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1 **WHEREAS**, a public hearing before the City Commission was held pursuant to
2 the published notice described above, at which hearing the parties in interest and all other
3 citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

4
5 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**
6 **OF THE CITY OF OAKLAND PARK, FLORIDA THAT:**

7
8 **SECTION 1.** The foregoing "Whereas" clauses are hereby ratified and
9 confirmed as being true and correct and are hereby made a part of this Ordinance.

10
11 **SECTION 2. Chapter 21, Article 1, Section 21-21 through 21-29** of the
12 Oakland Park Code of Ordinances, is hereby created, as follows:

13 **Sec. 21-21. Introduction.**

14 The purpose of this division is to promote the public health, safety and general welfare
15 upon the streets, roadways and highways located in the city by regulating the wheel and
16 axle loads and gross vehicle weights of certain vehicles, to provide for the assessment of
17 fees and to provide penalties for violations of provisions of this division.

18 **Sec. 21-22. Adoption of regulations.**

19 Except as otherwise provided in this division the City expressly adopts the weight and
20 load restrictions and enforcement procedures for commercial vehicles as promulgated in
21 F.S. Ch. 316, rules and regulations contained in Chapter 49 of the Code of Federal
22 Regulations (CFR) 390-397 and the North American Driver Out-of-Service Criteria, as
23 each is amended from time to time.

24 **Sec. 21-23. Jurisdiction.**

25 The jurisdiction for determining restrictions as to oversize and overweight vehicles is
26 provided to the city by the State of Florida through the provisions of F.S. Ch. 316,
27 specifically §§ 316.006 and 316.555.

28 **Sec. 21-24. Violations.**

29 It is a violation of this section for any person to drive or move, or for the owner to cause
30 or knowingly permit to be driven or moved, on any street, roadway or highway located
31 within the city, any vehicle or vehicles of a size or weight exceeding the limitations
32 stated in this division or otherwise in violation of any provision of this division.

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 underlined type are additions.

1 **Sec. 21-25. Maximum weights.**

2 (a) The gross weight imposed on a street, roadway or highway within the city by the
3 wheels of any one axle of a vehicle shall not exceed twenty thousand (20,000) pounds.
4 An “axle load” shall be defined as the total load transmitted to the road by all wheels
5 whose centers are included between two parallel transverse vertical planes 40 inches
6 apart, extending across the full width of the vehicle.

7 (b) Subject to the limit upon the weight imposed upon the streets, roadways and
8 highways through any one axle as set forth in this section, the total weight with load
9 imposed upon the street, roadway or highway within the city by all of the axles of a
10 vehicle or combination of vehicles shall not exceed the gross weight given for the
11 respective distance between the first and last axle of the vehicle or combination of
12 vehicles, measured longitudinally to the nearest foot as set forth in the following table:

| <u>Distance in Feet between First and Last Axles of Vehicles or</u> <u>Combination of Vehicles</u> | <u>Maximum</u> <u>Loads in</u> <u>Pounds on all</u> <u>Axles</u> |
|---|---|
| <u>4</u> | <u>40,000</u> |
| <u>5</u> | <u>40,000</u> |
| <u>6</u> | <u>40,000</u> |
| <u>7</u> | <u>40,000</u> |
| <u>8</u> | <u>40,000</u> |
| <u>9</u> | <u>44,140</u> |
| <u>10</u> | <u>44,980</u> |
| <u>11</u> | <u>45,810</u> |
| <u>12</u> | <u>46,640</u> |
| <u>13</u> | <u>47,480</u> |
| <u>14</u> | <u>48,310</u> |
| <u>15</u> | <u>49,150</u> |
| <u>16</u> | <u>49,980</u> |
| <u>17</u> | <u>50,810</u> |
| <u>18</u> | <u>51,640</u> |
| <u>19</u> | <u>52,480</u> |
| <u>20</u> | <u>53,310</u> |
| <u>21</u> | <u>54,140</u> |
| <u>22</u> | <u>54,980</u> |
| <u>23</u> | <u>55,810</u> |

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 underlined type are additions.

| | |
|-----------|---------------|
| <u>24</u> | <u>56,640</u> |
| <u>25</u> | <u>57,470</u> |
| <u>26</u> | <u>58,310</u> |
| <u>27</u> | <u>59,140</u> |
| <u>28</u> | <u>59,970</u> |
| <u>29</u> | <u>60,810</u> |
| <u>30</u> | <u>61,640</u> |
| <u>31</u> | <u>62,470</u> |
| <u>32</u> | <u>63,310</u> |
| <u>33</u> | <u>64,140</u> |
| <u>34</u> | <u>64,970</u> |
| <u>35</u> | <u>65,800</u> |
| <u>36</u> | <u>66,610</u> |

(c) With respect to those highways and roadways not in or a part of the Interstate Highway System, in all cases in which it exceeds state law in effect on January 4, 1975, the overall gross weight on the vehicle or combination of vehicles, including all enforcement tolerances, shall be as determined by the following formula:

$$W = 500((LN \div (N-1)) + 12N + 36)$$

For the above formula, W = overall gross weight of the vehicle to the nearest five hundred (500) pounds; L = distance in feet between the extreme of the external axles; and N = number of axles on the vehicle. However, such overall gross weight of any vehicle or combination of vehicles may not exceed eighty thousand (80,000) pounds including all enforcement tolerances.

(d) Dump trucks, concrete mixing trucks, trucks engaged in waste collection and disposal, and fuel oil and gasoline trucks designed and constructed for special type work or use, when operated as a single unit, shall be subject to all safety and operational requirements of law, except that any such vehicle need not conform to the axle spacing requirements of this section provided that such vehicle shall be limited to a total gross load, including the weight of the vehicle, of twenty thousand (20,000) pounds per axle plus scale tolerances and shall not exceed five hundred fifty (550) pounds per inch width tire surface plus scale tolerances. No vehicle operating pursuant to this section shall exceed a gross weight, including the weight of the vehicle and scale tolerances, of seventy thousand (70,000) pounds. Any vehicle violating the weight provisions of this section shall be penalized as provided in section 1-8 of the City Code of Ordinances.

(e) The city shall adopt rules consistent with the Florida Department of Transportation to implement this section and all provisions of this division, shall enforce

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1 this section and the rules adopted under it, and shall publish and distribute tables and
2 other publications as deemed necessary to inform the public.

3 (f) Except as otherwise provided elsewhere, no vehicle or combination of vehicles
4 exceeding the gross weights specified in section 21-25, subparagraphs (b), (c) and (d)
5 above, shall be permitted to travel on public streets, roadways or highways located within
6 the city.

7 **Sec. 25-26. Weight and load unlawful; special fuel and motor fuel tax enforcement;**
8 **inspection; penalty; review.**

9 (a) Any designated law enforcement officer of the city or agent of the Florida or
10 Federal Departments of Transportation having reason to believe that the weight of a
11 vehicle and load is unlawful is authorized to require the driver to stop and submit to a
12 weighing of the same by means of either portable or fixed scales and may require that
13 such vehicle be driven to the nearest weigh station or public scales, provided that such a
14 facility is within five miles of the location of the traffic stop. Any person who refuses to
15 submit to such weighing, in addition to any criminal penalties that may be imposed
16 pursuant to Florida Statutes, shall be guilty of a violation of this section, punishable as
17 provided in section 1-8 of the City Code of Ordinances.

18 (b) (1) Whenever a law enforcement officer, upon weighing a vehicle or combination of
19 vehicles with load, determines that the axle weight or gross weight is unlawful, the law
20 enforcement officer may require the driver to stop the vehicle in a suitable location and
21 remain at the location until a determination can be made as to the amount of weight of the
22 vehicle(s) and, if overloaded, the amount of penalty to be assessed as provided in the
23 provisions of this division. However, any gross weight over six thousand (6,000) pounds
24 and beyond the maximum permitted in this division shall be unloaded and all material so
25 unloaded shall be cared for by the owner or operator of the vehicle at the sole risk of such
26 owner or operator. Except as otherwise provided for in F.S. Ch. 316, to facilitate
27 compliance with and enforcement of the weight limits established in section 21-25,
28 above, weight tables published pursuant to F.S. § 316.535(3), shall include a ten (10)
29 percent scale tolerance and shall reflect the maximum scaled weights allowed any vehicle
30 or combination of vehicles. Notwithstanding any other provision of the weight law, if a
31 vehicle or combination of vehicles does not exceed the gross, external bridge, or internal
32 bridge weight limits imposed in section 21-25 and the driver of such vehicle or
33 combination of vehicles can comply with the requirements of F.S. Ch. 316 by shifting or
34 equalizing the load on all wheels or axles, and does so when requested by the proper
35 authority, the driver shall not be held to be operating in violation of the weight limits.

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1 (2) The law enforcement officer shall inspect the license plate or registration
2 certificate of the vehicle, as defined in F.S. § 316.003(106), to determine if its gross
3 weight is in compliance with the declared gross vehicle weight. If its gross weight
4 exceeds the declared weight, the penalty shall be five cents (\$0.05) per pound of the
5 difference between such weights. In those cases when the vehicle, as defined in F.S. §
6 316.003(106), is being operated over the streets, roadways or highways located within the
7 city with an expired registration or with no registration from Florida or any other
8 jurisdiction or is not registered under the applicable provisions of F.S. Ch. 320, the
9 penalty in this section shall apply on the basis of five cents (\$0.05) per pound on that
10 scaled weight which exceeds thirty-five thousand (35,000) pounds on laden truck tractor-
11 semitrailer combinations or tandem trailer truck combinations, ten thousand (10,000)
12 pounds on laden straight trucks or straight truck-trailer combinations, or ten thousand
13 (10,000) pounds on any unladen commercial motor vehicle. If the license plate or
14 registration has not been expired for more than ninety (90) days, the penalty imposed
15 under this section may not exceed one thousand dollars (\$1,000.00). In the case of special
16 mobile equipment as defined in F.S. § 316.003(81), which qualifies for the license tax
17 provided for in F.S. § 320.08(5)(b), being operated on the streets, roadways, or highways
18 located within the city with an expired registration or otherwise not properly registered
19 under the applicable provisions of F.S. Ch. 320, a penalty of seventy-five dollars (\$75.00)
20 shall apply in addition to any other penalty which may apply in accordance with F.S. Ch.
21 316. A vehicle found in violation of this section may be detained until the owner or
22 operator produces evidence that the vehicle has been properly registered. Any costs
23 incurred by the detention of the vehicle shall be the sole responsibility of the owner. A
24 person who has been assessed a penalty pursuant to this section for failure to have a valid
25 vehicle registration certificate pursuant to the provisions of F.S. Ch. 320, is not subject to
26 the delinquent fee authorized in F.S. § 320.07, if such person obtains a valid registration
27 certificate within ten (10) working days after such penalty was assessed.

28 (3) Weight limits established and posted for a road or bridge pursuant to F.S. §
29 316.555, and weight limits specified in special permits issued pursuant to F.S. § 316.550,
30 shall be deemed to include all allowable tolerances. In those cases when a vehicle or
31 combination of vehicles exceeds the weight limits established and posted for a road or
32 bridge pursuant to F.S. § 316.555, or exceeds the weight limits permitted in a special
33 permit issued pursuant to F.S. § 316.550, the penalty shall be five cents (\$0.05) per pound
34 of the difference between the scale weight of the vehicle and the weight limits for such
35 posted road or bridge or permitted in such special permit. However, if a special permit is
36 declared invalid in accordance with rules promulgated pursuant to F.S. § 316.550, the
37 penalties imposed in subsection (c) below shall apply to those weights which exceed the
38 limits established in Sec. 21-25 above.

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- 1 (c) Any person who violates the overloading provisions of this section shall be
2 conclusively presumed to have damaged the streets, roadways or highways located
3 within the city by reason of such overloading, which damage is fixed as follows:
- 4 (1) When the excess weight is two hundred (200) pounds or less than the maximum
5 provided, the penalty shall be ten dollars (\$10.00).
- 6 (2) Five cents (\$0.05) per pound for each pound of weight in excess of the maximum
7 provided when the excess weight exceeds two hundred (200) pounds. However,
8 whenever the gross weight of the vehicle or combination of vehicles does not exceed the
9 maximum allowable gross weight, the maximum fine for the first six hundred (600)
10 pounds of unlawful axle weight shall be ten dollars (\$10.00).
- 11 (3) An apportioned motor vehicle, as defined in F.S. § 320.01(24), operating on the
12 streets, roadways or highways of the city without being properly licensed and registered
13 shall be subject to the penalties as provided in this section.
- 14 (4) Vehicles operating on the streets, roadways, or highways within the city from
15 nonmember International Registration Plan jurisdictions which are not in compliance
16 with the provisions of F.S. § 316.605, shall be subject to the penalties as provided in this
17 section.
- 18 (d) (1) No commercial motor vehicle, as defined in F.S. § 316.003(14), shall be operated
19 over the streets, roadways, or highways in the city unless it has been properly registered
20 under the provisions of F.S. § 207.004. Whenever any law enforcement officer identified
21 in F.S. § 207.023(1), or any traffic enforcement officer as defined in F.S. § 316.640,
22 upon inspecting the vehicle or combination of vehicles, determines that the vehicle is in
23 violation of F.S. § 207.004, a penalty in the amount of fifty dollars (\$50.00) shall be
24 assessed, and the vehicle may be detained until payment is collected by the law
25 enforcement officer, which payment is payable to the city.
- 26 (2) In addition to the penalty provided for in subsection (d)(1), above, the vehicle
27 may be detained until the owner or operator of the vehicle furnishes evidence that the
28 vehicle has been properly registered pursuant to F.S. § 207.004. Any officer or agent of
29 the Florida or Federal Departments of Transportation may issue a temporary fuel use
30 permit and collect the appropriate fee as provided for in F.S. § 207.004(4).
31 Notwithstanding the provisions of this section, all permit fees collected pursuant to this
32 subsection (d)(2) shall be transferred to the Florida Department of Highway Safety and
33 Motor Vehicles to be allocated pursuant to F.S. § 207.026.

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- 1 (e) In addition to the right to prosecute violations in Broward County Court,
2 whenever any person violates any of the provisions of this division and becomes
3 indebted to the city because of such violation in any amounts described above and
4 refuses to pay the penalty, such penalty shall become a lien upon the motor vehicle, and
5 the same may be foreclosed by the city in a court of competent jurisdiction. It shall be
6 presumed that the owner of the motor vehicle is liable for the sum. Any person, firm, or
7 corporation claiming an interest in the motor vehicle may, at any time after the lien of
8 the city attaches to the motor vehicle, obtain possession of the vehicle by filing a good
9 and sufficient cash bond with the law enforcement officer having possession of the
10 vehicle, payable to the city in twice the amount of the city's lien. It shall be presumed
11 that the owner of the motor vehicle is liable for the penalty imposed under this section.
12 Upon the posting of such bond with the law enforcement officer making the seizure, the
13 vehicle shall be released and the bond shall be forwarded to the city for safekeeping. The
14 lien of the city against the motor vehicle shall be foreclosed in a court of competent
15 jurisdiction. If it appears that the vehicle has been released to the owner upon the
16 owner's bond, the city shall take judgment of foreclosure against the property itself, and
17 judgment against the owner for the amount of the lien, including the cost of proceedings.
18 After the rendition of the decree, the city may, at its option, proceed to sue the owner for
19 the amount recovered or direct the sale of the vehicle under foreclosure.
- 20 (f) Any law enforcement officer or agent collecting the penalties imposed under this
21 section shall give to the owner or driver of the vehicle a receipt for all penalties
22 collected. Such law enforcement officer shall cooperate with the owners or drivers of
23 motor vehicles so as not to unduly delay the use of the vehicle(s).
- 24 (g) Pursuant to the procedures in F.S. §§ 316.3025 and 316.545, penalties and fees
25 are due and payable at the time the violation is issued and shall be remitted to the law
26 enforcement officer who assessed the penalty. Payment shall be made for the amount of
27 the assessment in cash, money order, or cashier's check, and shall be made payable to
28 the city. Payment may also be made by credit card or debit card.
- 29 (h) Any person aggrieved by the imposition of a civil penalty pursuant to this section
30 may apply to the city's special magistrate for a modification, cancellation or revocation
31 of the penalty and the special magistrate is authorized to modify, cancel, revoke or
32 sustain such penalty. All such requests shall be made within thirty (30) days of the date
33 the penalty was imposed, and must be received by the special magistrate clerk within the
34 thirty-day time period.
- 35 (i) Penalties and fines collected will be delivered to the city, and shall be placed in a
36 separate general ledger account. This account shall be created solely for the collection of
37 penalties and fees resulting from violations of provisions of this division.

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38 **Sec. 21-27. Special permits.**

39 An oversize or overweight vehicle or load on it may not enter onto or be operated on a
40 public road in the city unless the owner or operator of such vehicle has first obtained a
41 special permit pursuant to F.S. § 316.550. Any owner or operator holding such special
42 permit shall be exempt from the limitations established in section 21-25, but must abide
43 by the limitations as described in the special permit.

44 **Sec. 21-28. Out-of-service vehicles and drivers, penalties.**

45 No commercial motor vehicle, as defined in F.S. § 316.003(14), shall be operated over
46 the streets, roadways or highways within the city in such an unsafe condition as to be
47 declared out-of-service, or operated by a driver if declared out-of-service or removed
48 from driving status, or in violation of any of the provisions of F.S. § 316.3025(1) and §
49 316.3025(2). Any person who owns, operates or permits any violation of F.S. §§
50 316.3025(1) or 316.3025(2), shall be in violation of this section, and shall be subject to
51 the imposition of civil penalties in the amounts as set forth in F.S. § 316.3025.

52 **Sec. 21-29. Weight, load, limits lowered.**

53 The city may prescribe, by notice as provided below, loads and weights lower than the
54 limits prescribed in this division and other laws, whenever in its judgment any roadway
55 or part of a roadway or any bridge or culvert shall, by reason of its design, deterioration,
56 rain, or other climatic or natural causes is liable to be damaged or destroyed by motor
57 vehicles, trailers, or semi-trailers, if the gross weight shall exceed the limits prescribed
58 in the notice. The city may, by like notice, regulate or prohibit, in whole or in part, the
59 operation of any specified class or size of motor vehicles, trailers, or semi-trailers on any
60 streets, roadways or highways or specified parts of them under its jurisdiction, whenever
61 in its judgment such regulation or prohibition is necessary to provide for the public
62 safety and convenience on the streets, roadways or highways, or parts of them, by reason
63 of traffic density, intensive use of them by the traveling public, or other reasons of
64 public safety and convenience. The notice or substance of it shall be posted at
65 conspicuous places at terminals of all intermediate crossroads and road junctions with
66 identification of the section(s) of street, roadway or highway to which the notice shall
67 apply. After any such notice has been posted, the operation of any motor vehicle or
68 combination contrary to its provisions shall constitute a violation of this section.

69 **Sec. 21-29. Damage to streets, roadways, highways, liability of driver and owner.**

70 Any person driving or moving any vehicle or combination of vehicles, object, or
71 contrivance upon any street, roadway, highway or highway structure in the city shall be
72 liable for all damages which the highway or structure may sustain as a result of any
73 illegal operation, driving, or moving of such vehicle or combination of vehicles, object,
74 or contrivance, whether or not such damage is a result of operating, driving, or moving

1 any vehicle or combination of vehicles, object, or contrivance weighing in excess of the
2 maximum weights or exceeding the maximum size as provided in this division but
3 authorized by special permit issued pursuant to F.S. § 316.550. Whenever the driver is
4 not the owner of the vehicle or combination of vehicles, object, or contrivance but is so
5 operating, driving, or moving the same with the express or implied permission of the
6 owner, then the owner and driver shall be jointly and severally liable for any such
7 damage. Such damage may be recovered in any civil action brought by the authority in
8 control of the street, roadway, highway or highway structure.

9 Secs. ~~21-21~~ 21-30—21-31. - Reserved.

11 **SECTION 3.** If any clause, section or other part of this Ordinance shall be held
12 by any Court of competent jurisdiction to be unconstitutional or invalid, such
13 unconstitutional or invalid part shall be considered as eliminated and in no way affecting
14 the validity of the other provisions of this Ordinance.

16 **SECTION 4.** All Ordinances or parts of Ordinances in conflict herewith are
17 hereby repealed to the extent of such conflicts.

19 **SECTION 5.** This Ordinance shall be effective after its passage and adoption by
20 the City Commission of the City of Oakland Park.

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1 **PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,**
2 **FLORIDA, ON FIRST READING, THIS 20th DAY OF OCTOBER 2021.**

3
4
5 M. CARN YES
6 A. GORDON YES
7 M. ROSENWALD YES
8 M. SPARKS YES
9 J. BOLIN YES

10
11
12 **PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF**
13 **OAKLAND PARK, FLORIDA, ON SECOND READING, THIS 15th DAY OF**
14 **DECEMBER 2021.**

15
16 CITY OF OAKLAND PARK, FLORIDA

17
18
19
20 _____
21 MAYOR MICHAEL E. CARN

22
23 M. CARN _____
24 A. GORDON _____
25 M. ROSENWALD _____
26 M. SPARKS _____
27 J. BOLIN _____

28
29 ATTEST:

30
31
32
33 _____
34 RENEE M. SHROUT, CMC, CITY CLERK

35
36 LEGAL NOTE:

37 I hereby certify that I have approved the form of this Ordinance (O-2021-024):

38
39
40 _____
41 DONALD J. DOODY, CITY ATTORNEY

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