

ORDINANCE NO. 190403

AN ORDINANCE OF THE CITY OF ROPESVILLE, TEXAS ENTITLED “TRUCK ROUTES” DESIGNATING PORTIONS OF U.S. HIGHWAY 62/82 AND FARM-TO-MARKET 41 AS TRUCK ROUTES; PROVIDING DEFINITIONS; PROVIDING EXCEPTIONS AND AFFIRMATIVE DEFENSES; PROVIDING FOR APPROPRIATE SIGNAGE; PROVIDING A PENALTY NOT TO EXCEED \$500.00 OR THE MAXIMUM ALLOWED BY STATE LAW; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION

WHEREAS, the City Council of the City of Ropesville, Texas under the constitution and laws of the State of Texas including, but not limited to, Texas Local Government Code § 51.012 and Texas Transportation Code § 311.002 has exclusive control over its highways and streets and may, by ordinance regulate a street within the municipal limits including the operation of over-weight vehicles on city streets that are not part of the state highway pursuant to Texas Transportation Code § 621.303; and

WHEREAS, the City Council of the City of Ropesville has determined and finds that the use of over-weight vehicles traveling on city streets contribute to the rapid destruction of surface streets typically found within the residential and light commercial areas and as such, in order to prolong the life of city streets, has determined to designate certain routes as truck routes; and

WHEREAS, while the City of Ropesville has an interest in preventing the destruction of city streets by limiting their use by overweight vehicles, the City Council believes that establishing truck routes designated in this ordinance is reasonable and beneficial for the public health, safety and general welfare of the citizens of Ropesville;

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

SECTION 1. The recitals set forth above are hereby found to be true and correct and are incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

SECTION 2. An ordinance entitled “Truck Routes”, to be included in the Code of Ordinances of the City of Ropesville Texas, is hereby established making the following streets and thoroughfares as designated truck routes:

<u>HIGHWAY/STREET/ROAD</u>	<u>LOCATION</u>
U.S. Highway 62/82	All points within the municipal limits of the city
Farm-to-Market Road 41	All points within the municipal limits of the city

SECTION 3. In this ordinance these words have the meaning indicated below unless a different meaning clearly appears from the context:

1. *Commercial motor vehicle* - A motor vehicle or combination of motor vehicles used to transport passengers or property that:
 - a. has a gross combination weight or a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight or a gross vehicle weight rating of more than 10,000 pounds;
 - b. has a gross vehicle weight or a gross vehicle weight rating of 26,001 or more pounds;
 - c. is designed to transport 16 or more passengers, including the driver; or
 - d. is transporting hazardous materials and is required to be placarded under 49 C.F.R. Part 172, Subpart F.
2. *Emergency Vehicle* – Shall mean
 - a. a fire department or police vehicle;
 - b. a public or private ambulance operated by a person who has been issued a license by the Department of State Health Services;
 - c. a municipal department or public service corporation emergency vehicle that has been designated or authorized by the governing body of a municipality;
 - d. a county-owned or county-leased emergency management vehicle that has been designated or authorized by the commissioners court;
 - e. a private vehicle of a volunteer firefighter or a certified emergency medical services employee or volunteer when responding to a fire alarm or medical emergency;
 - f. an industrial emergency response vehicle, including an industrial ambulance, when responding to an emergency; or
 - g. a vehicle used for law enforcement purposes that is owned or leased by a federal governmental entity.
3. *Light Truck* – A truck with a manufacturer’s rated capacity of two thousand (2,000) pounds or less, including trucks commonly known as pickup trucks, panel delivery trucks, and carryall trucks.
4. *Motor vehicle* - Every vehicle which is self-propelled.
5. *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.
6. *Trailer* - a vehicle, with or without motive power:
 - a. designed to be drawn by a motor vehicle and to transport persons or property; and
 - b. constructed so that no part of the vehicle's weight and load rests on the motor vehicle.
7. *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.

SECTION 4. Prohibitions/Proceeding Directly to Routes. It shall be unlawful for any person to drive, operate or move, or allow or permit to be driven, operated or moved, any truck, truck and trailer or commercial motor vehicle upon any street, alleyway or public thoroughfare in the city not designated as a truck route by this ordinance. Any truck, truck and trailer or commercial motor vehicle subject to this ordinance, that originates at a point not designated as a truck route or who enters the city at a point not designated as a truck route, shall proceed to the nearest point on a designated truck route by the most direct route possible.

SECTION 5. Exceptions/Affirmative Defense. This ordinance does not apply to commercial motor vehicles or trucks when utilizing a route other than a truck route and shall be an affirmative defense to prosecution in the following circumstances:

1. An authorized emergency vehicle responding to an emergency;
2. Traveling to and from a street construction, maintenance or repair site;
3. While being utilized by a company actively engaged in maintaining or extending public service utilities;
4. School buses or a passenger bus while transporting passengers;
5. While being used to deliver freight or merchandise to a lawfully zoned business;
6. While traveling on a street not designated as a truck route in compliance with the law or directions of a law enforcement officer or traffic
7. Traveling to and from a construction site.

SECTION 6. Penalty and Injunctive Relief. 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. This penalty provision shall be in addition to any other legal or equitable remedies available to the City to enforce this article. Proof of a culpable mental state is not required for a conviction of an offense under this article. Each day that a violation occurs is a separate offense.

SECTION 7. Effective Date. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 8. Repealed. All other terms and provisions of the Code of Ordinances of the City of Ropesville, not in conflict herewith and not hereby amended shall remain in full force and effect.

SECTION 9. 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 10. 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 9th day of April, 2019.

Brenda Rabel
Brenda Rabel, Mayor

ATTEST:

Delia Cruz
Delia Cruz, City Secretary