

ORDINANCE NO. 247

**AN ORDINANCE FOR PROHIBITING OR RESTRICTING THE OPERATION OF VEHICLES AND THE IMPOSITION OF WEIGHT LIMITS ON COUNTY ROADS**

**WHEREAS**, the County has the authority pursuant to RCW 46.44.080 to prohibit the operation of motor trucks or other vehicles or impose limits as to the weight thereof, or make any other restrictions as deemed necessary whenever any such public highway, by reason of rain, snow, climatic or other conditions will be seriously damaged or destroyed unless the operation of vehicles thereon is prohibited or restricted, or the permissible weights thereof reduced; and

**WHEREAS**, the Board of County Commissioners for Walla Walla County has determined that such prohibition or restrictions may be necessary for the health and welfare of local residents, as well as protect County roads from undue damage; now therefore,

**BE IT HEREBY RESOLVED** by the Board of County Commissioners of Walla Walla County, Washington that a new chapter be added to Title 10 of the Walla Walla County Code to read as follows:

**Chapter 10.28 - Load Restrictions**

Sections:

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|-----------|---|
| 10.28.010 | Definitions                             |
| 10.28.020 | General Provisions                      |
| 10.28.030 | Weight Restrictions                     |
| 10.28.040 | Emergency Permits                       |
| 10.28.050 | Maximum Speed Permitted on Posted Roads |
| 10.28.060 | Penalty                                 |
| 10.28.070 | Liability for Damages to County Roads   |
| 10.28.080 | Severability                            |

## 10.28.010 - Definitions

- A. "Authorized Emergency Vehicle" is defined as any vehicle of any fire department, law enforcement agency, coroner, County Prosecuting Attorney, Walla Walla County Road Department, officers of emergency operations centers or ambulance service.
- B. "Commodities" is defined as anything provided to the public which is necessary to provide essential shelter, food or fuel to people and animals.
- C. "Perishable goods" is defined as a produce of agriculture, aquaculture, or manufacture which by its nature is subject to destruction, decay, deterioration or spoilage except under proper conditions.
- D. "Service necessary for the health and welfare" is defined as any service provided to the public which is necessary to maintain essential power, fuel, communications, sewer and water services for the public.
- E. "County Engineer" includes authorized designees of the County Engineer.
- F. "Gross Load" is defined as the total vehicle weight including load.
- G. "Truck" is defined as any motor vehicle designed or used for the transportation of commodities, merchandise, produce, freight, animals or other things.
- H. "Vehicle" is defined as any device capable of being moved upon a public road and in, upon or by which any person or property is or may be transported or drawn upon a public road.
- I. "School Bus" is defined as any vehicle used to regularly transport children to and from school or in connection to school activities, which is subject to the requirements set forth in the most recent edition of "Specifications for School Buses" published by the State Superintendent of Public Instruction, but does not include buses operated by common carriers in urban transportation of school children.

- J. "Tire width" is defined as the maximum overall normal inflated width, as stipulated by the manufacturer, when inflated to the pressure specified and without load thereon.

#### **10.28.020 - General Provisions**

- A. Pursuant to RCW 46.44.080, Walla Walla County may prohibit or restrict the operation of vehicles or may impose limits as to the weight thereof, or impose any other restrictions as may be deemed necessary whenever any public road under the jurisdiction of the County will be damaged or destroyed by reason of rain, snow, climatic or other conditions.
- B. The County Engineer is authorized to prohibit or restrict the operation of vehicles, or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary to protect County roads from damage or destruction by reason of rain, snow, climatic or other conditions.

#### **10.28.030 - Weight Restrictions**

- A. The County Engineer shall erect or cause to be erected and maintained (visible to the operator of a vehicle as the vehicle enters the restricted area) signs at each end of the portion of road affected thereby, designating the weight restriction in force. The weight restriction in force shall be a gross load not to exceed two hundred forty (240) pounds per inch of tire width.
- B. Authorized emergency vehicles and school buses must meet the legal load requirements in RCW 46.44.042 and are exempt from the weight restrictions shown above.
- C. No allowance shall be made for any second axle that is suspended from the frame of the vehicle, independent of the regular driving axle. Allowance will be made for single tires only on the front axle of any vehicle.
- D. The gross load distribution on any axle of any vehicle shall be such that it will not load the tires on said axle in excess of two hundred forty (240) pounds per inch of tire width.

#### **10.28.040 - Emergency Permits**

- A. In accordance with RCW 46.44.092 and RCW 46.44.093 the County Engineer is authorized to issue emergency permits for the operation of vehicles exceeding the allowable gross load as specified in 10.28.030. Emergency permits for the operation thereon of vehicles providing services necessary for the health and welfare of local residents, and trucks transporting perishable goods or commodities to protect the roads from undue damage, shall be obtained from the County Engineer's office for emergency use during restricted postings. The emergency permit may limit weights, vehicle speeds, hours of operation and limit vehicles to specific routes as determined by the County Engineer. The emergency permit shall be clearly displayed in the vehicle's windshield while moving on any restricted County road.

#### **10.28.050 - Maximum Speed Permitted on Posted Roads**

- A. Except where applicable law specifies a lower speed, the County Engineer is authorized to post a reduced speed limit as low as thirty-five miles per hour (35 m.p.h.) upon any County road under weight restrictions.

#### **10.28.060 - Penalty**

- A. Violation of the provisions of sections 10.28.010, 10.28.020, 10.28.030, 10.28.040, and 10.28.050 or failure to obtain an emergency permit as provided in 10.28.040, or misrepresentation of the weight of any load or failure to follow the requirements and conditions of a permit issued hereunder is a traffic infraction, and upon the first finding thereof shall be assessed a penalty as set forth under RCW 46.44.105 as now or hereafter enacted, which is hereby adopted and incorporated by reference herein.
- B. All revenue received by the County from fines imposed under this ordinance shall be deposited into the County Road Fund.

#### **10.28.070 - Liability for Damages to County Roads**

- A. Any person operating a motor vehicle upon any County road in violation of this ordinance shall be liable under RCW 46.44.110 and RCW 46.44.120 as now or hereinafter enacted for any damage caused to such road as a result of such violation.

## 10.28.080 - Severability

- A. If any section, subsection, clause, phrase or word in this ordinance or any provision adopted by reference herein, is for any reason held to be invalid or unconstitutional by a court or competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or any provisions adopted by reference herein.

Done this 29th day of December, 1998

Attest: Connie R. Vinti  
Clerk of the Board

Charles A. Marden Chairman  
David J. Carey Commissioner  
absent Commissioner

Constituting the Board of County Commissioners  
of Walla Walla County, Washington.