

CHAPTER 14 – MOTOR VEHICLES AND TRAFFIC

Sec. 14-74. Weighing of vehicles and loads; violation; classification; civil penalty.

(a) A police or peace officer having reason to believe that the weight of a vehicle and load does not conform to this chapter or Title 28, Arizona Revised Statutes may require the driver to:

- (1) Stop and submit to a weighing of the vehicle and load by means of either portable or stationary scales.
- (2) Drive the vehicle to the nearest public scales, if the scales are within two five miles.

(b) If on weighing a vehicle and load pursuant to subsection (a) of this section an officer determines that the weight does not conform to this article, the officer may require the driver to stop the vehicle in a suitable place and remain standing until the portion of the load is removed as necessary to reduce the gross weight of the vehicle to the limit permitted under this chapter or Title 28, Arizona Revised Statutes. The owner or operator shall care for the material unloaded at the risk of the owner or operator.

(c) A driver of a vehicle is guilty of a class 2 misdemeanor who either:

- (1) Knowingly fails or refuses to stop and submit the vehicle and load to a weighing.
- (2) Knowingly fails or refuses when directed by an officer on a weighing of the vehicle to stop the vehicle and otherwise comply with subsections (a) and (b) of this section.

The Court shall impose a minimum fine of not less than three hundred and fifty (\$350.00) dollars, not inclusive of any surcharge and any civil penalty for excess weight. A second or subsequent offense within a five year period from the date of the first violation shall be a class one misdemeanor; the Court shall impose a minimum fine of not less than five hundred (\$500.00) dollars, not inclusive of any surcharge and any civil penalty for excess weight.

(d) A peace officer may require the weighing of a commercial vehicle by means of portable scales at any time. Failure to submit to weighing as required by this subsection is punishable by a civil penalty. The Court shall not waive, reduce or fail to impose the Civil Penalty.

(e) The City may use photo traffic weight monitoring systems to enforce weigh limits required by this Code or Title 28, Arizona Revised Statutes.

If the excess weight is:	The minimum civil penalty is:
0 to 1,000 pounds	\$50.00
1,001 to 1,250 pounds	100.00
1,251 to 1,500	200.00
1,501 to 2,000	300.00

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2,001 to 2,500	400.00
2,501 to 3,000	500.00
3,001 to 3,500	840.00
3,501 to 4,000	980.00
4,001 to 4,500	1120.00
4,501 to 4,750	1260.00
4,751 to 5,000	1400.00

5,001 and over 1400.00 plus an additional \$100.00 for each 1000 pounds of excess weight.

(f) If a person is arrested for violating this chapter or sections 28-1099 or 28-1100, Arizona Revised Statutes, the arresting officer may take the person immediately before the municipal court or any magistrate who is within the county who has jurisdiction of the offense.

(g) The officer or court collecting or receiving a civil penalty, fee, fine or forfeiture for a violation of this Chapter or section 28-1099 or 28-1100 Arizona Revised Statutes shall deposit, pursuant to sections 35-146 and 35-147, the amount in the Arizona highway user revenue fund if for a violation occurring on a highway under the jurisdiction of the state of Arizona or in the City's general fund if for a violation of this Chapter on a roadway under the jurisdiction of the City. If a civil penalty, fee or fine is collected, ten dollars of the civil penalty, fee or fine is deductible as reimbursement of costs from the amount collected.

(h) A weight certificate or any other document that evidences the receipt of goods for shipment, that is issued by a person engaged in the business of transporting or forwarding goods and that states the gross weight of the vehicle with load that is in excess of the prescribed maximum weight limitation permitted by section 28-1099 or 28-1100 is prima facie evidence that the weight of a vehicle and load is unlawful.

(i) If the commodity being carried is sold by weight, a weight certificate or any other document that evidences the receipt of goods for shipment, that is issued by a person engaged in the business of transporting or forwarding goods and that states the gross weight of the vehicle with load that is not in excess of the prescribed maximum weight limitation permitted by section 28-1100 is prima facie evidence that the gross weight of a vehicle and load is lawful. The presumption that the weight of the vehicle and load is lawful may be rebutted by the weight of the vehicle and load as shown by means of the department's stationary scale or a public weighmaster scale.

(Ord. No. 91-34, 10/21/91, Enacted)

(Ord. No. 05-70, 11/15/05, Amended) SUPP 2005-04

(Ord. No. 08-21, 07/01/08, Amended ((b), (c), (d), renumbered (f), (g), (h), (i)) SUPP 2008-03