

**ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF OLIVE BRANCH, MISSISSIPPI TO CONTROL
TRUCK TRAFFIC AND ESTABLISH TRUCK ROUTES**

An Ordinance to control truck traffic and establish truck routes in the City of Olive Branch, Mississippi.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi:

WHEREAS, municipalities are authorized to enact regulations to prevent destruction of public property, pursuant to Section 21-19-15 of the Mississippi Code (1972), and

WHEREAS, the governing authorities of municipalities have the power to make all needful police regulations necessary for the preservation of good order and peace of the municipality and to prevent injury to, destruction of, or interference with public or private property, and

WHEREAS, the governing authorities of municipalities have responsibility for the care, management and control of municipal property, pursuant to Section 21-17-5 of the Mississippi Code (1972), and

WHEREAS, with the rapid growth experienced in and about the City, the City has experienced a substantial increase in truck and other traffic, and

WHEREAS, in order to improve the flow of traffic within the City and to preserve the health, safety and welfare of the citizens, the Mayor and Board adopt the following Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi:

Section 1. City traffic engineer-Office created; appointed.

The office of city traffic engineer is hereby established. The city traffic engineer shall be the City Engineer.

Section 2. Same-Powers and duties relative to traffic generally.

a. It shall be the general duty of the city traffic engineer to determine the installation and proper timing of official traffic control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigation of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions, to carry out the means to improve traffic conditions, and to carry out the additional powers and duties imposed by the ordinances.

b. The city traffic engineer, except as otherwise directed by this chapter, and except as otherwise directed from time to time by the Mayor and Board of Aldermen, shall have power and he is hereby authorized:

1. To regulate the operation and parking of vehicles within the city, including private property used for public purposes, by the erection or placing of official traffic-control devices to indicate prohibited or limited parking, establish prima facie maximum and minimum reasonable and prudent speeds specified by statute or established by ordinance or other lawful manner, designate restricted speed areas, one-way streets, through or arterial streets, stop streets, "U" turns, school zones, loading and unloading zones, and determine the place and manner of operating or parking vehicles;

To regulate the movement of pedestrians upon the streets and sidewalks by the erection or placing of official traffic-control devices indicating the flow of pedestrian traffic where, in his opinion, there is a particular danger to pedestrians, and to maintain such devices, or cause them to be maintained;

3. To designate truck routes and to regulate the parking of vehicles of various sizes and weights;
4. To cause all such necessary official traffic-control devices to be erected or placed on any street or part of a street when he deems such action necessary;
5. To mark off traffic lanes on streets and parts of streets indicating and directing the flow of traffic, when, in his judgment, such action is necessary;
6. To determine and designate the character or type of, and to place and maintain, or cause to be placed and maintained, all official traffic-control devices, including all official traffic signs and signals;
7. To determine and designate intersections where particular hazard exists and to determine whether vehicles shall stop at one or more entrances to any such stop intersection, and to erect a stop sign at every such place where a stop is required;
8. To determine and designate intersections where particular hazard exists and to designate whether vehicles on one of the intersecting streets yield the right-of-way to vehicles on the other street and to erect a "yield" sign at every place where need is determined for such a sign;

Formatted: Bottom: 72 pt

9. To erect or place official traffic-control devices, including appropriate signs and markings, to designate the truck routes and commercial delivery routes described in this chapter;
10. To designate, for such period as might be necessary, alternate truck routes and commercial delivery routes whenever any street designated as a truck route or commercial delivery route is being repaired or is otherwise temporarily out of use;
11. To determine and designate spaces and/or lanes for exclusive uses as bus zones, bus lanes, taxicab stands and passenger and freight loading zones, no parking zones, and "one-way" traffic lanes in which driving is prohibited in one direction and permitted in the opposite direction, and to place or erect official traffic-control devices, indicating same, within any areaway, parkway, traffic-way or parking space owned or controlled by any public service concern, public service utility company, terminal company, railroad or other quasi-public corporation or public concern, designed for the temporary parking of patrons of such public concern, utility or corporation;
12. To designate, upon any street or portion of any street, the parking meter zones set forth in this chapter where it is determined, upon the basis of an engineering and traffic investigation, that the installation of parking meters shall be necessary to aid in the regulation, control or inspection of the parking of vehicles in the exercise of the police power of regulating, operating or controlling the operation of vehicles using the public streets, to install and maintain parking meters upon the curb immediately adjacent to the individual parking spaces, in order to control and regulate such parking meter zones, to designate the maximum parking time for each parking meter, basing this designation upon the investigation above set forth; to erect or place an official traffic-control device, including lines or marks on the curb or on the street about or alongside each parking meter, in order to designate the parking space for which such meter is to be used;
13. To establish such loading zones as are necessary for the conduct of business and to use official traffic-control devices to designate such zones; and

14. To designate some member of his department to make regular collections of the money deposited in parking meters, if any, which member shall remove these coins from the meters, place the coins in sealed or locked containers, and deliver such containers and funds to be place designated by the City Clerk.

Section 3. Direction of traffic.

Officers of the police department are hereby authorized to direct all traffic, either in person or by means of visible or audible signals, in conformance with the provisions of this chapter; provided that, in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police department and fire department may direct traffic, as conditions may require, notwithstanding the provisions of this chapter.

Section 4. Authority of Chief of Police to adopt emergency regulations.

The Chief of Police is hereby empowered to assist the City Traffic Engineer in making, and to enforce regulations necessary to make effective the provisions of this chapter. The Chief of Police is further empowered to make and enforce temporary regulations to cover emergencies or special conditions.

Section 5. Obedience to police.

It shall be unlawful for any person operating a vehicle to refuse or fail to comply with any lawful order, signal or direction of a police officer.

Section 6. Definitions.

Most direct route possible shall mean that this may generally be considered as the shortest route between the point of origin or destination and a point on the nearest truck route which is nearest the point of origin or destination. However, when this route runs through a residential district or over a street not otherwise suited for truck traffic, the city may designate an alternate route.

| *Pole trailer* shall mean every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Semitrailer shall mean every vehicle without motive power, other than pole trailer, designed for carrying persons or property and

Formatted: Bottom: 50.4 pt

for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Single axle load shall mean the total load transmitted to the road by all wheels mounted on a single axle which is not part of a tandem axle.

Tandem axle load shall mean the total load transmitted to the road by all wheels on all axles in tandem.

Trailer shall mean every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck routes shall mean those routes which are designated by this article for the use of truck traffic.

Truck tractor shall mean every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Truck traffic shall mean the operation of any motor vehicle designed, used, or maintained primarily for the transportation of property, equipped with tandem axles, or all truck-tractor, or all combinations of truck tractor with trailer, semi-trailer or pole trailer.

Authorized emergency vehicle shall mean every vehicle of the fire department (fire patrol), every police vehicle, and every such ambulance and emergency vehicle of municipal departments or public service corporations as is designated or authorized by the commission or the chief of police of an incorporated city.

Business district shall mean the territory contiguous to and including a highway when 50 per cent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

Residence district shall mean the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

Section 7. Designation.

For the purposes of this ordinance, those streets and thoroughfares within the corporate limits of the city which are enumerated as follows are hereby designated as truck routes:

1. Hacks Cross Road
2. Polk Lane
3. Highway 302 (Goodman Road) By-pass
4. Highway 302 (Goodman Road) west of the west end of the Highway 302 (Goodman Road) By-pass
5. Highway 302 (Goodman Road) east of the east end of the Highway 302 (Goodman Road) By-pass
6. Highway 78
7. Craft Road between Highway 78 and Highway 178
8. Stateline Road east of Hacks Cross Road

Section 8. Use required generally.

No persons shall operate truck traffic upon any roads, avenues, streets or thoroughfares within the corporate limits of the city except on those which are designated as truck routes.

Section 9. Exception to Section (previous section) - Point of origin.

a. The provisions of Section 8 notwithstanding, in those instances where any truck traffic, originating within the corporate limits of the city, shall have as its point of origin a point located off a designated truck route, it shall proceed to the nearest point on a designated truck route by the most direct route possible. If such traffic shall originate outside the corporate limits of the city and enter the city at a point which is not on a designated truck route, it shall proceed to the nearest point on a designated truck route by the most direct route possible.

b. In those cases where truck traffic originates off a designated truck route, whether inside or outside the corporate limits of the city, and the destination of the truck traffic is nearer to a point entering the corporate limits of the city than to the nearest point on a designated truck route by the most direct route possible, it shall not be necessary to proceed to the nearest designated truck route.

Section 10. Same - To, from terminal.

Vehicles restricted to truck routes may depart from a point on such designated truck route for the purpose of traveling to and from a truck terminal, provided that such vehicle proceeds by the most direct route possible to or from the applicable truck terminal.

Section 11. Same - Loading, unloading.

Truck traffic restricted to the streets designated as truck routes may depart from such truck routes where it is necessary to load or unload at locations situated off designated truck routes. Provided, however, such truck traffic shall not leave any designated truck route until such has reached a point on some designated truck route which is nearest to the place of loading or unloading by the most direct route possible. After leaving a designated truck route to load or unload, truck traffic may continue off truck routes to as many stops for loading and unloading at destinations as necessary. Provided further, however, that if, in the course of making the necessary stops for loading and unloading, the truck traffic shall cross a designated truck route, then, in that event, such truck shall not again leave any designated truck routes until it has reached a point on some designated truck route which is nearest to the next place of loading and unloading by the most direct route possible.

Section 12. Same - To, from driver's residence.

Truck tractors may depart from streets designated as truck routes for the purpose of parking overnight at the residence of the driver of the truck tractor, subject to the provisions of the City Zoning Ordinance.

Section 13. Justification of departure.

Persons operating truck traffic upon a street or roadway which is not designated a truck route by this ordinance shall have in possession for the inspection of police officers, the log book, delivery slips, or other evidence of their destination and point of origin to justify the presence of the vehicle on a street or roadway other than an designated truck route.

Section 14. Vehicle restrictions.

a. Except as otherwise provided in this article, it shall be unlawful for any person to drive, operate or move, or to cause or permit to be driven, operated or moved, on any public street within the city, any commercial motor vehicle with or without load, contrary to any of the regulations contained in this section.

b. Commercial motor vehicles shall be subject to the vehicle weight, width, length and height limitations and restrictions which are delineated in Sections 63-5-1 et seq. of the Mississippi Code (1972).

c. No commercial motor vehicle, truck-tractor, trailer, semitrailer nor combination of such vehicles shall be operated or caused or permitted to be operated upon any public street within the city having a weight or dimensions in excess of any one or

more of the limitations established by Sections 63-5-1 et seq. of the Mississippi Code (1972).

d. The provisions of this section shall not apply to:

1. Any person operating or causing to be operated a motor vehicle under a valid and subsisting permit for the operation of overweight and oversize equipment under the provisions of Section 63-5-51 of the Mississippi Code (1972).

Authorized emergency vehicles operating in response to any emergency call.

3. ~~3.~~ Vehicles operated for the purpose of constructing or maintaining any public utility in the city.

4. Vehicles operated in connection with commercial farming operations based in Desoto County, Mississippi.

Section 15. Enforcement of violations by city; fine.

Any Police Officer having reason to believe that the gross weight, vehicle tire load limit or axle load of a loaded motor vehicle is unlawful, is authorized to weigh the same by means of a portable or stationary scales, and to require that such vehicle be driven to the nearest available scales for the purpose of weighing. If a vehicle is found to be in violation of the weight limits set out in this article, the driver of the vehicle shall be issued a citation.

Section 16. Transportation of hazardous materials.

a. For the purposes of this section the following terms are defined:

Hazardous material means any quantity, group, form or class of material designated as hazardous material in any official publication of the Secretary of Transportation of the United States under the authority of 27 U.S.C.A. Section 1803 (1976), as amended, including any such publication issued after the effective date of this section.

Requiring placards means that the material to be transported is hazardous and is in sufficient quantity to require placards in accordance with the Department of Transportation Hazardous Materials Regulations (49 U.S.C.A. Section 1801, et seq. (1976) or in accordance with the Revised Civil Statutes Article 6701d, Section 139, as amended, or regulations promulgated under the authority of such Section 139, as amended.

Transport shall mean to move any motor vehicle requiring placards upon any public street or highway.

Formatted: Indent: Left: 36 pt, Hanging: 36 pt, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 3 + Alignment: Left + Aligned at: 36 pt + Tab after: 54 pt + Indent at: 54 pt, Tab stops: 72 pt, List tab + Not at 54 pt

Formatted: Bullets and Numbering

Formatted: Indent: Left: 36 pt

Formatted: Indent: Left: 36 pt, Hanging: 36 pt, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 3 + Alignment: Left + Aligned at: 36 pt + Tab after: 54 pt + Indent at: 54 pt, Tab stops: 72 pt, List tab + Not at 54 pt

Formatted: Bullets and Numbering

b. No person shall knowingly transport hazardous materials or knowingly cause hazardous materials to be transported upon any public street within the corporate limits of the city, except upon the following:

1. Mississippi Highway 302 west of the west end of the Highway 302 By-pass, Mississippi Highway 302 east of the east end of the Highway 302 By-pass, and the Highway 302 By-pass.

Hacks Cross Road.
3. Highway 78.
4. New Craft Road between Highway 78 and Highway 178.
5. Any other street or thoroughfare posted by the traffic engineer of the city with signs stating "**HAZARDOUS MATERIAL ROUTE.**"

c. It shall be a defense to prosecutions under paragraph (b) of this section that the transporting vehicle was empty.

d. It shall be a defense to prosecutions under paragraph (b) of this section that such transportation was to a point of destination within the corporate limits of the city or was from a point of origin within the corporate limits of the city, or both, and that no portion of such transportation was in violation of Sub-Section e of this Ordinance section.

e. The operator of a vehicle that is used for transport of hazardous materials requiring placards shall before operations, inspect such vehicle and determine that:

1. Brakes are in good working condition.

Steering mechanism is in good working condition.
3. All electrical wiring is well insulated and firmly secured.
4. The vehicle is in a safe condition to transport hazardous materials.
5. All emergency features on bulk transport carriers are installed and operative as outlined in U.S. Department of Transportation specifications and requirements.
6. It shall be presumed for purposes of prosecution under this section that a transporting vehicle contains hazardous materials if it bears a placard.

7. Both the fire department of the city and the city's police department are expressly authorized to enforce the provisions of this section.

Section 17. Violations.

a. It shall be unlawful for any person to operate or permit to be operated or aid in the operation of a vehicle on the public streets of the city in violation of this Ordinance. The City Police Officers are empowered to enforce the provisions of this article.

b. Violations of this Ordinance may be punished upon conviction by fine not to exceed \$1,000.00, by incarceration up to 90 days, or both.

Passage of this Ordinance is now official and the same shall take effect and be enforced as provided by law.

ADOPTED, ORDAINED AND APPROVED this 1st ~~19th~~-day of October~~December~~, 2000~~13~~.

Formatted: Superscript

/s/ SCOTT B. PHILLIP~~SAMUEL P. RIKARD~~, MAYOR

ATTEST:

/s/ JUDY C. HERRINGTON, CITY CLERK

The foregoing Ordinance was read, discussed and voted upon in a public meeting, section by section, and as a whole, and whereas a motion was duly made by Alderman

Aldridge~~Dawson~~ and seconded by Alderman Wallace~~Coleman~~, with the following results:

Alderman Mark Aldridge	<u>Aye</u>
Alderman George Collins	<u>Aye</u>
Alderman Dale Dickerson	<u>Aye</u>
Alderman Gil Earhart	<u>Aye</u>
Alderwoman Pat Hamilton	<u>Aye</u>
Alderman Harold Henderson	<u>Aye</u>
Alderman David Wallace	<u>Aye</u>

Alderman Aubrey Coleman	Aye
Alderman George Collins	Aye
Alderman Steven Dawson	Aye
Alderman Richard E. Dlugach	Aye
Alderman George Harrison	Aye

The foregoing Ordinance was passed, adopted and approved on the ~~19th~~-1st day of October~~December~~, 2000~~13~~.

Formatted: Superscript

| /s/ SCOTT B. PHILLIPSSAMUEL P.
RIKARD, MAYOR

ATTEST:

/s/ JUDY C. HERRINGTON, CITY CLERK