

ORDINANCE 2014-02A

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UVALDE, TEXAS, AMENDING TITLE 10, "VEHICLES AND TRAFFIC" OF THE CODE OF ORDINANCES, CITY OF UVALDE, TEXAS, BY ADDING CHAPTER 10.44 THRU TRUCK AND REGULATED VEHICLE TRAFFIC, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**Whereas**, the City of Uvalde is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**Whereas**, Article III, Section 2 of the Uvalde City Charter provides that the City of Uvalde may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City, and all nuisances and causes thereof; and

**Whereas**, Article III, Section 2 of the Uvalde City Charter states that the City of Uvalde may make and enforce local police, sanitary, and other regulations, and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the City, and for the performance of the functions thereof; and

**Whereas**, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality; and

**Whereas**, Texas Transportation Code Section 542.201 provides that a local authority may regulate traffic in a manner that does not conflict with Texas Transportation Code Chapter 542, Title 7, Subtitle C; and

**Whereas**, it has become apparent to the City Council of the City of Uvalde, Texas, there is a need to designate certain streets or portions of streets which shall not be used by trucks traveling in the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UVALDE, TEXAS;**

**PART 1:** That the Uvalde Municipal Code Title 10, "Vehicles and Traffic" is hereby amended by amending Chapter 10.44 to read as follows:

10.44.10 PROHIBITION OF THRU OR REGULATED TRUCK TRAFFIC ON CERTAIN STREETS AND HIGHWAYS WITHIN THE CORPORATE CITY LIMITS

- a. Definitions. As used in this section, the following terms shall have the meanings and definitions as follows:

"Street & Highways" when used in this section includes and means any highway, street, road, right-of-way, avenue, lane, alley, public way, bridge, viaduct, tunnel, public place, underpass, overpass, and cause-way in the city dedicated or devoted to public use.

"Truck" means any vehicle designed, used, or maintained for the transportation of material or property in the following classifications:

(1) The term "no regulated vehicles" (light trucks) means personal pickups and passenger vans, including church school and public buses. Nonregulated vehicles may operate anywhere within the city limits.

(2) The term "regulated vehicles" (medium and heavy trucks) means any vehicle, other than the nonregulated vehicles described in subsection (1) of this definition, that is designed, used, or maintained for the transportation of material, including dump trucks, semi-trailer, truck tractor, tractor trailers, and semitrailer combinations.

- b. when the City has caused signs to be erected stating "No Thru or Regulated Trucks" or "Thru and Regulated Trucks Prohibited" it shall be unlawful for any person to operate thru trucks or regulated vehicles on such streets and/or highways and are subject to a fine for violation of City Code;
- c. the City excepts from this ordinance such vehicles that are being used to deliver or pick up materials or merchandise and then only when they enter such street at the intersection nearest the destination of the vehicle and proceed thereon no farther than the nearest intersection thereafter
- d. thru and regulated truck traffic shall be prohibited upon:  
Evans Street between Highway 90 to Highway 83  
High Street Highway 90 to Highway 83 Farrar Street  
Vickers Lane between E. Nopal and E. Leona

**PART 2:** That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

**PART 3:** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1.12.010 of the Uvalde Code. Since this ordinance has a penalty for violation, it shall become effective upon its publication in the

newspaper as provided by Article II, Section 19 of the Charter of the City of Uvalde, Texas.

**PASSED AND APPROVED** this 14<sup>th</sup> day of January, 2014.

Attest:

The City of Uvalde, Texas

  
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Susan M. Conley, City Secretary

  
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J. Allen Carnes, Mayor