

ORDINANCE NO. 415

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, CREATING A NEW CHAPTER 10.45 TO TITLE 10 TRAFFIC OF THE UNIVERSITY PLACE MUNICIPAL CODE SETTING REQUIREMENTS FOR OPERATION OF OVERSIZED AND OVERWEIGHT VEHICLES WITHIN CITY LIMITS

WHEREAS, the Police Department has requested that the City Council adopt an overweight/oversize vehicle Ordinance; and

WHEREAS, overweight and oversize vehicles can pose a hazard to the public health, safety and welfare and to City streets; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amend Title 10, University Place Municipal Code (UPMC) by Adding a New Chapter 10.45 Transportation/Moving of Oversize Loads. Title 10 of the UPMC is hereby amended by adding a new Chapter 10.45 Transportation/Moving of Oversize Loads, as follows:

**Chapter 10.45
TRANSPORTATION/MOVING
OF OVERSIZE LOADS**

Sections:

- 10.45.010 Permit required.
- 10.45.020 Transportation permits – Gross weight limit.
- 10.45.030 Transportation permits – Overall width limits, exceptions.
- 10.45.040 Transportation permits – Oversized loads – Fees.
- 10.45.050 Additional tonnage permits – Conditions and fees.
- 10.45.060 Temporary additional tonnage permits.
- 10.45.070 Annual additional tonnage permits.
- 10.45.080 Reciprocity.
- 10.45.090 Transportation permits – Log tolerance fees.
- 10.45.100 Transportation permits – Oversized load – Liability insurance and/or bond required.
- 10.45.110 Evidence of notification.
- 10.45.120 Hours and days of movements.
- 10.45.130 Equipment – Requirements.
- 10.45.140 Escort vehicle – Requirements.
- 10.45.150 Escort service.
- 10.45.160 Warning signs and devices – Required.
- 10.45.170 Enforcement procedures – Penalties – Rules.

10.45.010 Permit required.

It shall be unlawful for any person, firm, or corporation to move any building, mobile home (as defined in RCW 46.04.302), structure or any vehicle or combination of vehicles, unladen or with load, which exceeds the restrictions set forth in RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, 46.44.036, 46.44.041, and 46.44.042, across or upon any public street, alley, roadway or public place without first having obtained

and being the owner or agent of the owner and holder of a valid permit thereof, the same to be known as a "transportation permit," from the City's Permit Center.

10.45.020 Transportation permits – Gross weight limit.

A. Except as otherwise provided in subsection (C) of this section, no special permit shall be issued for movement of any vehicle on any public street, alley, roadway or public place within the city limits of the City of University Place where the gross weight, including load, exceeds the following limits:

1. Twenty-two thousand pounds on a single axle or on dual axles with a wheelbase between the first and second axles of less than three feet six inches;
2. Forty-three thousand pounds on dual axles having a wheelbase between the first and second axles of greater than three feet six inches, but less than seven feet;
3. On any group of axles or in the case of a vehicle employing two single axles with a wheelbase between the first and last axle of greater than seven feet but less than 10 feet, a weight in pounds determined by multiplying 6,500 times the distance in feet between the center of the first axle and the center of the last axle of the group;
4. On any group of axles with a wheel base between the first and last axle of greater than 10 feet but less than 30 feet, a weight in pounds determined by multiplying 2,200 times the sum of 20 and the distance in feet between the center of the first axle and the center of the last axle of the group;
5. On any group of axles with a wheel base between the first axle and last axle of 30 feet or greater, a weight in pounds determined by multiplying 1,600 times the sum of 40, and the distance in feet between the center of the first axle and the center of the last axle of the group.

B. The total weight of a vehicle or combination of vehicles allowable by special permit under subsection (A) of this section shall be governed by the lesser of the weights obtained by using the total number of axles as a group or any combination of axles as a group.

C. The weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having rim width of 20 inches or more and a rim diameter of 24 inches, or dual pneumatic tires having a rim width of 16 inches or more and a rim diameter of 24 inches or more, and specially designed vehicles manufactured and certified for special permits prior to July 1, 1975.

D. Application shall be made in writing on special forms provided by the University Place Police Department at the City's Permit Center and shall be submitted at least three working days, Monday through Friday, in advance of the proposed movement. A University Place Police Department equipment weight and axle spacing report must be completed prior to the issuance of any City of University Place transportation permit. An application for a special transportation permit for a gross weight of any combination of vehicles exceeding 200,000 pounds shall be submitted in writing to the City Permit Center at least 30 days in advance of the proposed movement.

10.45.030 Transportation permits – Overall width limits, exceptions.

A. Special permits shall not be issued for the movement of structures or vehicles on any City street or public right-of-way in excess of the following widths, except in those cases specified in subsections (B) through (E) below:

1. On two-lane streets, 14 feet;
2. On multiple-lane streets where a physical barrier serving as a median divider separates opposing traffic lanes, 20 feet;
3. On multiple-lane streets without a physical barrier serving as a median divider, 32 feet.

B. In the case of buildings, the limitations referred to in this section for movement on any two lane street may be exceeded under the following conditions:

1. Controlled vehicular traffic shall be maintained in one direction at all times;
2. Prior to issuing a permit a designated employee of the City shall make a visual inspection of the building and route involved, determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building;
3. Special escort or other precautions may be imposed to assure movement is made under the safest possible conditions.

C. Permits may be issued for widths of vehicles in excess of the preceding limitations on City streets which have been designed and constructed for width in excess of such limitations.

D. Permits may be issued for vehicles with a total outside width, including the load, of nine feet or less when the vehicle is equipped with a mechanism designed to cover the load pursuant to RCW 46.61.655.

E. These limitations shall not apply to movement during daylight hours on any two-lane City street where the gross weight, including load, does not exceed 80,000 pounds and the overall width of load does not exceed 16 feet; provided, that the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips, and conditions to assure safety of traffic may be prescribed by the University Place Police Department.

F. The applicant, for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the route over City streets for which a permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

10.45.040 Transportation permits – Oversized loads – Fees.

The following fees, in addition to the regular license and tonnage fees shall be paid for all movements, under a transportation permit, made upon the streets of the City of University Place:

- A. All overlegal loads, except overweight, single trip: \$10.00;
- B. Continuous operations of overlegal loads having either overwidth or overweight features only, for a period not to exceed 30 days: \$20.00;

- C. Continuous operations of overlegal loads having over-length features only, for a period not to exceed 30 days: \$10.00;
- D. Continuous operation of a combination of vehicles having one trailing unit that exceeds 48 feet, and is not more than 56 feet in length, for a period of one year: \$100.00;
- E. Continuous operation of a combination of vehicles having two trailing units, which together exceed 60 feet and are not more than 68 feet in length, for a period of one year: \$100.00;
- F. Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight, for a period not to exceed 30 days: \$70.00;
- G. Continuous operation of overlegal loads having nonreducible features not to exceed 85 feet in length and 14 feet in width, for a period of one year: \$150.00;
- H. Fleet Permits. Fleet permits for continuous operation of overlegal loads having nonreducible features not to exceed 85 feet in length and 14 feet in width may be issued upon payment of the scheduled fee for the designated time, plus an additional \$10.00 for each additional fleet vehicle.

10.45.050 Additional tonnage permit conditions.

- A. No vehicle or combination of vehicles shall operate upon the City streets of the City of University Place with a gross load on any single axle in excess of 20,000 pounds, or upon any group of axles in excess of that set forth in the table prescribed in RCW 46.44.041, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, if the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more.
- B. It is unlawful to operate any vehicle upon the public streets of the City of University Place with a gross weight, including load, upon any tire concentrated upon the surface of the roadway, in excess of 600 pounds per inch width of such tire.
- C. Permitted nonreducible loads may operate upon the City streets of the City of University Place with a total gross weight of 22,000 pounds on a single axle, or on dual axles with a wheelbase between the first and second axles of less than three feet six inches, and 43,000 pounds on dual axles, having a wheelbase between the first and second axles greater than three feet six inches, but less than seven feet.

10.45.060 Temporary additional tonnage permits.

Pursuant to RCW 46.44.090, when a combination of vehicles has been lawfully licensed to a gross weight of 80,000 pounds, and when a three or more axle single unit vehicle has been lawfully licensed to a total gross weight of 40,000 pounds, a transportation permit for temporary additional tonnage (10 days or less) may be issued by the City Permit Center; provided, that the gross weight limits shall not exceed the limits stated in this section and those established in RCW 46.44.041 and 46.44.042 and upon the payment of fees as set forth in the following schedule:

ADDITIONAL GROSS WEIGHT PURCHASED (POUNDS)

	DAYS					
	5	6	7	8	9	10
2,000	14.00	16.80	19.60	22.40	25.20	28.00
4,000	16.80	19.60	22.40	25.20	28.00	30.80
6,000	19.60	22.40	25.20	28.00	30.80	33.60
8,000	22.40	25.20	28.00	30.80	33.60	36.40
10,000	25.20	28.00	30.80	33.60	36.40	39.20
12,000	28.00	30.80	33.60	36.40	39.20	42.00
14,000	30.80	33.60	36.40	39.20	42.00	44.80
16,000	33.60	36.40	39.20	42.00	44.80	47.60
18,000	36.40	39.20	42.00	44.80	47.60	50.40
20,000	39.20	42.00	44.80	47.60	50.40	53.20

A. Temporary additional gross weight must be purchased for a minimum of five days.

B. Temporary additional gross weight must be purchased in increments of 2,000 pounds.

C. The fees levied in this section shall not apply to any vehicles owned and operated by the State of Washington, any county within the state, or any city or town or metropolitan municipal corporation within the state, or by the federal government.

10.45.070 Annual additional tonnage permits.

When a combination of vehicles has been lawfully licensed to a gross weight of 80,000 pounds, and when a three or more axle single unit vehicle has been lawfully licensed to a gross weight of 40,000 pounds, a transportation permit for annual additional tonnage may be issued by the City of University Place Permit Center; provided, that the gross weight limits shall not exceed the limits stated in this section and those established in RCW 46.44.041 and 46.44.042, and upon the payment of \$52.50 per year for each 1,000 pounds or fraction thereof of such additional gross weight.

10.45.080 Reciprocity.

Pursuant to RCW 46.44.096, the State of Washington Department of Transportation may authorize the use of the City of University Place's transportation permit for additional gross weight on state highways, subject to the following conditions:

A. The owner of the vehicle covered by such permit shall establish, to the satisfaction of the Department of Transportation, that the primary use of the vehicle is on the streets and roads of the City of University Place.

B. That the fees paid for the additional gross weight are not less than those established in RCW 46.44.095.

C. Reciprocally, the City of University Place shall allow the use of permits issued by the state, pursuant to RCW 46.44.095, on the streets or roads of the City of University Place.

10.45.090 Transportation permits – Log tolerance fees.

Pursuant to RCW 46.44.047, the City of University Place shall authorize the use of a State-issued "Log Tolerance Permit" on designated City streets and roads; provided, that the permittee obtain a City issued log tolerance permit for an annual fee of \$5.00. Said permit shall be issued on a yearly basis, expiring on March 31st of each calendar year.

10.45.100 Transportation permits – Oversized load – Liability insurance and/or bond required.

A. Every person applying for a transportation permit, in addition to the requirements contained in this chapter, shall submit to the Permits Center evidence of adequate liability and property damage insurance coverage, which shall not be less than \$100,000 per person and \$300,000 per accident and not less than \$100,000 for property damage, which insurance coverage shall adequately protect the City of University Place against any loss to property or bodily injury, or other damages sustained or claimed by any person, or sustained or claimed by the City of University Place, arising out of the granting or use of this permit or any acts or omissions done or performed under or in connection with such moving activities.

B. In addition to the foregoing insurance coverage, the applicant shall submit with this application a cash bond with a lawful corporate surety, the form to be approved by the City Attorney, in the amount of \$10,000, conditioned upon the applicant's compliance with all the provisions of this chapter and agreeing to pay and hold blameless and harmless and indemnify the City of University Place, its officers, agents, and employees against any accident, liability, loss, injury, action and the costs thereof arising from the conduct or operations of the permittee in connection with this permit.

10.45.110 Evidence of notification.

A. Evidence of notification to all public and private utility companies, including railroad companies, having facilities over, along or across the proposed route of travel which may be in conflict with or endangered by the load is required. Such notification shall be given to a responsible member of each company at least 24 hours before the proposed move. The responsible person's name, position, company name, and phone number, and date and time called must be recorded and attached to the permittee's copy of the permit prior to moving.

B. Evidence of notification to the University Place Police Department, Pierce County Fire District No. 3 (for University Place), as well as to the University Place Permits Center, of the time and date of the move, the load dimensions, and time and date of contact must be recorded and attached to the permittee's copy of the permit prior to the moving.

10.45.120 Hours and days of movements.

The following restrictions shall be observed on movements of all overlegal-size loads within the City limits of the City of University Place, except with written permission from the Police Chief or agent thereof.

A. Building or overlegal-size load moves will be allowed only during daylight hours. (One-half hour before sunrise to one-half hour after sunset).

B. Building or overlegal-size load moves will not be allowed on arterial streets in the City of University Place during peak traffic hours (7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m.).

C. Building or overlegal-size load moves will not be allowed on legal holidays or observed holidays of the City of University Place.

D. Building or overlegal-size load moves will not be allowed if, at the discretion of the Police Chief or an agent thereof, inclement weather, including but not limited to snow, ice, or fog, could create unsafe operating conditions.

E. In the event any condition arises that is adverse to the City, the Police Chief, or an agent thereof, reserves the right to restrict movement of any overlegal-size load in the City of University Place at any time.

F. Any changes in moving dates or times from those set forth in the permit application must be cleared by the Police Chief or an agent thereof.

10.45.130 Equipment – Requirements.

Equipment used in the transporting of overlegal-size loads through the City of University Place shall be subject to inspection by any law enforcement officer of the City of University Place, and shall meet the following requirements:

A. All equipment must comply with the requirements as set forth by the Washington State Department of Transportation regulations regarding the movement of overlegal-size loads (Chapters 46.37 and 46.44 RCW).

B. All tractors, trailers, and dollies shall be licensed and covered by insurance as required by the State of Washington Department of Licensing (Chapter 46.16 RCW).

C. In case of equipment failure, insufficient power, or insufficient braking capabilities involving vehicles which move buildings or any overlegal-size load, the Police Chief or representative may call for outside assistance, at the mover's expense, to continue the move.

D. Tire and axle loading shall comply with the State of Washington Motor Vehicle Load Limits as set forth in RCW 46.44.041 and 46.44.042(E), as presently constituted or hereinafter amended. Personnel who are riding on top of the overlegal-size load to be moved, responsible for handling overhead wiring, shall, at all times, wear rubber gloves which are in good condition and are capable of withstanding high voltages of at least 10,000 volts.

F. A ladder of a length to reach the top of the overlegal-size load shall be available on every move.

G. Blocks capable of holding the unit being moved shall be carried on every move.

H. Every tow vehicle shall carry at all times an approved first aid kit.

I. Every tow vehicle shall carry at all times a minimum of 10 emergency fuses.

10.45.140 Escort vehicle – Requirements.

Front and rear escort vehicles shall be furnished by the permit holder or subcontractor and shall meet the following requirements:

- A. Escort vehicles may be a four-passenger car or two-axle truck, and shall be fully licensed in the State of Washington and be in safe operating condition as outlined in Chapter 46.37 RCW.
- B. Escort vehicles shall be of such design as to provide the driver clear and unobstructed vision both front and rear.
- C. Escort vehicle operators shall be properly licensed and have sufficient experience to operate the vehicle.
- D. Escort vehicle operators and ground escort personnel shall have in their possession a current and valid Washington State Flagging and Traffic Control Card, and shall wear an orange protective vest as outlined in WAC 296-155-305.
- E. Front and rear escort vehicles shall travel at such reasonable distance from the building or overlegal-size load being moved so as to insure the maximum security to the traveling public.
- F. All escort vehicles and towing vehicles shall be equipped with working two-way radios, subject to the approval of the Police Chief his agent thereof.
- G. Escort vehicles shall be required when the following conditions exist:
 - 1. One rear escort vehicle will be required when any load exceeds 14 feet in height.
 - 2. One rear escort vehicle will be required for any solo vehicle exceeding 50 feet in length.
 - 3. One rear escort vehicle will be required for any trailing unit when it exceeds 56 feet in length, or when any combination of trailing units exceed 68 feet in length.
 - 4. One rear escort vehicle will be required when the load overhangs more than 15 feet beyond the center of the rear axle.
 - 5. One rear and one front escort vehicle will be required when any load exceeds 11 feet in width on a two-lane, two-way street.
 - 6. One rear and one front escort vehicle will be required when any load exceeds 14 feet in width and is traveling on any street in the City of University Place.

10.45.150 Escort service.

If the owner or holder of any such transportation permit fails or neglects to provide and furnish an adequate escort service for moving any building or overlegal-size load within the City, he/she shall pay to and/or reimburse the City for any such service or assistance rendered by the City while moving such building or overlegal-size load within the City limits.

10.45.160 Warning signs and devices – Required.

Warning signs and devices shall meet the following requirements:

- A. An "OVERSIZED LOAD" sign must measure at least five feet wide and 10 inches in height with one-inch black stroke on yellow background.
- B. Oversized load signs shall be mounted on the front of the towing vehicle and on the rear of the load or trailing unit and above the roof line

of the escort vehicle(s) a minimum of five feet above the roadway surface measured from the bottom of the sign.

C. Oversized load signs are to be displayed only when the unit is in transit and must be removed or retracted at all other times.

D. All overlegal-size loads shall display the prescribed 12-inch square red colored flag on each corner of the load.

E. Every towing vehicle and escort vehicle shall display either two four-inch minimum flashing amber lights or a single rotating flashing beacon mounted above the roof line and plainly visible. The amber lights shall meet SAE Standard Specifications (SAE J595b), "Flashing Warning Lamps for Authorized Emergency, Maintenance, and Service Vehicles." These amber lights shall operate at all times during the movement of any overlegal-size load.

10.45.170 Enforcement procedures – Penalties – Rules.

A. Every permit issued as provided for in this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer, state, county or local. The owner or holder of said permit shall provide, along with this permit, a validated copy of the University Place Police Department equipment weight and axle spacing report.

B. Violations of any of the provisions of the chapter, or failure to obtain a "transportation permit" as provided by this chapter, or misrepresentation of the size or weight of any load or failure to follow the requirements and conditions of a "transportation permit" issued hereunder is a traffic infraction, and upon the first finding thereof shall be assessed a basic penalty of not less than \$75.00; upon the second finding thereof there shall be assessed a basic penalty of not less than \$125.00, and upon the third or subsequent finding shall be assessed a basic penalty of not less than \$175.00.

C. In addition to the penalties imposed in subsection (B) of this section, any person violating the provisions of this chapter shall be assessed three cents for each pound of excess weight. Upon the first violation in any calendar year, the Court may suspend the penalty for 500 pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a 2,000 pound suspension. In no case may the basic penalty assessed in subsection (B) of this section be suspended.

D. Any law enforcement officer who finds a person operating a vehicle, or a combination of vehicles, in violation of the conditions of a "transportation permit" issued under this chapter, may confiscate said permit and forward it to the University Place Permit Center, which may return it to the permittee, or revoke, cancel, or suspend it without refund. Any permittee whose permit is suspended or revoked may, upon written request, receive a hearing before the Police Chief or his agent. After the hearing, the Police Chief or his agent may reinstate any permit or revise the previous action of the Permit Center. Upon a third finding within a calendar year of a violation of the requirements and conditions of a permit issued under this chapter, the permit shall be canceled, and the canceled permit shall be immediately transmitted by the Court or arresting officer to the University Place Police Department (Commercial vehicle division?). The vehicle covered by the canceled permit is not eligible for a new permit for a period of 30 days.

E. Pursuant to RCW 46.44.100, any law enforcement officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to weighing, either by means of a portable or stationary scale, and may require that the vehicle be driven to the nearest public scale. Whenever a law enforcement officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit permitted under RCW 46.44.041 and 46.44.042 and this chapter.

F. It shall be unlawful for any driver of a vehicle to fail or refuse to stop and submit the vehicle and load to a weighing, or to fail or refuse, when directed by an officer upon a weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of this section.

G. For the purposes of determining the gross weights, the actual scale weight taken by the officer is prima facie evidence of the total gross weight.

H. It is a traffic infraction to direct the loading of a vehicle with knowledge that it violates the requirements set forth in Chapter 46.44 RCW and this chapter, and that it is to be operated on the public streets and roadways of the City of University Place.

Section 2. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances by a court of competent jurisdiction shall not be affected.

Section 3. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall be effective five (5) days after its publication.

PASSED BY THE CITY COUNCIL ON APRIL 19, 2004.



Ken Grassi, Mayor

ATTEST:



Catrina Craig, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Published: April 21, 2004
Effective Date: April 26, 2004