## ORDINANCE NO. 151

AN ORDINANCE Regulating Forest Product Hauling Vehicle Use on City Streets and Requiring a Permit and a Damage Bond.

The City has an interest in protecting streets and roads within its corporate limits from uses and from damage that may cause or will result in public health and safety problems for, or unreasonable financial consequences to the citizens of the community. Similarly, the City has an interest in seeing that parties who use city streets for purposes and in a manner that will likely lead to damage to one or more City Streets, are financially responsible for such damages.

The City Council of The City of Finlayson ordains:

## Section 1. Definitions:

- a. City. City shall mean the City of Finlayson
- b. <u>City Street</u>. A city street means any road, street, alley, or public way located within the corporate city limits of the City of Finlayson, whether surfaced with bituminous, concrete, or Class V (gravel).
- c. <u>Forest Products</u>. As used in this Ordinance forest products includes all logs, cut timber, pulp wood, wood chips or other similar materials that are produced by harvesting standing trees or timber.
- d. <u>Forest Product Hauler</u>. Any individual or entity engaged in the transport of forest products within the City of Finlayson and using a city street.

Section 2. subdivision 1. It shall be unlawful for any forest product hauler to haul forest products on or in a vehicle which exceeds the weight limitation set forth in Subdivision 2, on any city street, without a permit.

Subdivision 2. Prior to hauling forest products on any city street, a forest product hauler who intends to operate a forest product hauling vehicle on a city street, that has a loaded vehicle weight (gross weight) in excess of <u>30,000 GVW</u> pounds, shall apply for and secure a forest product hauling permit from the City.

- a) Application for a forest product hauling permit shall be made through the city clerk on a form provided by the city for that purpose.
- b) In addition to identifying all city streets upon which the forest product hauler will operate, the application shall identify the dates that hauling will occur, and the names, addresses and vehicle registration information of all owners and/or operators who will be hauling under the permit.
- c) The applicant shall provide a performance bond in an amount of not less than \$150,000.00, payable to the City of Finlayson and which bond shall provide for the repair or reconstruction of any City Street that is damaged by the permitted hauler(s).

Section 3. Penalty.

- a. Any person violating any provision of this ordinance shall, upon conviction, be punished by a fine not exceeding \$1,000 or by imprisonment for a period not exceeding 90 days, or both, plus, in either case, the costs of prosecution.
- b. In addition to or separately from the misdemeanor penalty set forth in the preceding paragraph, if a forest product hauler violates this ordinance the City shall have the right to pursue all civil remedies available to it including causes of action seeking monetary damages and equitable relief. In any civil action brought by the City to enforce this ordinance the City shall have the right to recover all attorneys' fees, costs and disbursements it incurs.

Section 4. Effective date. This ordinance becomes effective from and after its passage and publication.

Passed by the City Council of Finlayson on July11, 2011.

Approyed

Mayor

Attested:

City Clerk