

ORDINANCE NO. 0212

AN ORDINANCE PROHIBITING THE OPERATION OF LARGE TRUCKS, ON CERTAIN STREETS WITHIN THE CITY LIMITS OF THE TOWN OF HORIZON CITY, TEXAS; TO REPEAL ORDINANCE NO. 200, ESTABLISHING TRUCK ROUTES IN THE CITY; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND HEARING; THE PENALTY BEING AS PROVIDED IN SECTION III OF THE ORDINANCE, CREATING A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00.

WHEREAS, on March 12, 2013, the City Council adopted Ordinance No. 200, establishing truck routes in and through the City for the travel of large trucks; and

WHEREAS, the City Council finds that a more effective way to regulate and prohibit large trucks from traveling on streets that have not been constructed for use by large trucks is to eliminate the truck route and designate those specific streets where through truck travel will be prohibited; and

WHEREAS, through the passage of this ordinance, Ordinance No. 200 will be repealed and this Ordinance shall take effect to provide the necessary regulation.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HORIZON CITY, TEXAS, that;

Pursuant to Sections 51.001 and 51.012 of the Texas Local Government Code, the Horizon City Town Council hereby enacts and adopts this ordinance which regulates the travel of certain vehicles within the Town of Horizon City.

SECTION I. DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Large Truck shall mean any vehicle designed, used or maintained primarily for the transport of property or cargo, with a gross weight, registered weight or gross weight rating, as those terms are defined in the Texas Transportation Code, of more than sixteen thousand (16,000) pounds.

Proof of Route shall mean a written verification of pick-ups, deliveries, or destinations, which may include a log book, delivery slip, shipping order, bill or any other document, or information contained in an electronic device which is capable of being shown to any peace officer, which identifies and specifies the date, address, and name of the person requesting or directing the pick-up or delivery and the destination of the pick-up or delivery.

SECTION II. RESTRICTIONS FOR LARGE TRUCKS

A. Large Trucks are prohibited on the following streets (“prohibited streets”):

North Darrington Road, from Horizon Boulevard to Eastlake Boulevard
Ryderwood Drive, from Darrington Road to Ashford Street
Ashford Street, from Ryderwood Drive to Horizon Boulevard
South Kenazo Avenue, from Horizon Boulevard to Darrington Road
Duanesburg Street, from Horizon Boulevard to Golden Eagle Drive
Rodman Street, from Kenazo Avenue to Horizon Boulevard

B. The Director of Public Works or designee shall erect appropriate signs and markings advising motorists of the streets upon which large trucks are prohibited by this Ordinance.

C. No large truck or other commercial motor vehicle, truck, tractor, truck-tractor, trailer, semi-trailer, or other vehicle nor any combination of such vehicles shall be operated over or upon the streets, bridges, or public ways of the city, the total gross weight of which exceeds that permitted a like vehicle on the highways of the State.

SECTION III. VIOLATION – PENALTY – AFFIRMATIVE DEFENSES

A. Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine not to exceed \$500.00.

B. It shall be a defense to prosecution under this Ordinance that:

1. The person was operating the large truck on a prohibited street when that was necessary to load or unload merchandise or cargo at locations on or situated off of a prohibited street, and the operator entered the prohibited street at the intersection nearest the destination of the vehicle and proceeded thereon no farther than the nearest intersection thereafter, and the operator had Proof of Route in his possession and showed it to any police officer upon the request of the police officer.

2. The person was operating the large truck on a prohibited street when that was necessary to reach a truck terminal or property owned or leased by the person where the person is able to legally park the large truck, and the operator entered the prohibited street at the intersection

nearest the destination of the vehicle and proceeded thereon no farther than the nearest intersection thereafter, and the operator had documentation regarding the destination in his possession and showed it to any police officer upon the request of the police officer or the destination was the address listed on the operator's driver's license.

3. The large truck was being operated as an emergency vehicle in response to an emergency call.

4. The large truck was being operated by a governmental entity or public utility for the purpose of inspecting the facilities of such governmental entity or public utility or providing construction of or maintenance services to the facilities.

SECTION IV. FINDINGS OF FACT

That this ordinance was duly enacted with all requisites and formalities incident thereto the enactment of ordinance, and such is evidenced by the signatures below; and further that the foregoing recitals are incorporated into this ordinance by reference as findings of fact as if expressly set forth herein.

SECTION V. REPEAL OF ORDINANCE NO. 200

That Ordinance No. 200 of the Town of Horizon City, An Ordinance Regulating the Permissible Routes of Large Trucks and Other Vehicles Within the City Limits of the Town of Horizon City, Texas; and Providing for the Following: Findings of Fact, Repealer; Severability; Effective Date; Proper Notice and Hearing; The Penalty Being as Provided in Section III of the Ordinance, is hereby repealed in its entirety.

SECTION VI. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the effect of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SECTION VII. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.


SECTION VIII. PROPER NOTICE AND MEETING

It is officially found and determined that the meeting at which this Ordinance was passed was

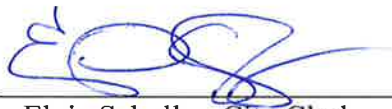
open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52, Texas Local Government Code.

PASSED AND APPROVED this the 12th day of August 2014, by a vote of 6 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Horizon City, Texas.

Town of Horizon City

By: 
Walter L. Miller, Mayor

ATTEST:

By: 
Elvia Schuller, City Clerk



APPROVED AS TO FORM:


Elaine S. Hengen, Assistant City Attorney

First Reading: 7/22/2014
Second Reading: 8/12/2014