

ORDINANCE NO. 19-0401

AN ORDINANCE AMENDING THE CITY OF ROPESVILLE, TEXAS CODE OF ORDINANCES ENTITLED "PARKING OF TRUCKS, OVERSIZED VEHICLES AND TRAILERS" PROHIBITING THE PARKING OF CERTAIN OVERSIZED VEHICLES AND TRAILERS ON PUBLIC STREETS AND RIGHTS OF WAY; PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Ropesville, Texas as a Type A General Law municipality, under the constitution and laws of the State of Texas including, but not limited to, Texas Transportation Code § 311.002, has exclusive control over its highways and streets and may, adopt ordinances, acts, laws, and/or regulations, not inconsistent with Texas state law, which are found to be necessary for the government, interest, welfare, and/or good order of the municipality as a body politic; and

WHEREAS, the City Council has determined that oversized or heavy truck traffic is detrimental to the longevity of municipal streets that were never designed or engineered to support oversized or large weight carrying capacity vehicles; and

WHEREAS, the City Council of the City of Ropesville, finds the following amendment to the Code of Ordinances for the City of Ropesville regulating the parking of certain oversized trucks, recreational vehicles and trailers on the municipal streets and rights of way is reasonable and beneficial for the public health, safety and general welfare of the citizens of Ropesville and a proper exercise of its police power:

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ROPESVILLE, TEXAS, THAT:

SECTION 1. The Code of Ordinances of the City of Ropesville Texas, is hereby amended by adding this ordinance entitled "Parking of Trucks, Oversized Vehicles and Trailers" to read as follows:

PARKING OF TRUCKS, OVERSIZED VEHICLES AND TRAILERS

Sec. 1 Definitions

In this article these words have the meaning indicated unless a different meaning clearly appears from the context:

1. *Commercial vehicle* - A motor vehicle designed or used for the transportation of property or delivery purposes and having a gross weight exceeding 4,000 pounds.
2. *Motor vehicle* - Every vehicle which is self-propelled.
3. *Oversized vehicle* - Any commercial trailer, semi-trailer or other vehicle in excess of eighteen (18) feet in length, ten (10) feet in height, eight (8) feet in width, or one (1) ton in weight. Regardless of size, this term shall also include truck tractor, farm tractor, road tractor, truck trailer, mobile home or semi-trailer.
4. *Trailer* - Every vehicle that is designed or used to carry its load partially or wholly on its own structure and is drawn by a motor vehicle.
5. *Truck* - Every motor vehicle designed, used or maintained primarily for the transportation of property, with the manufacturer's gross vehicle weight in excess of 12,000 lbs. or a passenger van or bus with a passenger capacity in excess of 12. For purposes of this article, a light duty (pickup) truck, passenger van or bus with a passenger capacity of 12 or less, or any other motor vehicle having a manufacturer's gross vehicle weight of 12,000 lbs. or less shall not be considered a truck for purposes of this article.
6. *Vehicle* - A mechanical device, other than a device moved by human power or used exclusively upon stationary rails or tracks, in, on or by which a person or property can be transported on a city street.

Sec. 2 Prohibitions

(a) It shall be unlawful for any person or any owner or his invited guest to leave, park, or stand any truck, oversized vehicle, travel trailer, boat trailer, stock trailer or any other type of trailer, upon any public street, alley, parkway, boulevard, or public place within the City of Ropesville.

(b) It shall be unlawful for any person or any owner or his invited guest to leave, park or stand any truck, oversized vehicle, bus or any other commercial vehicle, or any recreational vehicle, mobile home, boat trailer, stock trailer, or any other type of trailer upon any public street, alley or parkway in such a manner as to block the flow of traffic or view of traffic in any manner.

Sec. 3 Exceptions

This article shall not prevent and does not apply to the leaving, parking or standing of the vehicles described in § 2 above if the vehicle:

1. Is a responding emergency vehicle;
2. Is being used for street construction, maintenance or repair;

3. Is being utilized by a company engaged in maintaining or extending public service utilities;
4. Is a passenger bus taking on or discharging passengers;
5. Is parked for the purpose of expeditiously loading or unloading freight or merchandise to a lawfully zoned business;
6. Is parked for the purpose of expeditiously delivering or picking up merchandise to or from a specific designated location or loading or unloading personal property to or from a specific designated location;
7. Is parked for the purpose of providing a commercial service for the property immediately adjacent to the parked vehicle or trailer for such a period of time as necessary to expeditiously provide such service;
8. Is experiencing a mechanical defect making it unsafe or impossible to proceed, for such period of time as emergency repairs are made or, if repairs cannot be made in a timely manner, until a tow truck arrives;
9. Is parked out of necessity to avoid conflict with other traffic or in compliance with the law or directions of a law enforcement officer or traffic-control devices;
10. Is parked wholly in the driveway of a property owner or resident and does not block any right-of-way; or
11. Is associated with and parked adjacent to an ongoing and active construction site where a building permit has been issued by the city during the hours of 7:00 a.m. to 7:00 p.m.

SECTION 2. Penalty. Any person found in violation of any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not greater than \$500.00 per violation per day.

SECTION 3. Effective Date. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 4. Repealed. All other terms and provisions of any ordinance of the City of Ropesville, not in conflict herewith and not hereby amended shall remain in full force and effect.

SECTION 5. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Ropesville, Texas in adopting this ordinance, that no portion thereof

or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 6. Publication. The City Secretary of the City of Ropesville is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

Passed and approved this 9 day of April, 2019.

Brenda Rabel
Brenda Rabel, Mayor

ATTEST:

Delia Cruz
Delia Cruz, City Secretary