



**NOTICE
OF
PUBLIC HEARING**



Bellbrook

**City Council
Public Hearing**

Monday March 24, 2025 7:00 pm
City Council Chambers 15 E. Franklin Street

**There will be an open Public Hearing by the Bellbrook
City Council regarding Ordinance No.2025-O-02**

A Public Hearing will be held by Bellbrook City Council, regarding Ordinance No.2025-O-02

Ordinance No. 2025-O-02

REPEALING IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 440 "COMMERCIAL AND HEAVY VEHICLES" OF TITLE SIX "VEHICLES AND OPERATION" OF PART FOUR "TRAFFIC CODE" OF THE BELLBROOK MUNICIPAL CODE

Monday March 10, 2025 7:00 pm in the Council Chambers 15 E. Franklin Street.
The public is welcome to attend or send comments to the Clerk of Council at clerk@cityofbellbrook.org. A copy of the Ordinance is attached.

Agenda and additional meeting information available at www.cityofbellbrook.org

Posted 3/11/2025

RECORD OF ORDINANCES

Ordinance No. 2025-O-02

March 24, 2025

City of Bellbrook State of Ohio

Ordinance No. 2025-O-02

REPEALING IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 440 “COMMERCIAL AND HEAVY VEHICLES” OF TITLE SIX “VEHICLES AND OPERATION” OF PART FOUR “TRAFFIC CODE” OF THE BELLBROOK MUNICIPAL CODE

WHEREAS, Article XVIII, Section 3 of the Constitution of the State of Ohio grants municipalities the authority to exercise all powers of local self-government and to enact and enforce local police, sanitary, and other similar regulations that are not in conflict with the general laws; and

WHEREAS, municipal corporations have broad powers and duties with respect to the streets and highways within their limits; and

WHEREAS, the City of Bellbrook previously adopted ordinances relating to commercial and heavy vehicles which have been codified under Chapter 440 of the Bellbrook Municipal Code; and

WHEREAS, The City is primarily a residential community with industrial uses and commercial uses limits of less than 5% of the City; and

WHEREAS, Council has found that commercial and heavy vehicle traffic creates dust, noise, soot, pollution, traffic congestion and road damage that disturb the peace, safety and tranquility of the residents and residential nature of the City; and

WHEREAS, North Main Street and South Main Street were originally designated as traffic routes in 1983; and

WHEREAS, since 1983 much of North Main Street and South Main Street have been developed with multiple new residential neighborhoods that front or have their primary ingress and egress through North and South Main Streets; and

WHEREAS, North Main Street and South Main Street have become primarily residential streets in the primarily residential community of Bellbrook;

WHEREAS, traffic counts reveal that more than three hundred (300) commercial and heavy vehicles traverse North Main Street and South Main Street per day; and

WHEREAS, the residential character of North Main Street and South Main Street and primarily residential uses adjacent to North Main Street and South Main Street are inconsistent with commercial and heavy vehicle traffic; and

WHEREAS, the commercial and heavy vehicle traffic has been increasing and present public safety concerns for the primarily residential traffic on North Main Street and South Main Street; and

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WHEREAS, there are multiple State Routes and interstate highways suitable for commercial and heavy vehicles outside of the City of Bellbrook within Greene County and permissible truck routes such as Franklin Street and Wilmington Pike within the City of Bellbrook that permit intrastate travel without the need for North Main Street and South Main Street to be truck routes;

WHEREAS, Council finds, the placing of restrictions on North Main Street and South Main Street will not discriminate between local and through traffic as all commercial and heavy vehicles are subject to the same regulations and must follow designated truck routes in order to reach their destinations, even when they intend to discharge cargo in the City; and

WHEREAS, Council finds further, the placing of restrictions on North Main Street and South Main Street will not discriminate between local and through traffic because if a destination for commercial and heavy vehicles is located on a street not designated as a designated truck route, commercial and heavy vehicles must still use designated routes to reach such streets; and

WHEREAS, City Council wishes to repeal in its entirety and enact a new Chapter 440 “Commercial and Heavy Vehicles” of Title Six “Vehicles and Operation” of Part Four “Traffic Code” of the Bellbrook Municipal Code.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. Chapter 440 “Commercial and Heavy Vehicles” of Title Six “Vehicles and Operation” of Part Four “Traffic Code” of the Bellbrook Municipal Code is hereby repealed in its entirety and newly enacted as set forth in Exhibit A, which is attached hereto and incorporated herein by reference, with deletions shown by ~~strike through~~ and additions shown by **bold** and underlined.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

PASSED BY City Council this ____ day of ____ 2025.

____ Yeas; ____ Nays.

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council

APPROVED AS TO FORM:

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Ordinance No. 2025-O-02

March 24, 2025

Stephen McHugh, Municipal Attorney

CHAPTER 440. COMMERCIAL AND HEAVY VEHICLES

Sec. 440.01 Definitions as used in this Chapter

- (a) **“Commercial Truck” means any motor vehicle that has motor power, weighs more than 10,000 pounds unloaded, and is designed and used for carrying merchandise or freight or materials for commercial use.**
- (b) **“Motor Vehicle” means any vehicle, including motor homes and recreational vehicles, that is propelled or drawn by power other than muscular power.**
- (c) **“Trailer” means any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle that is formed by or operated as a combination of a semitrailer and a vehicle type such as that commonly known as a trailer dolly.**
- (d) **“Truck Route” means a way over certain streets, over and alone which commercial trucks coming and going out of the city must travel.**
- (e) **“Vehicle” means everything on wheels and runners, including motorized bicycles, but does not mean electric personal assistive devices, or low speed micromobility devices.**

Sec. 440.01~~2~~ Load limits.

- (a) *Local thoroughfares.* No person shall drive or operate any **Commercial Truck as defined in Section 402.01** ~~vehicle used for the transportation of goods or property, the gross weight of which, with load, exceeds five tons, upon the streets, highways, bridges and culverts of the Municipality, except on designated and marked truck routes or on state routes. Drivers of such vehicles whose gross weight, with load, exceeds weight limits prescribed by this subsection~~ may deliver or pick up goods or property at places not located on state or truck routes provided such vehicles are only operated by the shortest way possible between the state or truck route and the place of delivery or pick up or as otherwise directed by a police officer.
- (b) *Special permits.* The Chief of Police may, upon application in writing and for good cause shown, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in ORC 5577.05, upon any street or other public place. Any such permit may be issued for a single or round trip or, in special instances, for a certain period of time. The Chief may issue or withhold a permit or, if a permit is issued, may limit or prescribe conditions of operation for a vehicle and require a bond or other security necessary to compensate for any damage to a roadway or road structure. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or other lawful authority. No person shall violate any of the terms of a permit.

(Ord. 71-4, passed 4-12-71; Ord. No. 2016-2 , § 13, 3-14-2016; Ord. No. 2017-2 , § 2, 3-27-2017)

Ordinance 2025-O-02 Exhibit A

Secs. 440.02~~3~~—440.05. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed §§ 440.02—440.05 which pertained to: maximum width, height and length; wheel protectors; vehicles transporting explosives; towing requirements; exception to size and weight restrictions; respectively; and derived from the 1985 Codified Ordinances.

Sec. 440.06 Loads dropping or leaking; tracking mud; removal required.

- (a) No person shall operate any vehicle so as to track mud on any public way or place.
- (b) It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud or permits the load or any portion thereof to be dropped or deposited upon any public way or place to immediately remove the same or cause it to be removed.

(Ord. No. 2016-2 , § 13, 3-14-2016)

Sec. 440.07, 440.08. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed §§ 440.07, 440.08 which pertained to: vehicles with spikes, lugs and chains; occupying travel trailer or manufactured home while in motion; respectively; and derived from the 1985 Codified Ordinances.

Sec. 440.09. Route and load information.

Drivers of vehicles described in this chapter are required, upon request by a police officer, to give full and true information as to the route they are following and the name of the consignor and consignee and place of delivery or removal and the location of any consignment being hauled or goods being removed, and upon a designation by such police officer of a route to be followed, shall immediately adopt and pursue such route.

Sec. 440.10. Shifting load; loose loads.

- (a) In addition to any other lawful requirements of load distribution, no person shall operate any vehicle upon a street or highway unless such vehicle is so laden as to prevent its contents from shifting or otherwise unbalancing the vehicle to such an extent as to interfere with the safe operation of the same.
- (b) No motor vehicle or trailer shall be driven unless the tailboard or tailgate, tarpaulins, chains (except ground or contact chains), ropes, stakes, poles, and the like, or any part of the load, are securely fastened to prevent dangling, flapping, swinging or falling from the side, end or top of the load or body. All projecting cargo shall be properly guarded by a red flag or cloth or a red light or lantern as required by ORC 4513.09, or any substantially equivalent municipal ordinance.

Sec. 440.11. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed § 440.11, which pertained to weighing vehicle, removal of excess load and derived from the 1985 Codified Ordinances.

Ordinance 2025-O-02 Exhibit A

Sec. 440.12. Truck routes.

- (a) *Use by commercial trucks required; exceptions.* Commercial trucks in the City shall be operated only over and along the truck routes established in this section and on other streets over which commercial truck travel is permitted, except as follows:
- (1) *Operation on street of destination.* The operation of commercial trucks upon any street of origin, or where necessary to conduct business at a destination point, provided truck routes are used to or from the nearest intersection to the point of origin or destination, is permitted.
 - ~~(2) *Emergency and public safety vehicles.* The operation of emergency and public safety vehicles upon any street in the City is permitted.~~
 - ~~(3) *Public utilities.* The operation of commercial trucks owned or operated by the City, any public utility or any contractor or materialman, while engaged in the repair, maintenance or construction of streets, street improvements or street utilities in the City, is permitted.~~
 - (4) *Detoured trucks.* The operation of commercial trucks upon any officially established street established as a detour is permitted.
- (b) *Establishment of **Truck** Routes.* There are hereby established in the City the following truck routes (as subject to 440.12(c) of this Section):

(1) Truck Routes for Commercial Trucks with Trailers:

- a. (+) East and West Franklin Street (State Route No. 725);
- ~~(2) South Main Street; ———~~
- ~~(3) North Main Street; and ———~~
- b. (-) Wilmington Pike.

(4) Truck Routes for Commercial Trucks (without trailers):

- a. **East and West Franklin Street (State Route No. 725)**
- b. **Wilmington Pike**
- c. **North Main Street**
- d. **South Main Street As Specified:**
 - i. **North and South bound through and from North Main Street crossing Franklin Street (SR 725)**
 - ii. **No Commercial Vehicle shall be permitted to turn onto South Main Street from East or West Franklin Street (SR. 725)**
 - iii. **No Commercial Vehicle shall be permitted to turn from South Main Street onto West or East Franklin Street (SR 725)**

Ordinance 2025-O-02 Exhibit A

(c) *Truck Traffic in the City.*

(1) *Outside origin; outside destination.* All commercial trucks entering the City from points outside the City and proceeding directly to a destination point outside the City shall operate only over designated truck routes.

(2) *Outside origin; inside destination.*

A. *One inside destination point.* All commercial trucks entering the City for a destination point in the City shall proceed only over an established truck route and shall deviate only at the intersection nearest such destination point. Upon leaving such destination point, a deviating commercial truck shall return to the truck route by the shortest permissible route.

B. *Multiple inside destination points.* All commercial trucks entering the City for multiple destination points shall proceed only over established truck routes and shall deviate only at the intersection nearest to the first destination point. Upon leaving such destination point, a deviating commercial truck shall proceed to other destination points by the shortest and most direct course. Upon leaving the last destination point, a deviating commercial truck shall return to a truck route by the shortest permissible route.

(3) *Inside origin.*

(1) *Outside destination point.* All commercial trucks, on a trip originating in the City and traveling through the City to a destination point outside the City, shall proceed by the shortest and most direct course over streets to a truck route as established in this section.

(2) *Inside destination point.* All commercial trucks, on a trip originating in the City and traveling within the City to a destination point in the City, shall proceed only by the shortest and most direct course.

(d) *Signs.* The **Public Safety Director** ~~Police Chief~~ shall cause all truck routes to be clearly posted to give notice that this section is in effect.

(e) *Compliance required.* No person shall drive a commercial truck over any public street in the City, except upon those streets herein designated as truck routes and except upon streets providing the shortest and most direct course between truck routes and origin or designation points, as herein provided.

(f) *Penalty.* Whoever violates or fails to comply with any of the provisions of this section is guilty of a minor misdemeanor. The penalty shall be as provided in [Section 408.01].

(Ord. 83-5, passed 3-14-83)

Sec. 440.13. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed § 440.13, which pertained to chauffeured limousines and derived from the 1985 Codified Ordinances.

Sec. 440.99. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed § 440.99, which pertained to penalty, and derived from the 1985 Codified Ordinance

South and North Main Street Truck Route Designation for Commercial Trucks Without Trailers



South and North Main Street Truck Route Designation for Commercial Trucks With Trailers

