

ORDINANCE NUMBER \_\_\_\_\_

**AN ORDINANCE TO REGULATE THE USE OF ROADS, HIGHWAYS, AND STREETS IN THE CITY OF HATTIESBURG BY COMMERCIAL TRUCKS, AND TO DESIGNATE ROUTES ON WHICH COMMERCIAL TRUCK TRAFFIC IS PERMITTED; ~~REPEALING ORDINANCE NUMBER 2830, ADOPTED AUGUST 19, 2003, AND AMENDING ORDINANCE NUMBER 2721, ADOPTED MAY 2, 2000~~ REPEALING ORDINANCE NUMBER 3060, ADOPTED DECEMBER 7, 2010, AND ALL PRIOR ORDINANCES IN CONFLICT HERewith, WHICH SHALL REMAIN IN EFFECT UNTIL THE EFFECTIVE DATE OF THE INSTANT ORDINANCE**

An Ordinance to regulate the use of roads, highways, and streets in the CITY OF HATTIESBURG by commercial trucks, and to designate routes on which commercial truck traffic is permitted; repealing Ordinance Number ~~2830, adopted August 19, 2003, and amending Ordinance Number 2721, adopted May 2, 2000~~ 3060, adopted December 7, 2010, and all prior ordinances in conflict herewith.

THE CITY OF HATTIESBURG, MISSISSIPPI, ORDAINS:

**Sec. 1 TITLE**

This Ordinance shall be known and referred to as the “City of Hattiesburg Truck Route Ordinance”.

**Sec. 2 LEGISLATIVE FINDINGS**

The City Council of the City of Hattiesburg hereby determines that it is necessary for the public health, safety, and welfare to designate certain streets, roads, or highways located in the City as appropriate for use by commercial trucks in route to various destinations in the City or in neighboring municipalities. In recent years the metropolitan area of the City of Hattiesburg has experienced significant growth in the volume of commercial truck traffic and, as a result, has received an increasing number of complaints from residents of certain areas in the City through which the commercial truck traffic passes en route to various industrial or commercial enterprises located in the City or in neighboring municipalities.

**Sec. 3 RESTRICTION ON COMMERCIAL TRUCK TRAFFIC**

It is unlawful for any person, firm, or corporation to operate or cause to be operated a commercial truck, as hereinafter defined, on any street, road, public right-of-way, or highway unless that route has been designated by this Ordinance as one on which commercial truck traffic is permitted.

**Sec. 4 DEFINITION, COMMERCIAL TRUCK**

As used herein, the words “commercial truck” shall mean any motor vehicle ~~constructed or used or combination of vehicles, with a manufacturer’s Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more (corresponding to Federal vehicle weight Class 7 or higher), or any motor vehicle with four (4) or more axles regardless of GVWR,~~ that is constructed or used for the transportation of commodities, merchandise, produce, freight, animals, goods, wares, raw materials, or materials which have been processed although the manufacturing process has not been completed or there are other steps to be completed in the manufacturing process.

~~For purposes of this definition, the GVWR of a combination vehicle shall be calculated as the combined GVWR of the towing unit and all towed units. A towing unit that would not independently meet the 26,001-pound threshold shall nonetheless be considered a commercial truck when operated as part of a combination vehicle who’s aggregate GVWR meets or exceeds 26,001 pounds.~~

~~Vehicle classifications referenced in this Ordinance correspond to the Federal Highway Administration (FHWA) 13-class vehicle classification system. A reference guide illustrating FHWA vehicle classes is attached hereto as Exhibit A for general reference.~~

~~The FHWA 13-class vehicle classification chart attached as Exhibit A is provided for general reference purposes only. The operative threshold for determining whether a vehicle constitutes a commercial truck under this Ordinance is the manufacturer’s Gross Vehicle Weight Rating (GVWR) as stamped on the vehicle’s door placard. Where a vehicle’s GVWR meets or exceeds 26,001 pounds, it is subject to this Ordinance regardless of its axle count or configuration as depicted in the classification chart.~~

~~Any motor vehicle for which a manufacturer’s GVWR rating is not legibly displayed on the vehicle shall be presumed to meet or exceed the applicable threshold if the vehicle has three (3) or more axles or otherwise presents the physical characteristics of a Class 7 or higher vehicle, as determined by the responding law enforcement officer.~~

The words “commercial truck” does not include the following:

1. ~~Fire truck~~ Fire trucks and all apparatus classified as emergency response vehicles by the Hattiesburg Fire Department;
2. ~~All emergency vehicles~~ All other emergency vehicles operating in performance of an emergency function;
3. ~~Motor home~~ Motor homes and recreational vehicles as defined under Miss. Code §63-21-3;
4. Farm tractors and equipment operated in connection with agricultural activity;
5. ~~Utility service vehicles or vehicles used for construction in the City while in performance of that work~~ Utility service vehicles owned or operated by a public utility regulated under Miss. Code §77-3-1 et seq., or bearing the official insignia or marking of such a utility, while in direct performance of utility installation, maintenance, repair, or emergency restoration work within the City; and contractors or subcontractors performing such work on behalf of a regulated utility or the City, provided such vehicles display or carry documentation of the applicable utility service agreement or City work order upon request;
6. Road construction and maintenance equipment being actively used for projects located within the City;
7. ~~Private automobiles and pickup trucks~~ Private automobiles and pickup trucks with a manufacturer’s GVWR of less than 26,001 pounds;
8. ~~All vehicles owned and operated by the City of Hattiesburg, or being used for contract work for the City of Hattiesburg~~(a) All vehicles owned and operated by the City of Hattiesburg while engaged in the performance of City functions; and (b) Vehicles operating under a written contract with the City of Hattiesburg for the provision of City services, provided that such vehicles shall operate only upon routes designated in a current Contractor Route Authorization. The City’s Traffic Committee may recommend the issuance, modification, or revocation of a Contractor Route Authorization at any time, independent of the underlying service contract, subject to the joint written concurrence of the Chief Administrative Officer, Chief of Police, and City Engineer. Such authorization shall be based upon public infrastructure construction, utility restoration, municipal operational necessity, or other governmental service-related activities requiring route access not otherwise available on the designated truck route network. Deviation from a designated contractor route, as indicated in the authorized Ordinance, shall constitute a violation of this Ordinance.

#### **Sec. 5 EXCEPTION, LOCAL DELIVERIES**

A commercial truck may use or travel upon a street, road, public right-of-way, or highway ~~even though it has been designated by the City as one on which commercial traffic is prohibited~~ designated as a prohibited route if the ~~truck~~ vehicle is traveling to a ~~business specific~~ business or residence for the purpose of delivering or picking up goods, wares, or merchandise, or for the purpose of providing services at ~~the business or residence upon arrival~~ that location, subject to the following conditions:

- (a) The vehicle shall enter the prohibited route at the nearest available designated truck route to the delivery or service destination, proceed by the most direct path to that destination, and return to a designated truck route by the shortest available path immediately upon completion of the pickup, delivery, or service call;
- (b) The driver of a commercial truck using this exception shall have on their person, or accessible within the vehicle, a delivery manifest, work ticket, purchase order, or similar documentation identifying the specific delivery or service destination. Such documentation shall be made available to any law enforcement officer upon request; failure to produce acceptable documentation shall constitute a violation of this Ordinance; and
- (c) This exception shall not be construed to permit the use of a prohibited route as a through-route or as a means of avoiding a designated truck route; and
- (d) This exception shall not be available to commercial trucks with a manufacturer’s GVWR of 33,001 pounds or more (Class 8 or higher) on any residential street. Such vehicles may only travel on a prohibited residential street pursuant to a Contractor Route Authorization issued under Sec. 4, Item 8(b), or a special permit issued pursuant to Sec. 9.

#### **Sec. 6 EXCEPTION, LEAVING OR RETURNING TO HOME OR PLACE OF BUSINESS**

Nothing herein ~~contained~~ shall prevent a commercial truck from leaving or returning to its customary storage location at a commercial or industrial location ~~in the City which is located~~ situated along a ~~route on which commercial traffic has been prohibited~~ prohibited route, provided that ~~the most direct route to and from a non-prohibited truck route is utilized, as determined by the City Engineer:~~

- (a) The driver utilizes the most direct available path between the storage location and the nearest designated truck route; and

(b) This exception applies only to travel directly to or from the customary storage location and does not permit use of prohibited routes for any other purpose.

## Sec. 7 DESIGNATED TRUCK ROUTES

Commercial trucks shall be operated ~~upon~~ on the following routes in the City only except as otherwise provided in this Ordinance:

1. ~~Highway 49~~U.S. Highway 49, within the full extent of the City limits.
2. ~~James Boykin Drive (Old Highway 42)~~ Old Highway 42 (also known as James Boykin Memorial Drive), from U.S. Highway 49 to the City limits.
3. Interstate 59, within the full extent of the City limits.
4. ~~Highway 98/Highway 198, from western City limits to Highway 49~~U.S. Highway 98 (also known as Hardy Street), from the western City limits to U.S. Highway 49. The portion of this corridor designated as Mississippi Highway 198 shall be identified by its MDOT designation where applicable.
5. ~~Highway 11, from southern City limits to Highway 49~~U.S. Highway 11 (also known as Veterans Memorial Drive from Interstate 59 to W.S.F. Tatum Drive, and Broadway Drive from W.S.F. Tatum Drive northbound), from the southern City limits to the U.S. Highway 49 interchange.
6. James Street, from U.S. Highway 98 to ~~its full extent within the City limits~~ Edwards Street.
7. Edwards Street, from U.S. Highway 49 to its full extent within the City limits.
8. ~~John Merle Tatum Industrial Drive~~ JM Tatum Industrial Drive, from James Street to U.S. Highway 49.  
~~Old Airport Road, from John Merle Tatum Industrial Drive to James Street.~~
9. W.L. Runnels Industrial Drive, from U.S. Highway 98 to JM Tatum Industrial Drive.
10. ~~Old U.S. Highway 98, from Highway 98 to Highway 49~~ Old U.S. Highway 98, from U.S. Highway 98 to U.S. Highway 49.
11. Bouie Street (also known as Gordon Street for a portion of its length), within the full extent of the City limits, connecting to Old Highway 42.

The routes designated in this Section may be permanently amended only by ordinance of the City Council. The City's Traffic Committee may recommend temporary or minor modifications to designated truck routes, including temporary reroutes necessitated by construction, infrastructure repair, or emergency conditions. Such recommendations shall take effect upon the joint written concurrence of the Chief Administrative Officer, Chief of Police, and City Engineer, and shall not exceed a period of one hundred eighty (180) days without Council review. Notice of any temporary modification shall be provided to the Hattiesburg Police Department prior to implementation.

## Sec. 8 SIGNS, POSTING

~~The City shall cause all routes designated as truck routes to be posted.~~ The City shall cause all locally maintained designated truck routes to be posted with appropriate signage in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) as adopted by the Mississippi Department of Transportation, providing notice of permitted truck routes and directing commercial truck traffic accordingly. Signage on routes maintained by MDOT shall be the responsibility of MDOT in accordance with state highway standards and procedures. For temporary route modifications authorized pursuant to Sec. 7, the Hattiesburg Police Department shall be notified of any approved modification and shall enforce accordingly. Where a temporary modification requires an escort, the escort shall serve as sufficient notice for the duration of that movement.

## Sec. 9 SPECIAL PERMITS

The Hattiesburg Police Department shall have authority to grant a written permit in special cases that would otherwise be in violation of the provisions of this Ordinance. Such permits, ~~however, shall not be given for more than one (1) round trip, and in no case shall a permit be valid for a period longer than ten (10) days from the date of issue~~ shall authorize one (1) round trip, or a single coordinated movement of multiple vehicles operated by the same entity, on a specified route. The ten (10) day validity period from the date of issue provides scheduling flexibility for the single authorized trip or movement; it does not authorize repeated or recurring use of a prohibited route. Said permit shall describe the vehicle or vehicles covered, the time and dates of travel, and the route to be taken by the vehicle. ~~The fee for such special permits shall not exceed \$50.00.~~ The fee for special permits issued pursuant to this section shall be established by the City's duly adopted fee schedule, as may be amended from time to time. It is the intention of this provision to provide for bona fide use of commercial vehicles and trucks outside of the truck routes where the necessity and practicality of a situation dictate a proper exception to the application of the Ordinance.

### **Sec. 9.1 STATE OVERSIZE/OVERWEIGHT PERMIT INTERACTION**

Nothing in this Ordinance shall be construed to supersede the requirements of any oversize or overweight permit issued by the Mississippi Department of Transportation (MDOT) pursuant to Miss. Code §63-5-33 or related statutes. However, a state-issued oversize or overweight permit does not independently authorize travel on streets within the City of Hattiesburg that are not designated as truck routes under this Ordinance, unless the permitted route as specified in the state permit expressly includes such streets.

Carriers operating under a state oversize or overweight permit on a non-designated route within the City shall notify the Hattiesburg Police Department prior to such movement. The Hattiesburg Police Department may coordinate with MDOT and the City Engineer to establish conditions for the movement, including escort requirements, time-of-day restrictions, or alternate routing, consistent with both the state permit and this Ordinance.

Nothing in this Section shall be construed to require a separate City special permit pursuant to Sec. 9 for movements already authorized by a valid state oversize or overweight permit, provided the carrier complies with the notification requirement of this Section.

### **Sec. 10 VIOLATIONS**

Any ~~person, firm, or corporation~~ violating person violating the provisions of this Ordinance shall be guilty of a misdemeanor. Each instance of travel on a restricted route shall constitute a violation of this Ordinance. The fine for a violation of this Ordinance shall be not less than two hundred fifty dollars (\$250.00). Increased criminal fines may be imposed for repeated violations of this Ordinance by a person, firm, or corporation. A “repeat violation” of this Ordinance is a second or subsequent violation committed by a person, ~~firm, or corporation~~ within ~~six months~~ one year of a prior violation of this Ordinance, and for which the person, ~~firm, or corporation~~, admits responsibility or is determined to be responsible, ~~calculation of repeat violations shall be measured by the date of violation, and not by the date of any official adjudication.~~ The sanction for a violation of this Ordinance which is a first repeat violation shall be a fine of not less than five hundred dollars (\$500.00), plus assessments and/or 30 days in jail. The fine for a violation of this Ordinance which is a second or subsequent repeat violation shall be a fine of not less than one thousand dollars (\$1,000.00), plus assessments and/or 60 days in jail. Citations for violation of this Ordinance shall be issued by any law enforcement officer of the City of Hattiesburg.

### **Sec. 11 SEVERABILITY**

This Ordinance and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged to be unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby.

### **Sec. 12 REPEAL**



































All Ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance, as of the effective date of this Ordinance, are hereby repealed to the extent of such conflict, except that terms defined herein for the purpose of interpretation, administration, and enforcement of this Ordinance will in no way, manner, or form repeal, modify, or otherwise change the definition of any such terms as used in other Ordinances of the City of Hattiesburg.

### **Sec. 13 EFFECTIVE DATE**

This Ordinance is ordered to take effect thirty (30) days from and after passage as provided by law.

## **EXHIBIT A**

### **FHWA Vehicle Classification Reference Guide**

<b>Class 1</b> Motorcycles		<b>Class 7</b> Four or more axle, single unit	
<b>Class 2</b> Passenger cars		<b>Class 8</b> Four or less axle, single trailer	
			
			
			
<b>Class 3</b> Four tire, single unit		<b>Class 9</b> 5-Axle tractor semitrailer	
			
			
<b>Class 4</b> Buses		<b>Class 10</b> Six or more axle, single trailer	
			
		<b>Class 11</b> Five or less axle, multi trailer	
<b>Class 5</b> Two axle, six tire, single unit		<b>Class 12</b> Six axle, multi-trailer	
			
		<b>Class 13</b> Seven or more axle, multi-trailer	
<b>Class 6</b> Three axle, single unit			
			
			

**EXHIBIT B**  
Permitted Truck Routes

# City of Hattiesburg Designated Truck Routes

