

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING ARTICLE 347 OF ITS TRAFFIC CODE BY AMENDING SECTIONS 347.01(a) AND 347.01 (c), AND ADDING NEW SECTIONS 347.01 (d) AND 347.01 (e), AS THE SAME APPLY TO HEAVY TRUCKS WITHIN THE DOWNTOWN BUSINESS DISTRICT.

DOWNTOWN BUSINESS DISTRICT HEAVY TRUCK LIMITATION

- WHEREAS, the 2013 Comprehensive Plan identifies the reduction of freight trucks within city limits as a community priority ¹; and
- WHEREAS, key findings from the Comprehensive Plan’s public input process revealed that “[t]he presence of large trucks within the city evoked frustration from many respondents. The community wants to see truck traffic rerouted around the city and prohibited within the city’s core”¹; and
- WHEREAS, the Morgantown Monongalia Metropolitan Planning Organization’s 2013-2040 Long Range Transportation Plan recommends reduction of “truck traffic in residential neighborhoods and on other streets where significant numbers of bicycles and pedestrians are present”²; and
- WHEREAS, the City of Morgantown Planning and Zoning Code classifies the City of Morgantown into districts according to their intended function³; and
- WHEREAS, the purpose of the General Business District (B-4) is to “promote development of a compact, pedestrian-oriented central business district...”³; and
- WHEREAS, the 2010 Morgantown Pedestrian Safety Plan advises that “the most serious compromises to a safe walking environment are a) sidewalk designs which provide little or no barrier between pedestrians and heavy and/or fast moving vehicles; b) noxious emissions from truck engines and other exhausts; and c) loud noise from trucks and other heavy vehicles beginning before daylight and continuing late into the afternoon. Each of the three conditions seriously compromises the walkability, the livability and the desirability of the City and the sense of safety which is important to pedestrians” and furthermore, that “driving of large truck vehicles over curbs and sidewalks” has been reported as “troubling to pedestrians”⁴
- WHEREAS, the Downtown Strategic Plan aims to enhance the cultural, environmental, historic, educational, economic, recreational, and transportation elements of downtown Morgantown in part by enhancing pedestrian access⁵; and
- WHEREAS, the City of Morgantown and the State of West Virginia continue to invest significant public resources in streetscaping, pedestrian crosswalks, pedestrian access, and curbing in the Downtown Business District; and

WHEREAS, the safety of pedestrians and motorists is threatened by the movement of heavy trucks on narrow streets and roads requiring heavy trucks to enter or occupy either more than one travel lane or a travel lane intended for oncoming traffic, cargo and debris falling from heavy trucks, deteriorated roads and bridges, and decreased visibility of traffic signals and signs caused by the width and height of heavy trucks;" and

NOW, THEREFORE, the City of Morgantown hereby ordains, pursuant to its safety regulatory authority, that Section 347.01 of its Traffic Code is amended as follows (new matter underlined, deleted matter struck through):

347.01 OVERSIZE OR OVERWEIGHT VEHICLES.

- (a) (a) General Prohibition. No person shall operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in West Virginia Code Article 17C-17 upon any street or highway within the Municipality, except pursuant to special written permit issued by the Commissioner of Highways or the City Manager. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer.

No holder of a permit issued by the Commissioner of Highways shall be required to obtain any local permit or license or pay any local fee or charge for movement on any State route within the Municipality; however, it shall be unlawful 1) to operate any such vehicle or combination of vehicles upon any roadway within the Municipality which is not a State route, except as provided in subsection (c) hereof; and 2) to operate any Heavy Truck within the Downtown Business District, as defined within Article 30I of the City's Traffic Code, except as provided in subsections (c) and (d) hereof.

- (b) Five-ton Limitation on Local Streets. Whenever it becomes apparent to the City Manager that any street is being destroyed or permanently injured by the operation thereover of commercial vehicles, in excess of ordinary wear and tear, he has authority to close any such street to vehicles whose gross weight, including load, exceeds five tons. When any street has been so closed by the City Manager, and notice of such closing posted at the entries thereto, it shall, during the continuance of such closing, be unlawful for any person to operate thereupon any vehicle whose gross weight exceeds five tons. Any street so closed by the City Manager shall be promptly reported to Council.
- (c) Local Permit and Conditions. Upon application and for good cause, the City Manager may issue a local permit authorizing an applicant to move an oversize or overweight vehicle or combination of vehicles upon local streets or to operate a Heavy Truck on streets and highways located within the Downtown Business

District, as defined within Article 301 of the City's Traffic Code. No permittee shall be required to obtain a special permit from the Commissioner of Highways for the movement of the vehicle or combination of vehicles on streets or highways under local jurisdiction or for the movement of Heavy Trucks within the Downtown Business District; however, the approval of the Commissioner of Highways shall be required for movement upon State routes as provided in subsection (a) hereof.

The City Manager may grant a permit for a single or round trip, or for such period of time, not to exceed one year, as the City Manager in his discretion deems advisable, or for the duration of any construction project. The City Manager may limit or prescribe terms or conditions of operation for such vehicle or combination of vehicles by designating the route, hours, speed or such other restrictions as may be necessary for the preservation of the public peace, property, health and safety. The City Manager may require the posting of bond or other security necessary to compensate for any damage to a roadway or road structure. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer.

For each such permit, the City Manager shall charge five dollars (\$5.00) and for each hour of time or any part thereof spent by each police officer in supervising the movement of such vehicle, the applicant shall pay the sum of ten dollars (\$10.00).

Signs shall be posted indicating "no thru trucks - gross weight 5 tons" or words of similar import to apprise drivers of the limitations imposed by subsection (b) hereof. No driver shall disobey the instructions indicated on any such sign. Violation of any of the limitations, terms or conditions of the permit granted by the City Manager shall be cause for immediate revocation or suspension of such permit, and denial of request for any future permit. Such violation shall also subject the violator to the penalty prescribed by Section 303.99.

347.01(d) HEAVY TRUCK LIMITATION IN DOWNTOWN BUSINESS DISTRICT.

No person shall operate a Heavy Truck in the Downtown Business District, as defined in Article 301 of the City's Traffic Code.

This provision does not limit or restrict:

- (1) The operation of any Heavy Trucks in the Downtown Business District when that operation is necessary to conduct business at a destination within the Downtown Business District where merchandise or material is loaded or unloaded during the normal course of business;
- (2) The operation of emergency or military vehicles;
- (3) The operation of vehicles by Public Utilities;
- (4) The operation of any governmental or quasi-governmental vehicle in the performance of any official function or duty;
- (5) The operation of solid waste disposal vehicles;
- (6) The operation of vehicles lawfully engaged in the business of towing.

hauling or carrying wrecked or disabled vehicles;

(7) The operation of trucks upon any officially established detour in any case where a truck could lawfully be operated on the street for which such detour was established;

(8) The issuance of a special permit by the City Manager as provided in subsection (c).

347.01(e) TRUCK SIGNAGE.

Signs shall be posted indicating “no thru trucks - limit 10 tons” or words of similar import to apprise drivers of the limitations imposed by subsection (d) hereof.

Footnote Citations:

¹**Comprehensive Plan Ordinance of Morgantown, West Virginia, 2013**, available at: <http://www.morgantownwv.gov/about/crossroads-2012-comprehensive-plan/>
Section 4, Transportation

²**Morgantown Monongalia Metropolitan Planning Organization 2013-2040 Long Range Transportation Plan**, available at: <http://plantogether.org/LRTP%20Chapter%203%20Transportation%20Goals%20and%20Objectives.pdf>

³**Morgantown Planning and Zoning Code**, Section 1349.01 available at: <http://www.morgantownwv.gov/wp-content/uploads/Planning-and-Zoning-Code-2012.pdf>;
see also the **Morgantown Zoning Map**, available at: http://www.morgantownwv.gov/wp-content/uploads/official_zoning_map_07-01-2012.pdf

⁴**2010 Morgantown Pedestrian Safety Plan**, available at: http://www.morgantownwv.gov/wp-content/uploads/MPSB-Plan-8_13_2010.pdf

⁵**Morgantown Downtown Strategic Plan**, available at: <http://www.morgantownwv.gov/government/reports>

This Ordinance shall be effective upon date of adoption:

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FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED: