

ORDINANCE NUMBER 496

AN ORDINANCE OF THE CITY OF CARRABELLE, FLORIDA, PROVIDING FOR DEFINITIONS; ADOPTING REGULATIONS FOR COMMERCIAL VEHICLES; AMENDING ORDINANCE 495, PART II CODE OF ORDINANCES, CHAPTER 66, ARTICLE III, SECTIONS 66-61, 66-62 AND 66-63 CITY OF CARRABELLE IN PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH AND PROVIDING AN EFFECTIVE DATE.

WHEREAS; Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and

WHEREAS; Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact Ordinances in furtherance thereof; and

WHEREAS, the City of Carrabelle (the "City") is invested with the general power to regulate and control traffic on its streets, and is empowered by Chapter 316, Florida Statutes (2023), prohibit or regulate the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic and; and

WHEREAS, the City has analyzed and determined which streets under the City's jurisdiction require further regulation of commercial truck traffic in order to maintain normal and safe movement of traffic through the City; and

WHEREAS, the City desires to adopt regulations and prohibitions on the use of city streets by certain identified trucks and trailers; and

WHEREAS, the City Commission of the City of Carrabelle has determined that the enactment of this Ordinance is necessary to preserve the health, safety and welfare of the citizens of the City; and

WHEREAS, the City Commission has conducted a duly noticed public hearing as required by law, at which hearing all parties in interest and citizens were afforded notice and the opportunity to be heard.

NOW THEREFORE, be it enacted:

NOTE: ~~Struck through~~ language is language proposed to be deleted, Underlined and italicized language is proposed language, and * represents sections that have been skipped and that remain unchanged.**

1. That the recitals set forth above are hereby incorporated as if fully set forth herein.
2. It is unlawful for any person to drive, park, or use a through vehicle/truck on any city street except those named in the Commercial Vehicle/Truck route designated in this article unless otherwise specified herein.
3. Definitions: For the purpose of this ordinance, certain abbreviations, terms, phrases, words and their derivatives shall have the following meanings:

Operate or *operation* includes operation by the owner or any agent of the owner or by any person with the owner's knowledge, consent or permission, expressed or implied.

Operator means every person who is in actual physical control of a motor vehicle upon the highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Police officer means every officer of the city police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Regulated Truck means every single or combination commercial vehicle meeting one or more of the following criteria:

A vehicle with a GCWR or GVWR of more than 26,001 lbs.

Road includes streets, sidewalks, alleys, highways and other ways open to travel by the public, including the roadbed, right-of-way and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels and viaducts necessary for the maintenance of travel and all ferries used in connection therewith. Any road right-of-way used to define transportation impact fee district boundaries may be considered to be within any district it bounds for purposes of using impact fee funds.

Roadway means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two (2) or more separate roadways the definition of "roadway" applies separately but not to all such roadways collectively.

Semi-truck means every vehicle of the trailer type, so designated and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

Semi-Trailer means a tractor and trailer combination.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, street or pathway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

4. Designated Commercial vehicle (truck) route established; observance required; hazardous materials routing established.

(a) Designated commercial vehicles shall be shown on the official commercial vehicles map, on file at the City Clerk's office, and include the following:

- (1) Trucks traveling South on County Road 67 (Tallahassee Street) must turn on Lake Morality Road and proceed to U.S. Hwy 98 and travel either east or west, unless otherwise prohibited, ~~all streets under the jurisdiction of the County department of transportation;~~
- (2) Trucks traveling West on U.S. Hwy 98 shall turn North on Lake Morality Road in order to travel North to County Road 67 (Tallahassee Street) unless passing through the City on U.S. Hwy 98;
- (3) Trucks traveling East on U.S. Hwy 98 shall transit the City on U.S. Hwy 98 and turn North on Lake Morality Road in order to travel North on County Road 67 (Tallahassee Street);
- (4) Trucks passing through the City shall proceed East and West through the City on U.S. Hwy 98.

(b) The designation of any street as a commercial vehicle route shall not be construed to permit the violation of any Federal or State law regulating the operation, size, weight, capacity, height, length, or speed of trucks or other vehicles and shall not be construed to permit the violation of any City code.

(c) All Regulated Vehicles/Trucks within the city shall be operated only over and along the designated commercial vehicle routes established in subsection (a) above.

(d) *Operation on non-designated commercial vehicle route.* Notwithstanding subsection (c) above, the driver of a Regulated Vehicle/Truck may travel over and along a local street not designated as a commercial vehicle route only where its destination lies on or within the commercial vehicle route street when it is required to perform its local business or while traveling to the operator's primary residence inside the City limits. On such occasions the operator shall utilize a route that returns to the truck route as follows: If the destination is South of Ave F the commercial vehicle shall return to Hwy 98 by the most direct route; if the destination is North of Ave F the commercial vehicle shall return to Lake Morality Road by the most direct route. ~~minimizes the distance traveled over and along local roadways.~~

(e) *Multiple destination points.* Upon leaving its first destination point, a Regulated Vehicle/Truck shall proceed to other destination points only over truck routes insofar as possible, using that routing which minimizes the distance traveled over City Streets ~~commercial vehicle routes~~. Upon leaving its last destination point, a deviating Regulated Vehicle/Truck shall return to a commercial vehicle route as described in Section 4(d) above.

~~by the shortest possible route.~~

(f) *Authorized emergency vehicles.* This division shall not prohibit the operation of an authorized emergency vehicle upon any street in the City.

(g) *Detoured trucks.* This division shall not prohibit the operation of a Regulated Truck upon any officially established detour in any case where such Regulated Truck could lawfully be operated upon the street for which the detour is established.

(h) Every truck carrying hazardous material is prohibited from using any local City or County street within the City, unless necessary to the conduct of business, construction or maintenance operations at a destination point within the City.

5. Evidence required for deviation; Enforcement.

(a) Any person driving or in charge or control of any Regulated Truck deviating from the designated truck route system shall be prepared to present for the inspection of police officers the truck's log book, weight slips, delivery slips, or other written evidence of the Regulated Vehicle/Truck's origin and destination to justify the deviation from the designated truck route. ~~system.~~

(b) A violation of this Ordinance shall constitute an irreversible and irreparable violation and will result in the immediate issuance of a civil citation in accordance with the provisions of Florida Law and Local Ordinance, also such violation can rise to the level of a Second Degree Misdemeanor under the conditions described in Section 6.C. below.

6. Enforcement and Penalties.

The City Clerk Administrator or her designee is hereby designated as the agent of the City for purposes of enforcing the provisions of this Ordinance. The City finds and determines that any violation of the provisions of this Ordinance is a serious threat to the public health, safety or welfare, and that the damage to the public health, safety or welfare would be irreparable or irreversible if a continuing violation of this Ordinance is allowed to continue.

A. The City Administrator or his/her designee may designate certain employees of the city as code enforcement officers. The training and qualifications of the employees for such designation shall be determined by the City Administrator or his/her designee. Employees who may be designated as code enforcement officers may include, but are not limited to, code inspectors or law enforcement officers. The designated employee may give a verbal/written warning to any person when, based on investigation, there is reasonable cause to believe a violation of this Ordinance has occurred. Based on findings of fact and other determinations, the verbal/written warning need not provide a time to cure but may instead demand immediate and complete cessation of any activity contrary to this Ordinance. Such designated employees are authorized to issue a citation to a person when, based upon personal investigation, the designated employee has reasonable cause to believe that the

person has committed a civil infraction in violation of a duly enacted code or ordinance and after issuing a citation to an alleged violator, a code enforcement officer shall deposit the original citation and one copy of the citation with the county court through the clerk of the circuit court and the county court will hear the charge. If contested, a citation shall be contested in county court. Court fees and costs shall be assessed by the Clerk of Court as deemed necessary.

B. Any violation of the provisions of this Ordinance is a civil infraction punishable as follows:

For a first offense . . . \$150.00

For a second offense . . . \$200

For a third offense . . . \$250

C. Provided however, after the third offense violations of this Ordinance shall be considered a criminal infraction (Misdemeanor of the Second Degree) punishable by a fine not to exceed \$500.00 or incarceration for a period of not to exceed sixty days, or both.

7. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part expressly declared unconstitutional or invalid.

8. That all ordinances in conflict herewith are repealed to the extent of any conflict.

9. That this ordinance shall take effect immediately upon becoming a law.

Adopted at a duly advertised public hearing at which a quorum was present and a majority voted in favor, this 5th day of September, 2024

ATTEST:

Km Messer
Kelsha Messer, City Clerk

CITY COMMISSION OF THE
CITY OF CARRABELLE, FLORIDA

A. C. Millender
Anthony Millender, Mayor



