Ordinance No. 3816
(Amending or Repealing Ordinances)

CFN=171 – Traffic Control
Passed – 9/19/06
Vehicle Weight Restrictions – Kent 5 Bridge and Kent-Kangley Road

Added new Sec. 9.36.070
ORDINANCE NO. 3816

AN ORDINANCE of the city council of the city of Kent, Washington, adding a new section to Chapter 9.36 of the Kent City Code, entitled “Vehicle weight restrictions,” which will restrict the operational maximum gross vehicle weight allowed on Kent 5 Bridge at Rock Creek on Kent-Kangley Road to 44 tons or 88,000 pounds until it is replaced.

RECITALS

A. The Kent 5 Bridge at Rock Creek on Kent-Kangley Road (“Bridge”) was built in 1958 and acquired by the city of Kent through annexation in 1989.

B. Due to the age of the Bridge, major deficiencies as noted in a recent inspection report, and significantly increased and consistent heavy-load traffic over the Bridge related to the transport of fill from businesses east of the Clark Springs area to the Port of Seattle’s SeaTac Airport third runway project, the Bridge can no longer safely withstand or accommodate the allowable maximum gross vehicle weights as provided for under Revised Code of Washington (“RCW”) 46.44.

C. RCW 46.61.450 allows a local jurisdiction to determine and declare the maximum gross weight that any bridge within its jurisdiction can withstand and accommodate safely.

D. RCW 46.44.080 also allows a local jurisdiction to impose maximum vehicle weight restrictions on any public highway in its jurisdiction when it is necessary to protect the highway from undue damage resulting from conditions
such as the significantly increased heavy-load traffic that has already caused damage to the portion of Kent-Kangley Road near the Clark Springs area. The city is analyzing the adjoining portion of Kent-Kangley Road and anticipates establishing a gross vehicle weight on that portion of Kent-Kangley Road under a separate ordinance based on the results of the analysis.

E. RCW 35A.12.130 provides that a city may pass an ordinance to be effective immediately if it is designated as a public emergency ordinance necessary to protect public health, safety, property, or peace and passed by a majority plus one vote of the whole membership of the city council.

F. Based upon a technical recommendation from the King County Road Services Division, which provides bridge and road maintenance services to Kent through an interlocal agreement, the city's public works director recommends, and the city council desires, to designate this ordinance as a public emergency ordinance necessary to protect public safety and property to become effective upon adoption and to declare an operational maximum gross weight limit on the Bridge until it can be replaced.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - Amendment. A new section 9.36.070 is added to the Kent City Code, entitled "Vehicle weight restrictions," as follows:

Sec. 9.36.070. Vehicle weight restrictions.

A. Operational maximum gross vehicle weight restriction on Kent 5 Bridge at Rock Creek. In accordance with Ch. 46.61.450 RCW, it is unlawful for any person to operate a vehicle or combination of vehicles over the Kent 5 Bridge at Rock Creek located on Kent-Kangley Road with a operational maximum gross vehicle weight over 44 tons or 88,000 pounds. For purposes of this section, "operational maximum gross vehicle weight" means the maximum gross vehicle weight of all
load-bearing axles on the Bridge at any one time. School buses, public transit buses, emergency vehicles, public utility or municipal and county vehicles, and solid waste disposal vehicles are exempt from this section.

B. Violations. A violation of this section is a traffic infraction under RCW 46.44.105(4), and punishable by the allowable monetary penalty, as may be amended from time to time. In addition to any penalty for violation of the provisions of this section, such violator may be liable in a civil action instituted in the name of the city for any damages to the Bridge sustained as a result of such violation.

SECTION 2. - Severability. If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision will not affect the validity of the remaining portion of this ordinance and the same will remain in full force and effect.

SECTION 3. - Effective Date. Pursuant to RCW 35A.12.130, this ordinance is designated as a public emergency ordinance necessary to protect public safety and property and will take effect and be in force immediately upon adoption as provided by law, but the weight restrictions imposed by this ordinance can only take effect upon the date that the city of Kent erects and maintains suitable signs stating the operational maximum gross weight declared in this ordinance in accordance with Washington law.

Suzette Cooke, Mayor

ATTEST:

Brenda Jacober, City Clerk

3 Vehicle Weight Restrictions - Kent 5 Bridge and Kent-Kangley Road
APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 19 day of September, 2006.
APPROVED: 19 day of September, 2006.
PUBLISHED: 23 day of September, 2006.

I hereby certify that this is a true copy of Ordinance No. 3816 passed by the city council of the city of Kent, Washington, and approved by the mayor of the city of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK

Vehicle Weight Restrictions – Kent 5 Bridge and Kent-Kangley Road