

**ORDINANCE NO. 20-02**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA PROHIBITING TRUCKS TRAVELING UPON DESIGNATED STREETS, ROADS, HIGHWAYS, AND BRIDGES WITHIN HOLMES COUNTY; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITION OF TRUCK TRAFFIC; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, truck traffic on certain streets, roads, highways, and bridges in Holmes County can cause premature deterioration of the pavement; and

**WHEREAS**, there is significant costs to Holmes County and its citizens in repairing premature wear to streets, roads, highways and bridges of the County due to heavy truck traffic; and

**WHEREAS**, certain streets, roads, highways, and bridges are not suitable for truck traffic because of safety issues such as the presence of residential neighborhoods, the condition of the roadway, and lane width of the roadway; and

**WHEREAS**, an Ordinance regulating truck traffic in the streets and roads of Holmes County is necessary in order to ensure the health, safety, and welfare of the citizens of Holmes County.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA, THAT:**

**SECTION I. DEFINITIONS**

The following words, terms and phrases used in this Ordinance shall have the meanings ascribed to them in this Ordinance except where the context clearly indicates a different meaning:

**1. Gross Vehicle Weight (GVW)**

(a) The weight of the vehicle without load plus the weight of any load thereon.

(b) The weight of any single axle, tandem axle, or axle group of a vehicle or combination of vehicles plus the weight of any load thereon.

**2. Trucks**

Vehicles that have any of the following characteristics:

(a) Gross Vehicle Weight (GVW) of a rating of 15,000 pounds or more.

(b) Tri-axles or any greater number of axles.

(c) Tractor trailer or tandem vehicles, whether or not pulling semi-trailers or tandem semi-trailers.

**SECTION II. PROHIBITION OF TRUCK TRAFFIC**

The Holmes County Board of County Commissioners by resolution may prohibit trucks from traveling upon designated County streets, roads, highways or bridges by posting signs indicating that no trucks are allowed on the designated portions of a roadway. Prior to any resolution being adopted by the Board, the Project Director and County Engineer shall report to the Board the reasons why truck traffic is detrimental on certain designated street, roads, highways, or bridges and should be prohibited. The Project Director and County Engineer shall consider without limitation, such factors as:

1. Is the roadway a residential street, an arterial road, a collector street, commercial street, or some other type of roadway.

2. The character of the neighborhood along the street, road, highway or bridge; i.e., residential, agricultural, commercial, or other.

3. Whether the street, road, highway, or bridge is designed to carry truck traffic.

4. Whether there are other safety considerations such as narrow width of the roadway, deterioration of existing pavement, load limit changes, or any other similar factors.

**SECTION III. EXCEPTIONS**

The above prohibition is subject to the following exceptions:

1. Trucks are hereby allowed to travel upon any street, road or highway which is part of a County authorized detour route.

2. Trucks are hereby allowed to travel upon any street which abuts their point of destination provided such destination is a permitted destination by applicable law, Ordinance, rule or regulation.

3. Authorized emergency vehicles are allowed to travel upon any street, road, or highway necessary in the exercise of their duties.

4. Vehicles owned, operated by, or under contract to the public utilities, including any licensed, franchised, or authorized garage, solid waste, or yard trash service, electric, cable, telephone corporation, or any governmental agency or entity are hereby allowed to travel upon any street, road, or highway necessary to the installation, restoration, or emergency maintenance of utilities or other services or to the proper performance of their duties.

5. Wrecker vehicles which are towing a disabled vehicle or combination of vehicles in an emergency are hereby allowed to travel upon any street, road, or highway which is enroute to the nearest feasible point for parking or storage of a disabled vehicle.

6. Vehicle used primarily for the transport of passengers are hereby allowed to travel upon any street, road, or highway of the County.

7. Recreational vehicle types as defined in Section 320.01(1)(b), *Florida Statutes*, as it may be amended from time to time, are hereby allowed to travel upon any street, road, or highway of the County.

8. Trucks which are used primarily for the purpose of transport of livestock are hereby allowed to travel upon any street, road, or highway of the County, unless specifically prohibited by Resolution regarding a certain roadway within the County.

9. Logging trucks or timber lorries whose main purpose is the transport of cut, unprocessed timber logs is hereby allowed to travel upon any street, road, or highway of the County, unless specifically prohibited by Resolution regarding a certain roadway within the County.

#### **SECTION IV. ENFORCEMENT**

This Ordinance shall be enforced by the Sheriff of Holmes County or by any other qualified law enforcement officer with jurisdiction over the matter.

**SECTION V. PENALTY**

Any violation of this Ordinance may be punished/prosecuted as follows:

1. Upon issuance of notice to Appear by a law enforcement agency, the respondent shall be liable for payment of a fine in the amount of two-hundred (\$200.00) dollars plus any fees or charges that may lawfully be required by the Holmes County Clerk of Court or the court having jurisdiction of this matter upon conviction or plea of guilty.

2. In addition, any violation of this Ordinance may be prosecuted in the same manner as second-degree misdemeanors are prosecuted in the State of Florida. Such violation may be prosecuted in the name of the State of Florida and in the court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail not to exceed sixty (60) days or by both fine and imprisonment. Each violation of this Ordinance shall be deemed a separate offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In assessing fines hereunder, the court may consider whether the violator has been convicted of or pleaded guilty to prior violations of this Ordinance.

3. If any of the fines or penalties enumerated herein are invalidated by a court of competent jurisdiction, such invalidation shall be severable from the rest of the provisions in this Ordinance and such invalidity shall not extend to any other provision of this Ordinance including the statutory penalty for violation of County Ordinances.

4. If any of the fines or penalties enumerated herein are invalidated, then the statutory penalty for violation of County Ordinances shall be deemed to automatically apply to any violation of this Ordinance and, in any event, the court shall have the absolute right and discretion to impose the fines on penalties, or both provided for in the statutory provision for violation of County Ordinances instead of the fines and penalties provided for herein.

**SECTION VI. SEVERABILITY**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without

application of the invalid provision, and those provisions of the Ordinance are declared severable.

**SECTION VII. EFFECTIVE DATE**

This Ordinance shall become effective upon filing with the Department of State.

**APPROVED** and **ADOPTED** by a majority of the Board of County Commissioners of Holmes County, Florida this 7<sup>th</sup> day of July, 2020.



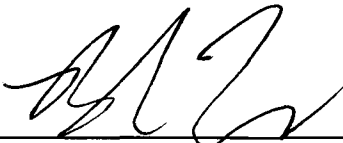
*Alice Vickers*  
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Alice Vickers, Clerk of Court

**BOARD OF COUNTY COMMISSIONERS  
OF HOLMES COUNTY, FLORIDA**



*Earl Stafford*  
\_\_\_\_\_  
Earl Stafford, Chairman

**Approved as to form and legal sufficiency:**



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Brandon J. Young, County Attorney