CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

ITEM: **DATE: June 15, 2015**

First reading of proposed Ordinance to amend Section 12 of Title 6, Chapter 9 of the Municipal Code to revise the City's truck route regulations.

FINANCIAL IMPACT:

This proposed Ordinance amendment should have no financial impact to the City, other than to help protect City roadways from deterioration by lessening the amount of truck traffic on roadways not designed or built to accommodate heavy truck travel.

BACKGROUND:

This proposed Ordinance would revise truck route regulations within West Des Moines and specifically provide that the weight limitations would be governed by the weight rating of the vehicle instead of the actual weight of the vehicle and any particular load carried by the vehicle at that time. This change would make it easier for our police officers to enforce the City's ordinance by not requiring that all vehicles must be weighed following a traffic stop. The purpose of the ordinance remains to keep vehicles that are capable of carrying heavy loads on the truck route as much as possible. All trucks making a delivery or stop within the City can travel off of the truck route in a direct path and similarly return to the truck route once the delivery or stop has been made. This ordinance also contains a penalty provision stating that violations are subject to a $100.00 civil penalty instead of a fine. That distinction should hopefully enable truck drivers to keep a moving violation for this type of offense off of their driving records so that they are not in jeopardy of losing their commercial driver's licenses.

The Public Safety City Council subcommittee approved of this proposed new Ordinance at its meeting held on June 5, 2015.

OUTSTANDING ISSUES (if any): None

RECOMMENDATION:

It is recommended that the City Council approve the first reading of this proposed Ordinance.

Lead Staff Member: Jason B. Wittgraf, Assistant City Attorney JBW

STAFF REVIEWS

Department Director	Richard J. Scieszinski, City Attorney
Appropriations/Finance	
Legal	
Agenda Acceptance	RTJ

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Safety		
Date Reviewed	June 5, 2015		
Recommendation	Yes	~~No~~	~~Split~~

ORDINANCE NO._____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 6, "MOTOR VEHICLES AND TRAFFIC", CHAPTER 9, "TRAFFIC SCHEDULES", SECTION 12 "LOAD LIMITS; TRUCK ROUTES", SUBSECTION 2 "TRUCK ROUTE"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1: Title 6, Chapter 9, Section 12, Subsection 2 is hereby amended by deleting ~~strike through~~ text and adding underline text.

6-9-12-2: TRUCK ROUTE:

Truck route regulations are established as follows:

A. Truck Routes Designated: Every motor vehicle or combination of vehicles, including attached trailers, with an actual weight, gross vehicle weight rating, or gross combination weight rating of ~~weighing~~ ten thousand (10,000) pounds or more, when loaded or empty, ~~having no fixed terminal within the city or~~ making no scheduled or definite stops within the city for the purpose of loading or unloading cargo or passengers at specific locations within the city shall not travel over or upon any and all ~~the following~~ streets within the city except through streets defined as truck routes as follows. ~~and none other:~~

Street	From	To
Army Post Road	East corporate limits	West corporate limits
Ashworth Road	East corporate limits	West corporate limits
Buffalo Road	East corporate limits	Nineteenth Street Place
E.P. True Parkway	Grand Avenue	West corporate limits
Fuller Road	Railroad Avenue	Grand Avenue
Grand Avenue	East corporate limits	West corporate limits
Industrial Circle	Nineteenth (South) Street	Eighteenth (South) Street
Jordan Creek Parkway	North corporate limits	Bridgewood Boulevard
Jordan Creek (South) Parkway	Bridgewood Boulevard	South terminus
Lincoln Street	First (South) Street	Eleventh (South) Street

	Thirteenth (South) Street	Fuller Road
Maffitt Lake Road	Southwest connector	Twentieth (South) Street
	Thirty Fifth (South) Street	Fiftieth (South) Street
Mills Civic Parkway	E.P. True Parkway	Terminus at Mills Civic Parkway
Raccoon River Drive	Grand Avenue	West corporate limits
Railroad Avenue	East corporate limits	Grand Avenue
Southwest connector	Army Post Road	Southern terminus
Stagecoach Drive	Mills Civic Parkway	West terminus
University Avenue	Twenty Second Street	West corporate limits (south side only)
Vista Drive	Sixtieth Street	Jordan Creek Parkway
Westown Parkway	Nineteenth Street Place	West corporate limits
First Street	North corporate limits	Railroad Avenue
First (South) Street contiguous with Iowa Highway 28	Railroad Avenue	East corporate limits
Eighth Street	North corporate limits	Grand Avenue
Eleventh (South) Street	Railroad Avenue	Lincoln Street
Thirteenth (South) Street	Railroad Avenue	Lincoln Street
Eighteenth (South) Street	Fuller Road	Industrial Circle
Nineteenth Street	Ashworth Road	E.P. True Parkway
Nineteenth (South) Street	Fuller Road	Industrial Circle
Twentieth (South) Street	Maffitt Lake Road	South corporate limits
Twenty Second Street	North corporate limits	Ashworth Road
Thirty Fifth Street	North corporate limits	E.P. True Parkway
Thirty Fifth (South) Street	Army Post Road	Maffitt Lake Road
Forty Second (South) Street	Walnut Woods Drive	Army Post Road
Fiftieth Street	North corporate limits	574 feet south of centerline

		of E.P. True Parkway
Fiftieth (South) Street	574 feet south of centerline of E.P. True Parkway	Grand Avenue
	Maffitt Lake Road	South corporate limits
Sixtieth Street	North corporate limits	Wistful Vista Drive
Sixtieth (South) Street	Wistful Vista Drive	Mills Civic Parkway
Sixty Eighth Street	E.P. True Parkway	Wistful Vista Drive
Sixty Eighth (South) Street	Wistful Vista Drive	South terminus
Ninety Second Street	University Avenue	Ashworth Road

B. Deliveries Off Truck Route: Any motor vehicle or combination of vehicles, including attached trailers, with an actual weight, gross vehicle weight rating, or gross combination weight rating of ~~weighing~~ ten thousand (10,000) pounds or more, when loaded or empty, ~~having a fixed terminal~~, making a scheduled or definite stop within the city for the purpose of loading or unloading cargo or passengers at a specific location within the city shall proceed over or upon the designated truck routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return by the most direct route to its point of departure from said designated route. The motor vehicle operator shall provide a bill of lading or other proof of delivery upon request by a police officer to ascertain whether the driver has satisfied the requirements of this subsection.

C. Employer's Responsibility: The owner or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.

D. Exempt Vehicles: This section does not prohibit the following:
1. Emergency Vehicles: The operation of emergency vehicles upon any street within the city.
2. Public Utilities: The operation of trucks owned or operated by the city, public utilities or any contractor ~~or material men,~~ while engaged in the repair, maintenance or construction of streets, public improvements or street utilities in the city.
3. Buses: The operation of any school bus or public bus upon any street in the city.
4. Waste Removal Vehicles: The operation of trucks upon any street in the city for purposes of removing solid waste, yard waste, or recycling from businesses and residences located within the city.
5. Recreational Vehicles: The operation of any recreational vehicles and vans used for private, non-commercial transport and recreational activities.
4. 6. Detoured Trucks: The operation of trucks upon any officially established detour in any case where such trucks could lawfully operate upon the street for which such detour is established.

E. Clerk Maintains Maps: The city clerk or designee shall keep and maintain accurate maps

setting out truck routes and streets upon which truck traffic is permitted; the maps shall be kept on file in the office of the city clerk or designee and shall be available to the public.

F. Signs Posted: Signs shall be posted along all truck routes showing the direction thereof and to notify motor vehicle operators of the use, approach, and entrance of such truck routes. ~~the type of trucks prohibited from using other streets of the city.~~

G. Weigh In: When the gross vehicle weight rating or gross combination weight rating of a motor vehicle cannot be immediately determined, the City's police officers ~~chief of police~~ shall have the authority to require any person driving or in control of any ~~commercial~~ motor vehicle not proceeding over a truck route or street over which truck traffic is permitted, to proceed to any public or private scale available for the purpose of weighing and determining whether this section has been violated, if the police officer has a reasonable and articulable basis to believe that the actual weight of the vehicle in question exceeds ten thousand (10,000) pounds. The City shall not be required to prove the actual weight of the vehicle or combination of vehicles, including attached trailers, in question if it has been determined that the gross vehicle weight rating or gross combination weight rating exceeds ten thousand (10,000) pounds.

H. Special Permit: Any driver or owner of any ~~truck or commercial~~ motor vehicle prohibited from traveling or traversing any street other than a ~~as~~ designated truck route or falling within the exceptions herein stated, may make written application to the city public works ~~engineering~~ department for a special permit to use any street within the city and said department may grant such permit imposing terms and conditions as the said department deems appropriate.

I. Violation and Penalty: It is unlawful for any driver or owner of a motor vehicle to violate the provisions of this section. Violations of this section are declared to be municipal infractions and may be punished as provided in Title 1, Chapter 4 of this Code. Police officers shall also be authorized to issue citation complaints. A one hundred dollar ($100.00) civil penalty shall be imposed for each violation where a citation complaint has been issued. Any driver or owner of a motor vehicle traveling in violation of this section may be subject to a municipal infraction and/or a citation complaint.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, adoption, and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2015.

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Steven K. Gaer, Mayor

ATTEST:

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Ryan T. Jacobson, City Clerk