

ORDINANCE NO. 1327

AN ORDINANCE ESTABLISHING THE ANNUAL TRANSPORTATION PERMIT REQUIREMENTS FOR OVERSIZED VEHICLES

WHEREAS, businesses within the City of Toledo require Commercial Motor Vehicles to transport goods and services, and

WHEREAS, the City of Toledo has statutory authority to regulate the movement of Commercial Motor Vehicles within the City, and

WHEREAS, the City Council has concluded that a safe, functioning City street system is a priority need, and

WHEREAS, the City Council directed the City Manager and Police Chief to develop a process for the distribution of permitted access for oversized commercial vehicles, and

WHEREAS, the Oregon Revised Statutes, Oregon Administrative Rules, and other City of Toledo Ordinances set the requirements for transportation permits, and

WHEREAS, the City Council held a public hearing on June 3, 2009, allowing for public comment and testimony on the annual transportation permit regulatory program and fees.

NOW, THEREFORE, THE CITY OF TOLEDO ORDAINS AS FOLLOWS:

Chapter 12.24 is added to the Toledo Municipal Code, to read as follows:

12.24.010 Purpose

The purpose of this chapter is to establish procedures for an Annual Transportation Permit for oversized vehicles. For the purpose of this chapter, an oversized vehicle is defined as any vehicle or combination of vehicles including loads which exceed 60 feet in length.

12.24.020 Permit Required

Any person desiring to move an oversized vehicle over City streets shall apply in advance for a permit from the City of Toledo. The application shall be on forms provided by the City of Toledo.

12.24.030 Fee

An appropriate application fee shall be set by City Council resolution and shall comply with regulations of ORS 818.270 and OAR 734-070-0035.

12.24.040 Application Review

The City Manager or designee shall review the application for completeness within 20 calendar days from the date the application has been filed. In addition to other information as may be

required on the permit application, the applicant shall provide a business name, contact information, description of vehicle(s), provide insurance and bond company information, and shall be signed by the applicant.

Approval or denial of the application shall be based on consideration of all available evidence indicating whether the applicant meets the requirements for the permit.

12.24.050 Approval or Denial of Permit Application

1. Approval of Permit. One copy of the approved permit shall be mailed to the applicant within 5 days after the date of approval. The applicant shall keep a copy of the permit in each of the vehicles identified on the approved permit form.
2. Denial of Permit. If the City determines that the application does not qualify for issuance of the permit, applicant shall be notified in writing that the application has been denied. The notice shall state the reason(s) for denial and shall be mailed within 5 days after the decision.

12.24.060 Suspension

Any Annual Transportation Permit will be suspended if any of the following reasons are found:

1. Any commercial transportation company whose employee or employees collectively receive four or more convictions for traffic or City of Toledo ordinance violations within a 12 month period, or
2. Any commercial transportation company whose employee receives a citation for any traffic or city ordinance violation issued by the City of Toledo while under their employment, and
 - a. Employee Fails to Appear or Fails to Comply with a citation or court order issued by the City of Toledo Municipal Court.

The Police Chief shall provide applicant with written notice of suspension by certified mail. The notice of suspension shall be mailed 30 days prior to the suspension date and shall direct applicant an opportunity to respond within 5 days of receipt of the letter.

12.24.070 Appeal of Suspension

An applicant shall have the right to appeal the suspension decision of the Police Chief by submitting a written appeal to the City Manager's office within 10 days from the date of suspension. The application for appeal shall specify the reason(s) the permit should not be suspended.

The City Manager shall schedule the matter for City Council review as soon as practicable at a regularly scheduled City Council Meeting and notify the appellant no less than 10 days prior to the date of City Council review. The City Council shall conduct a hearing during a public meeting and determine whether there is substantial evidence in the record to support the suspension or overrule the suspension. A final written decision shall be provided to the applicant within 5 days of the decision. The City Council decision shall be final.

12.24.080 Renewal

Annual Transportation Permits shall be valid from the date of issue to the following December 31st and shall be renewable annually for one year beginning January 1st.

12.24.090 Severability

In the event any section, subsection, paragraph, sentence or phrase of this ordinance or any administrative policy adopted herein is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the ordinance shall continue to be effective.

PASSED AND ADOPTED by the City Council of the City of Toledo, Lincoln County, Oregon, on the 3rd day of June, 2009.

ATTEST:

APPROVED:

s/Teresa Jenkins
Teresa Jenkins, City Recorder

s/Rodney L. Cross
Rodney L. Cross, Mayor