



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 11.B.1.

Ordinance Number:
Ordinance Title: **O – 2008.10.22 - 17**
Chapter: Chapter 166, Vehicles and Traffic

The City of Dover Ordains:

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 repealing the language in its entirety in 166-5C (Commercial Vehicle Travel Restricted) and 166-53, Schedule F (Commercial Vehicle Travel Restricted) and by replacing the language of both sections in their entirety 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 166-5(C), “Commercial Vehicle Travel Restricted” and Section 166-53, “Schedule F – Commercial Vehicle Travel Restricted”, as follows:

166-5 Travel Restrictions

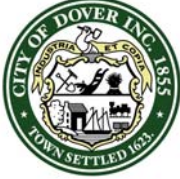
C. Commercial Vehicle Travel Restricted

Section 1. General

- a) No vehicle with a gross vehicle weight rating of 26,000 pounds (26 K GVWR) or higher shall utilize any City street for travel in or through the City, unless said street 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, identifiable destination. If travel on a restricted street is necessary for the purpose of delivering or receiving goods or services, vehicles shall exit a commercial vehicle route at the intersection nearest to the end destination in order to minimize the use of restricted streets. If originating from a restricted street, vehicles shall proceed to the nearest intersecting commercial vehicle route.
- b) No vehicle with a United States Federal Highway Administration (FHWA) Classification 8 through 13 shall be permitted on the streets listed in Section 166-53, Schedule F, unless the vehicle is making a delivery or pickup on that particular street.

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



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permitted to utilize these designated commercial vehicle routes as a means of travel through the City of Dover.

- (b) In addition to all State numbered routes and non-numbered state maintained roadways, certain City streets shall be designated as commercial vehicle routes. As of the date of passage of this ordinance, these streets include:

Oak Street	From Atlantic Avenue to Portland Avenue
Stark Avenue	Entire length
Jeness Street	Entire length
Indian Brook Drive	From Sixth Street to NH 16
Sixth Street	From Central Avenue to Rochester city line

- (c) 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.
- (d) Permanent revisions to the designated commercial vehicle routes in (b) above 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 current list of designated commercial vehicle routes in the office of the City Clerk, Community Services, and the Police Department.
- (e) The City Manager, upon the recommendation of the Community Services Director, may designate temporary, specific construction/haul routes over non-commercial vehicle routes for specific projects with appropriate time limitations on the temporary designation.

Section 3. Exceptions.

This ordinance shall not apply to any police, fire, ambulance or other public safety vehicle; or to vehicles owned or operated by the City. Additionally, this ordinance shall not apply to any heating system delivery vehicle, school bus, or public transit bus.

Section 4. Enforcement.

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



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Section 5. Violations and penalties.

Violations of 166-5C 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.

166-53 Schedule F: Commercial Vehicle Travel Restricted

In accordance with 166-5(C), no vehicle with a United States Federal Highway Administration (FHWA) Classification 8 through 13 shall be permitted on the following streets, unless making a delivery or pickup on that particular street:

STREET:	LOCATION:
Columbus Avenue	From Tolend Road to Littleworth Road
Watson Road	From County Farm Road to Tolend Road
Whittier Street	From Sixth Street to Washington Street
Tolend Road	From Glenhill Road to Washington Street
Glenhill Road	From Tolend Road to Rochester city line
Washington Street	From Tolend Road to Chestnut Street
Arch Street	From Silver Street to Washington Street
Sixth Street	From Central Avenue to Indian Brook Drive

3. Effective Date.

This ordinance shall take effect on January 1, 2009.

RECOMMENDATION

The City Manager recommends that this Ordinance be adopted.



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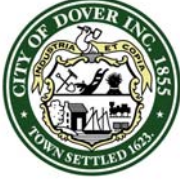
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Karen Weston
Transportation Advisory
Commission

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

Recorded by: Karen Lavertu
City Clerk



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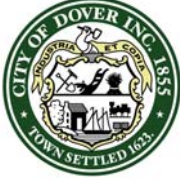
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DOCUMENT HISTORY:

First Reading Date: 2008.10.22	Public Hearing Date: 2008.11.12
Approved Date: 2008.11.12	Effective Date: 2008.11.19

DOCUMENT ACTIONS: Motion by Weston Seconded by Callaghan. Amendment to remove Sixth Street failed 3/6 with Cheney, Callaghan and Scott in favor. Ordinance passed 7/2 with Callaghan and Cheney opposed

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers	x	
Deputy Mayor Dean Trefethen, Ward 4	x	
Councilor Robert Carrier, Ward 1	x	
Councilor Douglas DeDe, Ward 2	x	
Councilor David Scott, Ward 3	x	
Councilor Catherine Cheney, Ward 5		x
Councilor Richard Callaghan, Ward 6		x
Councilor Steven McCusker, At Large	x	
Councilor Karen Weston, At Large	x	
Total Votes:	7	2
Resolution does pass.		



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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.

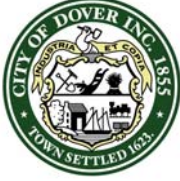
Many of the streets within the City are not constructed in width or otherwise to adequately and sufficiently withstand the weight of heavy commercial vehicles, and use by such vehicles has caused and will cause significant and premature damage to the integrity of the City's roadway system. It is thereby 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, fuel delivery vehicles, 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. Contractors of the City, or other private contractors, must follow this ordinance but may apply for temporary exemption of a specific construction/haul route over non-designated truck routes. The City Manager may grant temporary exemptions upon the recommendation of the Community Services Director.

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.

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.”