

MILLCREEK, UTAH
ORDINANCE NO. 20-17

**AN ORDINANCE AMENDING TITLES 11 AND 19 OF THE MILLCREEK CODE OF
ORDINANCES WITH RESPECT TO THE DEFINITION OF COMMERCIAL
VEHICLES**

WHEREAS, the Millcreek Council (“Council”) met in regular session on April 27, 2020, to consider among other things, approving an ordinance amending Titles 11 and 19 of the Millcreek Code of Ordinances by Amending Section 11.20.060.A. and Section 19.04.551 with respect to the definition of commercial vehicles; and

WHEREAS, Utah Code Ann. § 10-9a-503 provides in part that the Council may amend any regulations of a zoning ordinance; and

WHEREAS, Millcreek (“City”) has adopted a comprehensive zoning ordinance (“Zoning Ordinance”); and

WHEREAS, the amendments to Title 19 constitutes an amendment to the Zoning ordinance; and

WHEREAS, Utah Code Ann. § 10-9a-502 provides planning commission shall provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4) and hold a public hearing on the proposed land use ordinances; and

WHEREAS, on February 28, 2020 the required notice was published; and

WHEREAS, on March 18, 2020, the proposed amendment was submitted to the planning commission for its recommendation; and

WHEREAS, on March 18, 2020, the planning commission held the required public hearing with respect to amending Title 19 of the Millcreek Code of Ordinances; and

WHEREAS, at the March 18, 2020, planning commission meeting the Millcreek Planning Commission recommended amending Title 19 of the Millcreek Code of Ordinances by amending Section 19.040551 Vehicle, Commercial; and

WHEREAS, the Millcreek Code of Ordinances, provides among other things, that before finally adopting any such amendments, the Council shall consider such amendments during a public meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter 4, of the Open and Public Meetings Act; and

WHEREAS, on April 22, 2020 the Council caused the required notice to be given; and

WHEREAS, on April 27, 2020, the Council considered amending Title 11 of the Millcreek Code of Ordinances by amending Section 11.20.060 and Title 19 of the Millcreek Code of Ordinances by amending Section 19.04.551.

NOW THEREFORE, BE IT ORDAINED by the Council that Sections 11.20.060 and 19.04.551 be amended to read as follows (designated by interlineating the words to be deleted and underlining the words to be added):

11.20.060 - Parking of trucks and commercial vehicles.

A. Definitions. As used in this section:

"Commercial vehicle" means a vehicle in excess of three-quarter ton capacity of whatever make or type designed for or adapted to commercial or agricultural purposes, regardless of the use to which such vehicle is put at any particular time, provided such vehicle is of a type, kind or adaptation commonly known as a commercial or agricultural vehicle. any motorized vehicle or trailer used for or intended for business use - including but not limited to the transportation of commercial equipment, merchandise, produce, freight, commodities, passengers, or animals - and which is characterized by any of the following:

- a. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting; vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks, or other similar vehicle.
- b. Pickup trucks over one ton with a commercial modification, such as a flat bed, a dumping mechanism, mechanical lifts or arms for loading and unloading materials/equipment, aerial buckets or platforms, or other similar feature.
- c. Vehicles with more than two axles.

d. Vehicles that exceed eight feet in height. a vehicle in excess of three quarter ton capacity of whatever make or type designed for or adopted to commercial or agricultural purpose, regardless of the use to which such vehicle is put at any particular time, provided such vehicle is of a type, kind or adaptation commonly known as a commercial or agricultural vehicle.

"Trailer" means any truck trailer or other trailer designed or adapted primarily for the transportation of property of whatever kind used for or intended for business use.

"Truck" means any truck-tractor, panel truck, pickup or other truck in excess of one ~~three~~ ~~quaqrter~~-ton capacity.

- B. Restriction. No person shall park any commercial vehicle, agricultural vehicle, occupied or empty trailer, truck-tractor or truck on any public street adjacent to a lot or parcel containing a residential dwelling(s) or on any public street within a residential subdivision for a period of time longer than three consecutive hours.
- C. Exception. The prohibitions in this section shall not apply to vehicles being used in the servicing of adjacent properties or streets.

19.04.551 Vehicle, Commercial:

1. "Commercial vehicle" means any motorized vehicle or trailer used for or intended for business use - including but not limited to the transportation of commercial equipment, merchandise, produce, freight, commodities, passengers, or animals - and which is characterized by any of the following:
 - a. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting; vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, ~~concrete ready mix cement~~ trucks, or other similar vehicle.
 - b. Pickup trucks over one ton with a commercial modification, such as a flat bed, a dumping mechanism, mechanical lifts or arms for loading and unloading materials/equipment, aerial buckets or platforms, or other similar feature.
 - c. Vehicles with more than two axles.
 - d. Vehicles that exceed eight feet in height.
2. "Trailer" means any truck trailer or other trailer designed or adapted primarily for the transportation of property of whatever kind used for or intended for business use.
3. "Truck" means any truck-tractor, panel truck, pickup or other truck in excess of one-ton capacity.

This Ordinance, assigned Ordinance No. 20-17, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 27th day of April, 2020.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:		
Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:

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was passed and adopted the 27th day of April, 2020 and certifies that a summary was published
in the Deseret News and Salt Lake Tribune the __ day of _____, 2020.

Elyse Sullivan, City Recorder