

TOWN OF BEAUX ARTS VILLAGE

ORDINANCE NO. 339

**AN ORDINANCE OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON
IMPOSING A HEAVY TRUCK FEE ON CERTAIN CONSTRUCTION PROJECTS
AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Council finds that the number of heavy trucks using the Town's streets is increasing and that the presence of these trucks is primarily related to the construction, reconstruction or remodeling of single-family dwellings; and

WHEREAS, the Council finds that the Town's streets are being damaged by this increasing truck traffic and that the burden of repairing such damage is currently borne by the Town's citizens; and

WHEREAS, the Council wishes to reassign this burden to the projects that are responsible for causing the damage even though said damage may not be readily apparent; and

WHEREAS, the Council finds that the scope of construction projects, as reflected by the total dollar value of the project, is proportional to the number of truck trips associated with that project and that there is a direct relationship between the value and the impact on Town streets; and

WHEREAS, after a public hearing by the Council of the Town of Beaux Arts Village, Washington, the Council has determined that assessing an impact fee based on project value is the fairest means of apportioning this damage to its primary cause; **NOW, THEREFORE,**

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON, AS FOLLOWS:

Section 1. Applicants for building permits with the Town shall pay a heavy truck fee to offset and repair the damage done to the Town's streets by vehicles transporting materials and/or equipment associated with that project whenever the fair market value of their project exceeds \$150,000.

Section 2. This fee shall be waived for any applicant who can document to the satisfaction of the Town Building Official (or his designate) that the delivery of materials associated with the applicant's project that would otherwise require heavy truck trips on Town streets will be accomplished without the use of heavy trucks.

Section 3. The fee shall be set forth in the Town's Fee Resolution. All fee amounts collected pursuant to this Ordinance shall be placed in the Street Fund.

Section 4. Validity. If any section, paragraph, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses, or phrases subsequently may be found by competent authority to be unconstitutional or invalid.

Section 5. Effective Date. This ordinance shall take effect five (5) days after its passage and publication.

PASSED by the Council of the Town of Beaux Arts Village, Washington, this 13th day of December, 2005.

Charles R. Lowry, Mayor

ATTEST:

APPROVED AS TO FORM:

Sue Ann Spens, Clerk-Treasurer

Wayne Stewart, Town Attorney