

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 12-16

**AN ORDINANCE OF THE CITY OF BUCKLEY,
WASHINGTON, REPEALING MUNICIPAL CODE
CHAPTER 11.36 ENTITLED VEHICLES EXCEEDING
GROSS WEIGHT LIMIT AND REPLACING IT WITH A
NEW CHAPTER 11.36 ENTITLED TRUCK ROUTES.**

WHEREAS, RCW 46.44.080 allows local authorities to prohibit operation of motor vehicles or impose limits as to the weight thereof with respect to public highways under their jurisdiction; and

WHEREAS, the City currently regulates vehicles and weight limitations under BMC 11.36 which was originally adopted Ordinance #781 in 1969; and

WHEREAS, the provisions in the existing ordinance are outdated and have led to confusion and misuse within the City which includes but is not limited to the use of truck traffic on roads not designed to accommodate the loads and the parking of tractor trailers in residential areas; and

WHEREAS, the City has a future street plan with designated arterials that are designed to accommodate heavier loads from truck traffic; and

WHEREAS, City staff along with the City engineer and Transportation & Utilities Committee have reviewed this issue as well as the current code and concluded that the development of new regulations are warranted; and

WHEREAS, City staff along with the City engineer and Transportation & Utilities Committee have developed a set of draft regulations that are designed to replace the current regulations in BMC 11.36 and are recommending that the City Council adopt the new regulations; and

WHEREAS, the City Council concurs with the Committee's recommendation and desires to replace the existing BMC 11.36 with the new draft regulations entitled Truck Routes;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Chapter 11.36 of the Buckley Municipal Code entitled “Vehicles Exceeding Gross Weight” is repealed in its entirety and replaced with a new Chapter 11.36 entitled “Truck Routes” to read as follows:

11.36.010 Purpose.

The purpose of this chapter is to confine the operation of trucks and other vehicles weighing in excess of 24,000 pounds to designated streets and highways within the city.

11.36.020 Definitions.

For purposes of this chapter:

A. "Semitrailer" means that term as defined in RCW 46.04.530, as now or hereafter amended, which definition is: "'Semitrailer' includes every vehicle without motive power designed to be drawn by a vehicle, motor vehicle, or truck tractor and so constructed that an appreciable part of its weight and that of its load rests upon and is carried by such other vehicle, motor vehicle, or truck tractor."

B. "Trailer" means that term as defined in RCW 46.04.620, as now or hereafter amended, which definition is: "'Trailer' includes every vehicle without motive power designed for being drawn by or used in conjunction with a motor vehicle constructed so that no appreciable part of its weight rests upon or is carried by such motor vehicle, but does not include a municipal transit vehicle, or any portion thereof."

C. "Truck" means "motor truck" as defined in RCW 46.04.310, as now or hereafter amended, which definition is: "'Motor truck' means any motor vehicle designed or used for the transportation of commodities, merchandise, produce, freight, or animals."

D. "Truck tractor" means that term as defined in RCW 46.04.650, as now or hereafter amended, which definition is: "'Tractor' means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn."

E. "Vehicle" means that term as defined in RCW 46.04.670, as now or hereafter amended, which definition is: "'Vehicle' includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles. The term does not include power wheelchairs or devices other than bicycles moved by human or animal power or used exclusively upon stationary rails or tracks. Mopeds shall not be considered vehicles or motor vehicles for the

purposes of Chapter 46.70 RCW. Bicycles shall not be considered vehicles for the purposes of Chapter 46.12, 46.16, or 46.70 RCW. Electric personal assistive mobility devices are not considered vehicles or motor vehicles for the purposes of Chapter 46.12, 46.16, 46.29, 46.37, or 46.70 RCW."

11.36.030 Designation of truck routes.

It is the purpose of this chapter to restrict truck traffic in the City of Buckley to the maximum extent possible to the state highway system or to authorized truck routes, and to prohibit truck traffic on City arterials and streets except where no alternative state highway route or authorized truck route is available. In furtherance of this purpose, all trucks, truck tractors, truck and trailer combinations, and/or truck tractor and semitrailer combinations over eight feet in width, over 26 feet in length, or over 24,000 pounds licensed gross vehicle weight shall be restricted to the state highway system or one of the following authorized routes while traveling to and from locations within the City of Buckley; provided, that when such locations are not immediately adjacent to a state highway route or an authorized truck route, vehicles described in this chapter shall use the shortest and most direct City arterial route between the nearest state highway route or authorized truck route and such departure location or destination location, and such vehicles may not use City nonarterial streets except when traveling directly between such locations and the nearest arterial, state highway, or authorized truck route. The following streets and highways shall be designated as approved truck routes in the city:

- A. SR410;
- B. SR 165;
- C. Main Street; SR410 to Collins Road
- D. Collins Road to Levesque Road;
- E. Levesque Road;
- F. Ryan Road; SR165 to Levesque Road
- G. 112th Street East; SR165 to Mundy Loss Road
- H. Jefferson Avenue; "A" Street to SR 410
- I. "A" Street; Park Avenue to Spiketon Road
- J. Cedar Street; Main Street to Coul Avenue
- K. Coul Avenue; Cedar Street to Spiketon Road
- L. Spiketon Road; Ryan Road to LaPierre Avenue /City Limits
- M. Mason Avenue; SR 410 to Hinkleman Extension
- N. Mundy Loss Road; Hinkleman Road to 112th Street East
- O. Main Street; Naches Street to SR-410
- P. Naches Street; Park Avenue to W. Mason Avenue
- Q. Park Avenue; River Avenue to Naches Street
- R. River Avenue; Ryan Road to Dieringer Avenue
- S. Hinkleman Extension; Mason Ave to 112th Street East

J. Motor vehicles exceeding the weight limitations may make pickup from and deliveries to commercial and light industrial businesses located on Hinkleman Road when the property does not have direct access onto a designated truck route listed in BMC 11.36.030.

11.36.050 Special permits.

A. Owners or drivers of trucks or vehicles exceeding 24,000 pounds may obtain an annual permit from the city to park such a vehicle on the right-of-way adjacent to property owned or occupied by such individual or within a designated public parking area for truck or tractor parking. The cost of such permit shall be as established by the City Council by periodic resolution. Such permit shall be valid from January 1st through December 31st. The site where parking is proposed shall be reviewed by the City Engineer and the Chief of Police, who shall review such proposed parking site to make sure that the parking of such vehicle will not do any damage to the public right-of-way, impair access to and from the public right-of-way, obstruct traffic on any city street, obstruct visibility of motorists or pedestrians, or in any other way infringe on public interests. Travel to and from any permitted parking site shall not be more than a minimum distance necessary for the purpose from approved truck routes in the city. Such permit to park on city right-of-way or designated public parking area for truck or tractor parking shall be subject to review at least annually. Such permit may be revoked at any time if it is determined that the parking of the vehicle is damaging the public right-of-way, impairing access to and from the public right-of-way, obstructing visibility of other motorists or pedestrians, or in any other way infringing on public interests.

B. Every special parking permit issued under this section shall be carried in the vehicle to which it applies and displayed within the lower left corner of the driver's side windshield.

C. Parking permits are limited to one valid permit for any property at any given time.

11.36.060 Action by police officer.

Whenever any police officer of the city shall have probable cause that a vehicle is being driven in violation of this chapter, then such police officer is authorized to stop such vehicle and direct that the vehicle be driven to the nearest state or local weighing station.

11.36.070 Violation – Penalty.

Violation of any of the provisions enumerated above constitutes a civil infraction. As provided by law, the Buckley Municipal Court is hereby vested with jurisdiction to hear civil infraction cases under this chapter. Said cases shall be heard by the court without jury and upon a finding that the infraction has been committed by a preponderance of the evidence; the defendant shall be subject to civil penalties at the discretion of the court not to exceed \$250.00 for each such separately charged violation. Each day that the violation continues shall be deemed a separate and distinct violation.

