



ORDINANCE NO. 2022-02

AN ORDINANCE PROHIBITING CERTAIN TRUCK TRAFFIC ON CERTAIN PUBLIC STREETS IN THE TOWN OF MAGNOLIA SPRINGS, DECLARING VIOLATIONS TO BE UNLAWFUL; PROVIDING PUNISHMENT FOR VIOLATORS; AND MAKING EXCEPTIONS

WHEREAS, the Magnolia Springs Town Council ("Council") has determined that certain trucks traveling upon Magnolia Springs Highway north of County Road 26 and South of Gates Avenue in the Town of Magnolia Springs, by reason of their weight or length, are causing public property damage, public inconvenience and deterioration of public streets and bridges; and

WHEREAS, Section 32-1-3, Code of Alabama, 1975, permits the Council to pass an ordinance prohibiting the operation of certain trucks on public ways which are under the jurisdiction of the Town of Magnolia Springs; and

WHEREAS, the Council specifically finds that protection of public infrastructure, as well as public safety and convenience, require that certain trucks be prohibited on Magnolia Springs Highway north of County Road 26 and South of Gates Avenue in the Town of Magnolia Springs.

NOW, THEREFORE, be it RESOLVED by the Town Council of the Town of Magnolia Springs, Alabama as follows:

1. a. The following words and phrases when used in this Ordinance shall have the following meanings:

i. Designated Area: That portion of Magnolia Springs Highway north of County Road 26 and South of Gates Avenue in the Town of Magnolia Springs.

ii. Truck: Any commercial vehicle of three (3) or more axles, or three (3) or more axles if truck and trailer combination, having no delivery or pick-up destination inside the Designated Area, or which does not have a home base of a licensed place of business inside the Designated Area, and/or which does not have a legitimate business purpose in the Designated Area.

2. A violation of this ordinance shall be an offense against the Town of Magnolia Springs. Upon conviction for a first violation, the driver of the vehicle shall be subject to a fine of one hundred (\$100.00), plus court costs, or a jail penalty not to exceed five (5) days, or by any combination of such fine, costs or jail sentence. Upon conviction for a second or subsequent violation, the driver of the vehicle shall be subject to a fine of two hundred fifty dollars (\$250.00) plus court costs, or a jail penalty not to exceed five (5) days, or by any combination of such fine, costs or jail sentence.

3. This ordinance shall not be applicable to any State highway.

4. This ordinance shall be effective upon its adoption by the Council. The placement of appropriate signage as required by Section 32-1-3, Code of Alabama, 1975 shall be done at the direction of the Town Council. As provided by law, no person shall be guilty of a violation of this ordinance if appropriate signage is not posted. A sign marked "No Trucks," "Trucks Prohibited" or otherwise in such a manner as to indicate truck traffic is prohibited within the Designated Area shall be deemed appropriate signage.

5. All Ordinances or parts of ordinances heretofore adopted by the Town Council of the Town of Magnolia Springs, Alabama, that are inconsistent with the provisions of this Ordinance are hereby expressly repealed.

6. If any part, section, or subdivision of this Ordinance shall be held unconstitutional, invalid, or noncompliant with applicable federal or state laws, orders, or resolutions, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect.

DONE this 23rd day of August 2022.


KIM KONIAR
Mayor

ATTEST:


HANNAH DRISKELL
Town Clerk

Town of Magnolia Springs, Alabama, certificate of publication. This is to certify that Ordinance No. 2022-03, Town of Magnolia Springs, Alabama, was published by posting on at least three (3) bulletin boards in the Town from August 24, 2022, to September 24, 2022.


Hannah Driskell- Town Clerk