

ORDINANCE NO. 1744

AN ORDINANCE TO PROVIDED FOR THE CONTROL OF COMMERCIAL TRUCK TRAFFIC ALONG THE PORTION OF EASTABOGA ROAD FROM THE INTERSECTION OF EASTABOGA ROAD AND AL HWY 275 BY-PASS CONTINUING TO THE INTERSECTION OF EASTABOGA ROAD AND AL HWY 21 PROHIBITING THE COMMERCIAL TRUCK TRAFFIC HAVING A WEIGHT OF GREATER THAN 26,000 POUNDS GROSS VEHICLE WEIGHT AND/OR HAVING MORE THAN TWO AXLES FROM TRAVERSING THIS SECTION OF CITY ROAD. BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF TALLADEGA, ALABAMA, AS FOLLOWS:

SECTION I. The purpose of this ordinance is to prohibit and make unlawful, except as designated or allowed herein, for commercial trucks to travel on Eastaboga Road from the intersection with Alabama Highway 275 By-pass to the intersection with Alabama Highway 21 and to declare this section of Eastaboga Road as a “No Thru Truck Road.”

SECTION II. DEFINITIONS

Commercial Truck: Any motor vehicle having a weight of 26,000 pounds Gross Vehicle Weight (GVC) or more including the load carried, or having more than two axles. Also, including but not limited to any vehicle carrying hazardous materials or solid waste. Commercial trucks shall not include vehicles carrying or designated to carry passengers, all governmentally owned or leased vehicles, public utility vehicles, motor homes or recreational vehicles or vehicles used exclusively to transport personal possessions or family members for non-business purposes.

No Thru Truck Road: A road on which commercial trucks are prohibited and the road is posted “No Thru Trucks.”

SECTION III. EXCEPTIONS

Exceptions to Commercial Truck Traffic: Commercial trucks may be permitted on designated no truck roads as follows:

- 1) For the operation of authorized emergency vehicles.
- 2) For an emergency so declared by public officials or public act.
- 3) For the operation of commercial vehicles involved in the routine local pick-up, delivery, or service where the destination is located on a declared “No Truck Road.”
- 4) For an owner of a commercial vehicle to drive to and from his residence.

SECTION IV. POSTING OF RESTRICTIONS

Signs shall be posted by the Public Works Department stating no thru trucks over 26,000 pounds rated GVW. Signs shall be posted by the Public Works Department at the intersections of AL Hwy. 21 and Eastaboga Road and at the intersection of AL Hwy 275 By-Pass and Eastaboga Road stating “NO THRU TRUCKS”

SECTION V. PENALTIES

Any person violating any provision of this ordinance shall be guilty of a misdemeanor, punishable upon conviction by the fine not to exceed five hundred (\$500.00) dollars, plus costs and/or imprisonment in the city jail for a period not to exceed ninety (90) days.

SECTION VI. SEVERABILITY

This ordinance and various parts, sections, paragraphs and subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, section, paragraph, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it is hereby provide that the remainder of this ordinance shall not be affected thereby.

SECTION VII: This ordinance shall take effect immediately upon its passage and publication as provided by law.

APPROVED AND ADOPTED on the 15th day of April, 2013

Council President Donnie Miller

Councilman Jarvis Elston

Councilman Joe Ballow

Councilman Horace Patterson

Councilman Rick Simpson

Attested by Elizabeth Cheeks, City Clerk