

ORDINANCE NO. 2015-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS REPEALING AND REPLACING ORDINANCE 85-01; REGULATING TRUCK ROUTES TO PROHIBIT THRU-TRUCK COMMERCIAL TRAFFIC; PROVIDING DEFINITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Hallsville, Texas, a Type A General Law municipality, has the authority to 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 pursuant to *Texas Local Government Code* § 51.012 and other applicable provisions of Texas law; and

WHEREAS, the City Council of the City of Hallsville, Texas, a Type A General Law municipality, has the authority to regulate the operation of over-weight vehicles on city streets other than state highways pursuant to Transportation Code § 621.303; and

WHEREAS, the City Council finds and determines that it is in the best interest of the public health, safety and general welfare to prohibit over-weight vehicles to travel upon certain City streets in the City of Hallsville; and

WHEREAS, over-weight vehicles contribute to rapid destruction of surface streets typical to residential areas.

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

- (a) **Finding of Fact.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and

incorporated into the body of this Ordinance as if copied in their entirety.

(b) **Definitions.** The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- 1) *Authorized Emergency Vehicles* shall mean fire trucks, police vehicles, emergency vehicles such as ambulances, and trucks owned by the state or by a political subdivision engaged in emergency utility repair or electric, water, or wastewater services.
- 2) *Light Truck* shall mean any truck with a manufacturer's rated carrying capacity of two thousand (2,000) pounds or less, including trucks commonly known as pickup trucks, panel delivery trucks, and carryall trucks.
- 3) *Prohibited Street* is any street designated by the City Council of the City of Hallsville to have a gross vehicle weight limit of 15,000 pounds.
- 4) *Truck* shall mean any motor vehicle designed, used or maintained primarily for the transportation of property, including, truck tractors, road tractors, trailers, semi-trailers, pole trailers, and special mobile equipment as those terms are defined in the Texas Transportation Code Annotated § 541.201. Trucks shall not include a passenger bus, passenger automobile, motorcycle, or Light Truck.

(c) **Through Truck Traffic.** General Prohibition shall be unlawful for any person to operate a Truck upon a Prohibited Street, or upon any street within the City other

than the truck routes established in this Ordinance and any other designated streets over which truck travel is permitted. Overnight parking of Trucks in residential areas is not permitted.

(d) **Affirmative Defenses.** It is an affirmative defense to prosecution under this section if:

- 1) The Truck was an Authorized Emergency Vehicle.
- 2) The Truck was a passenger bus, passenger automobile, motorcycle, or Light Truck; or
- 3) The Truck (a) was being driven to seek service or repairs at a facility that engages in the business or repairs of commercial motor vehicle, (b) the Truck was being driven to or from home or to fulfill a local commercial obligation to a buyer or seller at a given destination, where the prohibited street was the only route to such destination.
- 4) The truck was upon any officially established detour in any case where such could lawfully be operated on the street for which such detour was established.

(e) **Truck Routes.** The following streets shall be and are hereby designated as thru truck routes.

<u>STREET</u>	<u>LOCATION</u>
Hwy 80/Main Street	All points within the City's limits
FM 450/Central Street	All points within the City's limits

(f) **Signage.** The City may place or cause the placement of traffic control signs at appropriate locations to inform operators of the truck routes and thru-truck zones.

The absence of signage shall not be a defense to a prosecution under this Ordinance.

(g) **Violation and Penalty.**

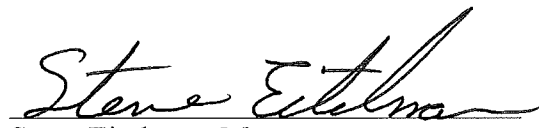
- 1) It is unlawful for any person to interfere with, obstruct, resist or oppose any person authorized to enforce the provision of this Ordinance.
- 2) The City of Hallsville, shall have the power to administer and enforce the provisions of this Ordinance as may be, required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.
- 3) Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding \$500.00 plus court costs and administration fees as applicable. Each day that a provision of the Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a Class C misdemeanor.
- 4) An offense under this Ordinance is a strict liability offense; in the prosecution of an offense under this Ordinance, no pleading or proof of intent shall be required to establish the guilt of an accused.
- 5) Enforcement of this Ordinance shall be the responsibility of the Code Enforcer, the Chief of Police, or his designee, and such other persons designated by the City.

(h) **General Provisions.** If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance is hereafter determined to be invalid or violative of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued

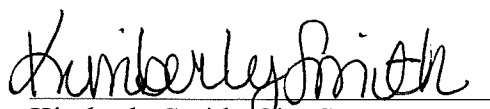
enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Council of the City of Hallsville that all other terms and provisions of this Ordinance not affected thereby shall remain in full force and effect.

- (i) **Effective Date.** The provisions of this ordinance are effective as of the date of adoption of this ordinance, or upon the date that the publication requirements of Tex. Local Govt. Code § 52.011 are met, whichever is later.
- (j) **Amend Prior Ordinance.** This Ordinance is intended to and hereby does amend prior Ordinance No. 85-01 of the City Council of the City of Hallsville, Texas. Any provisions of other Ordinances of the City of Hallsville, Texas, conflicting with the provisions of this Ordinance be, and the same are hereby, repealed.

PASSED AND APPROVED by an affirmative vote of the members of the City Council is the 15th day of December, 2015.


Steve Eitelman, Mayor

ATTEST:


Kimberly Smith, City Secretary