

ORDINANCE NO. 2388

AN ORDINANCE to amend and reordain Sections 22-212, 22-214, 22-216, 22-217, 22-219, 22-220, 22-222, 22-223, 22-224, and 22-225, Article IX, and to further amend said article by adding a new section numbered 22-222.1, all of Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 22 relates to MOTOR VEHICLES AND TRAFFIC, which Article IX relates to MAXIMUM SIZE AND WEIGHT; COMBINATIONS OF VEHICLES, which Section 22-212 relates to WIDTH OF VEHICLES, which Section 22-214 relates to LENGTH OF VEHICLES GENERALLY; SPECIAL PERMITS, which Section 22-216 relates to EXTENSION OF LOADS BEYOND SIDES, which Section 22-217 relates to TRAILERS AND TOWED VEHICLES, which Section 22-219 relates to SAME--IN CASE OF BREAKDOWN, which Section 22-220 relates to WEIGHT OF VEHICLES AND LOADS, which Section 22-222 relates to PENALTY FOR VIOLATION OF TWO PRECEDING SECTIONS, which new section numbered 22-222.1 relates to LIQUIDATED DAMAGES FOR VIOLATION OF WEIGHT LIMITS; POWERS OF ENFORCEMENT OFFICERS; FORFEITURE OF VEHICLE AND CARGO; CHARGES ADDITIONAL TO OTHER LIABILITY, which Section 22-223 relates to REDUCTION OF LIMITS BY DIRECTOR OF TRANSPORTATION which Section 22-224 relates to PERMITS FOR EXCESSIVE SIZE AND WEIGHT, CONCRETE MIXERS AND CERTAIN COAL-HAULING VEHICLES, and which Section 22-225 relates to WEIGHING VEHICLES; PROCEDURE; UNLOADING EXCESS LOAD.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 22-212, Article IX, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 22-212. Width of vehicles.

No vehicle, including any load thereon, but excluding the required mirror, shall exceed a total outside width as follows: (1) farm tractor--one hundred eight inches, (2) passenger bus--one hundred two inches, (3) other vehicles--ninety-six inches, except that school buses shall be one hundred inches while in motion and one hundred eighteen inches when stopped to pick up or discharge students.

Section 2. That Section 22-214, Article IX, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 22-214. Length of vehicles generally; special permits.

No motor vehicle exceeding a length of forty feet shall be operated upon a street of this city. The actual length of any combination of vehicles coupled together including any load thereon shall not exceed a total of fifty-five feet, and no tolerance shall be allowed that exceeds twelve inches thereon; provided, however, that the state highway commission, when good cause is shown, may issue a special permit for combinations in excess of fifty-five feet including any load thereon, where the object or objects to be carried cannot be moved otherwise; and provided further that vehicles designed and used exclusively for the transportation of motor vehicles may have an additional load overhang not to exceed five feet; provided further, that in an

emergency as defined in section 22-220 the towing of disabled vehicles which cannot be separated for safety, physical or mechanical reasons and which exceed fifty-five feet in length shall be permissible for the purpose of towing any such vehicle to the nearest facility which can make the necessary repairs but not more than fifty miles from the point such vehicle was disabled; and provided further, that passenger buses may exceed the forty foot limitation when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the length of the bus to exceed the maximum legal limit by more than one foot in the front and one foot in the rear. "Safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated or manufactured so that it absorbs energy upon impact.

Section 3. That Section 22-216, Article IX, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 22-216. Extension of loads beyond sides.

No vehicle shall carry any load extending more than six inches beyond the line of the fender or body; provided, that such load shall not exceed a total outside width of one hundred two inches, except that it shall be lawful for watercraft carried on vehicles to extend more than six inches beyond the body of a motor vehicle provided that the total width of a watercraft and its carrier does not exceed seventy-six inches.

Section 4. That Section 22-217, Article IX, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 22-217. Trailers and towed vehicles.

No motor vehicle shall be driven upon a street drawing or having attached thereto more than one motor vehicle, trailer or semitrailer, unless such vehicle is being operated under a special permit from the state highway and transportation commission, but this limitation shall not apply between sunrise and sunset to such farm trailers or semitrailers being moved from one farm to another farm owned or operated by the same person within a radius of ten miles, provided that this limitation shall not apply to a combination of vehicles coupled together by a saddle mount device used to transport motor vehicles in a drive-away service from factory to dealer when not more than two saddle mounts are used or when three saddle mounts are used not exceeding sixty feet in length when such motor vehicle is being operated on the interstate system of highways or is en route from its point of departure to the interstate system of highways, and such use is in conformity with safety regulations adopted by the chief of police; and provided further, that, in an emergency as defined in section 22-220, the towing of disabled vehicles which cannot be separated for safety, physical or mechanical reasons and which exceed fifty-five feet in length shall be permissible for the purpose of towing any such vehicle to the nearest facility which can make the necessary repairs but not more than fifty miles from the point such vehicle became disabled.

Section 5. That Section 22-219, Article IX, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 22-219. Same--In case of breakdown.

The provisions of the preceding section shall not apply in case of a bona fide emergency resulting from a mechanical breakdown or an accident when such vehicle is being towed to the nearest garage or repair shop which can furnish the required service. In any such case such connection may consist solely of a chain, rope or cable of not over fifteen feet in length between vehicles; provided that a licensed operator shall be at the controls of the towed vehicle to brake, steer and control the lights thereof and that there shall be displayed upon the center of such connection a red flag or cloth not less than twelve inches both in length and width or, if such emergency towing is being done at night, in lieu of such red flag or cloth there shall be displayed a lighted red lamp or lighted lantern.

Section 6. That Section 22-220, Article IX, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 22-220. Weight of vehicles and loads.

(a) The maximum gross weight and axle weight to be permitted on the road surface of any highway shall be in accordance with the provisions of this section.

(b) For the purpose of this section, the following definitions will apply:

(1) Single axle. An assembly of two or more wheels whose centers are in one transverse vertical plane or may be included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

(2) Tandem axle. Any two or more consecutive axles whose centers are more than forty inches but not more than eighty-four inches apart, and are individually attached to and/or articulated from a common attachment to the vehicle including a connecting mechanism designed to equalize the load between axles.

(3) Single axle weight. The total weight transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

(4) Tandem axle weight. The total weight transmitted to the road by two or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than forty inches and not more than eighty-four inches apart, extending across the full width of the vehicle.

(5) Group of axles. All of the axles located under a vehicle or combination.

(c) The single axle weight of any vehicle or combination shall not exceed twenty thousand pounds, nor shall it exceed six hundred fifty pounds per inch, width of tire, measured in contact

with the surface of the highway. The tandem axle weight of any vehicle or combination shall not exceed thirty-four thousand pounds, and no one axle of such tandem unit shall exceed the weight permitted for a single axle. Furthermore, the weight imposed upon the highway by two or more consecutive axles, individually attached to the vehicle and spaced not less than forty inches nor more than eighty-four inches apart, shall not exceed thirty-four thousand pounds and no one axle of such unit shall exceed the weight permitted for a single axle.

(d) The gross weight imposed upon the streets of the city by a vehicle or combination shall not exceed the maximum weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet between the extremes of any groups of axles	Maximum weight in pounds on any group of axles			
	2 axles	3 axles	4 axles	5 axles
4.....	34,000.....			
5.....	34,000.....			
6.....	34,000.....			
7.....	34,000.....			
8.....	34,000	42,000.....		
9.....	39,000	42,500.....		
10.....	40,000	43,500.....		
11.....		44,000.....		
12.....		45,000	50,000.....	
13.....		45,000	50,500.....	
14.....		46,500	51,500.....	
15.....		47,000	52,000.....	
16.....		48,000	52,500	58,500
17.....		48,500	53,500	58,500
18.....		49,500	54,000	59,000
19.....		50,000	54,500	60,000
20.....		51,000	55,500	60,500
21.....		51,500	56,000	61,000
22.....		52,500	56,500	61,500
23.....		53,000	57,500	62,500
24.....		54,000	58,000	63,000
25.....		54,500	58,500	64,500
26.....		55,500	59,500	65,000
27.....		56,000	60,000	65,000
28.....		57,000	60,500	65,500
29.....		57,500	61,500	66,000
30.....		58,500	62,000	66,500
31.....		59,000	62,500	67,500
32.....		60,000	63,500	68,000
33.....			64,000	68,500
34.....			64,500	69,000
35.....			65,500	70,000
36.....			66,000	70,500
37.....			66,500	71,000
38.....			67,500	72,000
39.....			68,000	72,500
40.....			68,500	73,000
41.....			69,500	73,500

42.....	.....	.....	70,000	74,000
43.....	.....	.....	70,500	75,000
44.....	.....	.....	71,500	75,500
45.....	.....	.....	72,000	76,000

(e) Motor vehicles which are registered with the Division of Motor Vehicles or State Corporation Commission prior to July 1, 1956, may be permitted to operate under: (1) The preceding paragraphs of this section in conformity therewith or (2) under the provisions of the statutes of this state in force on January 1, 1956, but such operation shall only be permissible during the period in which the motor vehicle remains in operating condition. When such vehicle ceases to be operable the option to operate under this provision shall terminate. All vehicles, operation of which is desired under the provisions of subsection (2) of this paragraph, shall be registered with the state department of highways and obtain a permit, without cost, to do so.

(f) The provisions of this section shall not apply to a vehicle designed for towing a disabled vehicle, when towing such vehicle in an emergency in such manner that a part of the combined weight of the two vehicles rests upon an axle or axles of the towing vehicle; provided, the towed and towing vehicles each are within the weight limits prescribed above, but the provisions of this paragraph shall not be construed to permit the violation of any lawfully established load limit on any bridge. For the purpose of this section, "emergency" shall include towing disabled inoperative vehicles to places designated by owners.

Section 7. That Section 22-222, Article IX, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 22-222. Penalty for violation of two preceding sections.

Any violation of any provision of the preceding two sections shall constitute a traffic infraction and shall be punished as provided in section 22-19.

Section 8. That Article IX, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 22-222.1 to read as follows:

Sec. 22-222.1. Liquidated damages for violation of rate limits; powers of enforcement officers; forfeiture of vehicle and cargo; charges additional to other liability.

(a) Upon conviction of any person for violation of any weight limit as provided in this Code or in any permit issued by the director of transportation pursuant to section 22-224 of this Code the court may, after reasonable notice, assess the owner, operator or other person causing the operation of such overweight vehicle liquidated damages, for a first violation, in the amount of two cents per pound for each pound of excess weight over the prescribed limit in this Code when the excess does not exceed two thousand five hundred pounds; the court shall, upon such conviction and after reasonable notice, assess such person liquidated damages in the amount of two cents per pound for each pound of

subsequent overweight violation within any three-year period where such second or subsequent violation is for an excess weight which is less than twenty-five thousand pounds or in every case when the excess is greater than two thousand five hundred pounds and does not exceed five thousand pounds, five cents per pound for each pound of excess weight over the prescribed limit in this Code when such excess is more than five thousand pounds, two cents per pound for each pound of excess axle weight over the prescribed limit in any permit issued pursuant to section 22-224 when the excess is five thousand pounds or less, five cents per pound for each pound of excess axle weight over the prescribed limit in any permit issued pursuant to section 22-224 when such excess is more than five thousand pounds and ten cents per pound for each pound of excess gross weight over the prescribed limit in any permit issued pursuant to section 22-224, provided, however, whenever any vehicle does not exceed the gross weight permitted according to the table provided in section 22-220 and exceeds the axle weight in this Code by two thousand pounds or less, the court shall assess liquidated damages in the amount of one cent per pound for each pound of excess weight over the prescribed axle limit in this Code. Such assessment shall be entered by the court as a judgment for the City of Alexandria, Virginia, the entry of which shall constitute a lien upon the overweight vehicle.

(b) Any police officer authorized to make arrests and weigh vehicles under the provisions of this Code may for a period of twenty-four hours without a court order and thereafter upon a written order of the court either before or after conviction hold the vehicle involved in the overweight violation, provided the same is not registered with the division of motor vehicles, until the amount assessed, if after conviction, or subject to be assessed, if before conviction, together with the cost of holding or storing of the vehicle, be paid, or until a bond by or on behalf of the offending person is given for payment as the court may direct of the amount assessed or to be assessed with surety approved by the court or its clerk.

(c) In the event the amount so assessed be not paid or no bond be given as provided hereinabove, the vehicle in the overweight violation shall be stored in a place of security, as may be designated by the owner or operator of the vehicle. If no place be designated, the officer making the arrest shall designate the place of storage. The owner or operator shall be afforded the right of unloading and removing the cargo from such vehicle. The risk and cost of such storage shall be borne by the owner or operator of such vehicle.

(d) If within sixty days from the time of the conviction for the overweight violation, the offending party does not pay the assessment imposed by this section, together with the cost of storing such vehicle and cargo, or if the cargo is not removed as herein provided, the vehicle and cargo shall be forfeited to the City of Alexandria, Virginia, and sold to satisfy the assessment and cost of storage.

(e) Upon receipt of a copy of the judgment entered for such assessment and notification of the failure of such person to pay the amount assessed, together with the payment of cost of holding such vehicle under this section, the department of transportation or the police department may thereafter deny the offending person the right to operate a motor vehicle or vehicles upon the streets of the city until such assessment has been paid.

(f) The police department is vested with the same powers with respect to the enforcement of this section as it has with respect to the enforcement of the criminal laws of the city.

(g) The charge hereinabove specified shall be in addition to any other liability which may be legally fixed against such owner or operator for damage to a highway or bridge attributable to such weight violation.

Section 9. That Section 22-223, Article IX, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 22-223. Reduction of limits by director of transportation.

The director of transportation may prescribe the weight of any vehicle or combination of vehicles passing over any street, highway, section of highway or bridge within the city, less than that prescribed in this chapter, whenever an engineering study discloses that operation over such streets, highways or bridges, by reason of deterioration, rain, snow or other climatic conditions will seriously damage such street, highway or bridge for a period not to exceed ninety days in any calendar year.

In all instances where the limits for weight have been reduced by the director of transportation pursuant to this section, signs stating the weight, height, width, length or speed, as the case may be permitted on such highway or street shall be erected at each end of the section of highway or street affected, and no such reduced limits shall be effective until such signs have been posted.

It shall be unlawful to operate a vehicle or combination of vehicles over any public highway, or a street or section thereof when the weight, size or speed, thereof exceeds the maximum posted by authority of the director of transportation pursuant to this section.

Any person convicted of a violation of any provision of this section shall be punished by a fine of not less than ten dollars nor more than five hundred dollars or be confined in jail for not less than one day nor more than six months, or both, and the vehicle or combination of vehicles involved in such violation may be held upon an order of the court until all fines and costs have been satisfied.

This section shall not be construed to apply when it is proven by the person accused of the violation thereof that the journey was the initial or sole journey upon the section of the road posted for reduced weight limits, subsequent to the time the signs were posted thereon.

Section 10. That Section 22-224, Article IX, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as followed:

Sec. 22-224. Permits for excessive size and weight, concrete mixers and certain coal-hauling vehicles.

(a) The director of transportation may, in his discretion upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle upon the street of a size and weight exceeding the maximum specified by law. Every such permit may designate the route to be traversed and contain any other restrictions or conditions deemed necessary to him.

(b) The director of transportation, upon application in writing made by the owner or operator of three axle trucks hauling road construction materials and having a gross weight not exceeding forty-three thousand nine hundred pounds, a single axle weight not exceeding twenty thousand pounds and a tandem axle weight not exceeding thirty-four thousand pounds, shall issue to such owner or operator, without cost, a permit in writing authorizing the operation of such vehicles upon the streets. No such permits shall designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the streets; provided, that the director of transportation, upon application in writing made by the owner or operator of three axle vehicles used exclusively for the mixing of concrete in transit or at a project site or for transporting necessary components to produce concrete immediately upon arrival at the project site, and having a gross weight not exceeding sixty thousand pounds, a single axle weight not exceeding twenty thousand pounds and a tandem axle weight not exceeding forty thousand pounds, shall issue to such owner or operator, without cost, a permit in writing authorizing the operation of such vehicles upon the streets. No such permit shall be issued authorizing the operation of the vehicles enumerated in this subsection for a distance of more than twenty-five miles from a batching plant, however, the said permit shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways. Each vehicle, when loaded according to the provisions of a permit issued under this section, shall be operated at a reduced speed. The reduced speed limit is to be ten miles per hour slower than the legal speed limit in fifty-five, forty-five and thirty-five miles per hour speed limit zones. No permit issued under this section providing for a single axle weight in excess of twenty thousand pounds or for a tandem axle weight in excess of thirty-four thousand pounds shall be issued to include travel on the federal interstate system of highways.

(c) The director of transportation, upon application in writing, made by the owner or operator of vehicles used exclusively for the hauling of coal from a mine or other place of production to a preparation plant, loading dock or railroad shall issue to such owner or operator, without cost, a permit in writing authorizing the operation of three axle vehicles having a maximum gross weight, when loaded, not exceeding sixty thousand pounds, a single axle weight not exceeding twenty-four thousand pounds and a tandem axle weight not exceeding forty-five thousand pounds, and shall issue such permit for four axle vehicles having a gross weight not exceeding seventy thousand pounds, a single axle weight not exceeding twenty-four thousand pounds, and a tri-axle weight not exceeding fifty thousand pounds, and shall issue such permit for two axle vehicles having a gross weight not exceeding thirty-six thousand pounds, and a single axle weight not exceeding twenty-four thousand pounds; provided, however, that no

such permit shall be valid for the operation of any such vehicle for a distance of more than twenty-five miles from such preparation plant, loading dock or railroad. However, no permit issued under this section providing for a single axle weight in excess of eighteen thousand pounds or a tandem axle weight in excess of thirty-two thousand pounds shall be issued to include travel on the federal interstate system of highways.

(d) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any officer. Any person who violates any of the terms or conditions of such special permit shall be punished in accordance with section 13-1 of this Code.

Section 11. That Section 22-225, Article IX, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 22-225. Weighing vehicles; procedure; unloading excess load.

Any officer authorized to enforce the law under this chapter having reason to believe that the weight of a vehicle and load is unlawful, is authorized to weigh the same by the use of loadometers or other equipment of equal accuracy. Any operator who fails or refuses to drive his vehicle upon such loadometers or similar equipment upon the request and direction of the officer shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than two dollars nor more than one hundred dollars, which penalty shall be in addition to any other penalties prescribed for exceeding the maximum weight permitted or for any other violation. Should the officer find that the weight of any vehicle and its load is greater than that permitted by this chapter or that the weight of the load carried in or on such vehicle is greater than that which the vehicle is licensed to carry under the provisions of this chapter, he may require the driver to unload, at the nearest place where the property unloaded may be stored or transferred to another vehicle, such portion of the load as may be necessary to decrease the gross weight of the vehicle to the maximum therefor permitted by this chapter. Any property so unloaded shall be stored or cared for by the owner or operator of the overweight vehicle at the risk of such owner or operator.

In any court or legal proceedings in which any question arises as to the calibration or accuracy of any such scales at permanent weighing stations or loadometers, a certificate, executed and signed under oath by the inspector calibrating or testing such device as to its accuracy as well as to the accuracy of the test weights used in such test, and stating the time of such test, type of test and results of testing, shall be admissible when attested by one such inspector who executed and signed it as evidence of the facts therein stated and the results of such testing.

If the driver of an overloaded vehicle is convicted, forfeits bail or purchases an increased license as a result of such weighing, the court, in addition to all other penalties, shall assess and collect a weighing fee of two dollars from the owner or operator of the vehicle and shall forward such fee to the

director of finance. Upon receipt of the fee, the director of finance shall allocate the same to the fund appropriated for the maintenance of the police department.

Section 12. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

FRANK E. MANN
Mayor

Introduction: 6/12/79
First Reading: 6/12.79
Publication: 6/15/79

Public Hearing: 6/16/79
Second Reading: 6/26/79
Final Passage: 6/26/79

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