

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING CHAPTER 71, "TRUCK RULES", SECTION 71.05, "RESTRICTIONS ON TRUCK USE OF STREETS" OF THE CITY OF PEMBROKE PINES CODE OF ORDINANCES; TO PROVIDE FOR THE ABILITY OF THE CITY COMMISSION, BY RESOLUTION, TO PROHIBIT THRU-TRUCK TRAFFIC ON DESIGNATED PUBLIC RIGHTS-OF-WAY IN THE CITY OF PEMBROKE PINES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Pembroke Pines ("City") finds that the use of certain streets by trucks, as defined under the Florida Uniform Traffic Control Law can cause hazardous conditions for other vehicles, drivers, and pedestrians; and

WHEREAS, the City of Pembroke Pines desires to provide a mechanism whereby the City Commission, through the adoption of a resolution, can prohibit thru-truck traffic on certain rights-of-way within the City; and

WHEREAS, the City Commission finds that it serves the public interest by prohibiting thru-truck traffic on streets and roads which are unsuitable for such traffic by reason of their construction, or by reason of the character and nature of abutting property, where reasonably adequate alternative truck routes exist.; and

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WHEREAS, the City Commission finds that the provisions of this Ordinance, and the ability to prohibit thru-truck traffic on certain rights-of-way within the City promotes the public health, safety and welfare; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THAT:

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified as true and correct, and incorporated herein by this reference.

SECTION 2. That Chapter 71, “Truck Rules”, Section 71.05, “Restrictions on Truck Use of Streets,” of the City of Pembroke Pines Code of Ordinances, be, and the same is hereby amended to read as follows:

CHAPTER 71.05: RESTRICTIONS ON TRUCK USE OF STREETS

§ 71.05 RESTRICTIONS ON TRUCK USE OF STREETS.

~~(A) For the purpose of this section the following definition shall apply unless the context clearly indicates or requires a different meaning.~~

~~(1) **TRUCK.** Any vehicle with two or more axles used primarily for the purpose of transporting materials and products.~~

(A) Authority and Purpose. This section is ordained pursuant to authority granted under the Florida Uniform Traffic Control Law. The purpose of this section is to

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promote the public health, safety and welfare by prohibiting thru-truck traffic on streets and roads which are unsuitable for such traffic by reason of their construction or by reason of the character and nature of abutting property, where reasonably adequate alternative truck routes exist.

(B) Definitions.

(1) Truck means a truck as defined in the Florida Uniform Traffic Control Law.

(2) No-thru-truck zone means a street or road, or segment thereof, on which trucks are prohibited, except trucks traveling to or from a place abutting the zone, which place would otherwise be inaccessible by truck.

(C) Establishment of Zones. No-thru-truck zones shall be established by the City Commission, through the adoption of a Resolution designating the specific right-of-way on which thru-truck traffic shall be prohibited, and where signs shall be posted as provided for in subsection (E) of this section.

(D) Considerations and Guidelines. The City Commission may establish a no-thru-truck zone if one (1) or more of the following conditions exists; however, a no-thru-truck zone shall not be established unless truck traffic that would otherwise travel through the zone has an alternate route available:

(1) Traffic lanes are less than twelve (12) feet wide.

(2) The street or road cannot adequately carry truck traffic because of damage to the surface or to abutting structures.

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(3) Land use on both sides of the street or road is predominantly residential.

(E) *Signing.* No-thru truck zones shall be signed at the beginning and end thereof, and at other places as the City may determine to be necessary, in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways published by the U.S. Department of Transportation, Federal Highway Administration.

(F) *Prohibition.* It is unlawful for any person to drive a truck in a no-thru-truck zone, unless the driving of such truck is within the exception specified in the definition of "no-thru-truck" zone in subsection (b) of this section.

(G) *Prohibition; exception.* It shall be unlawful to operate any truck along Douglas Road, Hiatus Road, or Palm Avenue in the city, unless the truck is being used for the conducting of business in the city, including, but not limited to, use in transporting construction materials to sites within the city or moving vans. The City shall have the right to erect signs along Douglas Road, Hiatus Road, and Palm Avenue for the purposes of informing truck drivers of the restriction and the enforcement of the restriction.

(H) *Penalty.* Violation of this article shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof, and upon conviction shall be punished by a fine not to exceed that allowed by law or by imprisonment in the county jail not to exceed that allowed

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by law or by both such fine and imprisonment.

~~(B) Prohibition; exception. It shall be unlawful to operate any truck along Douglas Road, Hiatus Road, or Palm Avenue in the city, unless the truck is being used for the conducting of business in the city, including, but not limited to, use in transporting construction materials to sites within the city or moving vans.~~

~~(C) Fines. The city shall have the right to erect signs along Douglas Road, Hiatus Road, and Palm Avenue for the purposes of informing truck drivers of the restriction and the enforcement of the restriction.~~

SECTION 3. It is the intention of the City Commission of the City of Pembroke Pines that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Pembroke Pines, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

SECTION 4. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

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SECTION 5. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

SECTION 6. This Ordinance shall become effective immediately upon its passage and adoption.

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PROPOSED ORDINANCE NO. 2018-~~17~~17

ORDINANCE NO. _____

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS ____ DAY OF
_____, 2018.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS
____ DAY OF _____, 2018.

CITY OF PEMBROKE PINES, FLORIDA

By: _____

ATTEST:

MAYOR FRANK C. ORTIS

MARLENE GRAHAM, CITY CLERK

ORTIS _____

APPROVED AS TO FORM:

GOOD _____

CASTILLO _____

SCHWARTZ _____

OFFICE OF THE CITY ATTORNEY

SIPLE _____

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