside to outside city~~ Trucks operating within the City.

(a) **To Outside Destination Point.** All trucks on a trip originating in the city and traveling in the city for a destination point outside the city shall proceed by the shortest route to the nearest truck route as herein established.

Sec. 14-53. Trips from inside to inside city.

(b) **To Inside Destination Point.** All trucks on a trip originating in the city and traveling in the city for destination points in the city shall proceed to such destination points by the shortest route.

Sec. 14-54. Inapplicability of regulations to certain trucks.

Nothing in this article shall be construed as applying to any truck coming from a truck traffic route as defined in section 14-46 having ingress and egress by direct route to and from streets on which truck traffic is restricted as herein provided when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on streets other than truck traffic routes or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon a street other than a truck traffic route for which a building permit has previously been obtained or to any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility or to any school bus or any authorized emergency vehicle as defined in section 165 of the Vehicle Code of the state or to any vehicle which is subject to the provisions of sections 1031 and 1037 inclusive in the Public Utilities Code of this state or to any vehicle owned or operated by the city while engaged in the repair, maintenance or construction of streets, street improvements or public utilities.

Secs. 14-55B14-60. Reserved.

DIVISION 3. LIMITED TRUCK ROUTES

Sec. 14-61. Exceeding limitations authorized.

Notwithstanding any other provisions of this article, vehicles having a gross weight exceeding the maximum gross weight limits herein set forth may be permitted along the streets herein called Alimited truck routes,@ not designated by approaching signs as Atruck traffic routes,@ **by obtaining a hauling permit from the public works department** under the following conditions and provisions.

Sec. 14-62. Permit required; application required.

Any person desiring to operate any vehicle having a gross weight, including load, exceeding the maximum gross weight limits herein set forth along any restricted street shall obtain a permit therefor and shall file an application ~~in triplicate~~ for the permit with the city clerk, ~~the original of which shall be verified~~ **director of the public works department or his designee.** The application shall set forth the following information:

(a) A full identification and the residence and business address of the applicant; ~~including all members of any firm or partnership and the president and secretary of any corporation applying~~; if the applicant is the agent or employee of any person for whose benefit the permit is requested, this fact with the full identification of such person and business and residence address.

(b) The facts constituting the necessity for operating a vehicle along or upon the restricted streets in excess of the gross weight limits herein set forth.

(c) The dates on which the operation is intended to be commenced and completed and the times of day during which operation is intended to be conducted.

(d) The route which applicant proposes to use over public streets or private property.

(e) The time interval between vehicles and the number of vehicles per hour which will travel over the route for which the permit is applied.

(f) Such further information as the ~~city council~~ **director of public works or his designee** may require.

Sec. 14-63. Application filing fee.

~~At the time of filing the application for a permit hereunder, the applicant shall pay to the city, at the office of the city clerk, a minimum filing fee of thirty-five dollars (\$35.00) to cover the cost of the city's investigation of such application.~~

Sec. 14-64. Investigation of application; action thereon.

Immediately upon the filing of an application for a permit to haul, one copy of such application shall be ~~delivered~~ **transmitted** to the ~~city council~~ **director of public works or his designee** and one copy to the chief of police. The ~~city council~~ **director of public works or his designee** shall make or have made an investigation of the facts stated in the application and within fifteen (15) days from the date of filing such application shall either grant a permit with or without modification, as hereinafter set forth, or deny the same in whole or in part.

Sec. 14-65. Conditions for granting permit.

The application for a permit hereunder shall be granted by the ~~city council~~ **director of public works or his designee** only if ~~he~~ **he** finds as follows:

(a) That the public health, safety or welfare require the operation of vehicles in excess of the weight limits herein set forth and the use of the route applied for or such modification thereof as it may be deemed advisable;

(b) That the hauling over the route specified will not be injurious to the public health,

safety or welfare;

(c) That the city will be duly protected from liability for injury to persons and property;

(d) That the city will be indemnified from injury to the public streets and other places by reason of the use thereof for such operation.

Sec. 14-66. Deposit required.

~~The city council shall require, as a condition to the granting of any permit hereunder, that the applicant, prior to the issuance of the permit, deposit with the city clerk~~ **Applicants for a permit shall, at the time of application, deposit** as security for the payment of the fees specified in section 14-67 a sum of money **as established in the City's Master Fee Schedule to be fixed by the city manager,** which shall be based upon the charges set forth in section 14-67; provided, however, that the amount deposited under this section shall be returned to the applicant if, prior to the commencement of any hauling operation, pursuant to such application, the applicant shall have notified the city manager of his intention not to engage in such hauling operation and demands the return of the deposit.

Sec. 14-67. Permit fee.

~~The~~ **Upon issuance of a permit, the** permittee shall pay to the city ~~at the office of the city clerk the sum of one hundred sixty dollars (\$160.00). In the event the material being hauled consists of dirt, rocks, gravel or other earthen materials, the permittee shall pay an additional sum of twenty cents (\$0.20) per cubic yard in bank of the materials to be hauled~~ **a permit fee established in the City's current Master Fee Schedule for the issuance of the hauling permit.** No permit shall be valid until such fee is paid.

Sec. 14-68. Surety bond may be required.

~~The city manager~~ **director of public works or his designee** shall require, as a condition to the granting of any permit hereunder, that the applicant deposit with the city ~~clerk~~ such sum in cash as may be required ~~and~~ **or** a surety bond in an amount to be fixed and in form to be specified by the ~~city manager~~ **director of public works or his designee,** inuring to the benefit of the city, guaranteeing that applicant will faithfully perform all of the conditions and requirements specified in the permit and will repair to the satisfaction of the city ~~engineer, or at the option of the city manager,~~ **and** reimburse the city for any damage caused to city streets or other city property by the proposed operation of vehicles in excess of weight limits or hauling or transportation of material or equipment. Such bond shall be executed by a surety or sureties approved by the ~~city manager~~ **director of public works or his designee** as being sufficient in financial responsibility.

Sec. 14-69. Insurance required.

The ~~city manager~~ **director of public works or his designee** shall also require as a

condition to the granting of any such permit that the applicant deposit with the city ~~clerk~~ a certificate or policy of a responsible insurance company showing that the city, its elective and appointive boards, officers, agents and employees and the public are insured in amounts hereinafter specified against any loss or damage arising directly from the operation of the applicant or any person acting in his behalf in carrying on any operation connected directly or indirectly with the hauling for which such permit is issued. Such policies of insurance shall be as follows:

(a) Public liability insurance. In an amount not less than ~~three hundred thousand one million~~ dollars (~~\$300,000.00~~ **1,000,000.00**) for injuries, including but not limited to accidental death to any one person, and, subject to the same limit for each person in an amount of not less than ~~six hundred thousand one million~~ dollars (~~\$600,000.00~~ **1,000,000.00**) on account of one occurrence.

(b) Property damage insurance. In an amount of not less than ~~twenty thousand one hundred thousand~~ dollars (~~\$20,000.00~~ **100,000.00**).

Sec. 14-70. Annual or continuing bond and insurance.

With the approval of the ~~city manager~~ **director of public works or his designee**, the applicant may deposit the aforesaid surety bonds and policies of insurance on an annual or continuing basis to cover one or more permits for hauling in the same or different locations.

Sec. 14-71. Establishment of routes.

The ~~city manager~~ **director of public works or his designee** shall establish the route or routes over restricted streets which all vehicles subject to the permit shall travel and such vehicles shall travel only directly over such route or routes as may be directed by the ~~city manager~~ **director of public works or his designee** to be least dangerous to public safety and which shall cause the least interference with general traffic and the least damage to public streets.

Sec. 14-72. Additional restrictions on permit.

~~The city council shall also specify~~ **In granting the permit, the director of public works or his designee shall also specify** the following:

(a) The gross weight limit of each truck or vehicle which shall be authorized to haul under the permit.

(b) The number of trucks per hour which shall be permitted to travel over the route specified.

(c) **Such other terms and conditions as may be required to properly administer the exercise and use of the permit.**

(d) The applicant is required to notify public works department and police department forty-eight (48) hours prior the commencement of hauling.

(e) In addition to the above, if earthen materials are to be hauled, the following requirements shall be part of every permit:

- **Trucks shall be loaded in such a manner that there shall be no spillage;**
- **That there shall be sprinkling of all loads for dust control, when necessary;**
- **That the City streets shall be kept clean of spillage and wheel dirt;**
- **That two-way routes shall be specified in the permit;**
- **That the permitted speed of the trucks shall be specified;**
- **That crossing guards shall be provided at the expense of the applicant when necessary, in the opinion of the chief of police.**

(f) If more than fifty (50) yards of material will be hauled, then the permit applicant shall be required to notify all property owners within a three hundred (300) foot radius of the date and time that the hauling will take place.

Sec. 14-73. Permit revocation.

~~Any permit granted hereunder may be revoked only by the council as in its discretion may seem reasonable and just for any reason for which the issuance of such permit might lawfully be denied or for any failure to comply with any of the terms of this division or the terms of such permit. Revocation of such permit shall be made only upon a hearing before the council after at least five (5) days= notice to permittee. Such notice shall be in writing mailed by United States mail addressed to permittee at his business or residence address as stated on his application for a permit. Any permit granted hereunder may be revoked or suspended by the director of public works or the chief of police or their designees for failure to comply with any of the terms of this division or the terms of such permit, by mailing notice in writing to the permittee at the address shown in the application or by personal service of such written notification upon permittee. The revocation or suspension shall be effective upon service of the same. In the event of revocation or suspension of a permit, the permittee may appeal to the city council by filing written notice of appeal within five (5) days of service of the notice of revocation of suspension. If, as the result of an appeal hearing the city council reinstates the permit, it may impose such conditions as required for the protection of the health, safety and general welfare of the public.~~

Sec. 14-74. Permit expiration; supplemental permits.

In the event that any hauling for which a permit has been granted hereunder is not

commenced within ~~the period specified in the permit~~ **ten (10) business days after the date of issuance of such permit**, or in the event that such hauling is at any time abandoned for a period of five (5) consecutive business days, or **not completed within** the number of days allowed for hauling in excess of weight limits ~~in the permit expires~~ **as specified in the hauling permit and/or grading permit**, such permit shall automatically expire without notice and no further operation of vehicles in excess of such limits shall be made; however, the conditions expressed in such permit shall remain binding upon the person to whom such permit was issued and all legal and equitable remedies shall be available against him for any breach thereof. In such events herein set forth an application for a supplemental permit to continue the operation of vehicles in excess of such weight limit may be filed setting forth all the information required for the original application and not contained therein. No further filing fee shall be required, but if such supplemental permit is issued, the applicant shall pay the fee prescribed in section 14-67. The ~~city council~~ **director of public works or his designee** may dispense with any further investigation ~~or hearing~~ if in ~~its~~ **his** opinion the information furnished by the original investigation is sufficient to enable it ~~it~~ **him** to determine whether the supplemental permit should be issued and upon what conditions, if any.

Sec. 14-75. Compliance with other regulations.

Nothing in this division or in any permit granted hereunder shall be deemed to authorize the doing or omission of any act contrary to any term or provision of this division or any other ordinance or license of this city or without any license or permit otherwise required by such term, provision, ordinance or license.

Secs. 14-76B14-81. Reserved.

DIVISION 4. HAULING EARTH OR OTHER CONSTRUCTION MATERIALS

Sec. 14-82. Provisions declared alternative.

The authority granted and the procedure provided by this division is an alternative to any other authority or procedure provided by this article.

Sec. 14-83. Permit authorized.

Notwithstanding any other provision of this article, the ~~building official~~ **director of public works or his designee** of the city may issue a permit allowing vehicles to exceed the maximum gross weight limits herein set forth on any street in the city for the purpose of hauling a maximum of five hundred (500) cubic yards per single building site per year, of earthen or other material required to be moved in connection with the construction or alteration of a work of improvement under the following conditions and improvements.

Sec. 14-84. Permit application required.

Any person desiring to operate any vehicle having a gross weight, including load, to exceed the maximum gross weight limits herein set forth along any restricted street shall file an

application in triplicate for a permit to do so with the ~~city building official~~ **director of public works or his designee**, the original of which shall be verified. The application shall set forth the following information:

(a) A full identification and the residence and business address of the applicant; ~~including all members of any firm or partnership and the president and secretary of any corporation applying~~; if the applicant is the agent or employee of any person for whose benefit the permit is requested, this fact with the full identification of such person and business and residence address.

(b) The facts constituting the necessity for operating a vehicle along or upon the restricted streets in excess of the gross weight limits herein set forth.

(c) The dates on which the operation is intended to be commenced and completed and the times of day during which operation is intended to be conducted.

(d) The route which applicant proposes to use over public streets or private property.

(e) The time interval between vehicles and the number of vehicles per hour which will travel over the route for which the permit is applied.

(f) Such further information as the ~~building official~~ **director of public works or his designee** may require.

Sec. 14-85. Application filing fee.

~~At the time of filing the application the applicant shall pay to the city, at the office of the building official, a filing fee to cover the cost of the city's investigation of such application. Such fee shall be not less than thirty-five dollars (\$35.00); provided, however, that if a fee for excavation has been paid pursuant to section 9-47, such filing fee shall be reduced by the amount paid.~~

Sec. 14-86. Investigation, action on application.

Immediately upon the filing of an application for a permit to haul, one copy of such application shall be ~~delivered~~ **transmitted** to the director of public works and one copy to the chief of police **or their designees**. The ~~city building official~~ **director of public works or his designee** shall make or have made an investigation of the facts stated in the application and within fifteen (15) days from the date of filing such application shall either grant a permit with or without modification, as hereinafter set forth, or deny the same in whole or in part.

Sec. 14-87. Conditions for granting permit.

The application shall be granted by the ~~city building official~~ **director of public works or his designee**, if he finds as follows:

(a) That the public health, safety or welfare require the operation of vehicles in excess of the weight limits herein set forth and the use of the route applied for or such modification thereof as it may be deemed advisable;

(b) That the hauling over the route specified will not be injurious to the public health, safety or welfare;

(c) That the city will be duly protected from liability for injury to persons and property;

(d) That the city will be indemnified from injury to the public streets and other places by reason of the use thereof for such operation.

Sec. 14-88. Deposit required.

~~The city building official shall require, as a condition to the granting of any permit hereunder, that the applicant, prior to the issuance of the permit, deposit with the city building official~~ **Applicants for a permit shall, at the time of application, deposit as security for the payment of the fees specified in section 14-89, a sum of money as established in the City's Master Fee Schedule** ~~to be fixed by the city building official which shall be based upon the charges set forth in section 14-89, provided, however, that the amount deposited under this section shall be returned to applicant if, prior to the commencement of any hauling operation, pursuant to such application, the applicant shall have notified the city building official of his intention not to engage in such hauling operation and demanded the return of the deposit.~~

Sec. 14-89. Permit fee.

~~The~~ **Upon issuance of a permit, the** permittee shall pay to the city ~~at the office of the city clerk~~ the sum of one hundred sixty dollars (\$160.00). ~~In the event the material being hauled consists of dirt, rocks, gravel or other earthen materials, the permittee shall pay an additional sum of twenty cents (\$0.20) per cubic yard in back of the materials to be hauled~~ **a permit fee established in the City's current Master Fee Schedule for the issuance of the hauling permit.** No permit shall be valid until such fee is paid.

Sec. 14-90. Surety ~~bond~~ required.

~~The city building official~~ **director of public works or his designee** shall require, as a condition to the granting of any permit hereunder, that the applicant deposit with the city ~~building official~~ such sum in cash as may be required ~~and~~ **or** a surety bond in the amount to be fixed and in form to be specified by the ~~city building official~~ **director of public works or his designee**, inuring to the benefit of the city, guaranteeing that applicant will faithfully perform all of the conditions and requirements specified in the permit and will repair to the satisfaction of the city ~~engineer or, at the option of the city manager,~~ **and** reimburse the city for any damage caused to city streets or other city property by the proposed operation of vehicles in excess of weight limits or hauling or transportation of material or equipment. Such bond shall be executed by a surety or sureties approved by the ~~city manager~~ **director of public works or his designee**

as being sufficient in financial responsibility.

Sec. 14-91. Insurance required.

The ~~city building official~~ **director of public works or his designee** shall also require as a condition to the granting of any such permit that the applicant deposit with the city ~~building official~~ a certificate or policy of a responsible insurance company showing that the city, its elective and appointive boards, officers, agents and employees and the public are insured in amounts hereinafter specified against any loss or damage arising directly from the operation of the applicant or any person acting in his behalf in carrying on any operation connected directly or indirectly with the hauling for which such permit is issued. Such policies of insurance shall be as follows:

(a) Public liability insurance. In an amount not less than ~~three hundred thousand one million~~ dollars (~~\$300,000.00~~ **1,000,000.00**) for injuries, including but not limited to accidental death to any one person, and, subject to the same limit for each person in an amount of not less than ~~six hundred thousand one million~~ dollars (~~\$600,000.00~~ **1,000,000.00**) on account of one occurrence.

(b) Property damage insurance. In an amount of not less than ~~twenty thousand one hundred thousand~~ dollars (~~\$20,000.00~~ **100,000.00**).

Sec. 14-92. Annual or continuing bond and insurance.

With the approval of the ~~city manager~~ **director of public works or his designee**, the applicant may deposit the aforesaid surety bonds and policies of insurance on an annual or continuing basis to cover one or more permits for hauling in the same or different locations.

Sec. 14-93. Route.

The ~~city building official~~ **director of public works or his designee** shall establish the route or routes over restricted streets which all vehicles subject to the permit shall travel, and such vehicles shall travel only directly over such route or routes as may be directed by the ~~city building official~~ **director of public works or his designee** to be least dangerous to public safety and which shall cause the least interference with general traffic and the least damage to public streets.

Sec. 14-94. Additional permit restrictions.

~~The city building official may also specify~~ **In granting the permit, the director of public works or his designee shall also specify** the following:

(a) The gross weight limit of each truck or vehicle which shall be authorized to haul under the permit.

(b) The number of trucks per hour which shall be permitted to travel over the

route specified.

(c) Such other **terms and conditions and requirements** as may be required to properly administer the exercise and use of the permit.

(d) The applicant is required to notify public works department and police department forty-eight (48) hours prior the commencement of hauling.

(e) In addition to the above, if earthen materials are to be hauled, the following requirements shall be part of every permit:

Trucks shall be loaded in such a manner that there shall be no spillage;

That there shall be sprinkling of all loads for dust control, when necessary;

That the City streets shall be kept clean of spillage and wheel dirt;

That two-way routes shall be specified in the permit;

That the permitted speed of the trucks shall be specified;

That crossing guards shall be provided at the expense of the applicant when necessary, in the opinion of the chief of police.

(f) If more than fifty (50) yards of material will be hauled, then the permit applicant shall be required to notify all property owners within a three hundred (300) foot radius of the date and time that the hauling will take place.

Sec. 14-95. Permit revocation, suspension authorized; appeal.

Any permit granted hereunder may be revoked or suspended by the ~~city manager, building official~~ **director of public works** or the chief of police **or their designees** for failure to comply with any of the terms of this division or the terms of such permit, by mailing notice in writing to the permittee at the address shown in the application or by personal service of such written notification upon permittee. The revocation or suspension shall be effective upon ~~the mailing of the aforesaid written notice or the personal~~ service of the same. In the event of revocation or suspension of a permit, the permittee may appeal to the city council by filing written notice of appeal within five (5) days of the ~~mailing or~~ service of the notice of revocation or suspension. If, **as the result of an appeal hearing** the city council reinstates the permit, it may impose such conditions as ~~may be reasonably~~ required for the protection of the health, safety and general welfare of the public.

Sec. 14-96. Permit expiration; supplemental permits.

In the event that any hauling for which a permit has been granted hereunder is not commenced within ~~the period specified in the permit~~ **ten (10) business days after the date of**

issuance of such permit, or in the event that such hauling is at any time abandoned for a period of five (5) consecutive business days, or **not completed within** the number of days allowed for hauling in excess of weight limits ~~in the permit expires~~ **as specified in the hauling permit and/or grading permit**, such permit shall automatically expire without notice and no further operation of vehicles in excess of such limits shall be made; however, the conditions expressed in such permit shall remain binding upon the person to whom such permit was issued; and all legal and equitable remedies shall be available against him for any breach thereof. In such events herein set forth an application for a supplemental permit to continue the operation of vehicles in excess of such weight limit may be filed setting forth all the information required for the original application and not contained therein. No further filing fee shall be required, but if such supplemental permit is issued, the applicant shall pay the fee prescribed in section 14-89. The ~~city building official~~ **director of public works or his designee** may dispense with any further investigation ~~or hearing~~ if in his opinion the information furnished by the original investigation is sufficient to enable him to determine whether the supplemental permit should be issued and upon what conditions, if any.

Sec. 14-97. Compliance with other regulations.

Nothing in this division or in any permit granted hereunder shall be deemed to authorize the doing or omission of any act contrary to any term, or provision of this division or any other ordinance or license of this city or without any license or permit otherwise required by such term, provision, ordinance or license.