

**CITY OF PENITAS**

**ORDINANCE NO. 2020-03**

**AN ORDINANCE OF THE CITY OF PENITAS TEXAS, Amending Ordinance 2018-07, REGULATING THE WEIGHT LOAD OF VEHICLES TRAVELING ON CITY STREETS AND PUBLIC HIGHWAYS; MAKING FINDINGS OF FACT; PROHIBITING TRAVEL THROUGH CITY STREETS OF VEHICLES HAVING A COMBINED GROSS WEIGHT EXCEEDING 26,000 POUNDS, OR MORE THAN 10,000 POUNDS ON RESIDENTIAL ROADS; PROVIDING FOR EXCEPTIONS AND CONDITIONS TO SAME; PROVIDING A CRIMINAL FINE NOT TO EXCEED \$500.00 PER VIOLATION; PROVIDING FOR ENACTMENT, REPEALER, AND SEVERABILITY; PROVIDING FOR PUBLICATION, EFFECTIVE DATE, POSTING OF SIGNS, AND COMMENCEMENT OF ENFORCEMENT; FINDING PROPER NOTICE & MEETING; AND PASSING APPROVAL OF ORDINANCE ON THE FIRST READING, WAIVING THE SECOND AND THIRD READING.**

**WHEREAS**, the City of Penitas is a Home Rule City in the State of Texas; and

**WHEREAS**, pursuant to Texas Transportation Code Section 311.001, the City of Penitas ("City") has exclusive control over and under the streets, alleys and public highways of the municipality (hereinafter, "streets"); and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.012, the City has general authority to adopt an ordinance not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality; and

**WHEREAS**, the City Council finds it necessary and proper for the government, interest, welfare, and good order of the City to regulate the streets within the City's boundaries by preventing heavy vehicles from disturbing communities and excessively damaging the City's streets; and

**WHEREAS**, the City Council wishes to prevent vehicles, oil field equipment or other weighted items having a combined gross weight of more than 26,000 pounds or more than 10,000 pounds on Residential Roads (hereinafter, "Heavy Vehicles") from traveling through the City of Penitas; and

**WHEREAS**, having carefully evaluated the streets and traffic situation in Penitas, the City Council finds that there are reasonably available alternate routes outside the city limits for Heavy Vehicles; and

**WHEREAS**, pursuant to Texas Local Government Code Section 54.001, the City has general authority to impose a fine or penalty of up to \$500 for violation of an ordinance,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PENITAS TEXAS:**

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**2. WEIGHT LIMIT AND RESTRICTIONS; EXCEPTIONS AND CONDITIONS**

- A. Vehicles having a combined gross weight over 26,000 pounds ("Heavy Vehicles") shall not travel within the municipal boundaries of the City of Penitas, except as may be allowed under the terms of this Ordinance.
- B. A vehicle subject to this Ordinance shall be equipped and maintained as required by Texas Transportation Code Sec. 725.021 to prevent loose material from escaping by blowing or spilling.
- C. The Heavy Vehicles limitations prescribed by this Ordinance shall not apply to:
  - (1) Heavy Vehicles traveling or operated upon any street designated as a United States or state highway;
  - (2) Heavy Vehicles making delivery of goods and services within the City;
  - (3) Fire trucks or other emergency vehicles or vehicles on emergency business involved in the saving of life or property;
  - (4) Implements of husbandry incidentally moved upon a road;
  - (5) Road repair, construction or maintenance vehicles while involved in the repair, construction, or maintenance of roads within the City, or
  - (6) Garbage service vehicles while involved in the provision of services to residents of the City.
- D. Vehicles having a combined gross weight of more than 10,000 pounds shall not travel on Residential Roads.

**3. Maps**

The city secretary shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted. The maps shall be kept on file in the office of the city secretary and shall be available to the public.

**4. Designated.**

Pursuant to this article, the following streets or portions of streets are designated as truck routes (Per Exhibit A):

Street	Extent
I-2	Westbound and Eastbound within City Limits
Mile 3 Road	Westbound and Eastbound within City Limits
Mile 4 Road	Westbound and Eastbound within City Limits
Tom Gill Road	Northbound and Southbound (North of 3 Mile Line)
Military Road	Westbound and Eastbound within City Limits

#### **4. Registry of Trucks.**

Any heavy vehicles, oil field equipment or other weighted items having a combined gross weight of more than 26,000 pounds or more than 10,000 pounds to be parked within Residential Roads through the City of Penitas are required to be registered and approved prior to being located on site within City Limits by the Code Enforcer and/or authorized designee.

#### **5. FINES AND PENALTIES**

It shall be unlawful for any person, firm, or corporation to operate a vehicle in violation of this ordinance. Any person, firm or corporation violating any provision of this Ordinance or failing to observe any provision hereof shall upon conviction be guilty of a misdemeanor and shall be fined a sum not more than Five Hundred Dollars (\$500.00) and each and every day or fraction of a day in which this Ordinance or any part thereof shall be violated shall be deemed a separate offense and punished as such.

#### **6. SIGNAGE**

The City Manager is hereby authorized to procure and have erected appropriate traffic control signs as required by the laws of the State of Texas, providing notice of the restrictions imposed by this Ordinance.

#### **7. REPEALER**

All Ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

#### **8. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

#### **9. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication as provided by law, and shall be enforceable upon the posting of appropriate signs.

#### **10. PROPER NOTICE & MEETING**

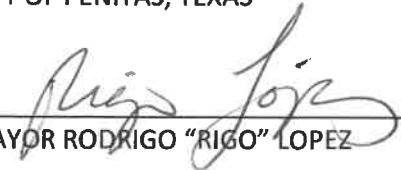
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given required Open Meetings Act, Texas Government Code, Chapter 551. Notice will also be provided as required by Chapter 52 of the Texas Local Government Code.

READ, CONSIDERED, and APPROVED on First Reading, waiving Second and Third Reading on this the 3<sup>rd</sup> day of June, 2020 at a Regular CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF PENITAS, TEXAS, at which a quorum was present and which was held in accordance with Chapter 551, of the Texas Government Code.

EXECUTED THIS 3<sup>rd</sup> DAY OF June, 2020.

CITY OF PENITAS, TEXAS

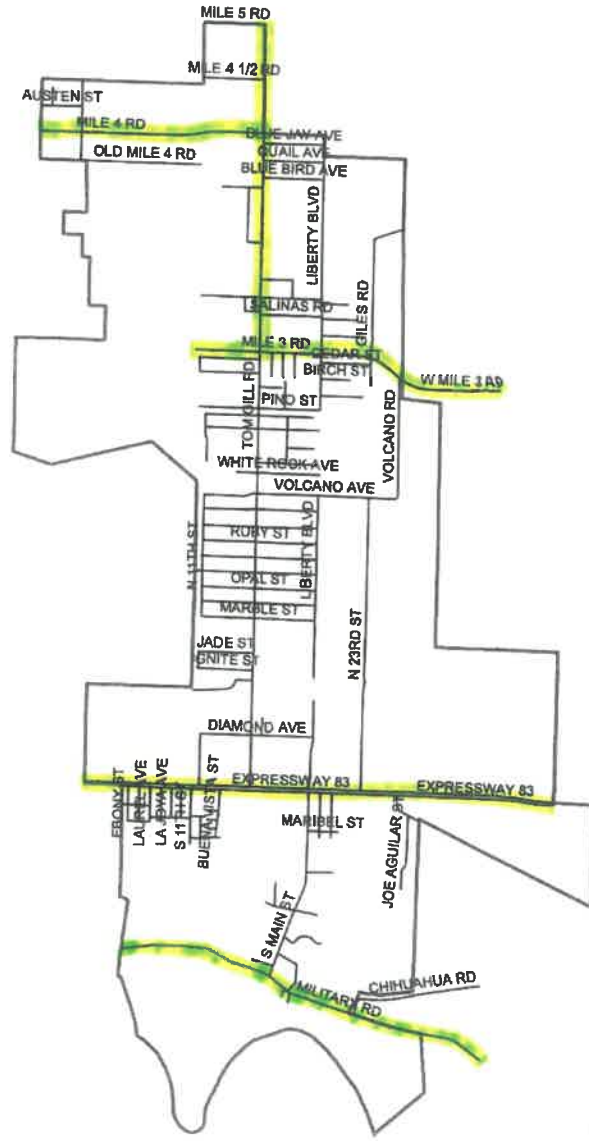
ATTESTED BY:

  
MAYOR RODRIGO "RIGO" LOPEZ





  
CITY SECRETARY ANA VALDEZ

# EXHIBIT A CITY OF PENITAS APPROVED TRUCK ROUTES



### Legend

-  CITY\_LIMITS
-  Designated Truck Routes