

BARLING, ARKANSAS

ORDINANCE NO. 141

AN ORDINANCE TO PROTECT THE STREETS  
OF THE CITY OF BARLING  
FROM TRUCK TRAFFIC IN LIMITED AREAS  
AND PRESCRIBING A PENALTY FOR NON-COMPLIANCE THEREWITH  
AND FOR OTHER PURPOSES

WHEREAS, cities are entitled to prevent damage to its streets, pursuant to Arkansas law, and;

WHEREAS, the city streets of the City of Barling, Arkansas, now have a substantial amount of heavy truck traffic, and;

WHEREAS, the city streets of the City of Barling, Arkansas, were not designed for heavy truck traffic on a regular basis, and;

WHEREAS, it is necessary to enact an ordinance to limit excessive loads on the Barling City streets;

BE IT, NOW, ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF BARLING, ARKANSAS, THAT:

SECTION 1: Hereinafter it shall be unlawful for any person or corporation or any of the agents, officers, or employees of any person, or corporation to operate and drive any truck or truck tractor in violation of signs to be posted at various places within the City which state "NO THROUGH TRUCKS".

SECTION 2: "NO THROUGH TRUCKS" signs shall be placed at the Northwest corner of North K and 59 Highway, at the Northeast corner of Highway 22 and H Street, at the Southwest corner of 22nd Street and 22 Highway, at the City limits line on Moody and Painter Roads, at the Northeast corner of Church and Highway 22, at the Northwest corner of Church and Highway 59, and the Southeast corner of D Street and Strozier Lane, the Northeast corner of Highway 22 and North 15th Terrace, and the Northwest corner of "D" Street and Highway 22, and any and all other streets and roads that from time to time the Board of Directors declares should have a similar sign.

SECTION 3: This ordinance shall not be construed to prohibit truck traffic by trucks or truck tractors owned by the City or being used for city purposes pursuant to contractual agreement with the City; to delivery trucks serving the residents of the City; nor to any trucks or truck tractors whose destination is within the City of Barling at the time it is using those streets that have "NO THROUGH TRUCK" signs.

SECTION 4: DEFINITIONS - "Truck", and "truck tractor", "trailer " shall have the same definitions as set out pursuant to Arkansas Statutes 75-103 to-wit:

a. "Truck tractor" shall refer to, "every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn".

b. "Truck" shall include, "every motor vehicle designed and used or maintained primarily for the transportation of property".

c. "Trucks" and "truck tractors" shall not include common "pick-up trucks" whose primary use is for personal, family or household use.

SECTION 4: Any person or corporation violating this ordinance shall be deemed guilty of a class B misdemeanor and upon conviction thereof may be sentenced up to ninety (90) days in jail and/or up to a five hundred dollar (\$500.00) fine.

SECTION 5: This ordinance being necessary to protect the city streets and for the immediate preservation of the public health, peace and safety of this City, an emergency is hereby declared to exist and this ordinance shall go into full force and effect from and after its passage, approval and publication. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: The provisions of this ordinance are hereby declared to be severable and a decision by any court of competent jurisdiction that a provision of this ordinance, or any application thereof, is illegal, invalid or unconstitutional shall not affect the legality, validity or constitutionality of the remaining provisions or applications of this ordinance.

PASSED AND APPROVED this 5<sup>th</sup> day of October, 1982.

APPROVED:

Jimmy Barling  
MAYOR

ATTEST:

Spida Forget  
CITY CLERK