

**CITY OF EL CAMPO, TEXAS
ORDINANCE NO. 2018-24**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EL CAMPO, TEXAS, CHAPTER 12, SECTION 12.04 "COMMERCIAL VEHICLES", BY REPEALING ALL OF THE EXISTING SECTION 12.04 AND REPLACING IT WITH A NEW SECTION 12.04, PROVIDING FOR DEFINITIONS, DESIGNATED ROUTES, COMPLIANCE, AND EXCEPTIONS FOR COMMERCIAL VEHICLES; PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE BY PUBLICATION.

PREAMBLE

WHEREAS, the City Council for the City of El Campo, Texas ("the City") finds that streets are designed and built to handle specific types of vehicular traffic; and

WHEREAS, the City finds that commercial vehicles, due to their size and weight can cause damage to streets that are not designed for commercial traffic; and

WHEREAS, the City further finds that the operation of commercial vehicles in certain areas of the City not designed for commercial vehicle traffic pose additional risks to the health, safety and welfare of the public; and

WHEREAS, the City Council of the City of El Campo, Texas has determined that in the interest of safety and in the interest of protecting tax revenue investments in city streets, it is necessary to regulate and establish designated truck routes on public streets and highways in the corporate limits of El Campo, Texas pursuant to the rules, regulations and limitations imposed by law;

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

SECTION 1. FINDINGS OF FACT.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. AMENDMENT TO THE CODE.

The El Campo City Code of Ordinances, Chapter 12, "Traffic and Vehicles", is hereby amended by replacing the existing Article 12.04, entitled "Commercial Vehicles" with the following in its place, to wit:

Article 12.04 - Commercial Vehicles

Sec. 12.04.01. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the all areas included within the corporate city limits of the City of El Campo, Texas.

Commercial vehicle means any vehicle, with a manufacturers gross vehicle weight rating in excess of 10,000 pounds or carrying capacity exceeding one ton and used for the delivery of passengers, tools, materials, or livestock. A "Recreational vehicle", herein, is not considered a commercial vehicle.

Recreation vehicle means personal vehicles such as boats and boat trailers, watercraft and watercraft trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like, and all-terrain vehicles.

Trailer means a device without motive power designed for carrying persons, animals, or property on its own structure and to be drawn by a vehicle with motive power. The term shall include, but not be limited to, semitrailer, utility trailer, travel trailer and boat trailer.

Truck means a "commercial vehicle."

Truck routes mean those routes which are designated in this article for the use of truck traffic.

Truck traffic means the operation of any commercial vehicle including but not limited to truck, truck tractor or combination of any truck, truck tractor, trailer, or semitrailer that are considered commercial vehicles. The operations of "recreational vehicles" are not considered to be truck traffic.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a street or road including devices moved by an engine, a motor, a motor vehicle or by human or animal power. Vehicle includes a trailer. Devices used exclusively upon stationary rails or tracks are not considered vehicles.

Sec. 12.04.02. Compliance.

No person shall operate truck traffic upon any roads, avenues, streets or thoroughfares within the city, except on those which are designated as truck routes in section 12.04.03, with the exceptions as set forth in sections 12.04.04 and 12.04.05.

Sec. 12.04.03. Designated Routes.

For the purposes of this article, the following streets and thoroughfares within the city are designated as truck routes:

U.S. Highway 59; U.S. Highway Business 59; State Highway 71; Farm to Market Roads Numbers 2765, 1162, 1163 & 653.

Sec. 12.04.04. Proceeding Directly to Routes.

If any truck traffic originating within the city shall have, as its point of origin, a point located off a designated truck route, it shall proceed to the nearest point on a designated truck route by the most direct route as possible. If such traffic shall originate outside the city and enter the city at a point which is not on a designated truck route, it shall proceed to the nearest point on a designated truck route by the most direct route possible.

Sect.12.04.05. Departing from Routes.

(1) Truck traffic restricted to the streets designated as truck routes may depart from such truck routes, where it is necessary for the immediate loading or unloading of property at locations situated off designated truck routes. However, such truck traffic shall not leave any designated truck route until it has reached a point on some designated truck route which is nearest the applicable place of loading or unloading by the most direct route possible. After leaving a designated truck route to load or unload, truck traffic may continue off truck routes to as many points of destination as necessary. However, if in the course of making necessary stops for loading and unloading the truck traffic shall cross a designated truck route, the truck traffic shall not again leave any designated truck route until it has reached a point on some designated truck route which is nearest to the next place of loading and unloading by the most direct route possible.

(2) When, under section 12.04.04, truck traffic originates off a designated truck route, whether inside or outside the city, and the destination of the truck traffic is nearer the origin or point of entering the city, as the case may be, than is the nearest point on a designated truck route by the most direct route possible, it shall not be necessary to proceed to the nearest designated truck route.

(3) Driving to a place of business in a commercially zoned area shall be a defense for driving on a non- truck route.

(4) The City Manager may cause to be erected signs upon the streets which are not truck routes, which signs shall be the type to conform to the Manual on Uniform Traffic Control Devices.

(5) The City Manager may cause to be erected signs upon the streets to direct trucks to truck routes, which signs shall be the type to conform to the Manual on Uniform Traffic Control Devices.

(6) When a street or roadway designated as a truck route is under repair or otherwise temporarily out of use, the City Manager is authorized to designate alternate truck routes.

Sec. 12.04.06. Justification of departure.

A person operating any commercial vehicle including but not limited to truck, truck tractor or combination of any truck, truck tractor, trailer, or which is not designated as a truck route by this article shall have in his possession for the inspection of police officers or other law enforcement personnel his log book, delivery slips or other evidence of his destination and point of origin to justify the presence of the vehicle on a street or roadway other than a designated truck route.

Sec. 12.04.07. Exceptions to Section 12.04.05.

(1) Emergency vehicles.

- (2) Vehicles operated by a public utility while operating in an assigned area for the purpose of inspecting the facilities of the public utility and/or providing maintenance service to such facilities.
- (3) Municipal and county vehicles and/or their duly authorized contractors performing city and county business and services, school buses and church buses.

SECTION 3. PENALTY CLAUSE; INCLUSION INTO THE CODE.

This Ordinance is hereby incorporated into and made a part of the City of El Campo Code of Ordinances. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not more than Two Hundred Dollars (\$200.00) per offense or the maximum amount permitted by law. Each day of violation shall constitute a separate offense.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 5. SEVERABILITY.

In the event any clause, phrase, provision, sentence, or any part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City Of El Campo, Texas, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 6. NOTICE BY PUBLICATION

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City. This Ordinance shall take effect ten day after the date of such publication.

SECTION 7. OPEN MEETING COMPLIANCE

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act, Texas Government Code, Chapter 551.

PASSED AND APPROVED with a quorum present, by an affirmative vote of a majority of Councilmembers present, in accordance with the El Campo City Charter on the 22nd day of October 2018.

Signed this 22nd day of October 2018.

CITY OF EL CAMPO, TEXAS

Randy Collins, Mayor

ATTEST:

Lori Hollingsworth, City Secretary

APPROVED AS TO FORM:

Ronald B. Collins, City Attorney

CERTIFICATION OF PUBLICATION

I hereby certify that the caption and penalty of the foregoing Ordinance was published on **Saturday October 27th, 2018** and on **Wednesday October 31st, 2018**.

Lori Hollingsworth, City Secretary