

**Subject: Ordinance No. 1556 – Update
 To Chapter 16.07 RMC –
 Overweight Vehicles**

Proposed Council Action:

No action requested. This is on for First Reading. Unless directed otherwise, this will return to Council on January 11, 2022 for Second Reading and Action.

Dept. Origin: Community Development

**Prepared by: Jennifer Robertson,
 City Attorney’s Office**

For Agenda of: December 21, 2021

Exhibits: Ordinance #1556

Initial & Date

Concurred by Mayor: _____

Approved by City Planner: _____

Approved as to form by City Atty: JSR 12-14-21

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 law¹ 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. In 2018, the City experienced issues with enforcement and therefore, the Council amended the code via Ordinance No. 1512 to ensure that permits are obtained before heavy weight hauling occurring damaging City streets.

Recently, the City updated the name of 54th Street to Park Avenue. In addition, the City has been improving its streets with grant funding from the Transportation Improvement Board. The proposed amendments add more streets to the list of streets that require a permit for non-exempt heavy vehicles. The City will need to post signage at these new streets in order to enforce the code.

¹ RCW 46.44.080.

FISCAL CONSIDERATION

The fees for an overweight vehicle permit range from \$383.40 to \$766.80 depending and the weight of the vehicle. (See Section 7 of the Master Fee Resolution (RES 736) which the Council adopted on December 7, 2021.)

RECOMMENDATION / MOTION

No action requested. This is on for First Reading. Unless directed otherwise, this will return to Council on January 11, 2022 for Second Reading and Action.

ORDINANCE NO. 1556

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 SECTION 16.07.020 TO UPDATE THE NAME OF 54TH STREET TO PARK AVENUE AND TO ADD 51ST STREET, RUSTON WAY, AND YACHT CLUB ROAD TO THE LIST OF STREETS WHERE NON-EXEMPT HEAVY-WEIGHT VEHICLES MAY NOT OPERATE WITHOUT AN OVERWEIGHT VEHICLE PERMIT, DIRECTING THE POSTING OF SIGNS, PROVIDING FOR SEVERABILITY AND CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE.

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 December 21, 2021, the City Council held the first reading on this Ordinance; and

WHEREAS, on January 11, 2022, 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, 51st Street, 52nd Street, 53rd Street, and 54th Street-Park Avenue, Highland Street, Shirley Street, ~~and Bennett Street~~, Ruston Way and Yacht Club Road.

- (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~~ Park Avenue;
 - (2) Baltimore Street - between ~~49th Street~~ the Ruston City limits and Commercial Street;
 - (3) 49th Street - between Pearl Street and ~~Baltimore~~ Orchard Street;
 - (4) 50th Street - between Pearl Street and Winnifred Street;
 - (5) 51st Street – between Baltimore Street and Pearl Street;
 - (~~6~~5) 52nd Street - between Pearl Street and Bennett Street;
 - (~~7~~6) 53rd Street - between Pearl Street and Bennett Street;
 - (~~8~~7) Park Avenue~~54th Street~~ - between Pearl Street and Bennett Street;
 - (~~9~~8) Highland Street - between ~~51st Street~~ Rust Way and ~~54th Street~~ Park Avenue;
 - (~~10~~9) Shirley Street - between 51st Street and ~~54th Street~~ Park Avenue; and
 - (~~11~~0) Bennett Street - between 51st Street and 52nd Street; ~~;~~
 - (12) Ruston Way between Baltimore Street and the City limits; and
 - (13) Yacht Club Road from Ruston Way to the point where it becomes a private road
- (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 or without first obtaining a permit under RMC 16.07.035.

Section 2. 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 3. Corrections. Upon the approval of the city attorney, the city clerk and/or code publisher is authorized to make any necessary technical corrections to this Ordinance, including but not limited to the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers, and any reference thereto.

Section 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

Section 6. 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 for most of the street segments are already erected and in place on the streets which have weight limitations within the City. However, for 51st Street, Ruston Way and Yacht Club Road which are newly added to RMC 1607.020, the Mayor is directed to arrange for the preparation and erection of signs on these newly added streets listed in Section 1 (RMC 16.07.020) which designates which streets, or portions of streets, are off-limits to commercial motor vehicles. This Ordinance shall not be effective or enforced as to these newly added street segments until such time as these signs are installed.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 11th day of January, 2022.

APPROVED by the Mayor this 11th day of January, 2022.

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Judy Grams
City Clerk

APPROVED AS TO FORM:



Jennifer S. Robertson
City Attorney's Office

FILED WITH THE CITY CLERK: 12/14/2021
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: 1556