ORDINANCE NO. 2021-01

AN ORDINANCE PROHIBITING TRUCKS ON PUBLIC STREETS IN THE TOWN OF TRINITY, DECLARING VIOLATIONS TO BE UNLAWFUL; PROVIDING PUNISHMENT FOR VIOLATORS; AND MAKING EXCEPTIONS

WHEREAS, it has come to the attention of the Trinity Town Council ("Council") that trucks traveling upon public streets in the Town of Trinity, by reason of their weight or length, are causing public and private property damage, public inconvenience and deterioration of public streets; and

WHEREAS, Section 32-1-3, *Code of Alabama, 1975*, permits the Council to pass an ordinance prohibiting the operation of trucks on public ways within the municipal limits of the Town of Trinity; and

WHEREAS, the Council specifically finds that protection of public infrastructure, as well a public safety and convenience require that trucks be prohibited on the public streets of the Town.

NOW, THEREFORE, be it **RESOLVED** by the Town Council of the Town of Trinity, Alabama as follows:

1. a. It is shall be unlawful for any person to operate a truck, truck tractor or road tractor as those terms are defined in Section 32-1-1.1(82), (84) and (56), respectively, on any public street or way within the municipal limits of the Town of Trinity, Alabama, unless such person has first obtained a written permit to do so from the Chief of Police, who shall have the discretion to issue such permits if, in his or her sole discretion, appropriate measures can be

taken to assure that such vehicle can safely navigate its intended course without incident which would endanger person or property, or unduly inconvenience the public, or damage or overly stress the public street or other infrastructure, and that no viable alternative exists for the purpose for which such passage is sought. Any person operating with such a permit shall observe all conditions of such permit and all directives, verbal or written, of the Chief of Police, or his or her designee, and it shall be unlawful to do otherwise.

b. The provisions of subsection (a) shall not be applicable to pickup trucks or other vehicles intended primarily for the transportation of passengers.

2. A violation of this ordinance shall be an offense against the Town of Trinity, punishable by a fine not to exceed $250.00, plus court costs, or a jail penalty not to exceed thirty (30) days, or by any combination of such fine, costs or jail sentence. The Municipal Court Magistrate shall be empowered to accept fines in the amount of $50.00 plus applicable court costs for persons wishing to enter pleas of guilty outside of a court appearance, except that if the offense is known to be a second or subsequent violation within a two (2) year period, court appearance by the party charged shall be required.

3. This ordinance shall not be applicable to any State highway.

4. This ordinance shall be effective upon its adoption by the Council. The placement of appropriate signage as required by Section 32-1-3, *Code of Alabama, 1975* shall be done at the direction of the Mayor, or Chief of Police with the Mayor's approval, on all streets deemed appropriate in the Mayor's sole discretion. As provided by law, no person shall be guilty of a violation of this ordinance if appropriate signage is not posted. A sign marked "No

Trucks," "Trucks Prohibited" or otherwise in such a manner as to indicate truck traffic is prohibited on the street in question shall be deemed appropriate signage.

DONE this 25 day of January, 2021.

Vaughn Goodwin, Mayor

ATTEST:

(SEAL)

Barbara L. Jones
Barbara Jones, Town Clerk

Barbara L. Jones
Notary Public, AL State at Large
My Commission Expires April 12, 2021

LWM/zip012[illegible]/utility/ordinance.prohibitingtrucks
T101121LM