

City of Alexandria, Virginia

17 EXHIBIT NO. 1

10-13-01

~~21~~
~~10-9-01~~

MEMORANDUM

DATE: OCTOBER 5, 2001
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*
SUBJECT: AN ORDINANCE AMENDING THE CITY CODE TO REQUIRE A HAULING PERMIT FOR CONSTRUCTION SUPPLIES, MATERIALS AND EQUIPMENT

ISSUE: Council consideration of an ordinance amending the City Code to include construction supplies, materials and equipment among the types of materials for which a hauling permit is required.

RECOMMENDATION: That City Council introduce the attached ordinance amending Section 5-2-27 of the City Code to require hauling permits for construction supplies, materials and equipment (Attachment 1), pass it on the first reading, and set it for public hearing, second reading and final passage at the public hearing on October 13, 2001. The amended ordinance would be implemented immediately upon passage.

DISCUSSION: Existing law requires a hauling permit only for waste materials and excavation and fill dirt. The permit requirement applies on streets which have been designated by the city manager. The proposed ordinance applies the prohibition to all streets in the City, unless a permit is obtained from the Director of Transportation and Environmental Services. The proposed ordinance clarifies the authority of the Director of Transportation and Environmental Services to issue hauling permits and to include therein restrictions on the times and routes of hauling. The proposed ordinance also clarifies that hauling is prohibited on all city streets except those that are designated by the Director of Transportation and Environmental Services. Finally, the proposed ordinance establishes a class two misdemeanor penalty, punishable by a fine of not more than \$1,000 and/or six months in jail, for persons who are responsible either for directly hauling material in violation of the ordinance or for indirectly causing material to be hauled to or from a construction or other site in violation of the ordinance.

During the past several months, the City has found the existing ordinance to be inadequate for the regulation of large construction projects. There have been numerous complaints by citizens citing noise, dirt, deviation from the designated route, accidents and traffic violations as problems associated with hauling operations. In addition, there have been repeated instances in which

vehicles hauling materials and equipment have been observed on city streets without having a valid permit.

The substantial level of construction activity underway in the City and expected to continue in the foreseeable future necessitates these additional regulations in order to promote traffic safety and to minimize disturbance to established residential and commercial areas in the City.

FISCAL IMPACT: Administrative costs associated with the issuance of hauling permits are largely offset by the assessment of a \$10.00 fee for each permit. It is not anticipated that additional staff will be required for this program.

ATTACHMENTS:

1. Revised Ordinance amending Section 5-2-27 of the City Code

STAFF: Richard J. Baier, P.E., Transportation and Environmental Services Director
Ignacio B. Pessoa, City Attorney

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10-9-01

Introduction and first reading: 10/9/01
Public hearing: 10/13/01
Second reading and enactment: 10/13/01

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 5-2-27 (DESIGNATION OF STREETS UPON WHICH HAULING OF WASTE MATERIALS, ETC., IS PROHIBITED) of Chapter 2 (STREETS AND SIDEWALKS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance amends Section 5-2-27 of the City Code, to include construction supplies, materials and equipment among the types of materials for which a hauling permit is required. Existing law requires such a permit only for waste materials, and excavation and fill dirt, and imposes the permit requirement only on streets which have been designated by the city manager. The proposed ordinance applies the prohibition to all streets in the City, unless a permit is obtained from the director of transportation and environmental services. The proposed ordinance also clarifies the authority of the director of transportation and environmental services to issue hauling permits, and to include therein restrictions on the times and routes of hauling. In addition, the proposed ordinance establishes a class two misdemeanor penalty, punishable by a fine of not more than \$1,000 and/or six months in jail, for persons who are responsible either for directly hauling material in violation of the ordinance, or for indirectly causing material to be hauled to or from a construction or other site in violation of the ordinance. Lastly, the proposed ordinance exempts from the permit requirement hauling five or fewer loads per 30-day period to or from any one construction site, as well as non-commercial hauling to or from a residence, by someone who lives in the residence. The unprecedented level of heavy construction activity presently underway in the City and forecast to commence in the foreseeable future necessitates these additional regulations, in order to promote traffic safety, and to minimize disturbance to established residential and commercial areas in the City.

Sponsor

Staff

Rich Baier, Director of Transportation and Environmental Services
Ignacio B. Pessoa, City Attorney

Authority

§§ 2.04(j), 2.04(m), Alexandria City Charter

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance

None

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10-9-01

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 5-2-27 (DESIGNATION OF STREETS UPON WHICH HAULING OF WASTE MATERIALS, ETC., IS PROHIBITED) of Chapter 2 (STREETS AND SIDEWALKS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-2-27 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-2-27 ~~Designation of streets upon which H~~hauling of waste materials, construction materials, etc., is prohibited.

~~The city manager is hereby authorized to designate any street over which hauling waste materials or dirt is prohibited. It shall be unlawful for any person to haul waste materials or dirt over any street so designated by the city manager.~~

(a) Hauling waste materials of any type, building or construction supplies, materials or equipment of any type, or dirt, debris or fill of any type is prohibited on all streets within the City, except pursuant to a permit issued under subsection (b) of this section, or pursuant to an exemption under subsection (e) of this section.

(b) The director of transportation and environmental services is hereby authorized to issue permits to haul such materials or equipment over the streets within the City, subject to such conditions and restrictions specifying the time and route for such hauling, and such additional conditions and restrictions, as the director may deem appropriate to promote traffic safety and to minimize disruption to established residential, commercial, institutional and other areas in the City.

(c) Any person who, as the owner, lessee, operator or driver of a motor vehicle or trailer, commits, permits, directs, assists in or attempts any violation of this section shall be guilty of a class two misdemeanor.

(d) Any person who, as the owner of any land, building or structure to or from which such materials or equipment are hauled, or the agent thereof having possession or control of such property as employee, lessee, tenant, architect, builder, contractor or otherwise, commits, permits, directs, assists in or attempts any violation of this section shall be guilty of a class two misdemeanor.

(e) The prohibition set forth in subsection (a) of this section shall not apply to the hauling of such materials or equipment to or from any specific location or site at the rate of five or fewer trips for pickup or delivery of such materials in any consecutive thirty day period, nor to the non-commercial hauling of such materials to or from a dwelling unit, by a resident therein.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction: 10/9/01
First Reading: 10/9/01
Publication: 10/11/01
Public Hearing: 10/13/01
Second Reading:
Final Passage:

N.B. Underlining is not part of the ordinance but denotes material that is new or amended. Strike-outs or dashes are not part of the ordinance but denote material that is being deleted.

ORDINANCE NO. 4224

AN ORDINANCE to amend and reordain Section 5-2-27 (DESIGNATION OF STREETS UPON WHICH HAULING OF WASTE MATERIALS, ETC., IS PROHIBITED) of Chapter 2 (STREETS AND SIDEWALKS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-2-27 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-2-27 Hauling of waste materials, construction materials, etc., prohibited.

(a) Hauling waste materials of any type, building or construction supplies, materials or equipment of any type, or dirt, debris or fill of any type is prohibited on all streets within the City, except pursuant to a permit issued under subsection (b) of this section, or pursuant to an exemption under subsection (e) of this section.

(b) The director of transportation and environmental services is hereby authorized to issue permits to haul such materials or equipment over the streets within the City, subject to such conditions and restrictions specifying the time and route for such hauling, and such additional conditions and restrictions, as the director may deem appropriate to promote traffic safety and to minimize disruption to established residential, commercial, institutional and other areas in the City.

(c) Any person who, as the owner, lessee, operator or driver of a motor vehicle or trailer, commits, permits, directs, assists in or attempts any violation of this section shall be guilty of a class two misdemeanor.

(d) Any person who, as the owner of any land, building or structure to or from which such materials or equipment are hauled, or the agent thereof having possession or control of such property as employee, lessee, tenant, architect, builder, contractor or otherwise, commits, permits, directs, assists in or attempts any violation of this section shall be guilty of a class two misdemeanor.

(e) The prohibition set forth in subsection (a) of this section shall not apply to the hauling of such materials or equipment to or from any specific location or site at the rate of five or fewer trips for pickup or delivery of such materials or equipment in any consecutive thirty day period, nor to the non-commercial hauling of such materials or equipment to or from a dwelling unit, by a resident therein.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: October 13, 2001