

ORDINANCE NO. 13

Series of 2019

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ADOPTING A NEW SECTION 190.040.120 REGARDING HAUL ROUTES TO THE GLENWOOD SPRINGS MUNICIPAL CODE.

WHEREAS, the City of Glenwood Springs (“Glenwood Springs” or the “City”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Glenwood Springs Home Rule Charter; and

WHEREAS, pursuant to Sections 31-23-101 *et seq.*, 29-20-101 *et seq.*, and 42-4-101 *et seq.*, C.R.S., and the Glenwood Springs Home Rule Charter, the City is authorized regulate the use of roads, streets, and bridges within its jurisdiction to ensure the continued viability of the City’s transportation system and mitigate the impacts and damage sustained as a consequence of commercial truck hauling operations; and

WHEREAS, in 2017, the City completed a Pavement Condition Survey, which documented the increasing degradation and substandard conditions of the City’s roadway infrastructure; and

WHEREAS, the Glenwood Springs City Council finds that the unregulated use of the City’s roads, streets, and bridges for purposes of commercial truck hauling threatens the public health, safety, and welfare by the costly and potentially dangerous degradation of the City’s infrastructure; and

WHEREAS, the Glenwood Springs City Council finds and determines that it is necessary and proper to address the adverse impacts caused to the City’s roadway infrastructure by commercial truck hauling operations through the adoption of appropriate regulations, permit requirements and impact fees for such activities.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ORDAINS THAT:

Section 1. The forgoing recitals are incorporated herein as if set forth in full.

Section 2. A new Section 190.040.120 is hereby added to the Glenwood Springs Municipal Code to read as follows:

190.040.120 – Truck Haul Route Regulations

(a) *Intent; authority.* City Council finds and determines that these regulations are necessary for the protection of the public health, safety, and welfare from adverse impacts caused by unregulated commercial truck haul route traffic over the City’s roads, streets, and bridges. This Section is authorized, inter alia, by Sections 31-23-101 *et seq.*, 29-20-101 *et seq.*, and 42-4-101 *et seq.*, C.R.S., and the Glenwood Springs Home Rule Charter.

(b) *Definitions.* As used in this section, the following words shall have these meanings ascribed to them:

Applicant means the person or entity applying for a hauling permit.

ESAL means equivalent single load axle.

Hauling means using a haul route to transport goods or materials by truck for commercial purposes from one location to another of 30 round trips or more in a period of 60 days.

Haul route means a designated route taken by a truck on a roadway within City limits that is not a state or federal highway for hauling.

Truck means a vehicle over 30' in length.

(c) *Permit procedures.*

- (1) An application for a hauling permit shall be submitted to the City Manager on a form approved by the City no less than 30 business days prior to the requested date to commence hauling.
- (2) Upon receipt of an application for a permit, the City Manager or his or her designee shall refer the same, as appropriate, to the City Engineer, Fire Chief, and Police Chief for review and comment.
- (3) Following review of a permit application, the City Manager may approve, deny, or approve with conditions such permit. The reason for denial or terms of any conditioned permit shall be provided in writing within 10 days of receipt of said application. Denied or conditioned permits may be appealed to the Glenwood Springs City Council within 30 days of the date of notice of such denial or conditioned approval, and a hearing shall be scheduled not less than seven or more than 30 days from the date of appeal.
- (4) A permit shall not be issued until the Applicant pays all applicable impact fees as set forth herein.
- (5) An issued permit shall remain in effect for the duration of the hauling term identified pursuant to section (d)(1)c below.

(d) *Calculation of impact fees.*

- (1) The Applicant will provide the City with the following information to allow the City to calculate the impact fee associated with a hauling permit:
 - a. Truck information - a description of the type of truck(s) that will be used for hauling, including the number of axles and proposed loaded weight and weight per axle for each truck.

- b. Haul routes – a description of the haul route(s) that will be used for hauling.
- c. Term - the anticipated period of time during which the hauling will be performed.
- d. Schedule of use – an itemization of the number of trucks that will be used for hauling each day on each designated haul route for the duration of the hauling term.

- (2) Based on the foregoing information provided by the Applicant, the City will determine the overall ESAL life expectancy decrease for the roadways in the proposed haul routes and calculate a twenty year life pavement section. The City will then calculate the amount of roadway life lost to the public within the existing roadway design. This information will be multiplied by the square foot replacement cost of the roadway at the beginning of the term and at the end of the term based on an inflation rate of five percent per year.
- (3) The impact fee shall be paid at the beginning of the term, prior to the issuance of the permit, and will be valid for the duration of the proposed term identified by the Applicant. If the hauling continues beyond the original proposed term, the Applicant will be required to obtain a new permit and pay a new fee calculated in an amount consistent with this section. A new permit shall not be issued until the new impact fee is paid by the Applicant.
- (4) If the Applicant's additional ESALs exceed the life expectancy of the existing roadway, the City will calculate the period of time the new load would be applied to a new roadway and the costs to build the roadway to the section needed for the hauling activities. Applicant shall be responsible for paying these additional costs. If the Applicant's additional ESALs do not exceed the life expectancy of the existing roadway, the Applicant shall be responsible for the normal reconstruction costs calculated pursuant to paragraph (2) above.

(e) *Violation; penalty.* Engaging in hauling in violation of this Section 190.040.120 shall be punished by a fine of not more than \$1,000.00 for each occasion.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY THIS 21ST DAY OF MARCH 2019.

CITY OF GLENWOOD SPRINGS, COLORADO

Michael Gamba, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk

INTRODUCED, READ ON SECOND READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE
OF SECOND PUBLICATION THIS ____ DAY OF _____ 2019.

CITY OF GLENWOOD SPRINGS, COLORADO

Michael Gamba, Mayor

ATTEST:

Catherine Mythen Fletcher, City Clerk