

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

INTRODUCE ORDINANCE NO. 402, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING CHAPTER 12.36 OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE RELATING TO TRUCK ROUTES

Summary Statement:

At the August 11, 2009 meeting, the Town Council adopted Resolution No. 2009-31, adopting the Comprehensive Update to the Apple Valley General Plan. Included in the newly adopted Apple Valley General Plan is an updated Truck Route map, revised in anticipation of future development patterns and land uses.

At this time, staff recommends several revisions to our Truck Route Ordinance in order to bring it into compliance with the approved Apple Valley General Plan. The proposed revisions involve the addition of several new Local Truck Route segments in North Apple Valley, including Johnson Road, between Dale Evans Parkway and Stoddard Wells Road, Fresno Road, from Dale Evans Parkway to Navajo Road, Navajo Road, from Fresno Road to Quarry Road, and Lafayette Road, from Dale Evans Parkway to Central Road.

(Continued on page 2).

Recommended Action:

Open the Public Hearing and take public testimony. Close the Public Hearing, then:

1. Waive The Reading of Ordinance No. 402 and Read By Title Only.
2. Introduce Town Council Ordinance No. 402, An Ordinance of The Town Council of the Town of Apple Valley, California, Amending Chapter 12.36 of the Town of Apple Valley Municipal Code Relating to Truck Routes.

Proposed by: _____ Engineering _____ Item Number _____

T. M. Approval: _____ Budgeted Item Yes No N/A

The substantive recommended changes are as follows:

- Modify Municipal Code Chapter 12.36, (Truck Routes), as follows;
 1. Amend Code Chapter 12.36.040, adding Johnson Road, between Dale Evans Parkway and Stoddard Wells Road to the list of designated “Local Truck Routes”.
 2. Amend Code Chapter 12.36.040, adding Fresno Road, between Dale Evans Parkway and Navajo Road to the list of designated “Local Truck Routes”.
 3. Amend Code Chapter 12.36.040, adding Navajo Road, from Fresno Road to Quarry Road, to the list of designated “Local Truck Routes”.
 4. Amend Code Chapter 12.36.040, adding Lafayette Road, between Dale Evans Parkway and Central Road to the list of designated “Local Truck Routes”.

ORDINANCE NO. 402

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING
CHAPTER 12.36 OF THE TOWN OF APPLE VALLEY
MUNICIPAL CODE RELATING TO TRUCK ROUTES**

The Town Council of the Town of Apple Valley does hereby ordain as follows:

SECTION 1. That Chapter 12.36 of the Municipal Code of the Town of Apple Valley is hereby amended to read as follows:

Chapter 12.36

Truck Routes

Sections:

- 12.36.010** **Definitions.**
- 12.36.020** **Trucks Prohibited on Restricted Streets.**
- 12.36.030** **Through Truck Routes Established.**
- 12.36.040** **Local Truck Route Established.**
- 12.36.050** **Truck Traffic Originating Outside Town.**
- 12.36.060** **Truck Traffic Originating Inside Town.**
- 12.36.070** **Weigh-In.**
- 12.36.080** **Exceptions.**
- 12.36.090** **Fines.**

12.36.010 **Definitions.**

- (a) For the purpose of this chapter certain terms used herein are defined as follows:
 - (1) "Destination or destinations: means either a single delivery or several deliveries.
 - (2) "Local Truck Route" means any street as herein designated upon which trucks with an origin and/or destination within the Town may operate only between the hours of 7:00 a.m. and 7:00 p.m.
 - (3) "Restricted Street" means all streets in the Town except through and local truck routes as herein established.
 - (4) "Through Truck Route" means any street as herein designated upon which the unrestricted use of trucks is permitted.
 - (5) "Truck" means any vehicle having a manufacturer's gross vehicle weight rating exceeding 10,000 pounds.

(Amended Ord. 271 adopted 10-14-03)

- 12.36.020** **Trucks Prohibited on Restricted Streets.**

(a) All streets or parts of streets in the Town of Apple Valley other than those designated in this section as through or local truck routes are hereby designated as restricted streets.

(b) When appropriate truck route signs are erected, as hereinafter provided, no person shall operate, drive or cause or permit to be operated or driven, any truck on any restricted street, except as hereinafter provided.

12.36.030 Through Truck Routes Established. The following named streets are hereby declared to be through truck routes for the movement of trucks, and the Town Manager is hereby authorized and directed to designate such streets by appropriate signs as "THROUGH TRUCK ROUTE," which method of designation the Town Manager has determined will best serve to give notice of this chapter, but signs shall, at a minimum, be posted at all through truck route entrances to the Town.

Street

Bear Valley Road

Highway 18

Central Road between Quarry Road and Bear Valley Road

Waalew Road between Central Road and Dale Evans Parkway

Dale Evans Parkway between I-15 and Waalew Road

Deep Creek Road, from Bear Valley Road to the southern Town Boundary

Johnson Road, from Dale Evans Parkway to Central Road.

(Amended Ord. 271 adopted 10-14-03)

12.36.40 Local Truck Routes Established. The following named streets are hereby declared to be local truck routes upon which trucks with an origin and/or destination within the Town may operate only between the hours of 7:00 a.m. and 7:00 p.m., and the Town Manager is hereby authorized and directed to designate such streets by appropriate signs as "LOCAL TRUCK ROUTE," which method of designation the Town Manager has determined will best serve to give notice of this chapter, but signs shall, at a minimum, be posted at all intersections of local truck routes with through truck routes within the Town.

Street

Apple Valley Road, for the entire length.

Corwin Road, from SR-18 to the airport.

Yucca Loma Road, from Apple Valley Road to Kiowa Road.

Kiowa Road, from SR-18 to Bear Valley Road.

Navajo Road, from Thunderbird Road to Tussing Ranch Road.

Waalew Road, from Dale Evans Parkway to Corwin Road.

Thunderbird Road, from Central Road to Dale Evans Parkway.

Dale Evans Parkway, from SR-18 to Waalew Road.

Stoddard Wells Road, from I-15 to the Northern Town Boundary.

Central Road, from Bear Valley Road to the southern Town Boundary.

Navajo Road, from Fresno Road to Quarry Road.

Lafayette Road, from Dale Evans Parkway to Central Road.

Fresno Road, from Dale Evans Parkway to Navajo Road.

Johnson Road, from Dale Evans Parkway to Stoddard Wells Road.

12.36.050 Truck Traffic Originating Outside Town.

- (a) Outside destination, through traffic. All trucks entering the town for destinations outside the Town shall proceed only over through truck route.
- (b) Inside destination. All trucks entering the Town for destinations in the Town shall proceed only over through or local truck route. They shall deviate therefrom only by the shortest and most direct route between each destination and the nearest through or local truck route.
- (c) Trucks may travel on restricted streets by the shortest and most direct route between a Town boundary and a destination if such a route is shorter than the route between a destination and the nearest truck route.

(Amended Ord. 271 adopted 10-14-03)

12.36.60 Truck Traffic Originating Inside Town.

- (a) Portion of trip outside of the Town. If any portion of a truck's trip is outside of the Town, even though its origin is inside the Town, it shall be considered as an outside origin trip upon reentering into the Town and section 12.36.050 shall apply.

- (b) Outside destinations. All trucks, on a trip originating in the town and traveling in the Town for destinations outside the Town, shall proceed by the shortest and most direct route to the nearest through or local truck route and shall thereafter proceed on a truck route while in the Town.
- (c) Inside destinations. All trucks, on a trip originating in the Town and traveling entirely within the Town for destinations in the Town, shall proceed by the shortest and most direct route to the nearest through or local truck route. They shall deviate therefrom only by the shortest and most direct route between each destination and the nearest through or local truck route.
- (d) Trucks may travel on restricted streets by the shortest and most direct route between a Town boundary and destination if such a route is shorter than the route between a destination.

(Amended Ord. 271 adopted 10-14-03)

12.36.070 Weigh-In.

Any peace officer shall have the authority to require any person driving or in control of any truck not proceeding over a through truck route to proceed to any public or private scale available for the purpose of weighing and determining whether this section has been complied with.

12.36.080 Exceptions.

(a) The provisions of this chapter shall not prohibit the operation of any truck coming from a through or local truck route having ingress or egress by direct route to and from a restricted street when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on the restricted street 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 which the restricted street for which a building permit has previously been obtained so long as the operator of such truck takes a route as prescribed in sections 12.36.050 and 12.36.060 hereof.

(b) The provisions of this chapter shall not apply to:

- (1) Passenger buses under the jurisdiction of the public utilities commission and school buses.
- (2) Any vehicles owned or operated by a public utility, or by the Town, or operating under contract for the Town with a haul route authorized in writing by the Town Engineer, or any vehicle used for the removal of refuse under contract with the Town.
- (3) Any Authorized emergency vehicle.
- (4) Trucks directly involved in street improvement projects on Apple Valley Road between Bear Valley Road and Highway 18.

(Amended Ord. 271 adopted 10-14-03)

12.36.090 Fines.

Any person violating any of the provisions of this chapter or disobeying any signs or markings installed pursuant thereto shall be guilty of an infraction. Pursuant to the Vehicle Code, every person convicted of an infraction for a violation of the provisions of this chapter shall be punished by a fine based upon excess weight in accordance with section 42030 of the State of California Vehicle Code.

SECTION 2. Except as specifically amended or revised by the provisions of this ordinance, the provisions of the Town of Apple Valley Municipal Code shall remain in effect.

SECTION 3. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under section 36933 of the Government Code of the State of California.

SECTION 4. Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption.

SECTION 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this .

Richard Roelle, Mayor

Attest:

La Vonda M-Pearson, CMC, Town Clerk

Approved as to form:

Approved as to content:

John Brown, Town Attorney

Frank Robinson, Town Manager