



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.A.1.

Ordinance Number:
Ordinance Title: O - 2008.08.13 - 11
Chapter: Chapter 166, Vehicles and Traffic

The City of Dover Ordains:

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1. PURPOSE

The purpose of this ordinance is to amend Chapter 166 of the Revised Code of the City of Dover, 1983, entitled Vehicles and Traffic, by deleting language in its entirety in 166-53, Schedule F – Commercial Vehicle Travel Restricted and replacing with the language in the amendment below.

2. AMENDMENT

Chapter 166 entitled “Vehicles and Traffic” is hereby amended by replacing language in its entirety in Section 166-53, “Schedule F – Commercial Vehicle Travel Restricted”, as follows:

Section 1. General.

No vehicle with a gross vehicle weight rating of 26,000 pounds (26 K GVWR) or higher shall utilize any City Street (Class IV, Class V or Class VI) within the City limits for travel in or through the City, unless such roadway has been designated as a commercial vehicle route. However, said vehicles are permitted to travel on City Streets for the purpose of delivering or receiving goods and services to a specific destination. If travel along non-commercial vehicle routes is necessary for the above permissible purpose, then vehicles shall use the nearest intersection for entering and exiting restricted roadways.

Section 2. Designated commercial vehicle routes;

(a) All State numbered routes and non-numbered state-maintained roadways are designated commercial vehicle routes in the City of Dover. Vehicles with a gross vehicle weight rating of 26,000 pounds (26 K GVWR) or higher shall be permitted to utilize these designated commercial vehicle routes as a means of travel through the City of Dover.

(b) Commercial vehicle routes shall be designated by signage in accordance with the Manual on Uniform Traffic Control Devices, latest edition, applicable laws and safety policies.

(c) Revisions to the designated commercial vehicle routes shall be presented to the Transportation Advisory Commission by written petition. The Transportation Advisory Commission may require a traffic study and other supporting evidence to consider the petition. TAC shall provide a recommendation to the City Manager or his designee. The City Manager or designee shall post a list of designated commercial vehicle routes in the office of the City Clerk, the office of the Community Services Department and the Police Department.



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Section 4. Exceptions.

This ordinance shall not apply to any police, fire, ambulance or other public safety vehicle; vehicles owned or operated by the City; or vehicles owned or operated by designated representatives or contractors of the City actively engaged in the repair, maintenance or construction of City streets, street improvements or utilities within the City's rights of way. Additionally, the ordinance shall not apply to any heating system delivery vehicle, school bus, or public transit bus.

Section 5. Enforcement.

This Ordinance shall be enforced by the Police Chief, his designees or other sworn law enforcement officer(s).

Section 6. Violations and penalties.

Violations of this ordinance shall be punishable by the imposition of a \$150.00 citation for the first offense. Repeat offenders may be punished by the imposition of citations up to \$250.00 for each offense.

Section 7. Repeal of Conflicting Ordinances.

All ordinances and appurtenant schedules of restricted streets and resolutions and parts thereof in conflict herewith are repealed.

3. Effective Date.

This ordinance shall take effect upon passage and publication of notice as required by NH RSA 47:18.



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RECOMMENDATION

The Transportation Advisory Commission and City Manager recommend that this Ordinance be adopted.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Karen Weston

Approved as to Legal Form: Allan B. Krans, Sr.
City Attorney

Recorded by: Karen Lavertu
City Clerk



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DOCUMENT HISTORY:

Table with 2 columns: Date (First Reading, Approved), Date (Public Hearing, Effective)

DOCUMENT ACTIONS:

VOTING RECORD table with columns: Date of Vote, YEAH, NAY. Includes rows for Mayor Scott Myers, Deputy Mayor*, and various Councilors.



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ORDINANCE BACKGROUND MATERIAL:

This ordinance revision has been recommended by the Transportation Advisory Commission.

The City of Dover has determined that it is necessary to restrict heavy commercial vehicle traffic on certain roadways within the municipal boundaries of the City of Dover in order to protect the public safety and general well-being of its citizens and to preserve its local street and highway infrastructure. The City of Dover is constituted by a majority of residential zoning districts and streets, thereby creating roadways primarily used to connect those residential areas and for residential purposes. Additionally, those residential streets are also occupied by children at play and general pedestrian traffic. The City finds that these residential areas are not suited or safe for large and heavy commercial through-vehicular traffic. Furthermore, the City finds it an imminent danger to the children and citizens within these residential areas to have large and heavy commercial vehicles utilizing such streets as thoroughfares or cut through roadways especially when the origin and/or destination of the vehicle is not on said roadways or within the boundary of the City of Dover.

Many of the streets within the City are not constructed in width or otherwise to adequately and sufficiently withstand the weight of heavy commercial vehicles, and use by such vehicles has caused and will cause significant and premature damage to the integrity of the City's roadway system. It is thereby necessary to restrict the usage of the roadways to protect and preserve the integrity of the City's roadways.

The present roadway system within the City limits includes certain roadways, defined as Class II and III Highways, that are adequately constructed, intended and designed for large and heavy commercial vehicles and that provide for travel and connectivity in east/west and north/south directions so that such vehicles can and should utilize those roadways, pursuant to exceptions for City vehicles, school buses, public transit and fuel delivery vehicles, in lieu of the other City roadways for the protection and preservation of the public safety and general well being of our citizens.

Dover Code Chapter 166-53 provides a restriction on through commercial vehicle traffic on a number of City streets. It defines commercial vehicles as those over 26,000 pounds gross weight. City vehicles and those contracted by the City, fuel delivery vehicles and public transit vehicles, School buses and student transportation carriers are exempt. Commercial vehicles making a delivery or pickup on the street, or to a side street that cannot be accessed by any other means, are also exempt.

Many residents of the City have complained about the volume, size and speed of commercial traffic on these streets. The absence of sidewalks in some areas poses potential safety hazards where pedestrians and trucks are attempting to share the road. Some of the complaints also involve the additional structural burden placed on these local roadways by the heavy vehicles. Some complaints pertain to the need to maintain the residential nature of neighborhoods

A truck travel route through Dover, using some local roads, provides a shorter distance, fewer tolls and less chance of being subjected to weigh stations for a number of trucking companies with destinations from Maine to points west and south of the Spaulding Turnpike is currently being utilized. This ordinance change



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clarifies for trucking firms exactly which roadways are appropriate and legal for through truck trips in the City.

NH RSA 231:191 provides:

“The governing body of a municipality may establish maximum weight limits, seasonal or otherwise, which are more restrictive than the limits set forth in RSA 266:17-26, for any class IV, V, or VI highway or portion of such highway, when the highway agent determines that such highway requires postings to prevent unreasonable damage or extraordinary municipal expense. Such posting shall be in accordance with currently acceptable practices and technology.”