

ORDINANCE 07-05-17

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENTERPRISE, ALABAMA AS FOLLOWS:**

Whereas, the City Council has received numerous complaints and concerns from its citizens related to heavy vehicle/truck traffic in various congested and safety sensitive areas, such as areas where there is a high density of businesses adjoining relatively narrow roads (i.e., downtown business district) and in areas where schools and residential neighborhoods are located;

Whereas, the City Council has authority under applicable law (e.g. Ala. Code §11-45-1; Ala. Code §32-5-31) to adopt ordinances to provide for the safety, health, prosperity, and convenience of the inhabitants of the City of Enterprise, and may enforce obedience to such ordinances, including, as such relates to traffic control;

Whereas, the City Council finds that it is in the interests of health, safety, comfort and convenience of its inhabitants to regulate the flow of traffic by large vehicles/trucks on the streets, highways and roadways that run through the City and to designate a "truck route" by which those heavy vehicles/trucks (as defined in this Ordinance) may avoid certain congested and other areas of the City which are not conducive to heavy vehicle/truck traffic, yet still are able to traverse the City by way of specific routes;

NOW, THEREFORE, LET IT BE ORDAINED AND ENACTED AS FOLLOWS:

**Section 1.** Definitions. The following definitions shall apply to this Ordinance:

A. **Downtown business district:** The downtown business district shall consist of all streets, roads and highways lying inside the public highway loop collectively known and referred to as the Boll Weevil Circle, which is the highway loop running continuously around the downtown business district which is made up of Highways 84, 167 and 192.

B. **Heavy Vehicle:** Heavy vehicle shall mean any vehicle used for the transportation of goods, persons or property whose total gross vehicle weight rating (GVWR) exceeds twenty six thousand (26,000) pounds or any vehicle where the driver is required to hold a Class A or Class B CDL license.

C. **Truck Route:** Truck route shall mean the public highways within the City of Enterprise collectively known and referred to as the Boll Weevil Circle, which is the highway loop running continuously around the downtown business district which is made up of Highways 84, 167 and 192.

D. **Exempt Heavy Vehicle:** Exempt heavy vehicles are heavy vehicles which are (1) city-owned, church-owned or school owned; or, (2) whose purpose is to provide specific and immediate goods or services to persons living in or maintaining a place of business within the City; or, (3) whose purpose is the delivery of goods, wares, merchandise, or chattels of any kind or to persons living in or maintaining a place of business within the City; or, (4) whose purpose is picking up for transport goods, wares, merchandise, or chattels of any kind from persons living in or maintaining a place of business within the City; or, (5) those heavy vehicles which originate from or are returning to any business where the driver holds employment within the City or from or to a residence within the City where the driver lives, subject to the condition that such a heavy vehicle would otherwise meet the definition of exempt heavy vehicle above or the driver is proceeding, via the most direct route, to or from the truck route; or (6) any vehicle with a duly issued State of Alabama farm tag.

**Section 2.** **Truck Route Mandatory.** All persons driving heavy vehicles shall use the truck route unless the heavy vehicle is an exempt heavy vehicle.

**Section 3.** **Heavy Vehicle Prohibition- All City Streets.** Except as to the truck route, no person driving a heavy vehicle shall cause such vehicle to traverse any highway, road or City street within the corporate limits of the City of Enterprise unless it is an exempt heavy vehicle.

**Section 4. Authorization to install Truck Route Signs and/or No Trucks Signs.** The Police Chief, or other officer of the Enterprise Police Department, is authorized, in conjunction with the City's Department of Public Works, to install Truck Route signs along the truck route and/or No Trucks Signs along streets that connect to the truck route that are not included as part of the truck route. However, the absence of any Truck Route signs or No Trucks Signs will not in any way impede the enforcement of this Ordinance or provide any defense to a violation of this Ordinance.

**Section 5. Penalty.** Any person violating this Ordinance shall be cited by any duly authorized peace officer with a Uniform Traffic Complaint and any such violation shall be punishable by a fine not to exceed five hundred dollars (\$500.00). The schedule of fines for violation(s) of this Ordinance shall be as follows:

- First Offense- \$50.00 plus costs of court
- Second Offense- \$150.00 plus costs of court
- Third Offense- \$300.00 plus costs of court
- After Third Offense- \$500.00 plus costs of court

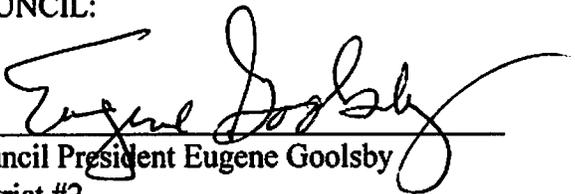
**Section 6. Repeal of Conflicting Ordinances, including Ordinance 7-5-88.** Any ordinance, rule, regulation, procedure or portion thereof, heretofore adopted by the City Council of the City of Enterprise, Alabama, which is in conflict with this Ordinance, is hereby repealed to the extent of such conflict.

**Section 7.** If any word, part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

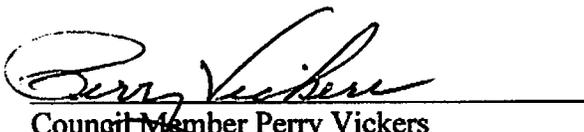
**Section 8.** This Ordinance shall become effective upon adoption and advertisement as required by law.

Passed, Adopted and Approved this 18<sup>th</sup> day of July, 2017.

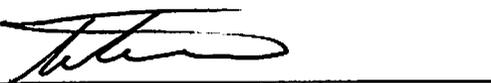
COUNCIL:

  
Council President Eugene Goolsby  
District #2

  
Council Member Sonya W. Rich  
District #1

  
Council Member Perry Vickers  
District #3

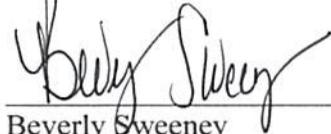
  
Council Member Wallace "Al" Miller, Jr.  
District #4

  
Council Member Turner Townsend  
District #5

ATTEST:

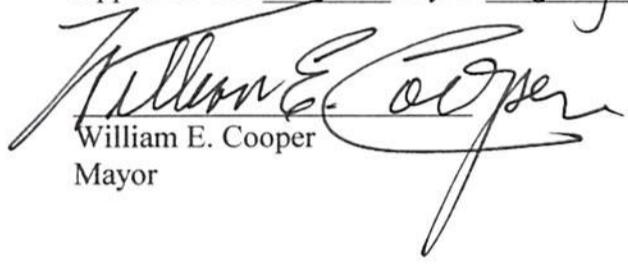
  
Beverly Sweeney  
Interim City Clerk

Transmitted to the Mayor this 19<sup>th</sup> day of July, 2017.

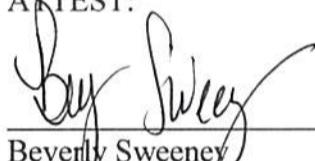
  
\_\_\_\_\_  
Beverly Sweeney  
Interim City Clerk

ACTION OF THE MAYOR:

Approved this 19<sup>th</sup> day of July, 2017.

  
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William E. Cooper  
Mayor

ATTEST:

  
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Beverly Sweeney  
Interim City Clerk

