

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA**

**RESOLUTION 2021-05**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, DECLARING AS A PUBLIC RECORD CERTAIN DOCUMENTS FILED WITH THE CITY CLERK AND ENTITLED "CITY CODE, CHAPTER 12.06, TRUCK ROUTES ORDINANCE, AS A PUBLIC RECORD PURSUANT TO A.R.S. §9-802.**

**RECITALS:**

WHEREAS, those certain documents entitled "City Code, Chapter 12.06 Truck Routes" hereto attached as Exhibit A, three copies of which shall be filed in the office of the City Clerk pursuant to this Resolution, shall remain on file with the City Clerk;

WHEREAS, A.R.S. §9-802 permits the enactment and publication by reference of a code or public record, including statute, rule or regulation of the municipality, in the interest of economy;

WHEREAS, the documents entitled "City Code, Chapter 12.06 Truck Routes" are lengthy ordinances to be adopted by Ordinance NS337 and which would qualify for enactment by reference; and

WHEREAS, Arizona Revised Statutes § 9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, provided that the adopting ordinance is published in full including any penalty provisions as required by A.R.S. § 9-813.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLCOX AS FOLLOWS:** the Council hereby declares that the documents entitled "City Code, Chapter 12.06 Truck Routes Ordinance" are hereby declared to be a public record and are to be permanently filed in the office of the City Clerk and available for public inspection.

**PASSED AND ADOPTED** by the City Council of the City of Willcox this 20<sup>th</sup> day of January 2021.

**APPROVED/EXECUTED:**



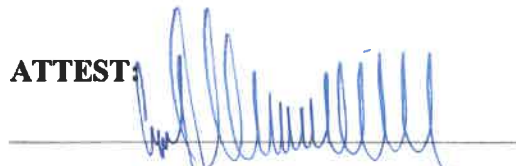
**MICHAEL J. LAWS, Mayor**

**APPROVED AS TO FORM:**



**WILLIAM SIMS, City Attorney**

**ATTEST:**



**CRYSTAL L. HADFIELD, City Clerk**

## Exhibit A

### CHAPTER 12.06

#### TRUCK ROUTES ORDINANCE

##### Section I. In General.

The Willcox City Code, is hereby amended by adding a new Chapter 12.06, Truck Routes to read as follows:

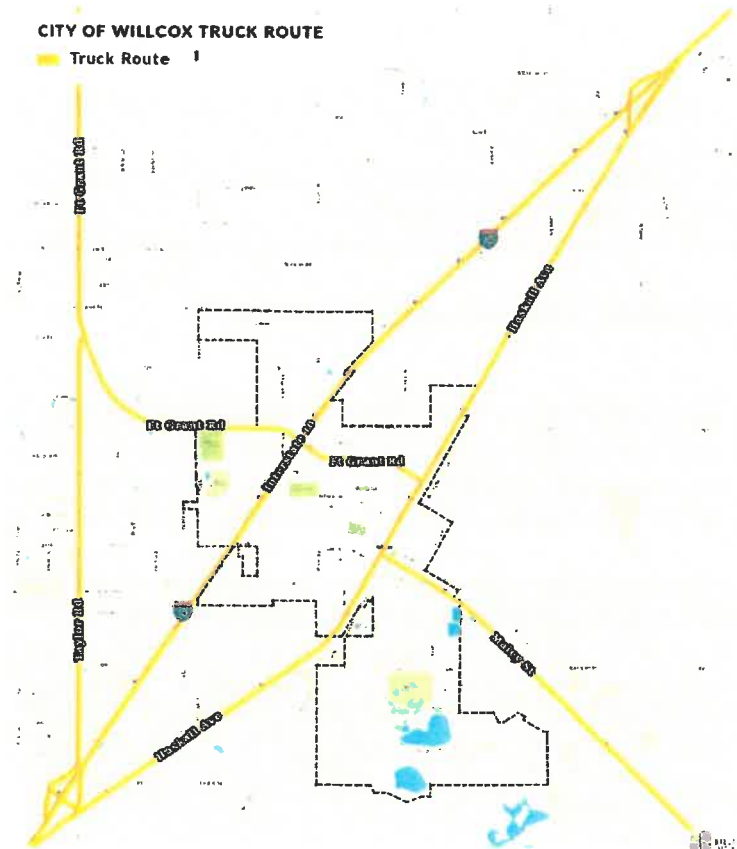
##### **12.06**

The use of public roads within the City of Willcox is to serve the daily needs of its citizens. In doing so, safety, congestion, noise, long-term maintenance and road funding are a prime concern. This Chapter 12.06 (the "Truck Route Ordinance") is designed to address these concerns by limiting truck traffic on local streets. While this may be inconvenient for some businesses, it benefits the community as a whole. State Law reference: Local restrictions on vehicle weight, A.R.S. § 28-1106.

##### **12.06.01 Scope and jurisdiction; definition.**

This section shall apply solely to:

- A. Users of streets within the City boundaries and under the jurisdiction of the City of Willcox.
- B. Unless the term is otherwise specifically defined the use of the term "Truck" in this Chapter 12.06 shall mean those vehicles with motive power, other than buses, recreational vehicles, emergency vehicles, public utility vehicles, and vehicles used for private refuse handling, having three or more axles and/or measuring thirty-six feet or longer in overall length, including truck and load, which are designed and used primarily for carrying property other than the effects of the driver.
- C. Trucks must operate only on "Truck Routes" as identified by the Truck Route Map highlighted in yellow. The City Manager or designee is authorized to install adequate signage along Truck Routes and restricted routes, as needed.



#### 12.06.02 Exceptions to route restrictions.

- A. Trucks must use the designated Truck Routes to the point closest to delivery, pickup, or service.
- B. Upon leaving or returning to the Truck Route, trucks must use the shortest route available via major arterial streets whenever possible, using local streets only when necessary for the completion of the delivery, pickup or service. Trucks shall not use local roadways to get from a designated Truck Route to another designated Truck Route.
- C. Trucks operating within the City of Willcox may do so if they have a business license and a base of operations in an area not adjacent to a Truck Route. Trucks operating from a base of operations in the City that is not adjacent to a Truck Route may enter or leave their base of operations to travel to a Truck Route at any time by the most direct route, using arterial streets only.

#### 12.06.03 Liability for Damage

Any person driving any Truck upon any street under the jurisdiction of the City of Willcox shall be liable for all damage to any street, light or sign of the City of Willcox as a result of any illegal operation, driving or moving of the Truck, or as a result of operating, driving or moving any Truck on any street under the jurisdiction of the City of Willcox.

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.

**12.06.04 Enforcement.**

- A. In addition to liability for damages pursuant to Section 12.0603, a person or entity that violates any provisions of Sections 12.06.01 or 12.06.02 of this Chapter 12.06 shall be subject to the penalties set forth in this Section 12.06.04.
- B. The first violation shall be a Class 2 misdemeanor. A second violation within six months of a preceding violation shall be a Class 1 misdemeanor.
- C. Any violation of this Chapter 12.06 shall be enforced pursuant to Title 19 of this Code.

**12.06.05 Disturbing the public peace and welfare; penalty.**

- A. Trucks shall not be operated on any street within the City of Willcox at any time in such a manner as to disturb the public peace and welfare by loud or unusual noise, or noise of such character, intensity or duration as to be in disturbance of the public peace and welfare including, but not limited to, blowing horns, air brakes, exhaust noises and the use of mechanical loudspeakers or amplifiers.
- B. Any person who violates the provision of section (a) is subject to a civil sanction for which the court shall impose a sanction in the amount of two hundred fifty dollars.