

Sponsor: Councilman DeFeo
First Reading: 07/02/12
Second Reading: waived
Third Reading: 07/16/12
Ord. No.: 007-12

AN ORDINANCE TO AMEND CHAPTER 66, ARTICLE III, SECTION 66 106.5
("TRAFFIC AND VEHICLES – STOPPING, STANDING, AND PARKING –
PARKING OF TRUCKS AND OTHER HEAVY EQUIPMENT") OF THE TOWN
CODE OF THE TOWN OF SMYRNA TO REVISE THE DEFINITION OF
"COMMERCIAL VEHICLE" FOR PURPOSES OF PARKING ON TOWN STREETS

WHEREAS, Section 66 106.5 of the Town Code presently prohibits the parking of any truck, mobile heavy construction equipment, or "other vehicle licensed by this state or any other state as a commercial vehicle in excess of one ton on any public street, road, alley, or way" subject to certain exceptions as provided therein;

WHEREAS, the Public Safety Committee has reviewed Section 66 106.5 in light of state statutes and has concluded that the Town definition is outdated, should be revised, and has made a recommendation to the Town Council regarding a revised definition;

WHEREAS, after considering the recommendation of the Public Safety Committee and consulting with the Chief of Police, the Town Council concurs with the Committee's recommendation;

BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that Chapter 66, Article III, Section 66 106.5 ("Traffic and Vehicles – Stopping, Standing, and Parking – Parking of Trucks and Other Heavy Equipment") of the Town Code of the Town of Smyrna be and hereby is amended as follows:

Section 1. Amend Section 66 106.5 ("Parking of trucks and other heavy equipment"), subsection

(a) by deleting the words "...truck, mobile heavy construction equipment or other vehicles licensed by this state or any other state as a commercial vehicle in excess of one ton..." and inserting in place thereof the words "...truck, mobile heavy construction equipment, or any other vehicle licensed by this state or any other state as a commercial vehicle where such commercial vehicle is: (i) in excess of 14,900 pounds, or (ii) having in excess of two axels, or (c) designed, modified, or operated to carry 15 or more passengers..." so that the first sentence of subsection

(a) shall read in full as follows:

"No person shall park or allow to remain parked any truck, mobile heavy construction equipment, or any other vehicle licensed by this state or any other state as a commercial vehicle where such commercial vehicle is: (i) in excess of 14,900 pounds, or

(ii) having in excess of two axels, or (c) designed, modified, or operated to carry 15 or more passengers on any public street, road, alley, or way within the limits of the town except as provided in subsequent sections of this division.”

SYNOPSIS

This ordinance amends Chapter 66, Article III, Section 66 106.5 (“Traffic and Vehicles – Stopping, Standing, and Parking – Parking of Trucks and Other Heavy Equipment”) to revise the definition of a “commercial vehicle” prohibited from parking on town streets, alleys, and ways to include only those which exceed any one or more of three conditions: (1) curb weight exceeding 14,900 pounds; (2) axels exceeding two; or (3) designed, modified, or operated to carry in excess of 15 passengers.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on _____, 2012.

ATTEST:

Council Secretary

Mayor

This shall certify that the title and synopsis of this Ordinance was published in “The Smyrna/Clayton Sun Times” on _____, 2012 and posted at the Town Hall on _____, 2012.

So Certifies:

Town Clerk

This shall certify that the title, effective date and synopsis of this Ordinance was published in “The Smyrna/Clayton Sun Times” on _____, 2012 and posted at the Town Hall on _____, 2012.

So Certifies:

Town Manager