

ORDINANCE NO. 317

**AN ORDINANCE TO REGULATE MAXIMUM
VEHICLE WEIGHTS AND LIMITS ON TRUCK
TRAFFIC ON CERTAIN STREETS; TO
ESTABLISH A PENALTY FOR THE VIOLATION
THEREOF; AND, TO FIX THE EFFECTIVE DATE
OF THIS ORDINANCE.**

WHEREAS, it is deemed advisable and advantageous to the citizens of the Town of Mount Carmel, to establish maximum vehicle weights, and, limits on truck traffic on certain streets. Now therefore,

BE IT ORDAINED by the Board of Mayor and Aldermen as follows:

SECTION I. That the Town of Mount Carmel Municipal Code, Title 15, Motor Vehicles, Traffic and Parking, Chapter 1, Miscellaneous, Section 15-123, Maximum Vehicle Weights and Limits on Truck Traffic on Certain Streets, is hereby amended to read as follows:

**Sec 15-123. MAXIMUM TRUCK WEIGHTS AND LIMITS ON TRUCK TRAFFIC
ON CERTAIN STREETS.**

1. A truck is a commercial motor vehicle as defined in *Tenn. Code Ann. §55-50-102(13)(A)*; except as provided in *Tenn. Code Ann. §55-50-102(13)(D)(ii), (iv) and (v)*.
2. A residential street is defined as a municipal street other than Main Street, Hammond Avenue and Independence Avenue.
3. For the purposes of the following restriction, Carters Valley Road (State Highway 346) or US Highway 11-W shall not be considered municipal streets.
4. It shall be unlawful, except as hereinafter permitted, for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved any truck upon a residential street; except that the aforesaid restriction shall not apply where it is necessary to make deliveries of goods, merchandise or other articles to a residential property located on a residential street.
5. The Chief of Police is authorized to install regulatory signs indicating the prohibition of truck traffic stated herein at the entrance to major

residential areas and such other locations as may be designated by Resolution.

6. It shall further be unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved any truck which by reason of such truck's weight or the character of its wheels or track is likely to damage the surface or foundation of any residential street.
7. The use of residential streets by such trucks which results in damage to a residential street shall be an unreasonable and negligent use for which the owner of such truck shall be liable for damages caused thereby.
8. Any police officer having reason to believe that the weight of a vehicle exceeds the limitation established in this section, is authorized to require the operator to stop and show evidence of the Manufacturer's Gross Vehicle Weight Rating of that vehicle.

SECTION II. That the violation of any provision of this ordinance shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation.

SECTION III. That this ordinance shall take effect from and after its date of passage, as the law directs, the public welfare of the Town of Mount Carmel demanding it.

Gary W. Lawson, Mayor

ATTEST:

Nancy Carter, Recorder

Passed First Reading

Passed Second Reading

Published On _____

*passed 8-22-06 (1 abstain)
- failed - 2-27-07 - (4 no - 1 abstain)*