

ORDINANCE No. 2015-08

AN ORDINANCE OF COCONINO COUNTY, ARIZONA BOARD OF SUPERVISORS PROVIDING FOR THE ISSUANCE OF OVERSIZE/OVERWEIGHT PERMITS TO MOVE OR OPERATE VEHICLES OVER THE HIGHWAYS AND STREETS UNDER ITS JURISDICTION

WHEREAS, it is necessary in the public interest that all use of public highways and streets, by individuals, corporations, associations, and political subdivisions, be regulated and controlled so that the public safety and welfare can be served;

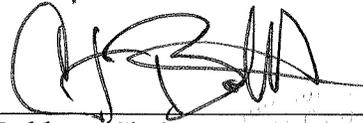
WHEREAS, the Coconino County Board of Supervisors finds the law of the State of Arizona, including Arizona Revised Statutes (A.R.S) §11-251(4), authorizes the Board of Supervisors of Coconino County to control and manage said public roads, streets, alleys and ways within Coconino County; and

WHEREAS, the Board of Supervisors of Coconino County recognizes that public necessity may require the movement or operation of a vehicle or a combination of vehicles that exceed the maximum specified legal size, weight, or load, as specified in Title 17, Chapter 6, of the Arizona Administrative Code (R17-6-101 through R17-6-505) and Title 28, Chapter 3, Article 18 and Article 19 of the Arizona Revised Statutes; and

WHEREAS, the Board of Supervisors, authorized by the Arizona Revised Statutes, § 28-1103, at its discretion, may upon application issue a permit authorizing an applicant to operate or move a vehicle or a combination of vehicles (exceeding legal limits) upon highways or streets under its jurisdiction.

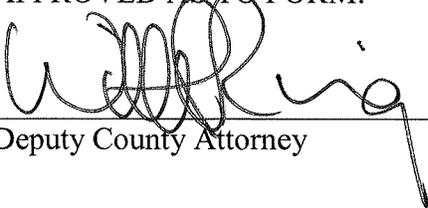
NOW, THEREFORE, BE IT ORDAINED that the Board adopts the Coconino County Oversize and Overweight Ordinance as described in Exhibit "A" attached hereto and incorporated herein; AND WHICH IS LOCATED AT THE Coconino County Public Works Department offices.

APPROVED AND ADOPTED this 15th day of September, 2015, by the Coconino County Board of Supervisors.

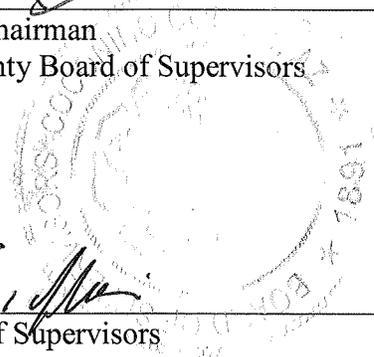


Art Babbott, Chairman
Coconino County Board of Supervisors

APPROVED AS TO FORM:


Deputy County Attorney

ATTEST:


Clerk, Board of Supervisors

COCONINO COUNTY OVERSIZE AND OVERWEIGHT ORDINANCE

SECTION I: GENERAL PROVISIONS

- A. This ordinance may be cited as the Coconino County Oversize and Overweight Ordinance. The Coconino County Oversize and Overweight Ordinance applies to all County roads and bridges.
- B. The Department shall issue a permit, for each vehicle, or vehicle and load combination, moving over county bridges exceeding any of the maximum limits listed in Arizona Administrative Code Title 17, Chapter 6, Table 1.
- C. A permit application shall be submitted to the Department for a permit to move any vehicle over county bridges with posted weight and size restrictions which exceeds the posted weight or size restrictions.
- D. Upon receiving a permit application in writing meeting all requirements of this ordinance and showing good cause, the Coconino County Engineer or an authorized agent is authorized and has discretion to issue permits as indicated below.

SECTION II: DEFINITIONS

- A. In addition to the definitions prescribed under A.R.S. § 28-601, the following terms apply to this Chapter.
- B. “Bridge” is defined as a structure including supports erected over a depression or an obstruction, as water, highway or railway and having a track or passageway for carrying traffic or other moving loads and having an opening measured along the center of the roadway of more than 20 feet between undercopings of abutments or springlines of arches or extreme ends of openings for multiple boxes; it may include multiple pipes, where the clear distance between openings is less than half of the smaller contiguous opening.
- C. “County” means Coconino County.
- D. “Department” means the Coconino County Public Works Department.
- E. “Division” means the Coconino County Public Works, Engineering Division.
- F. “Permit fees” are those fees existing on the date the applicant applies for a permit with the Department.
- G. “High Volume Applicant” is an applicant who utilizes County infrastructure (bridges and roads) at a volume and consistency that renders a singular permit impractical. The County Engineer or his designee retains sole discretion in determining an applicant’s “high volume” status.

SECTION III: PERMIT APPLICATION PROCEDURE

- A. All applicants using Arizona State roadways with an Arizona Department of Transportation (ADOT) special permit shall deliver an approved copy to the Division via email or fax.
- B. All applicants shall deliver a completed Coconino County Oversize Overweight Permit Application Form, located on the Division page at <http://www.coconino.az.gov>, in the following circumstances:
 - 1. If an ADOT special permit has not been obtained;
 - 2. If the gross vehicle weight exceeds bridge posting;
 - 3. If the gross vehicle, single axle, tandem axle, or steering axle weights exceed those listed in ARS § 28-1100 *et seq.*;
- C. Permit applications shall be submitted to:

Coconino County Public Works, Engineering Division
5600 E. Commerce
Flagstaff, AZ 86004
Fax: 928-679-8355
Email: osow@coconino.az.gov

- D. In addition to submission of the permit application form, the applicant shall:
 - 1. Submit proof that all vehicles described in the application which are subject to registration are properly registered in accordance with the applicable law.
 - 2. Furnish satisfactory evidence of financial responsibility for all vehicles used in the move which shall include Certificates of Insurance for each vehicle.
 - 3. Provide payment of any applicable fees for the issuance of Oversize Overweight Permits.
 - 4. Provide excess umbrella coverage, liability insurance, or performance assurances as may be required by the Division to assure repairs for any damage caused to any roadway or structure by permittee to the satisfaction of the Department;
 - 5. Submit documentation of required licensing or payment of taxes if required by this Ordinance or state law for all vehicles described;
 - 6. Provide other documentation reasonably required by the Division to evaluate the appropriateness of issuing the permit, including, but not limited to, necessary engineering analysis if required by this Ordinance.

E. Engineering Analysis

1. If an applicant's vehicle exceeds weight limits prescribed under R17-6-411, Table 3.01 through 3.09, a structural engineering analysis of the structures crossed on the proposed route is required. As prescribed under A.R.S. Title 32, the engineer performing the analysis shall be registered by the Arizona Board of Technical Registration in structural or civil engineering. The analysis shall be submitted to the Division for review, which will require an additional fee. The analysis shall be in accordance with the following industry standards:
 - a. The current American Association of State Highway and Transportation Officials (AASHTO) edition of the Condition Evaluation of Bridges including all interims, standards, or guidelines;
 - b. The current AASHTO edition of the Standard Specifications for Highway Bridges including all interims, standards, or guidelines; supplemented, if needed, by
 - c. The ADOT Bridge Practice Guidelines, and applicable standards or guidelines.
 2. An applicant may submit an engineering analysis previously approved by the Division if:
 - a. The applicant's vehicle, load dimensions, and proposed route are identical to a previously approved permit application,
 - b. There is no change in condition to a highway structure or other county property, and a comparable analysis was previous approved within 12 months prior to the current application. The Department will utilize past permit records of all applicants in order to reduce review time periods and direct costs where such records are applicable.
- F. If the Division determines that the overweight vehicle exceeds the load carrying capacity of any element of a County bridge, the Department shall deny the application for a County permit.
- G. At the request of an applicant, the County Engineer or his designee may grant the permit applicant "High Volume Applicant" status and issue an annual oversize overweight permit.
- H. An applicant for a County permit may be required to post a bond with the Coconino County Public Works Department, to be used in the event of damage to roadways or appurtenance. The amount shall be determined by the Division, with a minimum bond amount of ten thousand dollars (\$10,000).

SECTION IV: PERMIT FEE CALCUATION

- A. Permit fees shall be calculated on the following basis:
1. Review of ADOT Special Permit by Department – no fee.
 2. Review of Oversize Overweight Permit Application Form by Department – permit fee published in the current Coconino County Fee Schedule.
 3. Review by Department of Structural Engineering Analysis provided by the Applicant – Applicant will pay the costs incurred by the Department for the review of the Structural Analysis.
 4. “High Volume Applicant” Permit Fee – permit fee published in the current Coconino County Fee Schedule.

SECTION V: PERMIT LIMITATION

- A. *Oversize / Overweight permits* granted hereunder are valid ONLY on the roads and streets under the jurisdiction of Coconino County, only on those roads and streets included in the applicant’s application, and only when issued by the County Engineer or authorized agent.
- B. The right to use State or Federal highways or city streets is neither granted nor implied. Permits for use on other than county roadways designated on the permit shall be procured from the proper authority.
- C. If a permit for overweight, oversize, or both is required by more than one local authority to move a vehicle or combination of vehicles and if the permit is not required by the Director of the ADOT then the applicant shall pay a permit fee only to the local authority that has jurisdiction of the streets and highways where the movements of the vehicle or combination of vehicles originate.

SECTION VI: PERMIT CONFISCATION

The Coconino County Sheriff is authorized to enforce the provisions of this Ordinance in a manner deemed necessary under the authority of A.R.S. Title 28, Chapter 3, Article 18, with respect to highways and streets under the jurisdiction of the Board of Supervisors of Coconino County. However, such *Oversize/Overweight* permit shall be open to inspection to any peace officer or authorized agent of the County. A permit may be confiscated by a Sheriff’s Deputy, peace officer or authorized agent of the County for misuse. A vehicle, or a load, that is in violation of this Ordinance shall be parked clear of traffic and remain parked until such time that all requirements of this Ordinance are met and a new permit has been issued. Flagrant violations may cause the permit holder to have all permit privileges suspended, subject to review by the County Engineer or authorized agent.

SECTION VII: LIABILITY

The applicant for a Coconino County oversize/overweight permit for as described in this ordinance will indemnify, defend, and hold harmless Coconino County in the event of a claim or lawsuit arising out of its operations or activities involving use of a Coconino County issued oversize/overweight permit, and maintains sole responsibility for any accidents or injuries to persons or property emanating therefrom.

The applicant for a Coconino County oversize/overweight permit for Coconino County bridge access will, to the fullest extent permitted by law, indemnify, keep indemnified, defend and save harmless the County and/or any of its agents, officials, employees, and volunteers from any and all claims, demands, suits, actions, proceedings, losses, costs and/or damages of every kind and description, including any attorney's fees and/or litigation expenses, which may be brought or made against or incurred by the County on account of loss of or damage to any property or for injuries to or death of any person, caused by, arising out of, or contributed to, in whole or in part, by reason of any alleged act, omission, professional error, fault, mistake, or negligence of the permittee, its employees, agents, representatives, volunteers, or subcontractors, their employees, agents, or representatives in connection with or incidental to the use of the permit or arising out of Workers' Compensation claims, Unemployment Compensation claims, or Unemployment Disability Compensation claims of employees of the permittee and/or its subcontractors or claims under similar such laws or obligations.

SECTION VIII: TRANSPORTATION RESTRICTIONS

A. General Highway Operations:

A permit holder of an over-dimensional vehicle or load shall adhere to the following:

1. No vehicle being operated under the conditions of a permit shall be operated at a speed in excess of that stated in the permit. If no maximum speed is stated on the permit, the maximum speed for wide, high and overweight loads shall be forty-five (45) miles per hour or the posted limited, whichever is less. Legal width loads that exceed length and height limitations only and move without escorts may travel at legal posted speed limits.
2. Every oversize or overweight vehicle shall maintain a minimum distance of one thousand (1,000) feet from any other oversize or overweight vehicle traveling in the same direction on the same roadway.
3. Travel on the extreme right-hand side of the roadway in such a manner as to avoid delay to traffic except;
 - a. Where the width of the highway or street is such that traffic cannot move in any direction, the applicant shall not stop traffic in any direction for more than five minutes.

- b. If it becomes necessary, because of a narrow bridge or other highway feature, to temporarily block the passing lane, then the applicant shall provide the proper flagging of traffic. After passing the structure, the load shall be immediately moved to the extreme right-hand side of the roadway and proceed as provided herein.
4. Comply with the following requirements when crossing a bridge with an overweight vehicle;
 - a. No other vehicles shall be allowed on the bridge at the same time as the overweight vehicle or vehicles.
 - b. Do not cross a bridge with a load in excess of the posted load limit of such bridge. No permit will be issued where movement of overweight vehicles requires crossing bridges that have been identified by the County Engineer, Structures Section, as bridges restricted to any vehicles that exceed legal or less than legal gross vehicular weights.
 - c. Make a full stop before entering upon any designated bridge and proceed across the bridge at the maximum speed stated on the permit. Vehicle(s) shall travel in the center of the bridge roadways when so noted on the permit. Flaggers must be provided to stop all traffic to execute the operational requirements in regard to bridge crossings.
 - d. Not change gears while on the bridge, except in emergency situations.
5. Assure that any building or structure being transported on dollies or trailers is of sufficient height above the roadway surface to allow for clearance of guard rails, bridge railings, and other highway installations.

B. Night Movement:

1. This Section applies to a vehicle or load that does not exceed any of the following dimensions:
 - a. 16 feet wide; or
 - b. 16 feet high; or
 - c. 120 feet long; and/or
 - d. 160,000 pounds
 - e. Vehicles or loads of smaller dimensions than those above may be eligible for a permit to move at night.
 - f. Each permit request for night movement will be considered case by case, based on vehicle or load size and route.

2. Night movement of a vehicle or load under a permit shall be limited to routes identified on the Department Oversize Route Map or as otherwise approved in advance.
3. A permit holder of a vehicle or load transporting under this Section, shall have escort vehicle accompaniment as follows:
 - a. Minimum of four escort vehicles (two pilots and two follow-up) will be required at all times on all moves conducted at night.
 - b. Each escort shall display a minimum of one flashing amber light visible at least 500 feet in all directions.
 - c. A front escort with a height pole for a vehicle or load with a dimension exceeding 15 feet in height.
 - d. White lights shall be prominently displayed on the front of the structure being transported at no greater than four feet apart.
 - e. Amber lights shall be prominently displayed on the left and right sides of the structure being transported no greater than four feet apart.
 - f. Red lights shall be prominently displayed on the rear of the structure being transported no greater than four feet apart.
 - g. Two (2) law enforcement escorts must accompany the entire move (one in front, one in the rear of the load) on all sections of roadway under the jurisdiction of Coconino County.
 - i. Law enforcement escorts' names and badges shall be supplied to the Department prior to transportation.
 - ii. The law enforcement escort shall telephone the Engineering Division of the Department at 928-679-8300 as soon as possible after completion of the transportation, and relay the following information:
 1. The time transportation started
 2. The time transportation ended
 3. Any problems encountered
 4. Any damage
 5. Location of damage, if any occurred.

SECTION IX: MANUFACTURED AND MOBILE HOMES

- A. This Section shall not apply to mobile homes that do not exceed eight (8) feet in width.
- B. A permit shall not be issued pursuant to this Ordinance for moving a mobile home unless the applicant provides evidence of payment of all applicable ad valorem taxes or a clearance from the assessor of the County in which the mobile home is located. The clearance is valid for not more than thirty days.
- C. The movement of mobile homes within the County shall comply with Arizona Administrative Code, Title 17, Chapter 4, R17-4-406 through R17-4-427 or as amended as prescribed by the Director of the Arizona Department of Transportation.
- D. When any vehicle is moving a habitable structure, said movement shall be in accordance with the above requirements, the requirements of A.R.S. Title 28. and with the following additional requirements:
 - 1. All moves shall be made from 2:00 a.m. to 6:00 a.m., Monday through Friday, or 2:00 a.m. to 8:00 a.m. on weekends.
 - 2. White lights shall be prominently displayed no greater than four feet (4) apart across the front length of the structure being transported.
 - 3. Amber lights shall be prominently displayed no greater than four (4) feet apart across the left and right sides of the structure being transported.
 - 4. Red lights shall be prominently displayed no greater than four (4) feet apart across the rear length of the structure being transported.
 - 5. No permit to move any habitable structure shall be granted to any applicant unless the applicant is properly licensed by the Registrar of Contractors of the State of Arizona and has fully complied with all rules and regulations promulgated by the registrar of contractors as required by law. Proof of a valid Contractors License shall be shown upon application for a permit.
 - 6. Any habitable structure transported on dollies or trailers shall be of sufficient height above the road surface to allow for clearance of road signs, guard rails, and other roadway installations.
 - 7. Permits shall be applied for three (3) working days prior to the scheduled move. Telephonic changes will not be authorized except when emergency conditions, as determined by the Permit Supervisor or his designee, exist.

8. In addition to the requirements of Arizona Administrative Code, Title 17, Chapter 6, R17-6-305, the following apply:
 - a. Escort vehicles shall be of sufficient size to display a minimum of one (1) flashing amber light visible at least five hundred (500) feet in all directions.
 - b. At least one (1) escort vehicle shall be located forward and one (1) escort vehicle to the rear of the habitable structure being transported.

SECTION X: VIOLATIONS

Transportation of Oversize or Overweight articles without a County permit, or in derogation of the terms specified in a permit is a violation of this Ordinance. Any violation of this Ordinance is subject to civil action in Coconino County for any and all damage to a highway, bridge, or other structure, pursuant to A.R.S. § 28-1107.

SECTION XI: ADMINISTRATION

Except for the permits for the movement of vehicles owned by the United States Government, State of Arizona, or other state, local, or tribal governments, the County Engineer shall collect and account for all fees set forth in this ordinance as required by A.R.S. 28-1011(G), and all fees and all fines for the violation of these permit regulations, unless otherwise specially provided by law, shall be paid immediately to the County Treasurer, who shall credit the amount to the General County Road Fund.