



City of Hampton, Virginia

Ordinance - Coded

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 10-0189

Enactment Number: 10-0005

Ordinance to amend and reenact Chapter 21, "Motor Vehicles and Traffic", Article I, "In General", Section 21-1, "Adoption of State Law", to add an additional state code citation and Article III, "Permit for Operation of Oversize or Overweight Vehicles" to incorporate the City's Moving and Hauling Policy Manual, increase permit fees from \$10-\$25 to \$75-\$200 and to add thereto new sections 21-89 thru 21-94 relative to administration of permits issued.

ARTICLE I. – IN GENERAL

Sec. 21.1. – Adoption of state law.

- (a) Pursuant to the authority of § 46.2-1313 and 1-220 of the Code of Virginia, 1950, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.2 of the Code of Virginia, as amended, and as amended in the future, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which, by their very nature, can not have application to or within the city, are hereby adopted and incorporated in this chapter by reference and made applicable within the city. Reference to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the city. Such provisions and requirements are hereby adopted and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the city to violate or fail, neglect or refuse to comply with any provision of Title 46.2 of the Code of Virginia, which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 of the Code of Virginia.
- (b) All definitions of words and phrases contained in the state law hereby adopted shall apply to such words and phrases, when used in this chapter, unless clearly indicated to the contrary.

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ARTICLE III. - PERMIT FOR OPERATION OF OVERSIZE OR OVERWEIGHT VEHICLES

Sec. 21-86. - General authority to issue.

Sec. 21-87. - Blanket permits.

Sec. 21-88. - Repealed.

Sec. 21-89. - Effect of issuance of state permit for operation over primary routes.

Sec. 21-90. - Permit required for transport of super loads.

Sec. 21-91. - Applicant's bond or insurance.

Sec. 21-92. - Permit fees and charges.

Sec. 21-93. - Agreement to comply with permit and the city's moving and hauling policy and to repair damages caused by oversized or overweight vehicles.

Sec. 21-94. - Conditions of permit for overlength vehicles.

Secs. 21-95—21-100. - Reserved.

Sec. 21-86. - General authority to issue.

The director of public works, or his designee may, issue permits conditioned as deemed necessary or advisable, authorizing the operation of vehicles, or combinations thereof, the width, height, length or weight of which exceed that permitted by the state law adopted by section 21-1, if such operation will not damage any infrastructure, render the streets dangerous or otherwise unduly impair the free flow of traffic thereon. The issuance of permits shall be in accordance with the City of Hampton Moving and Hauling Policy Manual, attached herewith and incorporated herein by reference. Permits issued in accordance with this section shall be designated as single trip, general blanket permit, or restricted blanket permit, as defined in the City of Hampton Moving and Hauling Policy.

Sec. 21-87. - Blanket permits.

General blanket and restricted blanket permits may be issued under section 21-86 of this Article to any individual, business entity, government agency or a utility company for a specific vehicle owned or operated by it, subject to the requirements of the city's moving and hauling policy.

Sec. 21-88. - Repealed.

Sec. 21-89. - Effect of issuance of state permit for operation over primary routes.

A person shall be deemed to have obtained a permit from the director of public works or his designee for the operation of an overweight, overwidth, overlength, overheight or unlicensed vehicle if such person is operating such vehicle pursuant to a permit issued by an appropriate agency or entity of the Commonwealth of Virginia over primary routes through the city. A permit shall be required and may be issued for the movement of overweight, overwidth, overlength, overheight or unlicensed vehicles over all other streets in the city, whether or not the permittee has a permit from the state highway and transportation commission.

Sec. 21-90. - Permit required for transport of super loads.

No person shall move on, transport over, carry along or convey upon any street of the city any super load, as that term is defined by the city's moving and hauling policy, or anything so heavy as to require the use of structural deck plating, skids or rollers for

the transporting thereof, unless such person shall have secured a permit to do so from the director of public works or his designee, and has complied with the city's moving and hauling policy.

Sec. 21-91. - Applicant's bond or insurance.

Before issuing any permit pursuant to this article, the director of public works or his designee shall require the applicant to file evidence of insurance or a bond, in the form of a cash bond, corporate surety bond, or irrevocable letter of credit, adequate to protect the city from any liability or damage to streets which may arise from the permitted operation and which in no instance shall be less than one million dollars (\$1,000,000.00) per occurrence.

Sec. 21-92. - Permit fees and charges.

A permit fee of seventy-five (\$75.00) shall be paid to the city before any single move permit (excluding super loads) shall be issued under this article; provided, however, that (i) the fee for each general blanket permit shall be two hundred dollars (\$200.00) for the first vehicle owned, leased or controlled by a person or business entity and fifty dollars for each additional vehicle owned, leased or controlled by such person or entity or (ii) the fee per vehicle for each restricted blanket permit issued under section 21-87 shall be two hundred dollars (\$200.00). A permit fee of one hundred and fifty dollars (\$150.00) shall be paid to the city before any super load permit for a single move, shall be issued under this article. No blanket permits are available for super loads.

Sec. 21-93. - Agreement to comply with permit and the city's moving and hauling policy and to repair damages caused by oversized or overweight vehicles.

- (a) Acceptance of a permit by the applicant requires that he/she certify that the vehicle load can and will be moved in strict compliance with the terms set forth in the permit and in the city's moving and hauling policy, that the operator of the vehicle is properly licensed to operate the vehicle on public highways and that all information submitted to secure the permit is accurate. No person, owner, representative, agent or employee of the permittee shall knowingly allow anyone to violate the regulations or restrictions set forth in the permit and the city's moving and hauling policy.
- (b) By the acceptance of a permit under this article for the operation of an oversized or overweight vehicle, or by the operation of such a vehicle when no permit from the city is required by virtue of the provisions of section 21-89, a person agrees to restore or repair any damage caused by the vehicle to any street or appurtenances thereto.

Sec. 21-94. - Conditions of permit for overlength vehicles.

Unless otherwise specified in the permit, every permit issued under this article for the operation of an overlength vehicle shall be deemed to include the following:

- (1) The permittee agrees to give adequate warning to the traveling public of the overlength vehicle and further agrees that the maximum overhang shall not exceed one-third (1/3) of the overall length of the load.

- (2) The permittee shall not permit the overlength load or any part thereof to drag upon the roadway, regardless of whether overhang has been permitted.

Secs. 21-95—21-100. - Reserved.

This ordinance shall be effective on and after July 1, 2010.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on May 12, 2010.

Signed by _____ **Date** _____
Molly Joseph Ward, Mayor

Attested by _____ **Date** _____
Katherine K. Glass
Clerk of the Council