

ORDINANCE NO. 2015- 03

AN ORDINANCE OF THE CITY OF UVALDE, TEXAS, AMENDING CHAPTERS 10.32, STOPPING, STANDING AND PARKING, AND 10.44, THRU TRUCK AND REGULATED VEHICLE TRAFFIC, OF THE UVALDE CODE OF ORDINANCES, TO ESTABLISH REGULATIONS PROHIBITING THE USE OF PUBLIC ROADWAYS WITHIN RESIDENTIAL DISTRICTS OF THE CITY FOR THE OPERATION AND PARKING OF REGULATED FEDERAL HIGHWAY ADMINISTRATION CLASS EIGHT VEHICLES; DESIGNATING TRUCK ROUTES; PROVIDING EXCEPTIONS; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING EFFECTIVE DATE AND OPEN MEETINGS CLAUSES.

WHEREAS, the City Council of the City of Uvalde (the “City”) recognizes there are a large number of regulated vehicles, as defined in section 10.44.010 of the City’s Code operating within the City;

WHEREAS, due to the size and weight of these vehicles and the resulting damage to City’s roadway infrastructure, the City recognizes the need to regulate their operation and parking within the corporate boundaries of the City.

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Amendment of Section 10.32.070(f). Title 10 - Vehicles and Traffic, Uvalde Code of Ordinances, Chapter 10.32 - Stopping, Standing and Parking, section 10.32.070 - Parking of oversize vehicles on public streets or highways, Part (F) – of the Code of Ordinances is hereby amended in its entirety to read as follows:

10.32.070 – Parking of oversize vehicles on public streets or highways.

- (F) Parking on Private Property. It is unlawful to park any bus, recreational vehicle, regulated vehicle such as a truck-tractor, semi-trailer, truck-tractor and semi-trailer, or trailer more than 12 feet in length, on any private property without the consent of the owner of the property and, as applicable, without obtaining a special use permit as required and detailed in sections 10.44.010 and 17.20.020 of this Code.

Section 3. Amendment of Section 10.44.010. Title 10 - Vehicles and Traffic, Uvalde Code of Ordinances, Chapter 10.44 – Thru Truck and Regulated Vehicle Traffic, section 10.44.010 - Prohibition of thru or regulated truck traffic on certain streets and highways within the corporate city limits of the City, is hereby amended in its entirety to read as follows:

10.44.010 – Prohibition of thru or regulated truck traffic on certain streets and highways within the corporate city limits; designated truck routes.

A. Definitions. As used in this section, the following terms shall have the meaning and definition as follows:

“Regulated Vehicle” means any Class Eight vehicle defined by the Federal Highway Administration.

B. Designated Truck Routes. Except as provided in this section, it shall be unlawful for any person to operate a regulated vehicle on any public street or right-of-way within the city that is not designated as a truck route. The designated truck routes in the city are as follows:

U. S. Hwy. 83	Entire extent within city limits
U. S. Hwy. 90	Entire extent within city limits
FM 481	Entire extent within city limits
FM 117	Entire extent within city limits
FM 140	Entire extent within city limits
FM 1023	Entire extent within city limits
FM 2369	Entire extent within city limits
FM 1435	Entire extent within city limits
FM 1052	Entire extent within city limits
FM 3447	Entire extent within city limits
FM 1574	Entire extent within city limits
Knox Street	From FM 2369 to TX 55
TX 55	Entire extent within city limits
S. Grove	From U. S. 90 to Flores St.
Fort Clark Road	From N. Grove to city limits

C. Exceptions. If a regulated vehicle is required to load or unload at a location that is not located on a designated truck route, the regulated vehicle may proceed to and from such point of loading or unloading provided the vehicle follows the shortest route from the nearest designated truck route to and from each point of loading or unloading; and provided further the Chief of Police may designate an alternate route when and as may be required for public safety. This section shall not prohibit:

1. The operation of emergency vehicles upon any street within the city;
2. The operation of any vehicle owned or operated by the city, or contracted by the city, upon any street within the city;
3. The operation of regulated vehicle upon a detour established by the Director of Public Works or the Chief of Police;
4. A regulated vehicle travelling to and from its base of operation, place of storage or the residence of the owner/operator that is not located on a designated truck route; provided the base of operation, place of storage, or residence is designated as a place of business on the tax rolls of the city, is zoned for a commercial or business use, or has a special use permit for parking the vehicle in a residential zone; provided further that the regulated vehicle shall follow the shortest route to and from a designated truck route; or
5. Vehicles being used to install, repair or maintain any public service or utility such as telephone, electricity, cable television, gas, water or sewer line.

D. Towing and Removal. Any regulated vehicle which shall be or remain standing or parked upon any public street, avenue, way, alley or other public place in violation of this section, the owner or driver of which vehicle has been given previous notice or citation for parking such vehicle in violation of this section, may be removed by or upon an order by a police officer. The owner of such vehicle shall be responsible for the payment of any fees incurred for the towing and/or storage of said vehicle.

Section 4. Amendment Of Ordinances. Title 10 (Vehicles and Traffic), Uvalde Code of Ordinances, is hereby amended as provided in this Ordinance, and all prior ordinances of the City or parts thereof, are hereby amended to the extent of any conflict herewith, and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 5. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

Section 6. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same

would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. Map of Designated Truck Routes. The City shall keep and maintain accurate maps setting out the designated truck routes. The maps shall be kept on file at the City Hall and at the Police Department and shall be made available to the public.

Section 8. Enforcement. The Chief of Police and members of the Police Department, both regular and reserve officers, are empowered to enforce this ordinance.

Section 9. Penalties. Any person convicted of violating any provision of this Section shall be guilty of a misdemeanor and shall be subject to a fine in an amount not to exceed Five Hundred Dollars (\$500.00) and each day of such violation shall be a separate violation. Proof of a culpable mental state shall not be required to establish a violation of this Ordinance.

Section 10. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Ch. 551 Tex. Gov't. Code.*


PASSED AND APPROVED on the 9th day of June, 2015.

ATTEST:



Susan Conley, City Secretary

CITY OF UVALDE, TEXAS



Don McLaughlin, Mayor