

ORDINANCE NO. 1290

**AN ORDINANCE OF THE COUNTY OF GLENN AMENDING THE GLENN COUNTY
ORDINANCE CODE BY AMENDING TITLE 11 AND ADDING CHAPTER 11.090
RELATING TO USE RESTRICTIONS ON COMMERCIAL VEHICLES WITHIN
RESIDENTIAL AREAS**

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

SECTION 1: The Glenn County Ordinance Code is amended by adding Chapter 11.090.

Chapter 11.090

USE RESTRICTIONS ON COMMERCIAL VEHICLES

SECTIONS:

11.090-010	Definitions
11.090-012	Designation of the Unincorporated Residential Area
11.090-020	Commercial Vehicle Use Restrictions in Residential Areas
11.090-030	Designation of Truck Routes
11.090-040	Commercial Vehicle Parking Restrictions in Residential Areas
11.090-050	Erection of Signs
11.090-060	Use in Residential Areas Exception
11.090-070	Special Permits for Residential Areas
11.090-080	Commercial Hauling
11.090-090	Construction Hauling
11.090-100	Temporary Road Weight Limit Reduction
11.090-110	Transportation Permits
11.090-120	Violations, Penalties

11.090-010 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 Glenn, California

(c) "County Road" means any highway, street, or road lying in a public right-of-way, within the limits of the County of Glenn, 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 Glenn 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).

11.090-012 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 Interstate 5, County Road 45, County Road 99W, and the northern City of Willows limit;

(b) On and within the area bounded by County Road 99W, County Road 48; County Road KK; County Road 49 ½, First Street, and State Highway 162;

(c) On and within the area bounded by State Highway 162, County Road FF, County Road 51, County Road F, County Road 53, and the western City of Willows limit;

(d) On and within the area bounded by County Road H, Stony Creek, County Road N, County Road 200, County Road 19, County Road MM, and County Road 20.

11.090-020 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)

11.090-030 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:

ROAD NAME	FROM	TO
County Road 99W	County Road 45	City of Willows limit
County Road 48	County Road 99W	County Road KK
Colusa Street	State Highway 162	North End
County Road 99W	Stony Creek	City of Orland Limit
County Road 99W	City of Orland limit	County Road 20
County Road 200	County Road H	City of Orland limit
County Road 200	City of Orland limit	County Road 19
County Road M	City of Orland limit	County Road 20

11.090-040 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)

11.090-050 Erection of Signs

The restrictions contained in Sections 11.090-020 and 11.090-040 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.

11.090-060 Use in Residential Areas Exceptions

The restrictions on use contained in Section 11.090-020 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.

11.090-070 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 11.090-020 or 11.090-040. 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.

11.090-080 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.

11.090-090 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.

11.090-100 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).

11.090-110 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.

11.090-120 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 11.090-040 shall be subject to a civil parking penalty of \$35 for each violation.

SECTION 2: 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.

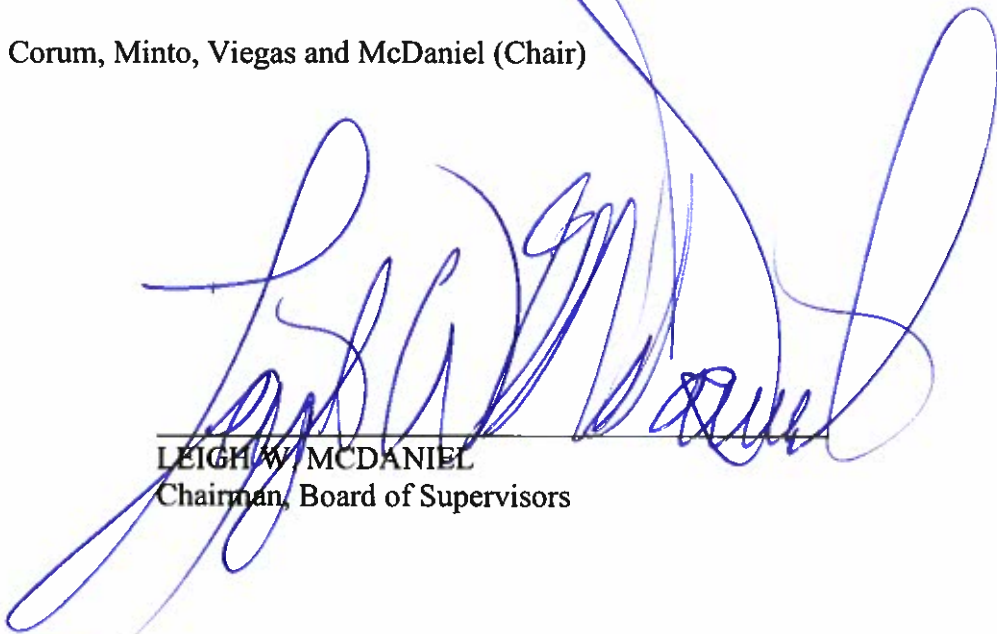
SECTION 3: This ordinance shall take effect thirty (30) days after the date of its adoption and before the expiration of fifteen (15) days from the date of passage thereof shall be published at least once in the Sacramento Valley Mirror, a newspaper of general circulations, printed and published in the County of Glenn, 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 20th day of October, 2020, by the Glenn County Board of Supervisors, State of California, by the following vote:

AYES: Supervisors Barr, Corum, Minto, Viegas and McDaniel (Chair)

NOES: None

ABSENT: None



LEIGH W. MCDANIEL
Chairman, Board of Supervisors

ATTEST:
DI AULABAUGH

By:



Clerk of the Board

APPROVED AS TO FORM

By:



William J. Vanasek, County Counsel