

**Subject: Ordinance No. 1512 – Update  
 To Chapter 16.07 RMC –  
 Overweight Vehicles**

**Dept. Origin: Mayor’s Office**  
**Prepared by: Jennifer Robertson,  
 City Attorney’s Office**  
**For Agenda of: September 4, 2018**  
**Exhibits: Ordinance #1512**

**Proposed Council Action:**

On for Second Reading and Action. Adopt  
 Ordinance #1512.

Initial & Date

**Concurred by Mayor:** \_\_\_\_\_  
**Approved by City Planner:** \_\_\_\_\_  
**Approved as to form by City Atty:** JSR 8-30-18  
**Approved by Finance Director:** \_\_\_\_\_  
**Approved by Department Head:** \_\_\_\_\_

**INFORMATION / BACKGROUND**

Certain streets within the City limits have been damaged by heavy truck traffic. In most instances, there are alternate routes for heavy truck traffic on streets that can better handle the load. State law<sup>1</sup> allows the City to restrict certain types of trucks from using certain streets within the City.

In 2013, the City Council adopted Ordinances #1394 and #1413 to update Chapter 16.07 of the Ruston Municipal Code (“RMC”) to restrict large trucks on certain streets in the City. Since that time, the correct signage has been installed with Police issuing citations to vehicles in violation. This has been effective in reducing damage to the City’s streets. When there has been requests to use the City streets in violation of this chapter, the City has issued street excavation permits to allow such use with the conditions to repair the streets. Recently, a developer doing construction outside the City balked at obtaining a permit and has been hauling overweight vehicles on the City’s streets claiming the construction exemption under RMC 16.07.030(a)(6) which allows servicing of construction sites as an exempt use when alternate routes do not exist. In that case, the parties disputed whether alternate routes existed (the City believed they did, the developer claimed that the cost was too high and needed to use the City’s streets).

In order to increase the protection for the City’s roads, a new permit system is being established to require permits and roadway repairs when hauling for a nonexempt use or for a use related to construction type permits. This permit system will require a street survey and other information to be provided prior to the hauling. (See Section 3 of Ordinance No. 1512 (RMC 16.07.035).) A performance bond will be required to ensure street repair. The applicant then will need to repair any damage that has occurred as a result of the hauling after the hauling is completed in order to obtain a release of the bond.

<sup>1</sup> RCW 46.44.080.

**FISCAL CONSIDERATION**

The fees for an overweight vehicle permit range from \$360 to \$720 depending and the weight of the vehicle. (See Section 7 of the draft Master Fee Resolution (RES 690) which is in tonight's packet.)

**RECOMMENDATION / MOTION**

Adopt Ordinance #1512.

MOTION: I move adoption of Ordinance #1512 regarding use of city rights of way by heavy vehicles, amending Chapter 16.07 of the Ruston Municipal Code which provides weight limits on certain city streets within the Ruston city limits, amending sections 16.07.020 and 16.07.030 to reference new permitting requirements for operating overweight vehicles on city streets, adding a new section 16.07.035 to provide permitting requirements and procedures for operation of overweight vehicles.

**ORDINANCE NO. 1512**

**AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON REGARDING USE OF CITY RIGHTS OF WAY BY HEAVY VEHICLES, AMENDING CHAPTER 16.07 OF THE RUSTON MUNICIPAL CODE WHICH PROVIDES WEIGHT LIMITS ON CERTAIN CITY STREETS WITHIN THE RUSTON CITY LIMITS, AMENDING SECTIONS 16.07.020 AND 16.07.030 TO REFERENCE NEW PERMITTING REQUIREMENTS FOR OPERATING OVERWEIGHT VEHICLES ON CITY STREETS, ADDING A NEW SECTION 16.07.035 TO PROVIDE PERMITTING REQUIREMENTS AND PROCEDURES FOR OPERATION OF OVERWEIGHT VEHICLES, AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, in accordance with RCW 35A.11.020 the City has the authority to control its rights-of-way; and

WHEREAS, certain streets within the City limits have been or could be damaged by heavy truck traffic; and

WHEREAS, there are alternate routes for heavy truck traffic on streets that can better handle the load; and

WHEREAS, RCW 46.44.080 permits the City to restrict certain types of trucks from using certain streets within the City; and

WHEREAS, the City Council finds that it is necessary to establish and regulate truck routes within the city in order to promote compatible land uses, enhance public safety, and minimize street pavement maintenance and reconstruction costs; and

WHEREAS, in order to ensure that Ruston's streets remain in good repair, the City Council finds it in the City's best interest to restrict large trucks from use of certain streets in a manner consistent with State law; and

WHEREAS, on August 21, 2018, the City Council held the first reading on this Ordinance; and

WHEREAS, on September 4, 2018, the City Council adopted this Ordinance during its regular meeting at second reading; **NOW, THEREFORE**

**THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** Section 16.07.020 of the Ruston Municipal Code is hereby amended to read as follows:

**16.07.020 - Weight limits on Winnifred Street, Baltimore Street, 49th Street, 50th Street, 52nd Street, 53rd Street, and 54th Street, Highland Street, Shirley Street and Bennett Street.**

(a) No person shall operate a commercial motor vehicle on any of the following streets in the City limits of Ruston unless specifically exempt under RMC 16.07.030 or without first obtaining a permit under RMC 16.07.035:

- (1) Winnifred Street - between 49th Street and 54th Street;
- (2) Baltimore Street - between 49th Street and Commercial Street;
- (3) 49th Street - between Pearl Street and Baltimore Street;
- (4) 50th Street - between Pearl Street and Winnifred Street;
- (5) 52nd Street - between Pearl Street and Bennett Street;
- (6) 53rd Street - between Pearl Street and Bennett Street;
- (7) 54th Street - between Pearl Street and Bennett Street;
- (8) Highland Street - between 51st Street and 54th Street;
- (9) Shirley Street - between 51st Street and 54th Street; and
- (10) Bennett Street - between 51st Street and 52nd Street.

(b) No person shall operate a motor truck or commercial motor vehicle which is more than 7,000 pounds empty weight on Baltimore Street between Commercial Street and Ruston Way without first obtaining a permit under RMC 16.07.035.

**Section 2.** Section 16.07.030 of the Ruston Municipal Code is hereby amended to read as follows:

**16.07.030 - Exemptions.**

(a) The following vehicles shall be exempt from the prohibition in RMC 16.07.020(a):

(1) Emergency vehicles.

(2) School buses.

(3) Commercial motor vehicles may be operated on the prohibited street only when transporting perishable commodities and when alternate routes do not exist.

(4) Commercial motor vehicles may be operated on the prohibited street only when installing, repairing or maintaining a public utility that is accessed from the street in question and when alternate routes do not exist.

(5) Commercial motor vehicles may be operated on the prohibited street when making pickups or deliveries to businesses or residences that are accessed from the street in question only when alternate routes do not exist.

(6) Commercial motor vehicles may be operated on the prohibited street when servicing construction sites accessed from the street in question only when alternate routes do not exist only when the property owner or contractor first obtains a permit in accordance with RMC 16.07.035.

(7) Garbage and recycling collection commercial motor vehicles may be operated on the prohibited street when providing services to premises accessed from the street in question.

(b) Emergency vehicles shall be exempt from the prohibition in RMC 16.07.020(b).

(c) Motor trucks and commercial motor vehicles covered by the exemptions in this section shall be limited to use of the prohibited street only to the extent which is reasonably necessary to accomplish the exempt function. However, for construction site access, or for any other trips that are made in accordance with a building permit, street excavation permit or permit issued by the City under Titles 12, 14 or 25, or an equivalent permit issued by another governmental entity, a permit must first be obtained from the City in accordance with RMC 16.07.035.

(d) Any non-exempt vehicles may apply for a permit to allow such use under RMC 16.07.035.

**Section 3.** A new section 16.07.035 is hereby added to the Ruston Municipal Code to read as follows:

**RMC 16.07.035 Excess Weight Permits and Permit Procedures for Oversized Vehicles.**

(a) Excess Weight Permit Required. Any motor truck or commercial motor vehicle as defined by this ordinance that does not meet the weight restrictions herein must have an excess weight permit from the City in order to move or travel on any City Streets with such weight limitations. Such motor trucks or commercial motor vehicles with excess weights create extraordinary wear and tear on the street or other public infrastructure within the right-of-way, and/or significant impacts to public safety, the environment, traffic, or noise. The City may impose permit conditions to mitigate the impacts of the motor truck or commercial motor vehicle traveling over the city streets, given the excess weight, including but not be limited to: restoration, alteration, or other improvements to the street deemed necessary by the City Engineer to mitigate the impacts of the excess weight.

(b) No excess weight permit shall be issued to any motor truck or commercial motor vehicle unless such vehicle is licensed for the maximum gross weight allowed by law. Furthermore, no excess weight permit shall be issued for movement on any street or alley where the gross weight, including load, exceeds 22,000 pounds on a single axle or 43,000 pounds on any group of axles having a wheel base between the first and last axle thereof less than 10 feet; provided, that the weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having a rim width of 20 inches or more and a rim diameter of 24 inches or more or dual pneumatic tires having a rim width of 16 inches or more and a rim diameter of 24 inches or more; or the gross weight limitations may be waived when certification is made by military officials, or by officials of public or private power facilities that such movement or action is a necessary movement or action, and in the opinion of the City Engineer the structures and street or alley surfaces on the routes involved are determined to be capable of sustaining weights in excess of such limitations.

(c) Application. The applicant must supply the following information as part of his or her application for an excess weight permit:

1. The Application form, including the name, address, telephone and email of the person
2. A description of the object(s) to be transported, or the vehicle or vehicles to be driven or used, the route desired to be traversed, the hours within which it is desired to perform the work, the number of trips, the number of days the hauling will take and the means of locomotion to be used;
3. A description of why the proposed use of the street cannot be performed in compliance within the City's weight limitations;
4. A traffic study prepared by the applicant's engineer which shall incorporate the following items:
  - i. The intended haul routes;
  - ii. The intended number of trucks;
  - iii. Anticipated impacts to streets and intersections; and
  - iv. An analysis of the existing condition and structural integrity of streets along the truck route.
5. Moving, loading or parking operation. If the application is for a permit to move, load, stand, park or angle park a commercial motor vehicle contrary to the provisions of this ordinance, such application shall show the location and explain the necessity for the operation, and shall explain whether the operation may endanger other traffic or prevent it from using the street;
6. The applicable application fee(s) as adopted by Council Resolution; and
7. Any such other information as may be requested by the City to review the application.

(d) Conditions for approval. Any excess weight permit issued under this ordinance shall be upon such terms and conditions consistent therewith, as may be prescribed by the City Engineer. Such

excess weight permits shall entitle the permittee to carry such additional load in such an amount upon the streets or alleys as may be determined by the City Engineer to be capable of withstanding such increased load without undue injury to the street or alley for the use, frequency and time period identified in the permit. If, in the City Engineer's opinion the streets or roads identified in the application, in their current condition, cannot withstand the increased load, the City Engineer may deny the application.

In addition, any permit issued in accordance with this Ordinance shall contain at least the following conditions to which the applicant shall comply:

1. The routes to be traversed and the hours, frequency of trips, and dates during which the operation may be undertaken;
2. The loading or moving hours under which the activity will be permitted and the manner in which it shall be performed;
3. Any special precautions recommended by the City Engineer which may be required to protect the public and/or the integrity of the rights of way;
4. Any such other conditions as recommended by the City Engineer, including but not limited to, establishing a portable or stationary scale at a specified location to weigh each truck and its load, restricted hours of continuous operation, and restricted days of continuous operation;
5. Any requirement to perform work prior to use of the street to reinforce the rights of way deemed necessary by the City Engineer for the right of ways to withstand the proposed loads. Such work will require a Street Excavation Permit in accordance with Chapter 14.08 RMC;
6. Any requirement to perform repair or reconstruction of the rights of way to mitigate damage that occurs during the permitted operation. Such work will require a Street Excavation Permit in accordance with Chapter 14.08 RMC;
7. Proof of insurance that will remain in effect during all periods of use for excess weight permit. Such insurance will provide for public liability and property damage and shall be in a form and type that is acceptable to the City. The limits of said insurance shall be established by the Mayor or designee. A certificate evidencing the existence of said insurance or, upon written request of the Mayor or designee, a duplicate copy of the policy shall be provided to the City as evidence of the existence of the insurance protection prior to the applicant use of the City rights of way under the excess weight permit. Said insurance shall not be cancelable or reduced without prior written notice to the City, not less than 30 days in advance of the cancellation or alteration. Said insurance shall name the City as a named or additional insured and shall be primary as to any other insurance available to the City;
8. A performance bond sufficient to restore the rights of way to its original or better condition than existed prior to the use of the street under an excess weight permit. Such bond shall be provided in a form acceptable to the City Attorney. The amount of the bond shall be established by the Mayor or designee.

9. A permit expiration date. In no case shall a permit be for longer than one year.

(e) Excess weight permit – Display. Any excess weight permit issued hereunder shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any peace officer or authorized agent of any authority granting such permit.

**Section 4. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 5. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 6. Effective Date.** This Ordinance shall be effective five days after publication as provided by law.

**Section 7. Enforcement of Ordinance – Erection of Signs.** This being an amendment to an existing Chapter of the Ruston Municipal Code, the required signs needed for the enforceability of this Ordinance are already erected and in place on the streets which have weight limitations within the City. Therefore, this Ordinance may take effect in accordance with Section 4 above.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 4th day of September, 2018.

APPROVED by the Mayor this 4th day of September, 2018.

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Bruce Hopkins, Mayor

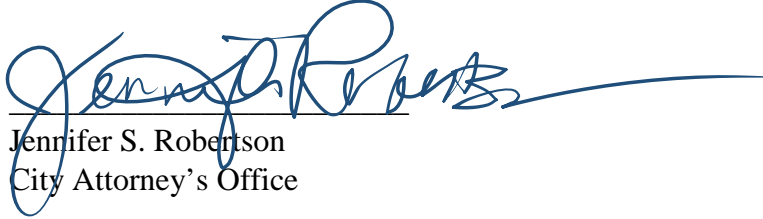
ATTEST/AUTHENTICATED:

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Judy Grams  
City Clerk



APPROVED AS TO FORM:



Jennifer S. Robertson  
City Attorney's Office

FILED WITH THE CITY CLERK: 8/14/2018

PASSED BY THE CITY COUNCIL: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

ORDINANCE NO: 1512