

## **ARTICLE II. COMMERCIAL MOTOR VEHICLES<sup>1</sup>**

### **Sec. 30-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commercial motor vehicle* means any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle:

- (1) Has a gross vehicle weight rating of 9,000 pounds or more, other than those owned or operated by the town, or a public utility or materialman engaged in the maintenance, repair or construction of public facilities or utilities within the town;
- (2) Is designed to transport more than 15 passengers, including the driver; or
- (3) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act as amended (49 USC 1801 et seq.; now 49 USC 5101—5127).

*Designated roadway* means a public roadway to which commercial motor vehicle traffic is restricted.

*Destination point* means a location at which a commercial motor vehicle will be loaded, unloaded or used to provide a service.

*Deviating commercial motor vehicle* means a commercial motor vehicle which leaves or departs from a roadway designated for commercial motor vehicle traffic while operating inside the town.

*Public transportation bus* means any commercial motor vehicle designed for carrying passengers, which is owned or operated by a governmental entity, and used for the transportation of persons for compensation.

(Code 1978, § 29-19; Ord. No. 9-1999, § I, 4-21-1999)

Cross reference(s)—Definitions generally, § 1-2.

### **Sec. 30-32. Roadways designated for commercial motor vehicle traffic.**

(a) *Designated roadways.* Commercial motor vehicles operating within the corporate limits of the town shall not deviate from the following designated roadways except as provided herein:

- (1) U.S. Highway #1 (State Road 5);
- (2) Prosperity Farms Road;
- (3) Tenth Street;
- (4) Northlake Boulevard;

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<sup>1</sup>State law reference(s)—Authority to prohibit or regulate the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic, F.S. § 316.008(1)(m); commercial motor vehicles, F.S. § 316.302 et seq.

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- (5) Silver Beach Road;
  - (6) Any roadway west of Tenth Street in existence as of the date of the adoption of the ordinance from which this article is derived;
  - (7) Greenbriar Court;
  - (8) Foresteria Drive between Seventh Street and Tenth Street;
  - (9) 700 Service Alley;
  - (10) 800 Service Alley;
  - (11) 900 Service Alley;
  - (12) Extension of Congress Avenue from Blue Heron Boulevard to Northlake Boulevard.
- (b) *Deviations from designated roadway.* Commercial motor vehicles may deviate from a designated roadway only to reach a destination point within the town. Such deviation shall be by way of the shortest route between a destination point and the designated roadway which is closest to that destination point. Upon leaving the destination point, a deviating commercial motor vehicle shall return to the designated roadway from which it came by way of the shortest route thereto.
- (c) *Use of detour routes.* Commercial motor vehicles operating over a roadway which is part of a lawfully established detour route and which is not a designated roadway shall not be deemed to be in violation of this article.

(Code 1978, § 29-20; Ord. No. 9-1999, § I, 4-21-1999)

### **Sec. 30-33. Loading and unloading.**

Merchandise shall not be loaded or unloaded from a commercial motor vehicle in front of any business establishment having rear access by way of a designated service alley, except between the hours of 10:00 p.m. and 6:00 a.m.

(Code 1978, § 29-21; Ord. No. 9-1999, § I, 4-21-1999)

### **Sec. 30-34. Commercial motor vehicle traffic prohibited on Park Avenue.**

- (a) *Generally.* Commercial motor vehicle traffic shall not be operated on Park Avenue.
- (b) *Exception.* Notwithstanding any provision of this Code to the contrary, public transportation buses shall be permitted on Park Avenue.

(Code 1978, § 29-22; Ord. No. 9-1999, § I, 4-21-1999)

### **Sec. 30-35. Parking of commercial vehicles in residential districts.**

- (a) *Purpose and intent.* It is the intent of this section to preserve the character of the residential districts and to preserve the value of the residential property in the town by prohibiting the parking of commercial vehicles in all residential districts. All other town regulations in conflict with the requirements of this section are hereby superseded to the extent that the most stringent shall apply.
- (b) *Definitions.* As used in this section, the following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, unless the context clearly indicates a different meaning:

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*Bus* means any motor vehicle, other than a taxicab, designated or used for public or private transportation of persons or passengers on a fixed route or for a fare.

*Commercial vehicle* means:

- (1) Any motor vehicle identified by the Florida Department of Transportation's (FDOT) latest Commercial Motor Vehicle Manual, which includes a variety of commercial vehicles classified by size, weight and axles used for agricultural, construction, industrial, or other type uses. Any vehicle, or any standard automobile or sport utility vehicle with commercial signage shall also be considered a commercial vehicle.
- (2) Any bus, high-capacity passenger van, step van, truck, truck tractor, or work van; and/or
- (3) Any taxicab.

*Pickup truck* means any motor vehicle designed primarily for the transportation of property with a permanently attached open cargo or utility box not extending above the vehicle roofline. Example (for illustrative purposes only):



*High-capacity passenger van or work van* means a vehicle with normal carrying passenger capacity of more than seven passengers with a linear non-varying roofline extending over the passenger area. A work van is a vehicle used to store work materials and rooftop cargo, with a linear non-varying roofline extending the entire length of the vehicle. Example (for illustrative purposes only):



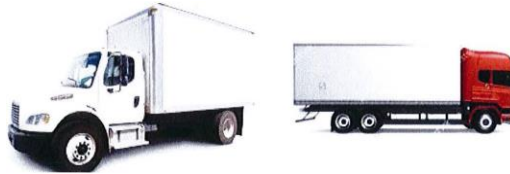
*Step van* means any motor vehicle having a generally rectangular bulk, designed and manufactured primarily as a commercial walk-in delivery or service truck, and characterized by having sufficient headroom for a person five feet in height to stand upright. Example (for illustrative purposes only):



*Taxicab* means any automobile, with company signage or identifiers, used for the transportation of persons for hire. Example (for illustrative purposes only):



*Truck* means any motor vehicle, other than a pickup truck or light van, which is designed primarily for the transportation of property or cargo. Example (for illustrative purposes only):



*Truck tractor* means any motor vehicle, other than a pickup truck, which is designed for or equipped with a fifth wheel hitch for drawing semitrailers. Example (for illustrative purposes only):



- (c) **Commercial vehicles in residential districts—Parking conditions.** Commercial vehicles, with the exception of one taxicab, or high-capacity passenger van or work van, or standard vehicle with equipment or commercial signage as defined herein, shall not be parked, stored or left on any street, right-of-way, swale or alley or on any private property in any residential districts, except that commercial vehicles may be parked or stored in an enclosed garage on private property in a residence district when completely screened from public view.
- (d) **Exceptions from requirements.** The prohibitions of subsection (c) of this section shall not apply to:
- (1) The temporary parking of commercial vehicles on private property or swales in residential areas, provided the operator of such vehicle is actively engaged in commercial activity thereat, i.e., deliveries, lawn maintenance, home repair, construction, etc.
  - (2) A vehicle which becomes disabled, provided, however, any such vehicle shall be removed from the residential areas within 12 hours, by wrecker towing, if necessary, the cost of which shall be at the expense of the owner of the disabled vehicle.
  - (3) A standard automobile, sport utility vehicle, or pickup truck without commercial signage or visible equipment or cargo storage.
  - (4) Police, fire and emergency medical services vehicles.

(Code 1978, § 29-7.1; Ord. No. 10-1991, § 1, 8-7-1991; Ord. No. 15-1991, 10-2-1991; Ord. No. 07-2017, § 2, 6-21-2017)

State law reference(s)—Authority to regulate stopping, standing or parking, F.S. § 316.008(1)(a).

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**Secs. 30-36—30-60. Reserved.**