

WHEN RECORDED RETURN TO:

City of Buckeye
ATTN: City Clerk, Lucinda J. Aja
530 East Monroe Avenue
Buckeye, Arizona 85326

ORDINANCE NO. 19-21

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF BUCKEYE, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ON FILE WITH THE CITY CLERK ENTITLED THE “CITY OF BUCKEYE COMMERCIAL VEHICLE AMENDMENTS, DECEMBER 2021”; ADOPTING THE “CITY OF BUCKEYE COMMERCIAL VEHICLE CODE AMENDMENTS, DECEMBER 2021” BY REFERENCE; AND AMENDING THE CITY OF BUCKEYE CODE, CHAPTER 12 TRAFFIC CODE, ARTICLE 12-2 TRAFFIC REGULATIONS, BY AMENDING SECTION 12-2-8 COMMERCIAL VEHICLE RESTRICTIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.

WHEREAS, that certain document entitled the “City of Buckeye Commercial Vehicle Code Amendments, December 2021,” of which at least three paper copies or one paper copy and one electronic copy are on file in the Office of the City Clerk and open for public inspection during normal business hours, is hereby declared to be a public record and said copies are ordered to remain on file with the City Clerk; and

WHEREAS, the Mayor and City Council of the City of Buckeye, Arizona, believe that it is in the best interest of the City to amend various sections of the City Code of the City of Buckeye related to commercial vehicle restrictions to promote the health, safety and welfare of the City’s residents.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, as follows:

Section 1. The recitals set forth above are hereby incorporated as if fully set forth herein.

Section 2. That certain document entitled the “City of Buckeye Commercial Vehicle Code Amendments, December 2021,” is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

Section 3. The City Code is hereby amended by amending the sections referenced in the “City of Buckeye Commercial Vehicle Code Amendments, December 2021,” as provided therein in Chapter 12 Traffic Code, Article 12-2 Traffic Regulations, by amending Section 12-2-8 Commercial Vehicle Restrictions.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the City Code are hereby repealed.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the City Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 6. Violations of any provision of Chapter 12, Article 12-2, Section 12-2-8 of the “City of Buckeye Commercial Vehicle Code Amendments, December 2021,” adopted herein shall be subject to the enforcement provisions below:

- F. The axle loads and the gross weight and loads of any truck or truck and load driven upon city streets shall not exceed the loads and weights set forth in A.R.S. §§ 28-1099 and 28-1100, the provisions of which are hereby adopted by this reference as though fully set forth herein word for word.
- G. Any person driving any truck upon any street under the jurisdiction of the city shall be liable for all damage to any street, light or sign of the city as a result of any illegal operation, driving or moving of the truck, or as a result of operating, driving or moving any truck weighing or measuring in excess of the maximum weight provided in this section.

When the driver is not the owner of the truck, but is so operating, driving or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any damage.

Such damage may be recovered in a civil action brought by the city.

- H. A person in violation of the provisions of this section shall be
 - 1. Subject to a civil sanction unless the ordinance defining the offense provides for a different classification.
 - 2. Notwithstanding the provisions of subsection (3) of this section, a conviction for a violation of this section in which the weight is two thousand five hundred one pounds or greater is a class 1 misdemeanor.
 - 3. A person who violates any provision of this section which is declared to be a civil traffic violation is subject to the civil sanction set forth in the following table. A second violation of any such provision within six months of a preceding civil judgment is a class 1 misdemeanor. In addition to any other penalties which the court may impose, in all cases the court shall impose the fine or civil sanction in the amount set forth in the following table:

IF THE EXCESS WEIGHT IS:	THE MINIMUM FINE OR CIVIL SANCTION IS:	
	SANCTION	CLASS 1
1,001 to 1,250 pounds	\$ 50.00	\$ 100.00
1,251 to 1,500 pounds	100.00	200.00
1,501 to 2,000 pounds	150.00	300.00
2,001 to 2,500 pounds	200.00	400.00
2,501 to 3,000 pounds		500.00
3,001 to 3,500 pounds		600.00
3,501 to 4,000 pounds		700.00
4,001 to 4,500 pounds		800.00
4,501 to 4,750 pounds		900.00
4,751 to 10,000 pounds		1,000.00
10,001 to 15,000 pounds		1,250.00
15,001 to 20,000 pounds		1,500.00
20,001 pounds and over		1,800.00

- I. If any officer finds that the person has violated only the axle weight limitation and not the total weight limitation, the officer shall request the driver to reload the vehicle to comply with the axle weight limitation, and if the driver so complies, he shall not be subject to arrest or fine. If the driver does not comply with the request of the officer to reload, the driver shall be subject to a civil sanction.
- J. The monetary penalties (base fees) collected under the provisions of this section shall be placed in a special fund account to be used for the enforcement of the provisions of this chapter and the regulations promulgated thereunder.
- K. The prohibitions of this section shall not apply to trucks operating pursuant to a special permit for the movement of over-dimensional vehicles as permitted by law.
- L. Notwithstanding this section, a person who operates or who causes, permits or authorizes the operation on the city's streets of a vehicle singly or in a vehicle

combination with a gross weight in excess of the vehicle's or vehicle combination's declared gross weight is guilty of a class 1 misdemeanor.

Section 7. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

Section 8. The immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health and safety of the City of Buckeye and an emergency is hereby declared to exist. This Ordinance shall be in full force and effect from and after its passage, adoption and approval by the City Council of the City of Buckeye.

PASSED AND ADOPTED by the Mayor and City Council of the City of Buckeye, Arizona, this 21st day of December 2021.

ATTEST:

Lucinda J. Aja, City Clerk

APPROVED AS TO FORM:

Shiela Schmidt, City Attorney

Eric W. Orsborn, Mayor

The signed version of Ordinance No. 19-21 is on file in the Office of the City Clerk, located at 530 E Monroe Avenue, Buckeye, AZ, 85326.