

# Proposed Ordinance Regulating Heavy Truck Traffic in the Downtown Business District

## City Code of Morgantown, West Virginia Article 347 Commercial and Heavy Vehicles 347.01 Oversize or Overweight Vehicles

(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, 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.**

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.

**(d) Heavy Truck Limitation in Downtown Business District.**

**No person shall operate a Heavy Truck in the Downtown Business District.**

**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 any governmental or quasi-governmental vehicle in the performance of any official function or duty;**
- (4) The operation of solid waste disposal vehicles;**
- (5) The operation of vehicles lawfully engaged in the business of towing, hauling or carrying wrecked or disabled vehicles;**
- (6) 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;**
- (7) The issuance of a special permit by the City Manager as provided in subsection (c).**

**(e) 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.**

City Code of Morgantown, West Virginia  
Article 301  
Definitions

**301.071: Downtown Business District.**

**"Downtown Business District" means the entirety of the B-4 General Business District as defined in the City of Morgantown's Planning and Zoning Code, but does not include Beechurst Avenue, University Avenue south of Beechurst Avenue, and Don Knotts Boulevard south of University Avenue.**

**301.111: Heavy Truck.**

**"Heavy Truck" means any vehicle which is designed or operated for the transportation of property and 1) has combined declared gross weight of over 20,000 pounds as combined declared gross weight is defined in W. Va. Code § 17A-3-3(c), and 2) has three or more axles in total.**