

ORDINANCE NO. 1155

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO STREETS; PROHIBITING THE USE OF PIONEER WAY BY TRUCKS EXCEEDING A CERTAIN WEIGHT; ADOPTING A NEW CHAPTER 10.16 ENTITLED "TRUCK WEIGHT LIMITS ON PIONEER WAY" TO THE GIG HARBOR MUNICIPAL CODE; DIRECTING THE PUBLIC WORKS DIRECTOR TO POST SIGNS DESIGNATING THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, RCW 46.44.080 authorizes the City to restrict the weight or prohibit the operation of motor trucks and other vehicles on City streets whenever the City streets, by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless such operation is prohibited or restricted; and

WHEREAS, if the City chooses to restrict the weight or prohibit the operation of motor trucks or other vehicles on City streets, RCW 46.44.080 requires the City to authorize by general rule or special permit the operation thereon by school buses, emergency vehicles and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents, under such weight and speed restrictions that the City deems necessary to protect the street from undue damage; and

WHEREAS, Pioneer Way is a steep street ending in a tee intersection at its lower end and its safety can be adversely affected by rain, snow or other climactic conditions; and

WHEREAS, safer alternatives to Pioneer Way exist for trucks exceeding a certain weight to accommodate the transportation needs of the vicinity of Pioneer Way; and

WHEREAS, the City Council finds that trucks exceeding a certain weight and oversized vehicles traveling along Pioneer Way can cause structural damage to the street section and/or destruction of other elements relating to the safe operations of street such as curbs, roadway signs and street lighting; and

WHEREAS, the City Council wishes to extend the usable life of Pioneer Way by limiting unnecessary damage or destruction of City property and provide for the safe operations of Pioneer Way within the City; and

WHEREAS, the City Council believes that the establishment of a truck weight limit on Pioneer Way will increase the usable life of City streets by limiting unnecessary damage and will contribute to increased public safety on City streets; and

WHEREAS, the City SEPA Responsible Official has determined that this Ordinance is exempt; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meetings of February 23, 2009 and March 9, 2009; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. A new chapter 10.16 is hereby added to the Gig Harbor Municipal Code, entitled "Truck Weight Limits on Pioneer Way," which shall read as follows:

CHAPTER 10.16

TRUCK WEIGHT LIMITS ON PIONEER WAY

SECTIONS:

10.16.010 Definitions.

10.16.020 Truck Weight limits on Pioneer Way.

10.16.030 Exemptions.

10.16.040 Penalty.

10.16.010. Definitions. As used in this Chapter, the following terms shall have the following meanings:

A. "Motor Truck" means any motor vehicle designated or used for the transportation of commodities, merchandise, produce, freight or animals; except that pickup trucks, campers, motor homes, recreational vehicles and vehicles licensed for twelve thousand pounds gross, or less, shall not be considered motor trucks for the purposes of this chapter.

B. "Oversized vehicle" means any motor vehicle exceeding the outside width limit set forth in RCW 46.44.010.

10.16.020. Truck Weight limits on Pioneer Way.

No person shall operate a motor truck or oversized vehicle of three or more axles which is more than six thousand pounds unladen weight on Pioneer Way, unless exempt under Section 10.16.030.

10.16.030. Exemptions.

The following vehicles shall be exempt from the prohibition in Section 10.16.020:

1. Emergency vehicles.
2. School buses.
3. Motor trucks and oversized vehicles may be operated on Pioneer Way when transporting perishable commodities when alternate routes do not exist.
4. Motor trucks and oversized vehicles may be operated on Pioneer Way when installing, repairing or maintaining a public utility that is accessed from Pioneer Way.
5. Motor trucks and oversized vehicles may be operated on Pioneer Way when making pickups or deliveries to businesses or residences that are accessed from Pioneer Way when alternate routes do not exist.
6. Motor trucks and oversized vehicles may be operated on Pioneer Way when servicing construction sites accessed from Pioneer Way when alternate routes do not exist.
7. Garbage and recycling collection motor trucks may be operated on Pioneer Way when providing services to premises accessed from Pioneer Way.

Motor trucks and oversized vehicles covered by this exemption shall limit their use of Pioneer Way only to use which is reasonably necessary to accomplish the function that allows them to be exempt.

10.16.040. Penalties.

Any person 18 years of age or over who violates GHMC Section 10.16.020 shall be subject to issuance of a civil infraction in accordance with GHMC Section 1.16.010.D.

Section 2. Signage. The Public Works Director is hereby authorized and directed to cause appropriate signs to be posted informing the public of the weight limits on Pioneer Way specified in this ordinance.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect and be in full force when both of the following conditions have been met:

1. It is five (5) days or more after passage and publication of an approved summary consisting of the title; and,
2. Signs designating the provisions of this ordinance are erected on the appropriate City streets.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 9th day of March, 2009.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
ANGELA S. BELBECK

FILED WITH THE CITY CLERK: 02/18/09
PASSED BY THE CITY COUNCIL: 03/09/09
PUBLISHED: 03/18/09
EFFECTIVE DATE: 03/23/09
ORDINANCE NO: 1155