



CITY COMMISSION AGENDA REPORT
CITY OF BELLE GLADE

TO: Honorable Mayor and City Commission

FROM: Lomax Harrelle, City Manager

PREPARED BY: Debra R. Buff, MMC, City Clerk

COMMISSION MEETING DATE: September 17, 2018

SUBJECT: Amend Zoning Ordinance to Provide for No Through Truck Zones

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BELLE GLADE, FLORIDA, AMENDING CHAPTER 27 "TRAFFIC AND MOTOR VEHICLES" TO ADDRESS THE REGULATION OF COMMERCIAL VEHICLES BY AMENDING SECTION 27-10 "LOADED FIELD TRUCKS PROHIBITED ON CERTAIN STREETS"; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

REPORT IN BRIEF: Our current Code provides limitations/restrictions on loaded field trucks, having six or more bearing wheels, on certain city streets. The proposed Ordinance, attached, will replace existing language of "Loaded field trucks" with "No through truck zones", which includes a definitive definition of a heavy truck transporting property that has three or more axles, including, if attached, a trailer, or should the truck's gross weight be in excess of 8,000 pounds, including load and trailer.

Furthermore, this Ordinance, if accepted, will enhance the safety of pedestrians and bicyclers and the reduction of noise, pollution, and excessive wear and tear on S.E. Avenue G, along with previously identified areas.

There are exceptions in the proposed Ordinance, being: heavy truck delivering or providing service to an area that would be inaccessible otherwise; to reach the driver's personal residence; public service or government-owned vehicles; and emergency vehicles.

Staff recommends approval of this Ordinance.

STAFF COMMENTS:

PREVIOUS ACTIONS: The language in our current Code, pertaining to this matter, was carried over from our 1967 Code.

LEGAL REVIEW AND SUFFICIENCY: YES NO

FISCAL IMPACT: Has request been budgeted (check one)? YES NO

If yes, expected cost: \$

Account Number and Name:

If no, amount needed: \$

Account Number and Name funds will be appropriated from:

Additional Comments: No financial impact.

RECOMMENDATION(S): Motion to pass Ordinance on 1st and 2nd reading.

Attachments: Ordinance

Ordinance No. _____ Continued

(c) Exceptions. The restrictions set forth in this section shall not apply to the following:

1. Any heavy truck making a delivery or providing services to or from a place in or abutting the no through truck zone, which place would otherwise be inaccessible by such vehicle.
2. The operation of a heavy truck where necessary to reach the driver's personal residence. This exception shall not authorize the parking of a heavy truck in front of a personal residence or at any place where otherwise prohibited under this Code.
3. Public service or other government-owned vehicles.
4. Emergency vehicles.

~~(b) A field truck is hereby defined to be a truck used for the purpose of hauling agricultural crops from the crop field to the market or some other place.~~

Commented [RLH1]: Legal for PBSO does not agree to make a traffic violation a criminal offense. The penalties shall be the same as the rest of Chapter 27, as set forth in Section 27-40 of the Code.

Section 3. All ordinances and resolutions or parts of ordinances and resolutions in conflict are hereby repealed.

Section 4. Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

Section 5. Specific authority is hereby granted to codify this ordinance.

Section 6. This ordinance shall take effect immediately upon adoption.

The foregoing Ordinance was moved by _____, seconded by _____ and upon being put to the vote, the vote was as follows:

3 of 4

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BELLE GLADE, FLORIDA, AMENDING CHAPTER 27 “TRAFFIC AND MOTOR VEHICLES” TO ADDRESS THE REGULATION OF COMMERCIAL VEHICLES BY AMENDING SECTION 27-10 “LOADED FIELD TRUCKS PROHIBITED ON CERTAIN STREETS”; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Belle Glade, Florida (the “City”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Section 316.008(1)(g), Florida Statutes, grants authority to the City to restrict the use of streets and highways under the City’s jurisdiction; and

WHEREAS, in 1967, the City adopted Section 27-10 “Loaded field trucks prohibited on certain streets” of the City’s Code of Ordinances which prohibits certain vehicles from travelling on certain streets within the City; and

WHEREAS, the City wishes to balance the needs of commerce and truckers with the desire to minimize the negative impacts of trucks on the City’s roadways and neighborhoods, including, but not limited to, the safety of pedestrians and bicyclers and the reduction of noise, pollution, and excessive wear and tear on City streets; and

WHEREAS, the City Commission wishes to update Section 27-10 to meet the current needs of the City and to add to the list of protected streets; and

WHEREAS, the City Commission of the City of Belle Glade has determined that this ordinance serves a public purpose and is in the best interest of the public health, safety and welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BELLE GLADE, FLORIDA THAT:

Section 1. The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the City Commission of the City of Belle Glade.

Section 2. Chapter 27 “Traffic and Motor Vehicles”, Section 27-10, “Loaded field trucks prohibited on certain streets” of the Code of Ordinances of the City of Belle Glade is hereby amended to read as follows:

Sec. 27-10. – ~~Loaded field trucks prohibited on certain streets~~ No through truck zones.

(a) Definitions.

Heavy truck, as used in this section only, shall be defined as:

1. Any truck with three (3) or more axles, including any attached trailer, if any; or
2. Any truck with a gross weight in excess of 8,000 pounds, including load and any attached trailer, if any;

Truck, as used in this section only, shall be defined as any motor vehicle which is designed or used principally for the transportation of property.

(b) Prohibition. It is unlawful to operate or permit to be operated any ~~loaded field heavy truck, as defined herein, having six (6) or more bearing wheels~~ upon the following designated streets in the city, provided, that the designated streets shall be properly signposted. The streets to which this section shall apply are as follows:

1. S.E. Avenue G.
2. All of those streets bounded on the east by South Main Street, on the west by Southwest Tenth Street, on the north by West Avenue A, and on the south by Southwest Avenue G, and the east-west projection thereof between the east-west boundaries, excluding South Main Street and Southwest Avenue E.

(c) Exceptions. The restrictions set forth in this section shall not apply to the following:

1. Any heavy truck making a delivery or providing services to or from a place in or abutting the no through truck zone, which place would otherwise be inaccessible by such vehicle.
2. The operation of a heavy truck where necessary to reach the driver's personal residence. This exception shall not authorize the parking of a heavy truck in front of a personal residence or at any place where otherwise prohibited under this Code.
3. Public service or other government-owned vehicles.
4. Emergency vehicles.

~~(b) A field truck is hereby defined to be a truck used for the purpose of hauling agricultural crops from the crop field to the market or some other place.~~

Section 3. All ordinances and resolutions or parts of ordinances and resolutions in conflict are hereby repealed.

Section 4. Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

Section 5. Specific authority is hereby granted to codify this ordinance.

Section 6. This ordinance shall take effect immediately upon adoption.

The foregoing Ordinance was moved by _____, seconded by _____ and upon being put to the vote, the vote was as follows:

Ordinance No. _____ Continued

	AYE	NAY
Mayor Wilson	_____	_____
Vice Mayor Wilkerson	_____	_____
Commissioner Burroughs, Jr.	_____	_____
Commissioner Martin	_____	_____
Commissioner Underwood	_____	_____

PASSED on first reading at _____ Session of the City Commission held on _____, 2018.

The foregoing ordinance was moved by _____, seconded by _____ and upon being put to the vote, the vote was as follows:

	AYE	NAY
Mayor Wilson	_____	_____
Vice Mayor Wilkerson	_____	_____
Commissioner Burroughs, Jr.	_____	_____
Commissioner Martin	_____	_____
Commissioner Underwood	_____	_____

PASSED on second and final reading at _____ Session of the City Commission held on _____, 2019.

CITY OF BELLE GLADE, FLORIDA

(MUNICIPAL SEAL)

ATTEST:

Mayor-Commissioner

Debra R. Buff, MMC
City Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Commissioners

Glen J. Torcivia, City Attorney