

AN ORDINANCE DESIGNATING A THRU TRUCK ROUTE FOR THE CITY OF OSCEOLA AND PRESCRIBING PENALTIES FOR ITS VIOLATION, AND FOR OTHER PURPOSES

Whereas; Local authorities, with respect to highways under their jurisdiction, by ordinance or resolution, may prohibit the operation of trucks or other commercial vehicles or may impose limitations as to the weight thereof on designated highways and set penalties for violations as set forth in Ark. Code Ann. § 27-35-103(b) & (c) and § 27-35-202 (2) (A)(B) & (C), effective July 24, 2019.

Whereas; The prohibitions and limitations shall be designated by appropriate signs placed on such highways and the restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such ordinance.

Whereas; The Arkansas Supreme Court upheld an ordinance banning trucks over one-half ton from certain streets as long as the weight limitations are not tailored to avoid a specific, provable harm, such as damage to city streets and the ordinance does not ban heavy trucks from all streets in the city.

WHEREAS, Numerous complaints have been made by residents regarding the increased number of large trucks passing through residential neighborhoods and creating dangers and disruption to residents with homes situated near the city's major highways. The large trucks are damaging the pavement of streets that the city must maintain.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OSCEOLA, ARKANSAS;

Section 1: 8.08.01 Truck routes - Designated.

- A. Truck routes are denoted by signage, "THRU TRUCK ROUTE". These roads are for all trucks in truck classifications of Class 6, Class 7, Class 8 and larger, and proceeding through the city of Osceola, Arkansas, are hereby established and designated as follows:

Federal and State Highways, Highway 140, Highway 61 South, Highway 61 North

- B. All such trucks are hereby prohibited from using any other street, alley or road while proceeding through the city.

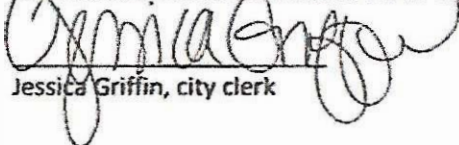
Section 2: 8.08.02 Exceptions.

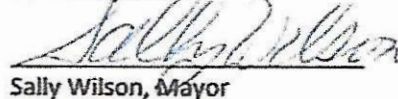
- A. When it is necessary for excluded vehicles to travel on non-truck route streets to make pickups or deliveries, it will not be considered to be a violation of this chapter if the vehicle remains on a designated truck route to the closest point from its destination. The intention of this exception of requiring trucks to travel exclusively on the truck routes is to allow pickups or deliveries as long as the minimum of non-truck route streets are traversed.

- B. School, church, tour and local public transportation buses and public service vehicles are excluded from the provisions of this chapter.

Section 3: 8.08.03 Penalties. Any operator found violating these provisions shall be guilty of a misdemeanor. Any person, firm or company violating any part of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not less than upon first conviction, an offender shall be punished by a fine of not more than one hundred dollars (\$100). For a second conviction within one (1) year, an offender shall be punished by a fine of not more than two hundred dollars (\$200). For a third conviction and each successive conviction within one (1) year, an offender shall be punished by a fine of not more than five hundred dollars (\$500). It shall be mandatory and not within the discretion of the court to assess the penalty provided for. Enforcement of this ordinance shall be delayed until signs have been posted on all major roadways entering the City of Osceola, Arkansas. Said signs shall be posted on or near said roadways stating in language similar to: THRU TRUCK ROUTE

THIS ORDINANCE PASSED AND ADOPTED on this 16th day of December, 2019.


Jessica Griffin, city clerk


Sally Wilson, Mayor