

ORDINANCE NO.: 96-07

SECRETARY OF STATE
AN ORDINANCE PROHIBITING TRUCKS FROM TRAVELING UPON DESIGNATED STREETS, ROADS, HIGHWAYS, AND BRIDGES WITHIN THE COUNTY; PROVIDING FOR DEFINITIONS; PROVIDING FOR DESIGNATION OF TRUCK ROUTES; PROVIDING FOR PROHIBITION OF TRUCK TRAFFIC; PROVIDING FOR EXCEPTIONS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.

APR 10 12 35 PM '96

FILED

WHEREAS, truck traffic on certain streets, roads, and highways in the County can cause premature deterioration of the pavement, and

WHEREAS, certain streets, roads, and highways are not suited for truck traffic which causes premature wear of a road or street, and

WHEREAS, there is significant cost to the County and its citizens in repairing premature wear to streets, roads, and highways of the County due to truck traffic

WHEREAS, an ordinance regulating truck traffic in the streets and roads of Hernando County is necessary in order to ensure the health, safety, and welfare of the citizens of the County.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION I. DEFINITIONS

The following words, terms and phrases used in this ordinance shall have the meanings ascribed to them in this ordinance except where the context clearly indicates a different meaning:

1. Gross Vehicle Weight (GVW)

a) The weight of the vehicle without load plus the weight of any load thereon.

b) The weight of any single axle, tandem axle, or axle group of a vehicle or combination of vehicles plus the weight of any load thereon.

2. **Trucks**

Vehicles that have any of the following characteristics:

- a) Gross Vehicle Weight (GVW) a rating of 15,000 pounds or more.
- b) Tri-axles or any greater number of axles.
- c) Tractor or tandem vehicles whether or not pulling semi-trailers or tandem semi-trailers.

SECTION II. DESIGNATION OF TRUCK ROUTE

A. The Board of County Commissioners is authorized to designate by resolution certain roads, streets, highways, or bridges as truck routes and to place appropriate signage on a designated truck route. The designation of truck routes might include without limitation, restrictions on the weight, size, or type of truck able to travel on any road street, highway, or bridge designated as a truck route. Before such designation is made by the Board, it shall receive a report from the County Engineer with input from other appropriate County departments regarding the suitability of designated roads, streets, highways, and bridges as truck routes and any limitations on such designations that should be considered by the Board.

B. If the Board designates truck routes, all trucks as defined herein within the unincorporated areas of the County for commercial purposes only that have as a point of origin or destination a location which is off an officially designated truck route shall proceed to or from the nearest officially designated truck route by the shortest possible

route using any regular County roads not posted with signs expressly prohibiting truck traffic.

C. All trucks as defined herein that leave or enter the nearest point of an officially designated truck route to or from the destination or origin off an officially designated truck route using regular County roads shall have a bill of lading, a delivery slip, or other evidence to show the actual point of destination or origin. Each driver must exhibit such evidence to any law enforcement officer on demand of that law enforcement officer. Failure to do so creates a presumption that the driver is violating this ordinance.

D. Until the Board adopts officially designated truck routes, where necessary for the conduct of business, trucks shall enter residential streets and roads using the shortest route possible from a road or street suitable for truck traffic, and not traveling on any road prohibiting truck traffic to accomplish their legitimate business. Each truck having business on residential streets or roads shall have a bill of lading, a delivery slip, or other evidence to show the actual point of destination or origin. Each driver must exhibit such evidence to any law enforcement officer on demand of that law enforcement officer. Failure to do so creates presumption that the driver is violating this ordinance.

SECTION III. PROHIBITION OF TRUCK TRAFFIC

The Board of County Commissioners by resolution may prohibit trucks from traveling upon designated County streets, roads, highways, or bridges by posting signs indicating that no trucks are allowed on the designated portions of a roadway. Prior to any resolution being adopted by the Board, the Department of Public Works in collaboration with the Engineering Department shall report to the Board the reasons why

truck traffic is detrimental on certain designated streets, roads, highways, or bridge and should be prohibited. The Public Works Director and the County Engineer shall consider without limitation, such factors as:

a) Is the street or road a residential street, an arterial road, a collector street, commercial street, or some other type of roadway.

b) The character of the neighborhood along the street, road, highway, or bridge, i.e., residential, agricultural, commercial, or other.

c) Whether the subject street, road, highway or bridge is designed to carry truck traffic.

d) Whether there are other safety considerations, such as, narrow width of the roadway or a travel lane or other similar factors.

SECTION IV. EXCEPTIONS

The above prohibition is subject to the following exceptions:

1. Trucks are hereby allowed to travel upon any street which abuts their point of destination provided such destination is a permitted destination by applicable law, ordinance, rule or regulation.

2. Trucks are hereby allowed to travel upon any street, road, or highway which is a part of a County authorized detour.

3. Authorized emergency vehicles are allowed to travel upon any street, road, or highway necessary in the exercise of their duties.

4. Vehicles owned, operated by, or under contract to the public utilities, including any licensed, franchised, or authorized garbage, solid waste, or yard trash service,

electric, cable, telephone corporation, or any governmental agency or entity are hereby allowed to travel upon any street, road, or highway necessary to the installation, restoration, or emergency maintenance of utilities or other services or to the proper performance of their duties.

5. Wrecker vehicles which are towing a disabled vehicle or combination of vehicles in an emergency are hereby allowed to travel upon any street, road, or highway which is enroute to the nearest feasible point for parking or storage of a disabled vehicle.

6. Vehicles used primarily for the transportation of passengers.

7. Recreational vehicle types as defined in Section 320.01(1)(b), Florida Statutes, as it may be amended from time to time.

SECTION V. ENFORCEMENT

This ordinance shall be enforced by the Sheriff of Hernando County or by any other qualified law enforcement officer with jurisdiction over this matter.

SECTION VI. INCLUSION IN THE CODE

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION VII. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners of Hernando

County, Florida, that if any section, subsection, clause, sentence phrase or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

SECTION VIII. EFFECTIVE DATE

This ordinance shall become effective upon filing with the Department of State.

SECTION VIV. PENALTY

Any violation of this ordinance may be prosecuted as follows:

A. Upon the issuance of a Notice to Appear by a law enforcement agency for a first offense, the respondent shall pay a fine in the amount of sixty (\$60.00) dollars plus any fees or charges that may lawfully be required by the Clerk of Court or the court having jurisdiction of this matter.

B. Upon the issuance of a Notice to Appear for a second offense for the same ordinance violation by the same respondent within twenty four (24) months the payable fine amount shall be one hundred (\$100.00) dollars plus any fees or charges that may lawfully be required by the Clerk of Court or the court having jurisdiction of this matter.

C. Upon the issuance of a Notice to Appear for a third offense for the same ordinance violation by the same respondent within twenty four (24) months. The payable fine amount shall be two hundred fifty (\$250.00) dollars plus any fees or charges that may lawfully be required by the Clerk of Court or the court having jurisdiction of this matter.

D. Upon the issuance of a Notice to Appear for a fourth offense for the same ordinance violation by the same respondent within a twenty-four (24) month period the respondent shall be required to appear in court and the court may impose any fine or

penalty allowed or permitted by law plus any fees or damages that lawfully may be imposed by the Clerk of Court or the court having jurisdiction of this matter.

E. In addition any violation of this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violation shall be prosecuted in the name of the state and the court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed \$500 or by imprisonment in the County jail not to exceed sixty (60) days or by both fine and imprisonment. Each violation of this ordinance shall be deemed a separate offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

F. If any of the fines or penalties enumerated in a-d of this section are invalidated by a court of competent jurisdiction such invalidation shall be severable from the rest of the provisions in this ordinance and such invalidity shall not extend to any other provision of this ordinance including the statutory penalty for violation of county ordinances.


G. If any of the fines or penalties enumerated in a-d of this section are invalidated, then the statutory penalty for violation of county ordinances shall be deemed to automatically apply to any violation of this ordinance and in any event with or without invalidation of a-d of this ordinance the court shall have the absolute right and discretion to impose the fines or penalties, or both provided for in the statutory provision for violation of county ordinances instead of the fines and penalties provided for in a-d of this section.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular

Session this 2nd day of April, 1996 A.D.

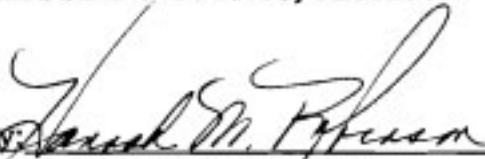
(SEAL)

Attest:


KAREN NICOLAI
Clerk

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By:


HANNAH M. ROBINSON
Chairwoman